

**Special Rapporteur on contemporary forms of racism, racial discrimination,
xenophobia, and related intolerance: End of visit statement: United States of America,
Oct 31-Nov 14, 2023**

Background to the visit

I visited the United States of America between 31 October and 14 November 2023. I travelled to Washington DC, Detroit, Los Angeles, New Orleans, Baton Rouge, and Atlanta and met with representatives from federal, State and city Governments, State Government officials and service providers. I also met with over 80 civil society groups working on racism, racial discrimination, xenophobia, and related intolerance affecting Black people, Latino persons, Asians, Jewish communities, indigenous peoples, migrants, Muslim individuals, and Arab communities. I visited a women's prison in California, Skid Row in Los Angeles, an academic institution in California, a not-for-profit museum based on a former plantation in Louisiana, the area known as Cancer Alley in Louisiana, and a women's health centre in Atlanta, Georgia.

I wish to thank the Federal Government for the invitation to visit the United States of America and for their efforts to facilitate meetings with multiple federal departments. I also wish to express my thanks to all the federal and state government officials who engaged in a dialogue with me.

I express my appreciation to all the civil society groups and individuals that met with me during my visit. I was inspired by the dedication, resilience, and commitment that I observed amongst civil society actors and activists working tirelessly to address racism, racial discrimination, xenophobia, and related intolerance. I deeply appreciate those who shared their personal stories with me to help me understand the contemporary forms of racism in the United States of America.

Overall impressions

The United States of America is at a critical juncture in the fight against racism, racial discrimination, xenophobia, and related intolerance. On the one hand, issues of racism and racial discrimination have gained increased attention in recent years. The murders of George Floyd, Breonna Taylor and many others, the racially disparate impact of the COVID-19 and the large-scale racial justice protests in 2020 brought some of the realities of continuing systemic racism, more into the mainstream American consciousness. Following the sustained advocacy of civil society groups and human rights activists and the election of the Biden-Harris administration in 2020, this racial reckoning has been translated into notable efforts for racial justice and initiatives designed to improve racial equity. Such initiatives include Executive Order 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; Executive Order 14091 on Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; and equity action plans across federal Government entities.

On the other hand, it was abundantly clear throughout my visit that many continue to face persistent, multi-faceted and mutually reinforcing forms of systemic racism and racial discrimination. I have heard that initiatives taken by the Government have not yet translated into significant improvements in the lived experiences of the most excluded individuals and do not adequately address the white supremacy, underlying power imbalances and historical drivers which underpin contemporary forms of racism and racial discrimination. Moreover, I am concerned about the limits of the Federal Government's power to address racial discrimination and the apparent antipathy of many right-wing actors to racial equality. I note with deep concern coordinated pushbacks against racial justice initiatives. I am concerned about gaps in the federal government's commitment to the key international racial justice standards, particularly the Durban Declaration and Programme of Action (DDPA). Many individuals I met described a need to fight for all their basic rights and how there is often vicious push back against hard-won gains. Such a tug of war for the rights of those from racial and ethnic groups is inconsistent with

the robust national protection of the inalienable rights enshrined within the international human rights law standards that the United States of America have ratified.

I observed, with profound concern, a climate characterized by deep political politization and volatility, economic uncertainty, extreme income and wealth inequality and severe damage to the fabric of American society. These trends are creating fertile ground for hatred, including the othering, stereotyping, and scapegoating of those from several groups, including Black individuals, Latinos, migrants, Asians, Jewish communities, Muslim individuals, and Arabs. I was saddened by multiple testimonies from those who expressed that they are profoundly scared for their safety and for the future of their society. One individual pertinently described the current climate as “a powder keg, where we don’t know what will explode next”.

At such a critical junction, it is vital that the United States Government, including both federal and state authorities, urgently address pervasive hate and stay the course to eliminate systemic racism and racial discrimination. This will require significantly increased investment, wholesale improvements in the political, public, and civic participation of those from racially marginalized groups and further actions to increase the civility of the political and societal climate. Moreover, anti-racism efforts must be more effectively anchored in addressing the white supremacy, underlying power imbalances and historical drivers of racism and racial discrimination.

Issues of concern

During my visit I received information about a wide range of human rights issues, which are of profound concern to me. I will detail these concerns and my recommendations to the United States Government in my report to the 56th session of the Human Rights Council in June 2024. My recommendations will include suggestions on how the issues below can be addressed, as well as on how an overarching reparatory justice approach should be taken to address and transform systemic forms of racism that were established by past injustices.

Persistent systemic racism and intersecting forms of discrimination

I observed that many from racially marginalized groups in the United States of America, particularly Black communities, continue to experience persistent systemic racism, defined as “a complex, interrelated system of laws, policies, practices and attitudes in State institutions, the private sector and societal structures that, combined, result in direct or indirect, intentional or unintentional, de jure or de facto discrimination, distinction, exclusion, restriction or preference on the basis of race, colour, descent or national or ethnic origin. Systemic racism often manifests itself in pervasive racial stereotypes, prejudice and bias and is frequently rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism”.

One individual I met with described systemic racism in the United States of America as “being in the air we breathe”, another described it impacting the lives of those from racially marginalized groups “from cradle to grave”. These quotes articulate the pervasive, pernicious, and unrelenting, nature of systemic racism. Whilst I will elaborate on specific issues of concern below, I wish to emphasize that I see them as deeply interrelated manifestations of systemic racism that have shared root causes and historical drivers, which need to be addressed in a holistic and reparatory manner.

Black individuals are often most severely impacted by systemic racism as rooted in histories and legacies of enslavement, the transatlantic trade in enslaved Africans and colonialism. However, it was made clear to me by those I met during my visit that the white supremacy and settler colonialism that is inherent to systemic racism also contributes to other forms of racism, racial discrimination, xenophobia and related intolerance, including manifestations that impact indigenous peoples, Latinos, migrants, Asians, Jewish communities, Muslim individuals, and Arabs. Additionally, many in the United States face multiple, intersecting and mutually compounding forms of discrimination, including

on the basis of race, colour, descent, national or ethnic origin, sex, gender, gender identity, sexual orientation, nationality, migration status, disability, religion and/or socioeconomic status.

Voter disenfranchisement

One of the ways that systemic racism and white supremacy are upheld is by blocking the ability of those from racial and ethnic groups to accumulate political power, I am appalled by reports of sustained legislative efforts at the state level to suppress the votes of those from racially marginalized groups, including Black people, indigenous peoples, and persons of Hispanic/Latino origin. Over 100 pieces of state legislation have followed the 2013 US Supreme Court decision in *Shelby County, Alabama v. Holder*, which eviscerated Section 4(b) of the 1965 Voting Rights Act. It was brought to my attention that voter suppression techniques include gerrymandering, the continuation of voting restrictions for persons with felony convictions, restrictive voter ID laws, limiting access to polling locations and the curtailment of early and absentee voting.

Such laws and practices stop individuals from exercising their fundamental right to vote, disenfranchising large numbers of those from racial and ethnic groups. They are in clear contravention of international human rights law standards, including the International Convention on the All Forms of Elimination of Racial Discrimination (ICERD) and the International Covenant on Civil and Political Rights (ICCPR), and fundamental democratic principles and norms. As such, I welcome federal measures to promote access to voting, including Executive Order 14019 on Promoting Access to Voting, as well as steps taken by some state Governments, including Michigan, to uphold voting rights for all. I call upon the United States of America to urgently implement the recent recommendations of both the Committee on the Elimination of Racial Discrimination and the Human Rights Committee on this issue, including the full and urgent restoration of the 1965 Voting Rights Act.

Racial discrimination in education

Article 5 of the ICERD provides for equality in the enjoyment of several rights, including to education and training. Despite such protections, deep educational segregation, and stratification on the basis of race and ethnicity persists in the United States of America. I was informed that many from racially marginalized groups tend to go to kindergarten to grade 12 (K12) schools that are highly racially and ethnically homogenous. Due to economic inequality, poverty, and significant inequities in the investment of public resources, children from these communities tend to experience overcrowded classrooms, a lack of qualified teachers, and insufficient extracurricular activities.

Second rate educational provisions can lock children from racial and ethnic groups into poverty and economic exclusion by shaping their access to subsequent education and employment opportunities. Disengagement as a result of poor-quality education, combined with the other ways that systemic racism shapes the childhoods of children from racial and ethnic groups, can also contribute to behavioural issues. I am concerned that rather than address the root causes of such behavioural issues, schools have implemented zero-tolerance policies that impose severe punishment for infractions of school rules leading to increased suspensions and expulsions and, in some cases, school-based arrests. I heard that such policies are often applied in a racially discriminatory manner due to unconscious bias, racial stereotyping, and the tendency to “adultify” children from racially marginalized groups. This has created a “school to prison pipeline”, in which children, disproportionately from racially marginalized groups, are pushed out of schools and into the juvenile justice system.

I am also concerned by information I received about legislative and other measures to exclude critical race theory from curricula; racism and racial discrimination experienced by those attending K-12 schools and universities; schools serving racial and ethnic groups operating outside of educational accountability systems; and the historical underfunding of Historically Black Universities and Colleges.

Affirmative action in college admissions

I am deeply disheartened by the Federal Supreme Court's 2023 decision in *SFFA v. Harvard* and *SFFA v. UNC*, which effectively eliminated race conscious admissions despite the persistence of societal inequalities, including deep educational segregation, and stratification, which powerfully shape access to higher education and the benefits that many universities historically gained from slavery. I wish to remind the United States of America that Article 2 of ICERD obligates State parties to take special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of their human rights.

I believe in the transformative potential of higher education to help end generational cycles of poverty and social exclusion. It can provide access to opportunities for those from marginalized racial and ethnic groups to gain economic and political power and disrupt systemic racism. Diverse student bodies have the potential to enhance the educational experiences of all and help to build societal tolerance and respect for difference and diversity. I urge federal and state entities to continue and expand such efforts. I also call upon universities to do everything within the scope of the law to create pathways for those from racially marginalized groups to access higher education and remind such institutions that enabling access to higher education can be a way of providing reparation to Black students.

Poverty and economic inequality

I am concerned by reports I received about the overrepresentation of Black, Indigenous and persons of Hispanic/Latino origin within the population living in poverty. I wish to remind the Government that they have broad obligations under article 2 of ICERD to take effective and immediate action against all forms of racial discrimination, including those that relate to social and economic inequality.

My concerns about such inequities are compounded by reports about the criminalization of poverty whereby petty offences, such as driving without a license or being unable to pay outstanding civil fines and fees are used to lock people in the criminal justice system. Criminalizing poverty in this way becomes a driver of mass incarceration, which often further impoverishes people, exemplifying how the different manifestations of systemic racism mutually reinforce and compound one another.

I am also deeply concerned by reports of significant racial income and wealth gaps driven by factors such as employment related discrimination, systemic racism limiting the ability of families from racially marginalized communities to build generational wealth, and the explicit extraction and exploitation of resources from these communities. I will expand upon these issues and the Government measures taken to address them in my report to the Human Rights Council.

Housing, spatial segregation and homelessness

I was shocked by the high level of homelessness amongst Black people, which I witnessed during my visit. I visited Skid Row in Los Angeles and witnessed many homeless Black people, particularly men, in Washington DC, other areas of Los Angeles, Detroit, New Orleans and Atlanta. I also received information about high levels of homelessness in places that I could not visit, including Florida and amongst Native American indigenous communities. I received information that Black people and indigenous communities are overrepresented amongst unhoused persons. Many such unhoused people suffer from mental health problems and substance abuse.

Despite high and racially inequitable levels of homelessness, I received concerning information about the shutting of Government services for unhoused persons, including in Los Angeles and Atlanta, including in cases where the building that had been used to provide services was desirable to developers. I was also concerned by reports of a lack of appropriate services for unhoused LGBTI persons and women. Many people I met with described how gentrification of areas traditionally occupied by racial and ethnic groups is a key driver of a lack of affordable housing and homelessness and a factor in the

shuttering of service provision for the unhoused, as well as laws and policies that criminalize homelessness.

I was astounded by the information I received about laws and policies that criminalize homelessness, including the targeting of encampments, the banning of the sharing of food with unhoused people and the disproportionate application of criminal sanctions for loitering, jaywalking, or consuming alcohol amongst unhoused persons. Like the criminalization of poverty, such practices unnecessarily and cruelly contribute to mass incarceration.

I also received deeply concerning information about spatial segregation along racial lines as a result of the legacies of the racist practice of redlining, other barriers to home ownership and gaps and deficits in the quantity and quality of affordable and/or Government subsidized housing.

Environmental racism

I was shocked by the environmental racism that I witnessed and received information about during my visit. The global climate and ecological crises are simultaneously racial justice crises. The devastating effects of the climate and ecological crises are disproportionately borne by those who face racial discrimination, exclusion, and conditions of systemic inequality and racism. This is despite the facts that such groups have often contributed the least to the ongoing crises because of their exclusion and discrimination. These groups are disproportionately concentrated in “sacrifice zones”, which are regions rendered dangerous and even uninhabitable owing to environmental degradation. Whilst many sacrifice zones are in the global south, there are some such areas in the United States of America, including cancer alley, which I visited in Louisiana.

Cancer alley refers to an area along the Mississippi River, which used to be an area where many plantations operated and is inhabited mainly by Black communities. It has been subjected to an onslaught of petrochemical plants due to predatory land acquisition practices and zoning laws and decisions that have privileged the commercial interests of big businesses. This has led to the displacement of many from their homes, communities, and roots, as well as the large-scale extraction of resources and wealth from Black communities. The concentration and intensity of industrial activity has resulted in severe environmental degradation and pollution, leading to a high concentration of serious and life-threatening health conditions, including cancer, autoimmune diseases, eczema, and asthma. I was appalled to hear about an 18-month-old Black baby living in cancer alley, who was close to reaching the recommended lifetime limit of one toxic chemical. The acquisition of land which was formally used as plantations by corporations and its use for extractive and harmful practices is deeply culturally and racially insensitive. I was shocked to hear of corporate activities in areas which are believed to be burial sites for those formally enslaved. Despite the extreme adverse and racially disparate effects of the petrochemical industry and the already intense concentration of factories in the cancer alley area, more industrial projects are being planned in the region.

Cancer alley is an emblematic example of a “sacrifice zone” in the United States of America and the flagrant disregard of the rights of those from racially marginalized groups to benefit corporate interests. I was also shocked by reports of other manifestations of environmental racism, including the Flint water crisis; the water crisis in Jackson, Mississippi; and proposals to destroy large parts of South River Forest in Atlanta to make way for a large-scale police training facility, known as “Cop City”, despite the racially inequitable impact of the project and the land having historical significance to both Black and indigenous communities. I am also concerned about the vulnerability of racial and ethnic groups to extreme weather events. I will expand upon such issues further in my full report to the Human Rights Council.

Racially discriminatory food systems

Those from racial and ethnic groups, including Black, Latino and Indigenous peoples experience food insecurity at disproportionate rates compared to the rest of the population. Many people I met described “food swamps”, geographical areas in which only poor-quality food is available, and “food deserts”, areas in which no food is available. The areas where those from racially marginalized groups live and work are disproportionately food swamps and food deserts according to the information that I received.

Individuals from racially marginalized groups are also more likely to experience the harmful effects of failed food assistance policies and the systemic racism baked into a food system is that is grounded in racially discriminatory land acquisition and use, exploitative labor, and corporate food dependence. In relation to such trends, I received concerning information about the severe exploitation of migrant workers who perform farmwork under H2A visas, the exclusion of Black farmers from federal support to farmers and gaps and weaknesses in the SNAP program. I will expand upon further in my report to the Human Rights Council.

The multiple manifestations of systemic racism inherent to the US food system and racially inequitable patterns of food insecurity that result from it contravene the prohibition of all forms of racial discrimination under article 2 of ICERD, as well as other human rights standards, including the Universal Declaration of Human Rights. I recommend that the Government takes urgent action to address racially discriminatory food systems and their impact, including racial inequities in food insecurity. Such measures should include the adoption of a rights-based national plan to end hunger, based on meaningful participation with the most affected communities.

I am concerned about the food insecurity and lack of food sovereignty experienced by indigenous peoples, because of the dispossession of their land, the denial of their right to self-determination, and a destruction of their traditional cultural practices. I urge the re-doubling of efforts to ensure the promotion and protection of the rights of indigenous Peoples, with respect to land, territory, and natural resources due to their impact on indigenous peoples’ way of life, culture, and food systems.

Inequitable healthcare and health outcomes

The racially inequitable morbidity and mortality rates witnessed during COVID-19 laid bare the systemic racism in the United States’ healthcare system. During my visit, I heard how racial and ethnic minority groups, throughout the United States, experience higher rates of illness and death across a wide range of health conditions, including diabetes, hypertension, obesity, asthma, and heart disease, when compared to whites. These health outcomes are determined by various manifestations of systemic racism, including issues relating to access to quality food, as described above, access to healthcare services and racism and unconscious bias amongst healthcare providers. I received many reports about the lack of access to healthcare amongst racial and ethnic groups due to a lack of facilities, particularly in rural areas; racially inequitable health insurance coverage; and gaps within insurance provisions. I was also concerned by information about racial disparities in access to mental health services, as I will explore in my report to the Human Rights Council.

I am deeply concerned by the racially inequitable impact of both the maternal mortality crisis and US Supreme Court decision in *Dobbs v. Jackson Women’s Health Organization*. It is shocking that minority women, particularly Black and indigenous women, can neither choose to safely have a child within the United States healthcare system nor choose to freely have a safe, legal abortion. I welcome measures taken by the Government to address this crisis, including the White House Blueprint for Addressing the Maternal Health Crisis, the Executive Order 14076 on Protecting Access to Reproductive Healthcare Services, the Executive Order 14079 on Securing Access to Reproductive and Other Healthcare Services, and the Executive Order 14101 on Strengthening access to affordable, high-quality contraception and family planning services. I however urge that the Government takes further steps, focusing on the provision of comprehensive, inclusive, and culturally sensitive sexual and reproductive health services,

Gun violence

I am deeply concerned by the high and growing rates of gun-related deaths and injuries and the disparate impact of such tragedies on Black individuals, indigenous peoples, and Latino communities, including children and young people from such groups. Black children and teens are 14 times more likely to die from gun homicide than their white counterparts. Such violence destroys the fabric of communities and leads to extensive secondary trauma as people needlessly lose family members, friends, and peers. I am shocked that firearms injuries, which are entirely preventable, were the leading cause of child death in the United States of America in 2022. The disproportionate impact of gun violence on children from racially marginalized groups, is another tragic manifestation of the way that American society systemically applies an “adultification” bias to children from racially marginalized groups.

I perceive many of the root causes of the gun violence impacting racial and ethnic groups to often be grounded in systemic racism. I heard in Detroit about how societal trends including unprocessed grief and trauma from the disproportionate losses suffered during the COVID-19 pandemic, intergenerational trauma, drug use driven by societal exclusion and the lack of treatment options as determined by race, and the absence of socio-economic opportunities resulting from sustained community disinvestment, were contributing to current patterns of gun violence. The failure of the Government to effectively control firearms and the significant commercial interests of the firearms industry also need to be acknowledged as key root causes.

I welcome the Bipartisan Safer Communities Act in 2022 and the establishment of a federal office for gun violence prevention in September 2023, as well as the efforts of some states, including Michigan, to address gun related harm. I call on federal and state officials to examine gun violence in a holistic and trauma informed manner and to invest in addressing the root causes to prevent the ongoing loss of life.

Racial discrimination in law enforcement and the criminal justice system

I was appalled by the reports I received of dehumanizing racial discrimination within law enforcement and at every stage of the criminal justice system, particularly impacting Black, Arab, Islamic, indigenous, and Latino individuals. I heard of many harrowing parallels between the current criminal justice system and historical patterns of slavery and racial segregation.

I am deeply concerned about reports of:

- The surveillance and over-policing of Black, Arab, Islamic, indigenous, and Latino communities, including in regions within 100 kilometers of United States’ borders where the Customs and Border Patrol (CBP) claim jurisdiction, and the lack of trust amongst these populations in the police and other law enforcement officials.
- Racial profiling by police officers and officers from a range of law enforcement agencies, including those, such as Immigration and Customs Enforcement (ICE) and CBP.
- The tendency of police officers and other law enforcement officials to escalate, rather than de-escalate situations, including those resulting from stops based on racial profiling.
- The lack of a regulatory framework on the use of force by law enforcement officials that enshrines the principles of legality, precaution, necessity, proportionality, accountability, and non-discrimination, as established in international human rights law standards.
- The excessive and lethal use of force by law enforcement officers, who are often able to hurt and kill those from racially marginalized groups with impunity due to factors including the qualified immunity provisions and protections provided by police unions.
- Gaps in the consistent provision of good quality legal defense for those accused of crimes who cannot afford their own legal counsel, due to a lack of adequate funding, which can disproportionately affect those from Black, Latino, and indigenous communities, who are overrepresented amongst those living in poverty.

- The disproportionate placement of those from racially marginalized groups in pre-trial detention.
- Legislation that allows for life without the possibility of parole (LWOP) and other “death by incarceration” (DBI) sentences, including for non-violent offences; offences, such as felony murder, where the accused was not directly involved in the commission of a violent crime; and cases in which women’s offending behavior took place in a context of domestic violence and abuse.
- The disproportionate use of “death by incarceration sentences” amongst Black and Latino individuals. Without the chance of parole, the rehabilitative function of the prison system is negated, reducing it to a tool of segregation and exploitation.
- The exception to the prohibition of slavery in the 13th amendment in cases where it constitutes: “punishment for crime whereof the party shall have been duly convicted.”
- Poorly unpaid or unpaid forced prison labor, including for private companies that profit from the labor of prisoners. I received reports that such work is sometimes hazardous, including in conditions which are remarkably like historical patterns of chattel slavery. I received shocking information about the descendants of slaves, imprisoned in Louisiana State Penitentiary, which is located on a former plantation, being forced to pick cotton whilst being patrolled by armed, white men on horseback.
- The continued incarceration in Louisiana of Black individuals who were convicted by non-unanimous juries under Jim Crow eras laws, despite the US Supreme Court ruling them unconstitutional in their 2020 decision in *Ramos v. Louisiana*.
- The racially disproportionate use of solitary confinement, including in cases where it is used to punish those who refuse hazardous forced prison labor.
- The overcrowding of prisons and the use of jails for long-term detention, despite such facilities not having suitable facilities and programs.
- Poor conditions of detention in both jails and prisons, including inadequate health care; the lack of gender appropriate facilities and services for women, including LGBTI women, from racially marginalized groups in the jail and prison system; the absence of culturally appropriate services, including for indigenous peoples; and violence, including sexual violence, allegedly perpetrated by detainees and prison officials.
- Racial disparities in the granting of clemency and parole.
- The racially inequitable impact of fines and fees at all stages of the criminal justice system.
- The significant investment of public funds in law enforcement and mass incarceration concurrent with historical underinvestment in schools, health services, housing, basic infrastructure, and public transport within communities most impacted by racial discrimination in law enforcement and the criminal justice system.
- A failure to debunk the public narrative that over policing and mass incarceration effectively ensure public safety, despite such paradigms not being grounded in evidence.

I welcome efforts to reform legislation, such as the End Racial and Religious Profiling Act, the George Floyd Justice in Policing Act and the First Step Act, as well as steps taken by the Department of Justice to reduce the inequitable impact of fines and fees within the criminal justice system. However, real progress towards criminal justice reform, as an essential component of racial justice, requires deeper transformation of public safety and criminal justice paradigms, practices, and systems.

Racially discriminatory migration governance

During my visit, I received information about racist and xenophobic ideologies, and institutionalized laws, policies, and practices, which together have a racially discriminatory effect on individuals’ and groups’ access to citizenship, nationality, and immigration status. I am deeply concerned by reports about:

- The mandatory detention of non-citizens without due process or access to legal representation, in detention centres under inadequate conditions, which has a disparate impact on Black asylum-seekers.
- A lack of language access in the immigration system.
- Reports of the excessive use of force by Customs and Border Protection and Immigration and Customs Enforcement officers, resulting in the killing of undocumented Black migrants.
- Prevention through Deterrence” policies and practices that aim to prevent Black and other non-White migrants from other racial and ethnic groups from ever reaching the U.S. or to discourage them from ever attempting to come.
- The externalization and militarization of U.S. border control.
- Violations of the principle of non-refoulement.
- The prison to deportation pipeline, where individuals, often from racial from immediately transferred to federal Immigration and Customs Enforcement (ICE) detention after release from state prisons.
- The failure to recognize that many push factors for migration, such as climate change and conflict and insecurity are rooted in colonialism and slavery or to consider reparative citizenship as a form of reparatory justice.

I urge the Government to urgently eradicate all forms of racism and racial discrimination in migration governance systems.

Racial discrimination and digital technologies

I wish to express my concern about information that I received about the increasing use of artificial intelligence (AI) technologies within many facets of public life, including healthcare, migration management and law enforcement, despite the experimental nature of such technologies and significant potential for algorithmic bias and the deepening of racial inequalities. I welcome that Executive Order 14110 on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence was announced during my visit and urge that the Government to pay due regard to the need to prevent racial discrimination in the development and use of AI.

I am also concerned by other issues relating to digital technologies, including racial disparate access to digital technologies; the unreliable nature of some digital technologies used for essential Government services, such as the monitoring systems required by those on probation and the CBP One app; and the language inaccessibility of many of such technologies, including the CBP One app.

Protection from caste based discrimination

I am concerned by reports I received during my visit that caste-based discrimination is multi-faceted and highly prevalent across the United States of America. My concerns in this regard are compounded by the fact that caste is not a protected ground in most anti-discrimination legislations at the federal and state levels, meaning there is no legal recourse for victims. Moreover, such a lack of legal protections contributes to the insidious and invisible nature of caste-based discrimination and creates a culture of impunity for perpetrators.

I commend Seattle for recently adding caste as a protected grounds within state anti-discrimination legislation. I am concerned and disappointed that similar efforts to add caste to the list of protected grounds in California’s anti-discrimination legislation were vetoed by the Governor despite being passed by both houses of the state legislator. I reject the rationale provided by the Governor that existing provisions provide protection from caste-based discrimination. I wish to highlight that ICERD provides protection from caste-based discrimination, as a form of descent-based discrimination, and that the convention should be integrated into the domestic legal order at the national and state levels. I urge the Government to take steps to ensure that caste is added as a protected grounds in federal and state level anti-discrimination legislation.

Hate speech and hate crime

I am deeply concerned by the high and growing levels of racist hate speech, including online hate speech, and hate crime. Data published by the Federal Bureau of Investigations (FBI) in 2022) recording 11,634 hate crime incidents involving 13,337 offenses. Such figures, despite being very high, are likely an underestimate due to gaps and weaknesses in hate crime reporting, according to information I received during my visit. I welcome measures taken by the Government to address hatred, including the Attorney General's Memorandum on Improving the Department's Efforts to Combat Hate Crimes and Hate Incidents and I recommend the continuation and expansion of such efforts.

Anti-Black hate

I am deeply concerned by information that I received during my visit that indicated that anti-Black hate crime continues to be the most common form of such hatred in the United States of America. Extremism, accelerationist ideologies, white supremacist ideas, and the glorification of terrorist activities targeting members of racial or ethnic groups have become more integrated in mainstream politics. They are also more widely disseminated, including through the sharing and amplification of such hateful materials on mainstream social media platforms. These forms of racist hatred have motivated many race-based hate crimes, including for example in El Paso, Texas; Buffalo, New York; and Jacksonville, Florida

Whilst welcoming Government initiatives on hate incidents, I did not receive information about specific measures to address pervasive anti-Black hatred. I urge that the Government include targeted measures to prevent and address anti-Black hatred, including criminal investigations and prosecutions, when appropriate.

Anti-Asian hate

I received concerning information about high levels of anti-Asian hatred, including verbal harassment, bullying, micro-aggressions, and discriminatory treatment in shops and on public transport. It was described to me how Asians experience cyclical patterns of hate, which often involve scapegoating Asians for adverse events, such as the COVID-19 pandemic.

I welcome steps taken at the federal level to address anti-Asian hate, including the COVID-19 Hate Crimes Act and the Presidential Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States, as well as state legislation such as the Increasing Safety for Public Transit Riders Bill and the Protecting Customers' Civil Rights at Businesses Bill in California. I urge the continuation and expansion of efforts to prevent and protect against anti-Asian hatred. I also wish to express my concern about reports that Alien land laws have had a racially discriminatory impact on Asians and urge the United States of America to repeal all such provisions.

Antisemitism

My visit has taken place in the direct aftermath of the escalation of violence in Israel and the occupied Palestinian territories on 7 October 2023. I am deeply concerned by reports that such events have been a catalyst for unacceptable rises in antisemitic hate speech, including online hate speech, threats, and violence. I was saddened to hear from Jewish individuals how scared they are within the current climate. This is particularly concerning given the already high levels of antisemitism, as reflected by data for 2022, recently published by the FBI. This data showed records levels of antisemitism in the United States. Single-bias anti-Jewish hate crime incidents in 2022 totaled 1,222 in 2022, which was a 37% increase, compared to 2021, Assaults, as the most serious form of antisemitism, increased 26 percent in 2022, compared to 2021.

Given the corrosive impact of antisemitic hatred on American society and democracy, I welcome the establishment of the Interagency Policy Committee on Antisemitism, Islamophobia, and Related Forms

of Bias and Discrimination, led by the White House Domestic Policy Council and National Security Council and its development of the US National Strategy to Counter Antisemitism, published in May 2023. I urge the Government urgently develop effective responses, in full consultation with Jewish communities, to address recent rises in antisemitism, including through the investigation of, and where appropriate, prosecution of criminal acts.

Islamophobia

I am also deeply concerned by the ways that escalation of violence in Israel and the occupied Palestinian territories on 7 October 2023 have been a catalyst for unacceptable rises in Islamophobia and anti-Arab and anti-Palestinian hate. Such incidents included hate crimes, employment-based discrimination and bullying and discrimination in schools. I am saddened by reports that affected communities feel fearful and that the current climate is reminiscent of the Islamophobia and anti-Arab hate that characterized the 9/11 period. I am also deeply concerned by reports about the restriction of the rights to freedom of expression and freedom of assembly of those, including Arabs and those of Islamic faith, who have expressed their views and/or protested about events since 7 October.

I welcome that the Interagency Policy Committee on Antisemitism, Islamophobia, and Related Forms of Bias and Discrimination is developing a national strategy on Islamophobia. I recommend that they also urgently develop responses to recent rises in such forms of hate, in full consultation with affected communities, including the investigation of, and where appropriate, prosecution of criminal acts. I also urge all State entities to restrain from any activities that restricts or criminalizes freedom of expression or assembly amongst Arabs and those of Islamic faith.