

H.E. Michelle Bachelet

United Nations High Commissioner for Human Rights

Palais Wilson

52 rue des Pâquis CH-1201 Geneva, Switzerland

10 May 2021

**Re: The UN Human Rights Council's role to ensure effective accountability and follow-up to HRC Resolution 43/1**

Dear High Commissioner,

The families of victims of police violence and undersigned civil society organizations write with regard to the implementation of Human Rights Council resolution ([A/HRC/43/1](#)) on the promotion and protection of the human rights and fundamental freedoms of Africans and of people of African descent against systemic racism, excessive use of force and other human rights violations by law enforcement officers.

We appreciate your response to [our calls](#), in particular your [affirmation to the Council](#) that the report will reflect and amplify the voices of victims who are people of African descent, their families and communities. We also welcome that the report will examine the root causes that have enabled systemic racism and police violence, including the legacies of enslavement, the transatlantic trade in enslaved Africans, and its context of colonialism. We appreciate the broad outreach to civil society and the organization of several regional and national-level consultations over the past months and your recognition of the indispensable role of civil society in the process of preparing the report.

As you rightly [stated](#) in your update to the Council, we cannot let the urgency felt in the Council in June 2020 subside. We share your assessment that the Council “can contribute to making this moment a critical turning point in the respect and protection of the human rights of people of African descent.”

In light of your update to the Council that the report will “recommend an agenda for transformative change to dismantle systemic racism and police brutality against Africans and people of African descent, and to advance accountability and redress for victims”, we wish to make the following recommendations and suggestions regarding the Council's role to ensure effective accountability and follow-up. While we appreciate that the call for inputs reflected many of our [recommendations](#), we note that it did not include a specific question on the Council's role in this regard.

The families of victims of police violence and many of our organizations have [called](#) on the Council to mandate an independent inquiry into the killings and violent law enforcement responses to protests, including the attacks against protesters and journalists in the United

States. The Special Procedures [strongly urged](#) the Council to establish a commission of inquiry to “investigate systemic racism in law enforcement in the United States” and a “thematic commission of inquiry or other mechanism empowered to investigate systemic racism in law enforcement globally, especially where it is related to legacies of colonialism and transatlantic slavery.”

While we commend the Biden administration for leading a [cross-regional joint statement](#) on countering racism and signaling other policy changes to address racial inequities, we believe that a robust international accountability mechanism would further support and complement, not undermine, efforts to dismantle systemic racism in the United States, especially in the context of police violence against people of African descent.

Police in the United States [kill nearly 1,000 people](#) every year. The epidemic of police violence has been directly and disproportionately targeted at people of color. Indigenous People and people of African descent experience the highest rates of fatal police shootings, followed by Latinx people. For example, in 2019, Black and Indigenous people were [approximately three times more likely than white people](#) to be fatally shot by police. One study found that young unarmed male victims of deadly force by police are [13 times more likely](#) to be Black than white. Stunningly, for young men of color, police use of force is now among [the leading causes of death](#). While there is a dearth of research examining racial disparities in police killings among non-male and nonbinary populations, some data indicates that although women are less likely than men to be killed by police overall, [Black women](#) and [Indigenous women](#) are more likely to be killed by police than white women. Furthermore, while police killings are [higher in high-poverty areas than low-poverty areas](#) for all racial groups, Black people who live in more affluent areas are almost as likely to be killed by police as white people who live in the poorest areas.

Although exact statistics are difficult to find, more often than not, officers are not investigated or prosecuted for the killings of civilians. [98.3 percent of killings by police](#) from 2013- 2020 have not resulted in officers being charged with a crime. Between 2005 and 2015, [only 54 officers were charged](#) after police-involved killings, despite the thousands of such incidents that occurred over the same time period. Impunity for police killings in the United States, especially those of people of African descent, continues unabated despite the recent settlement in the George Floyd civil lawsuit and the guilty verdict against Derek Chauvin, the Minneapolis City police officer who murdered him. Furthermore, federalism in the United States, long-standing legal obstacles to achieving justice for police killings, and decentralized police institutions of over 18,000 law enforcement agencies (that are not directly accountable to the federal Executive Branch) make it extremely daunting to end impunity, even for well intentioned federal Administrations.

We recall that the [original draft resolution](#) called on the Council to establish these mechanisms; however, the Council adopted a watered-down resolution due to enormous diplomatic pressure from the United States under the Trump administration and other allied countries.

We urge you to support the calls made by victims' families, civil society and Special Procedures by including in the report specific recommendations to the Council in this regard. We also urge you to remind Member States that [the transatlantic slave trade and colonialism were grave violations of international law](#) that require States to make reparations proportionate to the harms committed and to ensure that structures in the society that are perpetuating the injustices of the past are transformed. Furthermore, we urge you to call on Member States to adopt a national plan of action to eliminate systemic racism and racial discrimination and to double their efforts and allocation of resources to achieve racial equality including through the adoption of reparations schemes to remedy historic racial injustices.

Please accept our sincerest gratitude and appreciation for the enormous work you do each day as the world's collective human rights conscience.

Sincerely,

Mothers Against Police Brutality

American Civil Liberties Union

International Service for Human Rights

The Leadership Conference on Civil and Human Rights

US Human Rights Network