



# General Assembly

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## Human Rights Council

### Forty-fifth session

14 September–2 October 2020

Agenda item 9

**Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up and implementation of the Durban Declaration and Programme of Action**

### **Joint written statement\* submitted by American Civil Liberties Union, International Service for Human Rights, US Human Rights Network Inc., non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[19 August 2020]

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\* Issued as received, in the language(s) of submission only.

GE.20-12772(E)



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## **Key Recommendations from Civil Society Groups to the High Commissioner on Implementation of Human Rights Council Resolution 43/1 on Police Violence and Structural Racism**

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 mandated the Office of the United Nations (UN) High Commissioner for Human Rights, with the assistance of relevant Special Mandate Holders, “to prepare a report on systemic racism, violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and of people of African descent, to contribute to accountability and redress for victims.” The resolution has also requested that the Office of the High Commissioner “examine government responses to antiracism peaceful process peaceful protests, including the alleged use of excessive force against protesters, bystanders and journalists.” In addition, the resolution also requested that the High Commissioner “include updates on police brutality against Africans and people of African descent in all her oral updates to the Council.”

While we were disappointed that the Council adopted a watered-down resolution due to enormous diplomatic pressure from the United States of America (United States) and other allied countries, we consider the outcome of the urgent debate a crucial first step towards full accountability for systemic police violence against Black people in the United States and more generally against people of African descent around the world. We wish to make the following recommendations and suggestions to ensure effective implementation of the resolution and a transparent, inclusive process for producing the report with maximum meaningful participation and engagement from directly impacted communities and other relevant stakeholders. These recommendations were supported by 144 family members of victims of police violence and over 360 civil society groups.<sup>1</sup>

First, we strongly believe that the High Commissioner’s report should center the lived experiences of people of African descent and be informed primarily by individuals and communities directly impacted by structural racism and police violence. This requires inclusive outreach to communities of color and the creation of meaningful, safe, and accessible opportunities for consultation. It must also involve modalities to provide testimonies, evidence, and other relevant information and materials to encourage unhindered reporting from those fearing retaliation.

Second, for the report to fulfill the mandate of the Council’s resolution and respect the memory of George Floyd and other victims of police violence, it must examine and highlight individual cases of extrajudicial killings of people of African descent and entrenched impunity for police violence rooted in structural racism. The resolution specifically mentions the killing of George Floyd, whose horrific murder by a Minneapolis police officer (and the complicity of other officers) shocked the world and sparked unprecedented protests calling for police accountability and racial justice. The reference to the killing of “other Africans and of people of African descent” suggests that Floyd’s killing should not be the only case examined and highlighted in the report.

Third, we encourage the High Commissioner to thoroughly examine the history of racist policing in the United States and other countries in order to make recommendations for a concrete path forward regarding the Council’s role to ensure effective accountability and follow-up. The report should outline steps and measures that must be taken to dismantle structural racism and bring the country’s criminal legal system in line with international human rights norms. The report should build and expand upon, rather than replicate, previous research and reports published by regional and international human rights bodies, including UN treaty bodies and relevant Special Mandate Holders. Extensive research has already been

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<sup>1</sup> <https://www.aclu.org/letter/letter-high-commissioner-human-rights-implementation-resolution-police-violence-and>

completed by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on racism, the UN Working Group of Experts on People of African Descent, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the UN Special Rapporteur on the rights of indigenous peoples, and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Fourth, we are fully aware of the extraordinary financial challenges and limited resources at the High Commissioner's disposal, as well as the overwhelming responsibilities of the Office, especially in response to the ongoing global health and economic crises imposed by the COVID-19 pandemic. However, we believe the implementation of this Council resolution resulting from an historic urgent debate should be of high priority. Sufficient resources must be allocated to ensure that the report comprehensively and thoroughly examines structural racism and police violence. We cannot exaggerate the unfathomable importance of this issue for millions of people and its implications on the full enjoyment of basic human rights and fundamental freedoms for people of African descent, Indigenous Peoples, and racial and ethnic minorities. In the United States alone, there are over a thousand people killed by law enforcement every year, below are just some of the signatures of the many family members, whose loved ones were killed by police that you will never hear of in the mainstream media. They have long been denied justice and accountability and treated as second class citizens; the opportunity to begin rectifying this wrong rests in the High Commissioner's hands.

Fifth, the examination of racist police violence and government responses to antiracism protests, including the alleged use of excessive force against protesters, bystanders and journalists, must not be limited to desk research and/or a call for written submissions through notes verbales. Rather, it must be based on regional hearings and consultations, potentially facilitated by OHCHR's regional and field offices that will provide adequate and meaningful opportunities for a wide range of voices and experiences to be presented. Holding public hearings will increase the transparency and legitimacy of the process and outcome. It will also create opportunities to educate the public on racial justice and the importance of the Black Lives Matter movement at this historic juncture. It is possible to conduct more comprehensive outreach and consultations using virtual hearings and meetings, especially when travel and country visits are limited due to COVID-19 or financial constraints.

We stand ready to support the Office of the High Commissioner and its dedicated staff as they begin to implement the Council's resolution.

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