



Written Submission of the Movement for Black Lives To the Office of the United Nations High Commissioner for Human Rights (OHCHR)

Pursuant to Human Rights Council resolution 43/1 on the “Promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against excessive use of force and other human rights violations by law enforcement officers”

February 26, 2021

The Movement for Black Lives (M4BL) welcomes this opportunity to provide input for the preparation of the United Nations High Commissioner for Human Rights to be presented at the 47th session of the Human Rights Council. This submission focuses on a comprehensive national legislative proposal aimed at ending brutal and discriminatory policing in the United States and investing in a new vision of public safety—The BREATHE Act. It was written to honor all of the lives lost to police and state-sanctioned violence. We hope the OHCHR will include the Act in its recommendations to the United States.

Background

The Movement for Black Lives is a network of 150 organizations engaged in the Black Lives Matter movement to end state-sanctioned killings of Black Americans and the systemic oppression that condones them. It was formed in 2014 as a space for Black-led organizations around the country to develop a shared assessment of what political interventions are necessary to achieve key policy and cultural wins. It works to convene organizational leadership to create a movement-wide strategy of transformational justice in the United States.

Among other goals, M4BL seeks to end the war on Black people in the United States through a multi-platform approach focusing on investing in communities and divesting from the police, providing holistic reparations to those affected by police violence, furthering economic justice, and centering community control and increasing political power of those most affected by the pervasive institutional oppression in our country.^[1]

The BREATHE Act

Because the criminal-legal system in the United States has largely failed to protect Black communities and inflicted immeasurable harm against Black people, The BREATHE Act has been proposed as a visionary and transformational legislative solution to the historic legacy of violent policing in the United States. The policies included in the Act seek to fundamentally shift how we envision community care and



invest in our society in ways that disempower the structures perpetuating harm against Black communities. Instead, The BREATHE Act seeks to empower those very communities to self-determinedly create genuine safety and achieve liberation from oppressive and racist systems of violence and control. It is a bold and comprehensive reimagining of community safety, care, and how we invest in those ideas. For these reasons, we urge the OHCHR to recommend the adoption of [The BREATHE Act](#) in its entirety or, in the alternative, specific provisions that will preserve the dignity, human rights, and lives of Black communities in the United States.

The Act emphasizes four components aimed at achieving the above:

- Divest federal resources from incarceration and policing;
- Invest in new, non-punitive, non-carceral approaches to community safety that lead states to shrink their criminal-legal systems and center the protection of Black lives—including Black mothers, Black trans people, and Black women;
- Allocate new money to build healthy, sustainable, and equitable communities;
- Hold political leaders to their promises and enhance the self-determination of all Black communities

While each component of the Act comprehensively targets the tools of the discriminatory criminal-legal system, they each offer specific policies aimed at ending police brutality and violent policing in the United States and the harms caused by that police brutality. The violations of the human dignity of Black people cannot be viewed through a singular lens because the causes and effects of those violations are interconnected and inseparable. For this reason, nothing short of a bold solution will suffice. Together, a focus on these areas represents a concrete beginning to the end of the excessive violence inflicted on Black communities and a step toward repairing the harm caused by it.

Divesting Federal Resources from Incarceration and Policing^[ii]

Section 1 is the “divest” portion of the Act. The sections make direct changes to end the abuses of the criminal legal system by directing the United States to:

- Divest from federal criminal-legal systems that have been the primary drivers of mass criminalization, particularly in Black communities.



- Categorically prohibit federal law enforcement from using tear gas, rubber bullets, and any other “less-than lethal” forms of crowd control. This includes prohibiting other military-grade weaponry and predictive policing software.
- Prohibit law enforcement from engaging in violence, assault, or sexual harassment or using physical restraints that are life threatening or restrict breathing.
- Repeal a list of federal laws disproportionately criminalizing Black women, youth, and families. The list includes prostitution-related offenses, several conspiracy and gang-related offenses, and juvenile delinquency statutes.
- Implement a comprehensive policy ending the War on Drugs by shifting all Substance Abuse Disorder prevention and treatment away from the Department of Justice and repealing all penalties for simple possession, among other things.

These policies are just a small part of what Section 1 does in its aim to divest from the carceral systems that target, criminalize, and harm Black families and communities. The listed policies highlight the ways in which the Act’s adoption would have a direct impact on targeting the abusive practices affecting Black people’s human rights and rights under the law.

Investing in New Approaches to Community Safety ^[iii]

Section 2 is the “invest” portion of the Act. This section builds the infrastructure for a new paradigm of public safety that is non-punitive, non-carceral, and prevention oriented. As a non-exhaustive list, the Act requires the United States to:

- Create a brand-new federal agency that is completely dedicated to community safety, but is grounded in public health rather than criminal punishment.
- Fund community-based organizations and build community-led Community Safety Offices that can drive non-punitive and non-carceral approaches to safety. This includes providing funding for violence reduction and non-carceral intervention, such as first-responders and new, accessible methods of processing 911 calls.



- Incentivize state and local governments to decarcerate and defund to reduce their jail populations and shrink their police budgets through federal grant programs that encourage non-punitive, non-carceral approaches to community safety.
- Implement grants to remove and destroy existing military-grade equipment in local police forces.

Allocating Money to Build Healthy, Sustainable, and Equitable Communities for All People^[iv]

Section 3 aims to acknowledge and repair the harm caused by the United States' long adherence to punitive, carceral approaches to community safety. In this area, the Act:

- Expands and secures funding for low-income schools and marginalized populations and makes major investments making higher education more accessible and affordable to all.
- Ensures economic security for children, establishes a Commission to Redesign the Child Welfare System, and incentivizes local governments to make healthy equity-focused policy changes.
- Invests in transformative, equitable solutions to address racial injustice and climate crisis by creating new programs that expressly address environmental justice while beginning the transition to clean, renewable energy.
- Begins restructuring the economy to ensure that all people have equal access to opportunities and discrimination-free welfare and assistance programs. This includes addressing the racial wealth gap through a federal "baby bonds" program, addressing occupational segregation, and creating a framework for addressing the systemic, racially discriminatory design of social welfare programs, among other provisions.
- Ensures that historically excluded groups—Black, Latinx, Indigenous, and other communities of color—have meaningful access to affordable housing, as well as home and land ownership. This includes the creation of stand-alone federal protections against housing discrimination, the incentivization of state and local equity-focused policy changes, and expanding ownership that addresses the effects of redlining.



While these changes will benefit everyone, they will be particularly beneficial in remedying the disproportionate harm inflicted on Black communities and other communities of color. The effects of this harm largely drive the criminalization of these communities that inevitably leads to violence against them. Tackling these issues would immensely improve the enjoyment of their rights in foundational ways by providing unique and targeted approaches to remedying past structural oppression.

Holding Officials Accountable ^[v]

Section 4 seeks to provide the accountability. Repairing the harm done to Black communities requires accountability for the United States' legacy of racial exclusion and violence, free and fair elections for those who have been historically excluded, and enhanced accountability for law enforcement. To address these important issues, the United States should:

- Establish commissions to study and establish reparations programs for the harms caused by: slavery, the War on Drugs, police violence, and immigration enforcement.
- Establish a Commission on Truth, Racial Healing, and Transformation to assess and acknowledge the United States' history of exclusion and racial violence.
- Create uniform election standards that all federal elections must follow, enfranchise all currently and formerly incarcerated people, and abolish prison gerrymandering.
- Abolish qualified immunity for federal law enforcement and guarantee a private right of action for damages when a federal officer has violated a person's constitutional rights.
- Require the Attorney General to collect comprehensive data and report annually on law enforcement misconduct.
- Establish a grant to promote state police accountability measures such as dissolving police departments that have shown a pattern of misconduct and eliminate state statutes that protect officers from misconduct allegations and disciplinary proceedings.
- Pay individuals who were impacted by police brutality.



The Future of the BREATHE Act

Although the Act has yet to be introduced to Congress, it has two strong champions in Representatives Ayanna Presley of Massachusetts—the first Black woman elected to Congress from Massachusetts—and Rashida Tlaib of Michigan—one of the first two Muslim women elected to Congress. Like the Movement for Black Lives, they have acknowledged the urgency of the movement and the need to implement the changes reflected in the legislation. Since its inception, the BREATHE Act continues to gain momentum and has over 150,000 community co-sponsors with more to come.

The change represented in the BREATHE Act is imperative to the liberation of Black communities and the preservation of their lives in the United States. We will continue to push this landmark civil rights legislation as we gain more support from our elected officials, and the support of the OHCHR would be enormous in furthering the movement. The full Act can be downloaded [here](#).

[i] *End the War on Black People*, Movement For Black Lives (M4BL), <https://m4bl.org/end-the-war-on-black-people/> (last visited Feb. 24, 2021).

[ii] The BREATHE Act, Section 1, Movement For Black Lives (M4BL), <https://breatheact.org/wp-content/uploads/2020/09/Section-1-The-BREATHE-Act-Summary.pdf> (last visited Feb. 24, 2021).

[iii] The BREATHE Act, Section 2, Movement For Black Lives (M4BL), <https://breatheact.org/wp-content/uploads/2020/09/Section-2-The-BREATHE-Act-Summary.pdf> (last visited Feb. 24, 2021).

[iv] The BREATHE Act, Section 3, Movement For Black Lives (M4BL), <https://breatheact.org/wp-content/uploads/2020/09/Section-3-The-BREATHE-Act-Summary.pdf> (last visited Feb. 24, 2021).

[v] The BREATHE Act, Section 4, Movement For Black Lives (M4BL), <https://breatheact.org/wp-content/uploads/2020/09/Section-4-The-BREATHE-Act-Summary.pdf> (last visited Feb. 24, 2021).