

The Advocates for Human Rights welcomes this opportunity to address the Working Group regarding systemic racism in the United States.

The case of George Floyd, a Black Minneapolis resident murdered by police officers last May, starkly illustrated the widespread problem of unlawful police violence against unarmed Black people. The post-slavery era of racial segregation laws enforced by police violence and lynchings was nominally ended by laws passed during the 1960s and 70s, but soon gave way to the criminalization of Black Americans and the era of mass incarceration, with millions deprived of the right to vote following criminal convictions, as well as through widespread voter suppression and racial gerrymandering designed to dilute the influence of Black voters.

**The most immediately urgent human rights concerns facing people of African descent in the US today are racially discriminatory police violence and criminalization, and the deliberate suppression of their right to participate in the political process.** These challenges are intertwined, as the unequal criminalization of Black people is a tool for their disenfranchisement, and their disenfranchisement prevents them from exercising political power.

Consider these statistics on the scope of racially discriminatory police violence:

- Black people are 3x more likely than white people to be killed by police.
- Black men face a 1 in 1,000 chance of being killed by police.
- 8 of the 100 largest police departments kill black men at higher rates than the U.S. murder rate
- Black people are about 12% of the population but account for at least 24% of those killed by police.

Investigations of many killings by police are internal, not truly independent and impartial as required by international standards such as the Minnesota Protocol on the Investigation of Potentially Unlawful Deaths (2016). Since 2013, 99% of such killings have NOT resulted in officers being charged with a crime. Of 100 officers charged with a crime in connection with a fatal shooting since 2009, only 35 were convicted of any crime. All 50 states and Washington, D.C., fail to comply with international standards on the use of lethal force by law enforcement. Barriers to accountability include overly broad laws on the reasonable use of force, and the legal doctrine of qualified immunity, which often shields officers from facing the consequence of their actions in even in civil courts.

The vast majority of protests prompted by Mr. Floyd's murder were peaceful, but many were met with unnecessary and disproportionate use of force by law enforcement and National Guard troops, which deployed tear gas, rubber bullets, and flashbang grenades. There were also several hundred reported incidents of law enforcement physically attacking, intimidating, and arbitrarily arresting journalists covering the protests.

The racial disparities in the criminal justice system extend far beyond encounters with police. A Black man in the US faces a 1 in 4 chance of going to prison, and Black men make up 34% of the prison population. 41% of those on death row in the US are Black.

In 2016, 31 States had laws disenfranchising more than 6 million people with felony convictions, with a hugely disproportionate impact on Black Americans – more than 7% of adult Black Americans were disenfranchised, while less than 2% of others were affected. Added to the nearly half million currently incarcerated Black Americans, about 3.5 million adult Black Americans are simply not allowed to vote at all.

While George Floyd's murder has sparked examination of police accountability and institutional reform, to date change has been limited. In Minneapolis, for example, police are now barred from using chokeholds but major reform measures are still being debated. **During the next 5 years, The Advocates would like to see the following measures prioritized.**

- Dismantle existing policing systems and redesign them to ensure respect for and protection of human rights;
- Adopt at local, state, and national levels comprehensive legislation prohibiting racial profiling;
- Collect and publish disaggregated statistics about police stops, searches, and use of force, to monitor trends regarding racial profiling and treatment of minorities by law enforcement;
- Establish independent oversight bodies with jurisdiction over police conduct, with real authority to conduct impartial investigations of all complaints of human rights violations;
- Conduct a full review of police procedures and training to better comply with international human rights standards;
- Provide adequate resources to train law enforcement officials de-escalation and other techniques and strategies to minimize use of force;
- Assess the disproportionate impact of mandatory minimum sentences on racial and ethnic minorities;
- Create a national commission to examine police tactics nationwide, including the use of excessive force, militarization of local police forces, and policing of protests.
- Renew protections of the Voting Rights Act that were eliminated by the US Supreme Court, restore voting rights to all persons who have completed a sentence for a criminal conviction, and pass new legislation to prevent gerrymandering that dilutes the voting rights of Black people.