Human Rights Violations of Targeted

(LGBT) and other Immigrant’s people of color
(Black)

whom are Refugees and Asylum Seekers in The

United States of America:

A Shadow Report

Submitted for consideration at the 107th Session of the CERD-International Convention on the Elimination of All Forms of Racial Discrimination.

August 08, 2022 – August 30, 2022

Submitted to the United Nations CERD-International Convention on the Elimination of All Forms of Racial Discrimination.:

 **Junior Mayema** Human Rights for All Non-Profit (HRA)

I. Introduction

This shadow report on the human rights situation of LGBT people of color (blacks) and other black immigrants in the United States was written and submitted through HRA (Human Rights for All) Non-profit which is just a Non-profit that is starting out, my focus is on Human Rights for all because when we start focusing only on a specific group of people a lot of people who are in the same situation beginning to lose rights.

1 The United States became a party to the International Covenant on Civil and Political Rights (“ICCPR”) in 1992. Upon ratification, the ICCPR became the “supreme law of the land” under the Supremacy Clause of the U.S Constitution, which gives ratified treaties the status of federal law. The U.S. must comply with and implement the provisions of the treaty just as it would any other domestic law, subject to Reservations Understandings and Declarations (RUDS) entered when it ratified the treatment. Though the government retains the obligation to comply with the ICCPR, one of the RUDs attached by the U.S. Senate is a “not self-executing” Declaration, intended to limit the ability of litigants to sue in a court of direct enforcement of the treaty.

2. For 25 years, the United States has been a party to an international racial discrimination treaty whereby it committed to “adopt all necessary measures for speedily eliminating racial discrimination.” Yet, the United States has consistently failed to meaningfully uphold this mandate.

https://www.americanbar.org/groups/crsj/publications/human\_rights\_magazine\_home/black-to-the-future-part-ii/the-united-states--hollow-commitment-to-eradicating-global-racia/

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UN Human Rights Committee (HRC), Consideration of reports submitted by States parties under article 40 of the Covenant: International Covenant on Civil and Political Rights: 4th periodic report: United States of America, 22 May 2012, CCPR/C/USA/4, available at: https://www.refworld.org/docid/5146fe622.html [accessed 10 February 2022]

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Toonen v. Australia, U.N. Human Rights Comm., Commc’n. No. 488/1992, ¶ 8.7, U.N. Doc.

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A/HRC/17/L.9/Rev.1 (June 17, 2011).

U.N. Human Rights Council, Resolution 17/19, Human rights, sexual orientation, and gender identity, U.N. Doc.

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issues within human rights and underscores the great steps that the USA government must take in order to bring its laws into compliance with the ICCPR.

II. Executive Summary

The human rights situation for Lesbian, Gay, Bisexual, and Transgender (LGBT) people in the USA is dire.

7 The USA is still struggling to pass the Equality Act a law if enacted will ban all forms of discrimination against LGBT people including people of Color

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# H.R.7120 - George Floyd Justice in Policing Act of 2020 still has not passed that will probably end the violence that the police brutalized on people of color especially black people in the USA

# https://www.congress.gov/bill/116th-congress/house-bill/7120

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adoption of the constitution. The only potential manner of overturning these laws is through

12 intolerances towards LGBT people within the USA population.

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Often the police are complicit in these crimes. Even when the police are not

involved, the government is in violation of its obligations under the International Covenant on

Civil and Political Rights (ICCPR) for failing to protect, investigate, and prosecute perpetrators

of violence and discrimination against individuals based on their sexual orientation or

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gender identity and race.

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# Majorities of Americans see at least some discrimination against Black, Hispanic and Asian people in the U.S.

7 https://www.pewresearch.org/fact-tank/2021/03/18/majorities-of-americans-see-at-least-some-discrimination-against-black-hispanic-and-asian-people-in-the-u-s/

U.N. Human Rights Comm. [ICCPR], General Comment No. 31: The Nature of the General Legal Obligation

LGBT individuals’ access to minimum state services, such as health care and police protection.

III. Substantive violations

A. Article 2(1) and Article 26 (Non-discrimination)

Articles 2(1) and 26 of the ICCPR impose obligations on each state party not to discriminate against individuals within its jurisdiction based on sexual orientation or gender identity. Article 2(1) states:

Each State Party to the present Covenant undertakes to respect and to ensure to all

individuals within its territory and subject to its jurisdiction the rights recognized

in the present Covenant, without distinction of any kind, such as race, color, sex,

language, religion, political or another opinion, national or social origin, property,

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Article 2 imposes both positive and negative obligations requiring that states parties “adopt legislative, judicial, administrative, educative and other appropriate measures” to enforce and

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protect these rights. Article 26 recognizes that:

[a]ll persons are equal before the law and are entitled without any discrimination

to the equal protection of the law. In this respect, the law shall prohibit any

discrimination and guarantee to all persons equal and effective protection against

discrimination on any ground such as race, color, sex, language, religion,

political or another opinion, national or social origin, property, birth, or other

20 statuses.

The HRC has stated that the reference to “sex” in Articles 2(1) and 26 include discrimination on

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the basis of sexual orientation. Therefore, under the Covenant, the Government of the USA has

an obligation to not discriminate based on sexual orientation and to implement positive measures to protect LGBT individuals against discrimination against them by non-state actors. The USA government not only fails to meet its obligations under Articles 2(1) and 26, it also is directly responsible for creating and fostering an environment of intolerance and prejudice

birth or another status.

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16, 1966) (emphasis added) [hereinafter ICCPR].

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The Family Property (Rights of Spouses) Act, 2003, Part I.2(1).

See infra pp. 7-9.

International Covenant on Civil and Political Rights, G.A. Res. 2200A, 999 U.N.T.S. 171, art. 2(1) (Dec.

General Comment No. 31, supra note 15, ¶¶ 6-7. ICCPR, supra note 18, art. 26 (emphasis added). Toonen v. Australia, supra note 4.

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3. Effects of Laws Criminalizing Same-sex Sexual Conduct

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The [ICCPR](http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx) is a key international human rights treaty, providing a range of protections for civil and political rights. The ICCPR, together with the Universal Declaration of Human Rights and the International Covenant on Economic Social and Cultural Rights, are considered the International Bill of Human Rights. The ICCPR obligates countries that have ratified the treaty to protect and preserve basic human rights, such as the right to life and human dignity; equality before the law; freedom of speech, assembly, and association; religious freedom and privacy; freedom from torture, ill-treatment, and arbitrary detention; gender equality; the right to a fair trial; right to family life and family unity; and minority rights. The Covenant compels governments to take administrative, judicial, and legislative measures in order to protect the rights enshrined in the treaty and to provide an effective remedy. The Covenant was adopted by the U.N. General Assembly in 1966 and came into force in 1976. As of December 2018, 172 countries have ratified the Covenant.

### **Why does the U.S. have to comply with the ICCPR?**

The U.S. ratified the ICCPR in 1992. Upon ratification, the ICCPR became the "supreme law of the land" under the Supremacy Clause of the U.S. Constitution, which gives ratified treaties the status of federal law. The U.S. must comply with and implement the provisions of the treaty just as it would any other domestic law, subject to [Reservations, Understandings and Declarations (RUDs](http://www1.umn.edu/humanrts/usdocs/civilres.html)) entered when it ratified the treaty. Though the government retains the obligation to comply with the ICCPR, one of the RUDs attached by the U.S. Senate is a "not self-executing" Declaration, intended to limit the ability of litigants to sue in court for direct enforcement of the treaty.

### **Does the ICCPR apply only to the federal government and its officials?**

No. The ICCPR applies to all government entities and agents, including all state and local governments in the United States. The ICCPR thus applies to government actions in all states and counties and also applies to private contractors who carry out government functions. When the U.S. Senate ratified the ICCPR, it included an Understanding that recognized our federal system of government, and specifically stated that the treaty "shall be implemented by the Federal Government to the extent that it exercises legislative and judicial jurisdiction over the matters covered" by the treaty, "and otherwise by the state and local governments" with support from the federal government for the fulfillment of the Covenant.

### **What is the Human Rights Committee?**

The Human Rights Committee was established to monitor the implementation of the ICCPR. It is composed of 18 independent experts with recognized competence in the field of human rights. Committee members are elected for a term of four years and must be from countries that have ratified the Covenant. As of January 2019, members of the Committee come from: Albania, Canada, Chile, Egypt, France, Germany, Greece, Guyana,  Israel, Japan, Latvia, Mauritania, Paraguay, Portugal, Slovenia, South Africa, Tunisia, and Uganda.

### **What is the function of the Human Rights Committee?**

The Human Rights Committee meets three times a year for sessions lasting three weeks at the United Nations Office in Geneva, Switzerland. Countries that have ratified the ICCPR are obliged to report to the Committee every four years. Three to five countries are invited to present their reports at each session which is open to the public and is usually [live streamed](http://webtv.un.org/meetings-events/human-rights-treaty-bodies/). The Committee examines the report and addresses its concerns and recommendations to the country in the form of "concluding observations." The Committee also publishes [general comments](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11) which are its interpretation of the content of the treaty’s human rights provisions.

### **Has the United States submitted reports about its compliance with the ICCPR?**

Yes. The U.S. submitted several reports including its [initial report in 1994](https://www.state.gov/documents/organization/133836.pdf), [2nd and 3rd periodic reports](https://www.state.gov/j/drl/rls/55504.htm) in 2005, and the most recent [4th periodic report](https://www.state.gov/j/drl/rls/179781.htm) was submitted in December 2011. While using an inter-agency process, the U.S. Department of State is responsible for drafting the reports and coordinating U.S. government responses and appearances before the Human Rights Committee. Typically, the State Department will also bring high-level representatives from other governmental agencies as well as state and local governments to attend the treaty review session.

### **What happens now that 4 years have passed since the U.S. was last reviewed before the Committee?**

On April 2, 2019, the Committee released the [List of Issues Prior to Submission of the Fifth Periodic Report of the United States of America](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/CCPR_C_USA_QPR_5_30192_E.pdf). Since the U.S. agreed, in 2017, to receive a List of Issues Prior to Reporting from the U.N. Human Rights Committee, the U.S. is now expected to begin forming its Fifth Periodic Report in earnest.

### **What happened at the most recent Human Rights Committee review session?**

On March 13 and 14, 2014, the Human Rights Committee conducted its review of the United States report in two public meetings held at the United Nations in Geneva. While originally scheduled for October 2013, these meetings were pushed back due to the U.S. government shutdown. Representatives from the U.S. addressed the Committee and answered questions by its members. Part of the review was based on a [list of issues and questions](http://www.ushrnetwork.org/resources-media/us-iccpr-list-issues-2013) that the Committee identified in Geneva during its March 2013 session. The government's replies to the List of Issues are [available here.](https://www.aclu.org/human-rights/united-states-responses-questions-united-nations-human-rights-committee-concerning)

At the end of its March session, the [Human Rights Committee](http://www2.ohchr.org/english/bodies/hrc/) issued a list of observations and recommendations regarding U.S. compliance with the ICCPR. The [Concluding Observations](https://www.aclu.org/sites/default/files/assets/concluding_observations_on_u.s._fourth_periodic_report.pdf) on the U.S. report advise progress to be made and evaluated at the next review. Among its recommendations, the Committee often identifies areas of concern and asks for additional information from the U.S., to be supplied within one year, on measures taken to address them. You can read the U.S.’s One-Year Follow-Up Response [here](http://ccprcentre.org/doc/2015/04/State-Follow-up-Responses.pdf). While the recommendations are not legally binding, they place an important moral obligation on the U.S. government, which has committed itself to comply with the treaty. The recommendations are also used to assess progress toward implementing the ICCPR and to identify areas for improvement.

### **What is the role of non-governmental organizations (NGOs) like human rights and civil liberties groups in the treaty compliance process?**

NGOs are encouraged to participate whenever the Committee considers a nation's compliance with the treaty. Many groups submit information in the form of "shadow reports" and provide Committee members with a list of suggested questions and areas of concern regarding the country report. The Committee relies in part on information and analysis provided by NGOs to counter information submitted by the government. As the Committee's concluding observations are not legally binding and have no enforcement mechanism, NGOs play a key role in highlighting these recommendations and ensuring their implementation.

### **How have the ACLU and other NGOs been involved in the review process?**

The ACLU is co-chair of the US Human Rights Network's ICCPR Task Force. This coalition works to expand knowledge of the ICCPR review process among U.S. civil society, including providing information on how to participate in the U.N. treaty review process and how to utilize recommendations received to improve human rights throughout the United States. During the review cycle in 2013, the ACLU prepared for the U.S. review by providing the Committee with a list of issues and questions to which the U.S. should be required to respond. In September 2013, the ACLU Human Rights Program submitted a [shadow report](https://www.aclu.org/human-rights-immigrants-rights-national-security-prisoners-rights/american-civil-liberties-union) highlighting priority areas of concern and co-sponsored briefings and consultations with broad participation from U.S. civil society organizations. This was in order to hold the government accountable for the full implementation of ICCPR obligations on the local, state, and federal levels. In February 2014, the ACLU submitted [an updated report](https://www.aclu.org/human-rights-immigrants-rights-national-security-prisoners-rights/american-civil-liberties-union-0) to reflect the major developments that occurred since the submission of the original shadow report. The US Human Rights Network and other groups [submitted additional information](https://www.ushrnetwork.org/resources-media/iccpr-2015-follow-shadow-reports) as part of the one-year follow-up process.

On January 14th, 2019, the ACLU submitted a [Suggested List of Issues to the Committee](https://www.aclu.org/report/aclu-suggested-list-issues-un-country-report-task-force-us-compliance-international-covenant) highlighting ICCPR violations in the context of 1) Militarization of the U.S.-Mexico Border; 2) Extraterritorial Use of Force (targeted killings); 3) National Security Agency Surveillance; 4) Solitary Confinement;  and 5) Death Penalty. More than 50 civil society submissions were made to the Committee and can be viewed [here](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/SessionDetails1.aspx?SessionID=1296&Lang=en).

### **How can I join organizing efforts around the ICCPR?**

The [US Human Rights Network ICCPR Task Force](https://www.ushrnetwork.org/members/taskforce/iccpr-taskforce) is coordinating civil society responses and advocacy prior to and during the U.S. appearance before the Human Rights Committee. NGOs will have a unique opportunity to contribute to this effort by documenting and providing information about civil and political rights violations in their states and communities, organizing local events, publishing materials that raise public awareness about the importance of this key human rights treaty, and using the treaty's framework – and the more general human rights framework – to enhance overall efforts to protect human rights and civil liberties on the national, state and local levels. Join the [ICCPR listserv](http://salsa3.salsalabs.com/o/50876/signup_page/email-updates) for updates and information on how to get involved with these efforts.

### **Important Links:**

International Covenant on Civil and Political Rights (ICCPR):
<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

U.S. Government Reservations, Understandings and Declarations Upon Ratification:
<http://www1.umn.edu/humanrts/usdocs/civilres.html>

Human Rights Committee website:
[http://www2.ohchr.org/english/bodies/hrc/](https://www.ohchr.org/EN/HRBodies/CCPR/Pages/CCPRIndex.aspx)

General Comments of the Human Rights Committee:
[http://www2.ohchr.org/english/bodies/treaty/comments.htm](https://tbinternet.ohchr.org/_layouts/treatybodyexternal/TBSearch.aspx?Lang=en&TreatyID=8&DocTypeID=11)

USHRN ICCPR Listserv Join Request:
<http://salsa3.salsalabs.com/o/50876/signup_page/email-updates>

4th Periodic Report on the ICCPR from the U.S. Government:
<http://www.ushrnetwork.org/resources-media/us-governments-fourth-periodic-report-iccpr>

Concluding Observations 2014:
<http://www.ushrnetwork.org/sites/ushrnetwork.org/files/iccpr_concludingobservations_usa_uneditedversion_published032714.pdf>

ACLU Shadow Report 2013:
[/human-rights-immigrants-rights-national-security-prisoners-rights/american-civil-liberties-union](https://www.aclu.org/human-rights-immigrants-rights-national-security-prisoners-rights/american-civil-liberties-union)

ACLU Shadow Report Update 2014:
[/human-rights-immigrants-rights-national-security-prisoners-rights/american-civil-liberties-union-0](https://www.aclu.org/human-rights-immigrants-rights-national-security-prisoners-rights/american-civil-liberties-union-0)

Concluding Observations 2006:
<http://www.ushrnetwork.org/resources-media/concluding-observations-human-rights-committee-us-government-2006-0>

ACLU Shadow Report 2006, "Dimming the Beacon of Freedom: U.S. Violations of the International Covenant on Civil and Political Rights":
[/human-rights/dimming-beacon-freedom-us-violations-international-covenant-civil-political-rights](https://www.aclu.org/human-rights/dimming-beacon-freedom-us-violations-international-covenant-civil-political-rights)

109th Session of the UN Human Rights Committee (October 14-November 1, 2013):
<http://www.ccprcentre.org/overview-109-session-usa/>

2018 Webinar: Intro to the International Covenant on Civil & Political Rights (ICCPR): An Opportunity for Engagement:
<https://www.youtube.com/watch?v=m8MyNOTZjDI&feature=youtu.be&fbclid=IwAR2uOq1ymupdg1njOP0tF7QEnpER46eMt7P8DL9VsDVglOr2AQE48CWCdcU>

2019 ACLU Suggested List of Issues to the U.N. Country Report Task Force
[https://www.aclu.org/report/aclu-suggested-list-issues-un-country-report...](https://www.aclu.org/report/aclu-suggested-list-issues-un-country-report-task-force-us-compliance-international-covenant)

2019 U.N. Human Rights Committee List of Issues
<https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/CCPR_C_USA_QPR_5_30192_E.pdf>

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## The United States’ ICERD Reservations

State parties may attach reservations, understandings, and declarations (RUDs) to a treaty at the time of ratification. RUDs modify or clarify a treaty’s text or alter its legal effect for that ratifying State. But RUDs that are incompatible with a treaty’s object and purpose are deemed impermissible.

The United States ratified ICERD subject to several RUDs. In ratifying ICERD, the United States said it would not accept any obligation under ICERD to restrict U.S. freedom of speech, expression, and association. The United States further asserted that, to the extent ICERD seeks to regulate private conduct in a stricter manner than what already exists under U.S. law, the United States would not be obliged to take any such measures. These RUDs reflect a posture that U.S. laws prevail over multilateral, negotiated international human rights treaties, even if the treaty in question provides broader protections against racial discrimination.

This sentiment is emphasized in the United States’ final ICERD RUD, which provides that the treaty is non-self-executing. This final RUD prevents litigants from bringing independent ICERD claims into U.S. courts. A U.S. citizen cannot bring a claim into a U.S. court solely alleging that ICERD provisions have been violated unless that claim also implicates a U.S. law. While self-executing treaties are equal to domestic law and enforceable in U.S. courts, non-self-executing RUDs often are perceived as the biggest obstacle to a treaty’s effectiveness in the United States because the provisions of that treaty cannot be enforced on its own terms, domestically.

Of course, international human rights law must be balanced with sovereignty principles. ICERD provisions impact State Parties’ authority over their domestic affairs. ICERD Article 4 mandates, for example, that State Parties make hate speech and the dissemination of racist materials illegal. Free speech is a well-settled U.S. constitutional principle and is considered one of the country’s most prized civil liberties. However, racism, hatred, racial superiority, and state-sponsored racial subjugation are also among the country’s well-settled practices. The U.S. RUD stating it does not accept any obligation under Article 4 to restrict freedom of speech plainly confirms which side of the balance the United States values more. Protecting speech—namely hate speech—is more sacred to the United States than abolishing the evils of racism. This does not reflect a sincere commitment to upholding ICERD’s primary purpose of eliminating racial discrimination.

If a country aims to enforce only its own laws, why join ICERD at all? Reservations that reasonably modify a treaty’s text are one thing, but completely usurping the law of a treaty for a State’s own domestic laws, arguably, defeats the purpose of ratifying an international treaty.

## Implementing Legislation

The nullifying effect of the United States’ RUDs could be mitigated by fully implementing ICERD into the United States’ domestic legal framework. Implementing legislation will give ICERD legal effect in the United States and provide for domestic enforcement of the treaty. ICERD parties agree to end racial discrimination, through all appropriate means, including legislation. So, ICERD parties are encouraged to enact legislation implementing the treaty domestically. ICERD requires that State Parties review their national and local policies and revise or repeal laws that have the effect of advancing racial discrimination.

Despite repeated requests, the United States has still not enacted legislation allowing for ICERD to have legal effect in the United States. The United States claimed that its laws already provide comprehensive protections against discriminatory conduct. The United States further explained that racial discrimination can be addressed both by U.S. constitutional and statutory law, including the Equal Protection Clause and the Civil Rights Act of 1964.

But one reason for the ICERD Committee’s insistence that the United States enact legislation implementing ICERD lies in how racial discrimination is defined. Racial discrimination under ICERD does not require proof of discriminatory intent; if a policy’s impact is disparate, then it is discrimination under ICERD. Unlike ICERD, U.S. law, generally, requires that racial discrimination claims prove discriminatory intent. Disparate impact often will not suffice. Consequently, the burden of proof for legal claims of discrimination in the United States is difficult to satisfy, making remedies for racial discrimination rare.

Given that ICERD offers broader protections against racial discrimination, the U.S. government should enact legislation to fully implement the treaty domestically.

Protecting speech— namely hate speech—is more sacred to the United States than abolishing the evils of racism.

## Individual Complaints

ICERD permits individuals to file a complaint against a State Party after local remedies have been exhausted if the State recognizes the competence of the ICERD Committee to hear the case. Individual complaints are optional, and States must agree to submit themselves to such claims. The Russian Federation, South Africa, France, Brazil, Germany, and Hungary all permit the Committee to hear individual complaints.

The United States has not agreed to do so. The United States argues that U.S. law already provides adequate opportunities to remedy racial discrimination. But U.S. laws do not go as far as ICERD mandates. Permitting the ICERD Committee to hear individual complaints will provide marginalized individuals with opportunities to voice how unaddressed racial and ethnic discrimination has affected them. As ICERD requires that local remedies be exhausted first, U.S. judicial means and administrative agencies must still be the routes of first resort. The ICERD complaint mechanism will only be used where U.S. racial discrimination laws fall short. To fully embrace ICERD, the United States should recognize the Committee’s competence to hear individual complaints.

## U.S. Periodic Reports

Under ICERD, all State Parties must submit reports on the legislative, judicial, administrative, and other measures they’ve adopted to give effect to ICERD. States issue their first report one year after joining ICERD and every two years thereafter. The reporting process gives the ICERD Committee the opportunity to examine implementation and compliance. It also allows the U.N., other State Parties, and the international community to examine a State’s laws, commend any progress made, and recommend corrective action where necessary. When States fail to submit their reports, this compliance monitoring process is undercut.

The United States has routinely submitted its periodic reports late. The most recent reports were due in 2017, and the United States still has not delivered these reports.

## Conclusion

The rich and enduring legacy of state-sponsored discrimination that has burdened U.S. citizens warrants the United States’ unwavering compliance with its ICERD obligations. Yet, the United States has failed to fully endorse and implement ICERD’s goals. Given the nullifying RUDs, the failure to enact implementing legislation, the failure to allow for individual complaints, and the failure to deliver timely reports work counter to the goals of ICERD and prevent international oversight of the United States’ continuing struggles with racial discrimination.

*The author would like to thank Professor Destiny Peery for her generous contributions.*

Maya K. Watson is an attorney licensed in California and Michigan and is a candidate for a 2019 Master of Laws degree in international human rights law from Northwestern School of Law in Chicago.

7.

Local filmmaker Tom Shepard’s intimate and revealing 2019 documentary — which takes places mainly in the Bay Area — doesn’t center on Jewish characters but rather on two gay men, one from Syria, the other from Congo, and a lesbian couple from Angola who have fled death threats and attacks in their native countries.

<https://www.jweekly.com/2020/02/27/documentary-unsettled-shows-humanity-of-four-bay-area-refugees/>

8.

Between World War II and the election of Donald Trump in 2016, the United States resettled more refugees than any other country in the world. In 2013, for the first time, the U.S. began concerted efforts to resettle people persecuted due to sexual orientation and gender identity. Hillary Clinton’s State Department, via the Department of Health and Human Services, issued its first major grant to help resettle queer refugees to an agency in the San Francisco Bay Area, [Jewish Family and Community Services—East Bay](https://jfcs-eastbay.org/).

<https://www.zocalopublicsquare.org/2020/06/25/san-francisco-lgbtq-refugees-asylum-seekers-resettlement-unsettled-tom-shepard/ideas/essay/>

9.

# In the Documentary 'Unsettled,' Four LGBTQ+ Refugees Share Their Stories

# <https://www.wbur.org/news/2020/06/27/documentary-unsettled-lgbtq-refugees>

# 10.

San Francisco's high housing costs are particularly problematic for LGBT refugees resettled to the Bay Area. Most come with little money, few or no local connections, and uncertain job prospects.

<https://www.ebar.com/news/news//181942>

## Video Captures the Isolation of Being an LGBT Refugee in San Francisco

<https://www.sfweekly.com/news/video-captures-the-isolation-of-being-an-lgbt-refugee-in-san-francisco/>

Raising Awareness About Health Disparities for Black Moms

Read more: <https://www.digitaljournal.com/pr/raising-awareness-about-health-disparities-for-black-moms#ixzz7UYWps76y>

# LA hospital sued for racism in death of Black mother

<https://abcnews.go.com/Health/wireStory/la-hospital-sued-racism-black-mothers-death-84507029>

# ‘It Takes a Toll’: Black Children Struggle to Process Buffalo Massacre

https://abcnews.go.com/Health/wireStory/la-hospital-sued-racism-black-mothers-death-84507029

. Concluding Notes

· USA Government continue to refuse to make laws that specifically protect LGBT people and black people on a federal level especially when it comes to police brutality and illegal use of force which violates the ICCPR,

and results in discrimination against LGBT people of color in the USA.

131 Report on Torture and other Cruel, Inhumane or Degrading Treatment, supra note 108.

· USA politicians use homophobic, xenophobic, and racist language to gain popularity, which encourages an

environment of intolerance towards LGBT individuals and black people.

· USA federal laws provide no protection against discrimination based on sexual

orientation or gender identity.

· Violence against LGBT individuals of color is gruesome, widespread, and facilitated by the

inaction and at times participation of government actors.

· LGBT people of color individuals lack access to basic public services including health care and police

protection due to the hostile environment created by the government.

Recommendations

The following are proposed recommendations for the Government of the United States of America:

1. Please pass The Equality act

2. Pass the George Floyd Justice in Policing Act

3. Enact legislation prohibiting discrimination based on sexual orientation and

gender identity in all realms, including employment, housing, education, and

access to health services.

4. Adopt criminal legislation imposing higher sentences for hate crimes (violent

crimes committed out of hate) committed based on the sexual orientation or

the gender identity of the victim and race.

5. Provide equality and human rights training, particularly in the area of LGBT and critical racial theory.

rights, for teachers and staff in schools, governmental officials at all levels, and

law enforcement officers.

6. Review and amend current legislation to provide individuals with same-sex

relationships with the same rights as those in opposite sex-relationships.

7. Make equality a reality and please stop targeting especially people of color to severe gang stalking, endless harassment endless surveillance, mass incarceration, wiretapping, and eavesdropping.

8. The US government must stop persecuting activists, especially immigrant activists of color. The US government must protect and stop infringing the privacy and confidentiality of its citizens especially people of color that activists in danger.

9. USA government must stop portraying immigrants of color as scams that come from shithole countries, especially legal immigrants.

10. The US government must pass hate speech laws on a federal level that criminalize hateful racist and xenophobic languages “send them back” that incite or call for violence.

11. The police reform executive order signed recently by President Joe Biden because of the refusal and obstruction of the passing of George Floyd Justice in policing act by Congress must have the forces of law that are given to executive order and the US government must work hard to enforce it on a federal level. Racial profiling and police misconduct and brutality are almost daily experiences that happen with impunity in most cases.

12. The USA must endeavor to remove institutionalized and systemic racism in all its institutions and corporations,

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