

Convention on the Elimination of all Forms of Racial Discrimination

Joint Stakeholder Report

Addressing Racial Discrimination in the United States
through a Social Justice and Gender Equity Lens

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Bell Global Justice Institute

Our mission is to inspire, empower, build, and mobilize strong voices and impactful actions to advance and preserve the human rights and human dignity of women and girls globally. We believe the possibilities are endless for women and girls through education, advocacy, and leadership development. We also support the United Nations Sustainable Development Goals.

Named in honor of SSGT Vincent J. Bell, United States Marine Corps. (1983-2011), our work is guided and informed by our commitment to and respect for human rights, human dignity, inclusiveness, equality, and social justice.

AgroBiz

AgroBiz.org is an agricultural and entrepreneurial training firm and offers participants precision agriculture and modern farming practices that affect food security worldwide. Over the past few years, we have risen quickly to become a formidable force in Africa with our educational programs, cooperative development, and U.S. Study tours. Our mission is to empower small holder women, youth, urban and rural farmers, underserved and unserved populations. Our vision involves encouraging diaspora inclusion, farm-to-profit, small-scale farming, fostering entrepreneurship, and supporting economic and community development through agribusiness solutions. As part of our impact, we are committed to the Sustainable Development Goals (SDGs) of the United Nations, and we are committed to supporting the people, planet, prosperity, peace, and partnerships of all our clients.

Broward Sheriff's Office Social Justice Taskforce

Jariatu Sesay, Member

The mission of the Social Justice Task Force (SJTF) is to engage the community by collaborating with community activists and stakeholders in the critical areas of education, dialogue, and advocacy. These efforts allow us to serve our communities better and ensure transparency and equity for all. Our overall goal is to develop measurable successes that benefit the Broward community while creating goodwill ambassadors for BSO.

The Social Justice Task Force will: allow open communication between civilian and law enforcement officials who are committed to improving the quality of life for the residents of Broward County; address community concerns while building stronger relationships between law enforcement and community stakeholders; and allow members of the taskforce to participate and collaborate as partners with BSO to improve community relations while resolving community concerns. Commit to building partnerships within communities. Enhance transparency, communication, and accountability with Broward County, Florida.

Introduction

With the objective of providing constructive input for the Committee on the Elimination of Racial Discrimination's (CERD) upcoming review of the United States during its 107th Session, Bell Global Justice Institute, AgroBiz, and the Broward Sheriff's Office Social Justice Taskforce submit this joint stakeholder report with a focus on addressing racial discrimination in the United States through a social justice and gender equity lens. To compile this report, our organizations relied on the inputs of individuals representing various disciplines and areas of work, including health care, social work, and academia. Specifically, this report addresses racial disparities in the U.S. around immigration, gender-based violence, and maternal health.

Methodology

Bell Global Justice Institute and AgroBiz collaborated to host a two-hour virtual civil society consultation on June 22, 2022. Our consultation consisted of participants from different parts of the United States and representing various professional disciplines. We were subsequently joined by our additional collaborating partner, Jariatu Sesay of the Broward Sheriff's Office Social Justice Taskforce in Florida, who also participated in our two-hour virtual civil society consultation.

During our civil society consultation, participants shared personal experiences, observations, and recommendations addressing racial discrimination against people of African descent immigrating to the United States. This includes African immigrants from the African Continent and within the African Diaspora, notably migrants and refugees from Haiti. In addition to our civil society consultation, we also gathered additional research on gender-based violence (including missing and murdered black women and girls and trafficking in persons) and black maternal health.

We would like to thank our civil society consultation participants: Dr. Kani Diop PhD, CEO, African Women Global Initiatives; Dr. Dorothy Ezekweanya, PhD, CEO/Founder, Good

Shepherd Senior Living, Mint Hill, North Carolina and Board Trustee/Member, Awakening Sleeping Giant, Abuja, Nigeria, Jariatu Sesay, Broward Sheriff's Office Social Justice Taskforce, Florida, Mildred Vanderpuije, Sister Cities International, Representative for Columbia, South Carolina, Ruby Guillen, Chijike K. Ndukwu, President, African Diaspora for Good Governance, Dr. Adaba Kadir, MD, Honorable Calherbe Monel, Republic of Haiti, and Dr. Kelechi Lawrence, PhD, Chairman, Delaware African & Caribbean Affairs Commission, Wilmington, Delaware.

The U.S. Exercises Systematic Implicit Biases and Discrimination for Immigrants and Migratory Populations of Color

All people, inclusive of those fleeing conflict, should be treated with aid and compassion no matter who they are or where they come from.

Pursuant to its obligations under CERD Art. 2 (c), the United States “shall take effective measures to review governmental, national, and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists”.ⁱ Equally, CERD Art 5, indicates the United States is required to undertake “to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, color, or national or ethnic origin, to equality before the law”.ⁱⁱ

Though the Biden-Harris Administration ended its Title 42 immigration policy in April 2022, it has failed to protect people from majority black and brown countries - including Cameroon, Ethiopia, and Haiti. For instance, according to a 2021 report by the Haitian Bridge Alliance, the UndocuBlack Network, and the Quixote Center, during the first weeks of the Biden-Harris Administration, Haitians were expelled more than during all of Fiscal Year 2020.ⁱⁱⁱ

“Lamentably, there are overt double standards via immigration due to racial discrimination in the United States for Haitians”. – Honorable Calherbe Monel, Republic of Haiti

The United States continues to create barriers to Haitians fleeing violence and insecurity as they seek protection at U.S. borders. Title 42 expulsions send these asylum seekers to the countries they fled persecution and torture, or to dangerous border regions, where they face discrimination and violence.^{iv}

Haitian & African descendant asylum seekers have been detained for several days or weeks in unsanitary and abusive conditions where they often lack translation services that would allow them to request medical treatment or asylum before being expelled from the United States.^v In addition, one of the most alarming displays of the racial undertones of the U.S. Title 42 policy are the 2021 images of border patrol agents chasing Haitian asylum seekers while on horseback at the U.S. border in Del Rio, Texas.^{vi} After several months of a Customs and Border Protection (CBP) investigation, it has been determined the CBP agents used “unnecessary” force against Haitians at the border.^{vii}

In contrast, after the Russian invasion of Ukraine in March 2022, the United States revised its Title 42 immigration border policies to allow Ukrainians to seek safety in the United States.^{viii} The Biden-Harris Administration announced its intent to welcome 100,000 Ukrainian refugees to

the U.S. and \$1 billion will be sent in humanitarian aid to assist civilians.^{ix} This sharp difference in treatment lays bare the discrimination and double standards of U.S. immigration policies.

The news of the U.S. assisting Ukrainians as they flee the insurmountable amount of violence in their country is welcome, but the Biden-Harris Administration must also show the same level of care and compassion to refugees and asylum seekers of color.

During our civil society consultation, all participants agreed systematic implicit biases and racial discrimination are visible in the workplace, academia, at borders, within states, and municipalities.

Throughout history, people of African descent have been marginalized as a result of slavery and colonialism. There is a growing consensus that racial discrimination and racism have held back people of African descent in many aspects of public life. In official statistics, they are often 'invisible' due to exclusion and poverty.^x There has been progress, but many parts of the world still suffer from implicit bias. The U.S. is not exempt from participating in these implicit biases (ie. name bias, cultural bias, affinity bias, conformity bias, confirmation bias, and racial discrimination).

Furthermore, consensus from participants affirmed racism and disrespectful attitudes from varying systemic biases are fought daily by people of African descent.

According to Dr. Lawrence, PhD, “in every society, everywhere, racism, xenophobia, and related discrimination and intolerance exist, and they affect us all. Whenever discrimination, division, distrust, intolerance, and hatred dominate our society, we all lose”.

In addition, participant Dr. Kani Diop, PhD, shared her experiences and observations around the xenophobic effects of racism.

Dr. Kani Diop’s story:

In talking about her Islamic faith, she shared that while her son Mohamed was in school, one day his teacher said out loud “Muhammad was the bloodiest so-called prophet.” She also shared African immigrants live through these types of microaggressions all the time.

Bias and racial discrimination against African immigrants impact their lives in many ways:

- **Access to employment** due to name bias or cultural bias (*such as a non-Anglo sounding name & head wraps, an observation shared by participant Dr. Diop*).
- **Education and housing** due to confirmation bias and limited housing opportunities due to ethnic bias (*doubtful assumption of African immigrant academic matriculation outside of USA and denial on housing determined by holding negative behavior inclinations to people of darker skin complexions in Florida – an observation shared by participant Jariatu Sesay*).

- **Deficient health care and management** due to attribution bias (*women of color do not receive equal provisions of health care – an observation shared by participant Mildred Vanderperpiuje*).
- **Unfair treatment before courts of law** due to affinity bias (*Medical physicians of African descendant experience harsher sentencing than Caucasian physicians for equivalent charges in Texas – an observation shared by participant Dr. Adaba Kadir, MD*).

It is laudable on his first day in office President Biden signed Executive Order 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government.^{xi} However, though equal opportunity is the bedrock of American democracy, it is entrenched in racial disparities. The United States of America should create and implement a plan for equitable global migration governance, to ensure the protection of disproportionately impacted stakeholders, including people of African descent, immigrants, and migrants afraid to complain or denied human rights and fundamental freedoms.

Questions:

1. Though it has recently ended, how will the U.S. reconcile the disproportionate impacts of the public health order of its Title 42 immigration policy against people of color seeking protection in the United States?
2. Why are resources not allocated on awareness and education on explicit and implicit bias to combat disproportionally targeted non-white immigrants within immigration policies?

Recommendations to the United States on addressing systemic implicit bias and discrimination for immigrants and migratory populations of color:

- Extend and redesign the Haiti and Somalia for Temporary Protected Status (TPS) program to all noncitizen African descendants who cannot return home due to dangerous conditions in their home countries.
- Create and implement an explicit & implicit bias round table and taskforce aimed at education and awareness.
- Pass legislation introduced by Congresswoman Barbara Lee (CA-13) and Senator Corey Booker (D-NJ) to establish the U.S. Commission on Truth, Racial Healing, and Transformation “to examine the effects of slavery, institutional racism, and discrimination against people of color, and how our history impacts laws and policies today.”^{xii}
- Recognize the United Nations International Decade for People of African Descent (The three pillars are Recognition, Justice, and Development)^{xiii}

The United States Fails to Protect the Health and Safety of Black Women and Girls

Gender-Based Violence and Black women and girls

In its effort to combat gender-based violence, the United States does not adequately address the

ways black women and girls are disproportionately impacted. Under the Biden Harris Administration, the United States has taken measures to combat gender-based violence. For example, in March 2022 President Biden signed the re-authorization of the Violence Against Women Act of 2022, first passed into law in 1994.^{xiv} The 2022 Re-Authorization of VAWA expands protections by increasing jurisdiction of Tribal Courts to prosecute non-Native perpetrators on tribal lands, increasing services and support for marginalized communities, including the LGBTI community, improving prevention and response to sexual assault, improving a trauma informed response to gender-based violence by law enforcement and improving the healthcare system's response to domestic violence and sexual assault.^{xv}

Additionally, in March 2021, President Biden signed an Executive Order to establish the White House Gender Policy Council, of which details a comprehensive blueprint to advance gender equity and gender equality in areas of health, economic security, combatting gender-based violence, and education.^{xvi}

Even with the advanced measures taken in this administration and previous administrations, gender-based violence continues to be a national emergency across all intersections. According to the Centers for Disease Control and Prevention, one in four women, and one in ten men have experienced sexual violence, physical violence, stalking, or a combination of all three forms of violence by an intimate partner.^{xvii}

However, though people of African descent only represent 14.2% of the U.S. population^{xviii}, black women and girls are overrepresented in areas of gender-based violence. Black women and girls report higher levels of violence compared to their white and women of color counterparts.^{xix} For instance, 40% of black women experience violence at the hands of an intimate partner (some reports are as high as 45%)^{xx} and 20% of black women experience sexual assault, higher rates than their counterparts.^{xxi} In 2020, the FBI reported that at least four black women and girls were murdered per day in the United States.^{xxii} It is also highly concerning that of the 268,884 missing women and girls reported in 2020, nearly 100,000 (more than 30%) are black.^{xxiii}

During a speech in Los Angeles in 1962, Civil Rights Leader Malcolm X spoke these words: “The most disrespected person in America is the black woman. The most unprotected person in America is the black woman. The most neglected person in America is the black woman.”^{xxiv} Six decades later, his words still represent the lived reality of black women and girls in the United States. Of the many reasons, the dehumanized perceptions of black women and girls are deeply rooted in the American consciousness. Through adultification bias stemming from stereotypes such as “Jezebel”, and “Sapphire”, American society often does not view black girls as the innocent children they are compared to their white and girls of color counterparts, and thus unworthy of nurturing and protection.^{xxv} In addition, black women and girls also experience a specific form of misogyny called *misogynoir*, a compound of discrimination at the intersection of race and gender.^{xxvi}

The United States Federal Government can mirror the work of several states across the country. In 2021 in response to the high rates of violence against black women and girls, the state of Minnesota is the first state in the nation to launch a taskforce to specifically examine violence

against black women and girls.^{xxvii} The state of Wisconsin has introduced legislation to create a taskforce on missing and murdered African American women.^{xxviii} The state of New York has introduced legislation to address missing and murdered Black, Indigenous, and Women of Color (BIPOC).^{xxix} Also, the state of Illinois has launched its Hunter law, created to address missing and murdered women and girls in Chicago, its largest city.^{xxx}

It is commendable that several states in the U.S. are creating taskforces to address the alarming rates of violence and missing and murdered black women and girls, however we recommend the United States create and implement a national framework to be used by all 51 states and its territories.

Racial and Gender Disparities Among Trafficking in Persons

“As an immigrant, a Social Worker for over 25 years in the United States and now as a member of the Broward Sheriff’s Office Social Justice Taskforce, I have been able to observe the patterns of Human Trafficking amongst my clientele which comprises of over 90% African Minorities and of those 90%, about roughly 45% are undocumented immigrants.” Jariatu Sesay, Broward Sheriff’s Office Social Justice Taskforce.

The United States has acknowledged the connections between systemic racism and human trafficking, including racial biases and stereotypes.^{xxxi} In light of the fact that 40% of sex trafficking victims are black women and many traffickers believing targeting black women would get them less jail time, the U.S. acknowledgement of systemic racism is an important step.^{xxxii} The overrepresentation of black women as sex trafficking victims along with other rising forms of violence presents an ever more important reason for the United States to create a national interagency taskforce to implement safeguards for protecting black women and girls.

Maternal Mortality and Black Women in the United States

The United States should establish effective measures to address the concerning rates of maternal mortality for black women.

Among developed countries the United States has the highest rate of maternal mortality.^{xxxiii} In fact, about 60% of maternal deaths in the United States are preventable.^{xxxiv} Black women are overrepresented in maternal deaths by nearly three times the rate as their white counterparts.^{xxxv}

Though people of African descent only make up about 14.2% of the U.S. population, it is quite concerning black women suffer maternal death nearly three times the rate of white women.^{xxxvi} The Centers for Disease Control and Prevention cites variations in the quality of health care black women receive, underlying chronic health conditions, structural racism, and implicit bias as reasons for the disparities in maternal health for black women.^{xxxvii}

“I think one of the recommendations I would like to make is the changes in policy when it comes to African Americans and pregnancy/giving birth and the systemic racism and abuse they endure in hospital. In the last five months in South Carolina, we have had upward of about 40% of African American women who have passed away (maternal death) with no concrete explanation or reason.”

“When my sister was in labor, she did not get the same type of treatment as she was supposed to get that is written down in the hospital. If she said that she was feeling pain, the nurses would give her ice. I had to stay on them to say no, I need someone to come in here to make sure she is okay. So there needs to be policy changes. We are losing too many of our young women in hospitals giving birth – there needs to be radical changes.”
Mildred Vanderpuije.

“The morbidity and mortality disparities that Black mothers face are not the results of isolated incidents. Our Nation must root out systemic racism everywhere it exists, including by addressing unequal social determinants of health that often contribute to racial disparities such as adequate nutrition and housing, toxin-free environments, high-paying job sectors that provide paid leave, and workplaces free of harassment and discrimination.”^{xxxviii} In April 2021, the Biden-Harris Administration declared its first Proclamation for Black Maternal Health Week (April 11-17) to raise awareness about maternal mortality rates among black women and to outline its commitment to address this health disparity.^{xxxix}

The Biden-Harris Administration’s 2021 Proclamation on Black Maternal Health Week is an important step in prioritizing and addressing the alarming rate of maternal death among black women. In addition, we urge the United States Congress to pass comprehensive legislation to address the root causes of health disparities and maternal mortality specifically for black women.

For millions of black women and girls in the United States navigating an often-difficult path as they live within many different marginalized intersectional identities, we urge the United States to immediately begin to deconstruct the racial and gender inequities that perpetually exists in its systems. Time is of the essence.

Questions:

1. How will the 2022 Reauthorization of the Violence Against Women Act and the 2021 establishment of the White House Gender Policy Council specifically address the disproportionate levels of gender-based violence committed against black women and girls?
2. Since the establishment of the White House Gender Policy Council, how has the Biden-Harris Administration prioritized and addressed the root causes of black maternal mortality?
3. How will the United States respond to racial disparities in maternal health care in light of the recent Supreme Court Decision to overturn Roe V. Wade?^{xi}

Recommendations:

- Pass the Protect Black Women and Girls Act of 2021, a bipartisan Bill introduced during the 117th Congress by U.S. Representative Robin Kelly (D-Illinois) to examine the experiences of black women and girls in areas of public and private life, including education, health, economic status, housing, civil rights, and labor and employment.^{xli}

- Create and implement specific intersectional trauma informed responses and trainings for law enforcement, first responders and medical personnel on the specific and unique needs of black women and girls who are victims of trafficking in persons.
- Pass legislation introduced by Congresswoman Barbara Lee (CA-13) and Senator Corey Booker (D-NJ) to establish the U.S. Commission on Truth, Racial Healing, and Transformation “to examine the effects of slavery, institutional racism, and discrimination against people of color, and how our history impacts laws and policies today.”^{xliii}
- Pass the Black Maternal Health Omnibus Act of 2021, introduced by Congresswoman Lauren Underwood, Congresswoman Alma Adams, Senator Corey Booker, and members of the Black Maternal Health Caucus.^{xliiii} This legislation addresses inequities in maternal health in twelve different areas, including pregnant and postpartum veterans, maternal mental health, climate change related risks for mothers and babies and more.¹
- Ratify the Convention on the Elimination of all Forms of Discrimination Against Women
- Ratify the Convention on the Rights of the Child

We would like to take this opportunity to thank once again all of our virtual civil society participants for their contributions to our report. We would also like to thank the CERD Committee for the opportunity to submit this report, and we look forward to the outcomes of the CERD Committee’s 107th Session.

ⁱ UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, Art.2 (c) available at: <https://www.refworld.org/docid/3ae6b3940.html> [accessed 15 July 2022]

ⁱⁱ *Id at Art. 5*

ⁱⁱⁱ www.quixote.org/wp-content/uploads/2021/03/The-Invisible-Wall.pdf.

^{iv} baji.org/wp-content/uploads/2021/01/The-Impact-of-Anti-Black-Racism-on-African-Migrants-at-Mexico.pdf.

^v www.quixote.org/wp-content/uploads/2021/03/The-Invisible-Wall.pdf.

^{vi} Josh Marcus, *Harris condemns Border Patrol chasing Haitians on horseback: Human beings should never be treated like that*, (Sept. 22, 2021), news.yahoo.com/harris-condemns-border-patrol-chasing-041119832.html.

^{vii} Camilo Montoya-Galvez, *Border Patrol agents on horseback used "unnecessary" force against Haitian migrants last year, investigators find*, CBS News (July 8, 2022), www.cbsnews.com/news/border-patrol-agents-on-horseback-used-unnecessary-force-against-haitian-migrants-last-year-investigators-find/.

^{viii} (Apr. 14, 2022), www.wola.org/2022/04/weekly-u-s-mexico-border-update-title-42-politics-ukrainian-refugees-timid-dhs-oversight/.

^{ix} Camilo Montoya-Galvez, *U.S. plans to receive 100,000 Ukrainians displaced by Russian invasion*, CBS News (Mar. 24, 2022), www.cbsnews.com/news/ukraine-refugees-us-100000-russia-invasion/.

^x *People of African Descent*, United Nations www.un.org/en/fight-racism/vulnerable-groups/people-of-african-descent.

^{xi} [Advancing Equity and Racial Justice Through the Federal Government | The White House](https://www.whitehouse.gov/advancing-equity-and-racial-justice-through-the-federal-government/)

^{xii} *Representative Barbara Lee and Senator Cory Booker Reintroduce Legislation to Form Truth, Racial Healing, and Transformation Commission*, Congresswoman for the 13th District of California (Feb. 25, 2021), lee.house.gov/news/press-releases/representative-barbara-lee-and-senator-cory-booker-reintroduce-legislation-to-form-truth-racial-healing-and-transformation-commission.

^{xiii} [International Decade for People of African Descent | United Nations](https://www.un.org/en/observances/intercultural-dialogue/)

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