

U.S.



## US accepts UN advice on police violence, racism; advocates call for action

The review before the Human Rights Council saw the US slammed over deaths of black men and women at hands of police

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by [Natasja Sheriff](#)

The United States accepted most of the recommendations from United Nations member states on combatting racial discrimination, racial profiling and the use of excessive force by police officers, as well as addressing racial disparities in the use of the death penalty, according to a [report](#) outlining U.S. responses to a review of the country's human rights record, formally adopted by the Human Rights Council in Geneva on Thursday.

The U.S. accepted 44 recommendations on eliminating racial discrimination and tackling excessive use of police force, supported a further 20 "in part" and rejected one recommendation — the creation of an independent commission to prosecute racially motivated crimes.

"[The review] is helpful in terms of putting the United States on the record," said Justin Mazzola, a researcher with Amnesty USA and a co-author of "[Deadly Force](#)", a report released June 18 on the use of lethal force by the police, "but it's just words at this point and there needs to be concrete action. There are specific steps that the U.S. can take in terms of following through on the recommendations."

Thursday's session is the final step in the United States' Universal Periodic Review process. The session follows an [open dialogue](#) before the Human Rights Council in Geneva on May 11, where 117 states offered comments and [recommendations](#).

They called on the U.S. to abolish the death penalty, cease extrajudicial killings, punish those responsible for torture, protect the rights of immigrants and indigenous people, and close the Guantanamo Bay detention facility.

But issues of [racial discrimination](#) and [police violence](#) dominated the U.S. review, overshadowing even the March findings of the Senate Select Committee on Intelligence on Torture, and the continued use of the death penalty, a practice condemned by 39 states.

The French delegation recommended the U.S. "take necessary measures to fight against discriminatory practices of the police based on ethnic origin," while Malaysia suggested the U.S. "double its efforts in combating violence and the excessive use of force by law enforcement officers based on racial profiling through training, sensitization and community outreach, as well as ensuring proper investigation and prosecution when cases occur." The U.S. accepted both of those recommendations.

At the time, James Cadogan, Senior Counselor to the Assistant Attorney General at the Department of Justice, [told the U.N. body](#), "we must rededicate ourselves to ensuring that our civil rights laws live up to their promise" adding that the deaths Freddie Gray, Tamir Rice, Michael Brown, and Eric Garner — unarmed black men and boys who were killed by police or died in police custody — "challenge us to do better and to work harder for progress."

The deaths caused outrage across the country and provoked international condemnation. The Department of Justice launched investigations in Ferguson, Missouri and Baltimore, Maryland in the wake of the deaths.

Cadogan went on to cite Department of Justice efforts to investigate and prosecute "unlawful or discriminatory policing policies." The DoJ has brought criminal charges against more than 400 law enforcement officials in the last six years, said Cadogan.

Since the review, police have killed more than 400 people in the U.S., bringing the total number of deaths in 2015 to 853, according to [The Guardian](#).

"The United States have very permissive laws when it comes to the use of force," said Mazzola. "Under international law and standards [lethal force] must be reserved as a last resort, only after other non-violent means are attempted first, and exhausted, but also for only those instances when the officer faces an imminent threat of death or serious injury to himself or to others."

The Amnesty USA report found that none of the U.S. states meet international laws and standards on the use of lethal force by police officers. Nine states and Washington D.C. have no laws in place governing police use of lethal force.

"One of the things the states can move forward on is changing their use of force statutes, to bring them in line with international law and standards," said Mazzola, as well as pass the End Racial Profiling Act or put forward some of the recommendations from the [Presidential Task Force on 21<sup>st</sup> Century Policing](#). "One of them is to create a national commission to look at police practices nationwide and come out with recommendations specifically around the policing of communities of color and the excessive use of force."

But simply supporting the recommendations isn't enough, says Antonio Ginatta, advocacy director for the U.S. program at Human Rights Watch.

"I think it's problematic to say, look the United States accepted 44 recommendations about civil rights and non-discrimination," said Ginatta. The reality is, he says, they accept a number of recommendations that don't actually require any follow up.

Ginatta worries that the U.S. will once again fail to follow through on its commitments at the UPR. After the U.S.' 2010 review, "the U.S. agreed to accept a recommendation to study racial disparities in the death penalty and they did nothing with that," says Ginatta. "They had a recommendation to study the racial disparities in mandatory minimum sentencing. They accepted that and did nothing with it."

The U.S. states upfront in its response to the recommendations that, "some recommendations ask us to achieve an ideal, e.g., end discrimination or police brutality, and others request action not entirely within the power of our Federal Executive Branch, e.g., adopt legislation, ratify treaties, or act at the state level."

"The question is, how can the UPR be a process to improve human rights in the United States if it can't involve legislation?" said Ginatta.

"I think the idea would be that the United States government and the federal executive branch could make the commitment ... to do whatever is in their power to move the issue," Ginatta said, "to meet the spirit of the recommendation, to do whatever's possible."

The U.S. Department of Justice did not respond to a request for comment. Representatives of the U.S. Mission to the United Nations were not available for comment ahead of Thursday's session before the Human Rights Council.

Recommendations on a moratorium or abolition of the death penalty did not receive the same level of support as those put forward on racial discrimination. The US rejected 30 death penalty-related recommendations, supporting only those that addressed racial disparities in the use of the death penalty and safeguards against wrongful conviction.

In response to calls from member states to close the Guantanamo Bay detention center, the U.S. accepted five recommendations to close the facility and accepted a further four 'in part,' rejecting the premise that prisoners are illegally detained. "We have clearly stated our desire to close the Guantanamo Bay detention facility and to continue working with Congress, the courts, and other countries to do so in a responsible manner that is consistent with our international obligations," the U.S. notes in its response to the recommendations. "Until it is closed, we will continue to ensure that operations there are consistent with our international obligations."

Under the provisions of the UPR, every U.N. member state must undergo a peer review of its human rights record every four years. The US will be up for review again in 2019.

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