UN human rights experts wrap up two-week U.S. tour looking for "institutional racism," at invitation of Biden administration

USA: Whole-of-government leadership needed to address legacy of slavery and redefine policing, UN experts say

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Press Release

The International Independent Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement

WASHINGTON (5 May 2023) - The UN International Independent Expert Mechanism to Advance Racial Justice in the Context of Law Enforcement ended a 12-day visit to the United States of America on Friday, calling on the Government to boost efforts to promote accountability for past and future violations.

During the visit (24 April to 5 May), the Mechanism visited Washington DC, Atlanta, Los Angeles, Chicago, Minneapolis and New York City and met with representatives of civil society and victims, as well as federal, State and local officials including from law enforcement, city administrations, judicial actors, police unions and affinity groups.

The delegation was pleased to learn about various promising initiatives, including at the State level, that authorities have developed to combat racial discrimination affecting people of African descent. However, the Mechanism feels an urgency, and a moral responsibility, to echo the harrowing pain of victims and their resounding calls for accountability and support, which it heard throughout its journey.

“We saw some promising initiatives centering the voices of victims and survivors, as well as law enforcement initiatives that could be replicated throughout the United States. We welcome the reparatory measures taken so far, including executive orders signed in 2021 and 2022, as well as individual reparation initiatives by way of civilian settlement for damages,” said Tracie Keesee, an expert member of the Mechanism. “But we strongly believe that more robust action, including on part of federal authorities, is needed to result in strong accountability measures for past and future violations.”

“This includes boosting oversight mechanisms with compelling power; the allocation of appropriate resources; and the provision of robust and holistic reparation, support and rehabilitation to victims, including access to justice and health, including mental health services,” Keesee said.

Slavery has left a deep and long-lasting entrenched legacy on the country, which can be perceived through generational trauma. Racial discrimination permeates all contacts with law enforcement, from the first contact – at times already in school – by means of racial profiling, arrest, detention, sentencing and disenfranchisement in some States. In each of those aspects, available data points to a clear disproportional impact upon people of African descent.

Addressing and unpacking the impact of the circle of poverty on people of African descent, including operating an urgent shift from a criminal justice response to a human rights-centred response to poverty, homelessness, substance abuse, and mental illness, is seen by the Mechanism as an imperative priority.

There should be a State-wide response, to lead to federal standards of policing, and engage whole of government reforms, which redefine the mission and scope of the police.

“While acknowledging that most of these efforts would need to take place at the State and local levels, we call upon federal Government and Congress to continue demonstrating leadership, notably by allocating federal funding to state-level policy initiatives, adopting national standards on the use of force, and undertaking federal criminal investigations into cases of excessive use of force by law enforcement,” said Juan Méndez, another of the Mechanism’s experts.

The Mechanism has shared its preliminary findings with the government and will draft a full report to be published in the coming months and presented to the Human Rights Council at its 54th session (September-October 2023).

ENDS

Justice Yvonne Mokgoro (South Africa, chairperson); Dr. Tracie Keesee (United States of America) and Professor Juan Méndez (Argentina) were appointed by the President of the Human Rights Council in December 2021 to serve as independent experts. The international independent expert mechanism to advance racial justice and equality in the context of law enforcement was established in July 2021 by the Human Rights Council to make recommendations, inter alia, on the concrete steps needed to ensure access to justice, accountability and redress for excessive use of force and other human rights violations by law enforcement officials against Africans and people of African descent.