



Beyond Data and Reform: *How UN EMLER can promote Community Safety through Abolition*

**Joint-submission* to assist the
UN International Independent Expert Mechanism to Advance Racial Justice and Equality
in the context of Law Enforcement (UN EMLER) in its country visit to the United States
(April 24 - May 5, 2023)**

Submitted February 24, 2023

**The Movement for Black Lives (M4BL) formed in December of 2014 and was created as a space for Black organizations across the country to debate and discuss the current political conditions, develop shared assessments of what political interventions were necessary to achieve key policy, cultural and political wins, convene organizational leadership to debate and co-create a shared movement wide strategy. M4BL is an ecosystem of more than 150 Black led organizations representing thousands of Black people from across the country that have come together with renewed energy, strategy, and purpose to articulate a common vision and agenda. Our ecosystem is united by core values and politics that seek to build an anti-capitalist, abolitionist, and Black queer feminist future.*

The Center for Constitutional Rights works with communities under threat to fight for justice and liberation through litigation, advocacy, and strategic communications. Since 1966, the Center for Constitutional Rights has taken on oppressive systems of power, including structural racism, gender oppression, economic inequity, and governmental overreach. The Center for Constitutional Rights has special consultative status with ECOSOC.

MOVEMENT FOR BLACK LIVES & CENTER FOR CONSTITUTIONAL RIGHTS
Submission to the UN International Independent Expert Mechanism to Advance
Racial Justice and Equality in the context of Law Enforcement (UN EMLER)
Submitted February 24, 2023

This short briefing paper is presented to the UN International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of Law Enforcement (UN EMLER), to assist in the mechanism's country visit to the United States from April 24 - May 5, 2023. The Movement for Black Lives (M4BL) and the Center for Constitutional Rights (CCR) welcome the UN EMLER's mandate "to further transformative change for racial justice and equality in the context of law enforcement globally, especially where relating to the legacies of colonialism and the Transatlantic slave trade in enslaved Africans."¹ We belong to the Black radical tradition and generations of organizers, lawyers and public intellectuals who recognize in the international human rights framework the "language and philosophical power to address not only the political and legal inequalities that African Americans [have] endured, but also the education, health care, housing and employment needs" of the Black community.² Our expectation is that the mechanism will seriously contend with and lend support to a growing movement for the abolition of the prison industrial complex³, and to the reordering of society necessary to account for historical injustices and to guarantee safety for Africans and people of African descent.

Our submission offers an analysis of the inherent violence of the U.S. criminal legal system, a system of control, domination and punishment, with roots in settler-colonialism and slavery, which by design is anti-Black, anti-Indigenous, patriarchal and ableist.⁴ Accepting such a theoretical underpinning helps make sense of how, despite decades of tireless organizing, victorious litigation, and innovative legislative reforms, 2022 was the deadliest year on record for police violence in the U.S. since 2013.⁵ The U.S. remains the world leader in incarceration, with nearly 2 million people held in jails and prisons across the country, with disproportionate impact on Black and Indigenous communities.⁶ Trans and gender non-conforming people are also disproportionately threatened by incarceration and precarious conditions of confinement,⁷ and

¹ See UN Human Rights Council, Resolution 47/21 adopted on 13 July 2021 - 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 through transformative change for racial justice and equality, [hereinafter A/HRC/RES/47/21], available at

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/199/03/PDF/G2119903.pdf?OpenElement>

² See Carol Anderson, *Eyes off the Prize: The United Nations and the African American Struggle for Human Rights, 1944–1955*, (2003) at p. 2.; see also, Civil Rights Congress, *We Charge Genocide: The Crime of Government Against the Negro People* (1951), available at: <https://www.crmvet.org/info/genocide.htm>; The Black Panther Party "Ten-Point Program" (1966), available at: http://www.pbs.org/hueynewton/actions/actions_platform.html

³ See Critical Resistance, "What is the PIC? What is Abolition?" Available online at:

<http://criticalresistance.org/about/not-so-common-language/>; see also, Mariame Kaba. "Yes, We Mean Literally Abolish the Police." *New York Times*. 12 June 2020.

⁴ See Amna A. Akbar, *An Abolitionist Horizon for (Police) Reform* (August 10, 2020). *California Law Review*, Vol. 108, No. 6, 2020, available at SSRN: <https://ssrn.com/abstract=3670952> or <http://dx.doi.org/10.2139/ssrn.3670952> pp. 1817-1819.

⁵ Mapping Police Violence. Available online at <https://mappingpoliceviolence.us/>

⁶ See Leah Wang, *The U.S. Criminal Justice System Disproportionately Hurts Native People: The Data, Visualized*, Prison Policy Initiative (Oct. 8, 2021),

[https://www.prisonpolicy.org/blog/2021/10/08/indigenouspeoplesday/#:~:text=Native%20people%20made%20up%202.1%20community%20supervision%20in%20mid%2D2018](https://www.prisonpolicy.org/blog/2021/10/08/indigenouspeoplesday/#:~:text=Native%20people%20made%20up%202.1%20community%20supervision%20in%20mid%2D2018;); see also The Sentencing Project, *Trends in U.S. Corrections* 5, <https://www.sentencingproject.org/publications/trends-in-u-s-corrections/> (finding Black men six times as likely to be incarcerated as white men).

⁷ See Jaime M. Grant, et al., National Center for Transgender Equality and National Gay and Lesbian Task Force, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* 163 (2011),

the U.S. government continues its illegal practice of solitary confinement, which amounts to torture.⁸ The U.S. government's punitive reflex and carceral policies - from the creation of the largest immigration detention system in the world⁹, which disproportionately impacts Black migrants¹⁰, to the ongoing injustice of indefinite detention of Muslim men and boys at Guantánamo Bay prison¹¹ - are symptoms of a society committed to preserving a deadly hierarchy of human life.

In light of such a well-documented historical record, including decades of information and analysis collected across UN human rights mechanisms, that people of African descent and other racialized communities in the U.S. are disproportionately impacted by—indeed are the designated target of—the criminal legal system, we are disappointed that the theme of UN EMLER's first report focused on the need for disaggregated data.¹² And while we welcomed the UN EMLER press release on February 10, 2023 in response to the brutal killing of Tyre Nichols who was beaten to death by several Memphis, Tennessee police officers, we are troubled by a frame implying that long utilized police “reforms” are the solution to the sustained violence against Black people at the hands of law enforcement.¹³

With decades of experience seeking such reforms that might mitigate the harm of law enforcement, we recognize that public safety is wholly incompatible with the established system of policing, prisons and surveillance. The U.S. criminal legal system itself is violent and racist, and thus can neither be reformed nor understood as a viable agent of community safety. Rather, the vast amount of public wealth invested in law enforcement in all of its manifestations must be

https://transequality.org/sites/default/files/docs/resources/NTDS_Report.pdf (finding more than one out of five (21%) trans women of all ethnicities are incarcerated during their lifetimes—a rate that skyrockets to nearly one out of two (47%) among Black trans people).

⁸ See *Solitary Confinement: Torture in U.S. Prisons*, Center for Constitutional Rights (last updated March 2017), <https://ccrjustice.org/home/get-involved/tools-resources/fact-sheets-and-faqs/torture-use-solitary-confinement-us-prisons>.

⁹ Mizue Aizeki, Ghita Schwarz, Jane Shim, & Samah Sisay, *Cruel by Design: Voices of Resistance from Immigration Detention*, Immigrant Defense Project and the Center for Constitutional Rights (February 2022), <https://www.immigrantdefenseproject.org/wp-content/uploads/Cruel-By-Design-IDP-CCR-Feb-2022.pdf>.

¹⁰ See Project South, Southern Poverty Law Center and Center for Constitutional Rights, “Briefing Guide: The U.S. Government's Systematic Mistreatment of Cameroonian and other Black Migrants.” February 6, 2023, available at: <https://ccrjustice.org/sites/default/files/attach/2023/02/CCR%20SPLC%20Proj%20South%20Briefing%20Guide%202-6-23.pdf>; see also *Cameroonian Immigration Detention in Crisis*, Center for Constitutional Rights (Oct. 12, 2021), <https://ccrjustice.org/home/get-involved/tools-resources/publications/cameroonian-immigration-detention-crisis>.

¹¹ See *Unconstitutional and Unjust: Dismantling 20 Years of Discriminatory 'National Security' Policy*, Center for Constitutional Rights (Sept. 20, 2021), <https://ccrjustice.org/unconstitutional-and-unjust-dismantling-20-years-discriminatory-national-security-policy>; *Faces of Guantánamo (2022)*, Center for Constitutional Rights (Jan. 15, 2022), <https://ccrjustice.org/faces-guantanamo-2022>.

¹² See International Independent Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement, “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.” A/HRC/51/55, August 4, 2022, available at:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/442/50/PDF/G2244250.pdf?OpenElement> (the partners agree with the Chair of the Mechanism that EMLER must “build on the impressive analysis undertaken over decades by the many United Nations human rights mechanisms seeking to address the systems, practices and patterns that underlie and perpetuate the disproportionate and discriminatory impact of law enforcement and the criminal justice system on Africans and people of African descent.” para. 18)

¹³ OHCHR. “UN experts call for new approaches to policing in the United States following deaths of Keenan Anderson and Tyre Nichols.” February 10, 2023, available at:

<https://www.ohchr.org/en/press-releases/2023/02/un-experts-call-new-approaches-policing-united-states-following-deaths> (calling for information regarding ongoing investigations and regulations applicable to the use of less-lethal weapons vis-à-vis applicable human rights standards; reminded of the “need of genuinely new approaches to traffic safety, traffic stops, and public safety more broadly)

understood as deliberate political decisions to siphon resources away from the very social programs that create the conditions for safety and human flourishing. In order for the U.S. to guarantee the human right to safety¹⁴, it must fully divest from the mass criminalization, incarceration, and surveillance of people, particularly Black communities, immigrant communities, Muslim communities and LGBTQIA+ communities, domestically and around the world.

“Far more than a budgetary exercise,” write abolitionists Andrea J. Ritchie and Mariame Kaba, “defunding police means striking at the root of the forces that have created a society that extracts resources from Black, Indigenous, migrant, disabled, and low-income populations, deprives them of basic needs, infrastructure, and shared public goods, and then criminalizes them for struggling to survive.”¹⁵ Our expectation is that the mechanism, born in response to mass popular uprisings against the brutal police murders of Breonna Taylor and George Floyd - uprisings that popularized the call to defund the police¹⁶ - will echo, uplift and similarly demand a reprioritization of public spending and state investment into social programs, including welfare, public housing, healthcare and education. Addressing the legacies of colonialism and the trade of enslaved people must include an articulation of the clearest pathway to safety for Africans and people of African descent.

Below we offer a case study of ongoing litigation and community organizing efforts to reform a core element of the U.S. criminal legal system - discriminatory policing. The case study exemplifies the phenomenon of a system adapting to reform.¹⁷ Next, we touch briefly on the criminalization of the Black freedom struggle and the U.S. government’s deliberate attempt to deter people from protesting for racial justice and meaningful accountability for state violence. We then offer the Invest/Divest Framework - one of the six central pillars of the Movement for Black Lives’ 2016 policy platform. Finally, we introduce the BREATHE Act, a piece of omnibus legislation that offers a rights-based, people-centered approach to community safety.

The Evolution of Stop & Frisk in New York City

In 1999, following the horrific murder of Amadou Diallo by police in the Bronx, longtime NYC organizer Richie Perez mobilized lawyers and community organizers across the city to expose the New York Police Department’s (NYPD) unconstitutional practice of stop-and-frisk, which overwhelmingly targeted Black New Yorkers.¹⁸ Mass mobilizations together with strategic litigation (*Daniels et. al. v. City of New York*) resulted in a settlement with the City in 2003 and succeeded in disbanding the NYPD’s most notorious Street Crime Unit, of which officers who killed Amadou Diallo were members. When the data required by the Daniels settlement revealed that the NYPD had not only continued to engage in but ramped up the number of stops

¹⁴ See key international human rights standards guaranteeing the right to safety: on the right to security in general (right to life) see Universal Declaration of Human Rights (UDHR) 1948, Art. 3, International Covenant on Civil and Political Rights (ICCPR) 1966, Art. 6.1; on the right to economic, social and cultural development, see UDHR, Art. 22, ICCPR, Art. 1.1, International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966, Art. 1.1; on the right to an adequate standard of living (including right to housing), see UDHR, Art. 25.1

ICESCR, Art. 11.1; E/C. 12/2000/4, CESCR General Comment 14, paras. 11,15; on the right to food (freedom from hunger), see UDHR, Art. 25.1, ICESCR, Arts. 11.1, 11.2; on the right to health and safety at work, see ICESCR, Art. 7; on the right to health, see ICESCR, Arts. 12.1,12.2, E/C. 12/2000/4, CESCR General Comment 14, paras. 11, 15.

¹⁵ Mariame Kaba and Andrea J. Ritchie, *No More Police: A Case for Abolition* (2022) at p. 32.

¹⁶ To see state, region or local campaigns, resources, legislation & policies, see Interrupting Criminalization’s <https://defundpolice.org/>. Also see M4BL’s brief on #DefundPolice: <https://m4bl.org/defund-the-police/>

¹⁷ See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (2010); see also Maya Schenwar and Victoria Law, *Prison by Another Name: The Harmful Consequences of Popular Reforms* (2022).

¹⁸ See Center for Constitutional Rights. “Daniels et. al. v. the City of New York.” <https://ccrjustice.org/home/what-we-do/our-cases/daniels-et-al-v-city-new-york>

and frisks of Black and Brown New Yorkers, CCR and co-counsel filed *Floyd v. City of New York*, a class-action lawsuit alleging the NYPD was continuing its racist policing practices.¹⁹ At the same time, impacted community members, including a coalition of over 100 grassroots, legal and policy groups organized as Communities United for Police Reform (CPR) began broad multi-faceted advocacy campaigns against NYPD abuses. In August 2013 after a nine-week trial in which CPR members packed the courtroom each day, CCR won a landmark ruling that found the NYPD's stop-and-frisk practices to be racially discriminatory and unconstitutional under the Fourth and Fourteenth Amendments.²⁰

The historic victory in 2013, however, did not stop the NYPD and their lawyers from fighting against the changes and reforms ordered by the Court. Since 2014, the NYPD has been under a court-ordered "monitorship" which continues today. While the overall number of reported stops in NYC has dramatically dropped since 2013 and new procedures have been implemented, the monitorship is at best a containment strategy and cannot itself achieve an end to racist policing. Indeed, the latest report by the court-mandated monitor indicated that there was both widespread underreporting of stops and that Black and Brown New Yorkers continued to be the most targeted.²¹ Recognizing the need to escalate the campaign against the inherent racism of and vast public investment in law enforcement, community organizations such as CPR have since worked recently to dramatically reduce the over-bloated NYPD budget, demanding that the city change course and instead invest public resources in critical housing, mental health, education and legal services as well as access to public benefits, public libraries, police-oversight, and other critical public infrastructure.²²

Surveillance and Criminalization of the Black Freedom Movement

In 2020 on the heels of the murders of Breonna Taylor and George Floyd, millions of people mobilized to form the largest mass movement against police violence and racial injustice in U.S. history. Collective outrage spurred decentralized uprisings in defense of Black lives in all 50 states, bringing global attention to abolitionist arguments that the only way to prevent deaths such as Mr. Floyd's and Ms. Taylor's is to take power and funding away from police. The U.S. federal government, in a flagrant abuse of power and at the express direction of disgraced former President Donald Trump and disgraced former Attorney General William Barr, deliberately targeted supporters of the movement to defend Black lives in order to disrupt and discourage the mass protests. Law enforcement met protestors with tear gas and physical violence, and issued over 10,000 arrests, with over 90 people facing federal charges.²³

There is a long historical arc of U.S. law enforcement and elected officials on local, state, and federal levels colluding to halt the progress of Black organizers demanding human rights, self-determination, and socioeconomic power. From President Lyndon Johnson's 1965

¹⁹ Lead plaintiffs in the case included longtime organizers with Malcolm X Grassroots Movement, Dasaw Floyd and Lalit Clarkson.

²⁰ See Center for Constitutional Rights. "Floyd, et al. v. City of New York, et al."

<https://ccrjustice.org/home/what-we-do/our-cases/floyd-et-al-v-city-new-york-et-al>

²¹ See Center for Constitutional Rights, "NYPD Continues to Underreport Use of Stop and Frisk; Severe Racial Disparities," May 6, 2022:

Persist <https://ccrjustice.org/home/press-center/press-releases/nypd-continues-underreport-use-stop-and-frisk-severe-racial>

²² See Communities United For Police Reform. Coalition Letter to New York City Council Speaker Adrienne E. Adams & NYC Council Members on FY24 Budget. (expressing alarm for Mayor Eric Adams' budget approach; demanding more services, less policing); January 25, 2023, available online:

https://www.changethenypd.org/sites/default/files/1.25.23_cpr_fy24_budget_sign_on_letter_78.pdf

²³ See Movement for Black Lives, "Free 'Em All: Protect Front Line Freedom Fighters," *Amnesty for Protestors*. Available online at: <https://m4bl.org/amnesty-for-protestors/>

declaration of a “War on Crime” in response to mass uprisings against oppressive living conditions and anti-Black police violence, to the federal surveillance and wiretapping of Black movement leaders like Martin Luther King, Jr., Angela Davis, and Fannie Lou Hamer, or the Federal Bureau of Investigation (FBI)’s covert counterintelligence program (COINTELPRO) that dedicated itself to the dismantling of the Black Panther Party via the imprisonment or extrajudicial killings of Black revolutionary organizers, the U.S. government has spent many decades deliberately attempting to destroy Black freedom movements.²⁴

Most recently the U.S. government—through the U.S. Department of Homeland Security (DHS) and FBI—has been systematically surveilling and monitoring the activity of the Movement for Black Lives (M4BL) in what is the latest iteration of criminalizing the Black freedom struggle.²⁵ Over the last decade, the U.S. government has cast Black human rights defenders as extremists and potentially violent threats, and engaged in sweeping surveillance of constitutionally protected activities.²⁶ These tactics are designed to chill the activities of Black communities and deny their full participation in political, civil and social life.²⁷ We welcome UN EMLER scrutiny of the myriad tactics used by law enforcement in the U.S. to silence demands for social transformation, including the violent repression of protestors, particularly Black organizers for racial justice and abolition.

Invest/Divest: To Defund Police is to Comply with Human Rights

Organizing for divestment from the prison industrial complex is a crucial strategy towards guaranteeing human rights and ushering in true safety and security for Black communities.²⁸ In 2016, the Movement for Black Lives developed a policy platform called the “Vision for Black Lives,” which offered “Invest/Divest” as a central conceptual framework:

Invest/Divest - We demand investments in the education, health and safety of Black people, instead of investments in the criminalization, caging and harming of Black people. We want investments in Black communities, determined by Black communities, and divestment from exploitative forces including prisons, fossil fuels, police, surveillance, and exploitative corporations.”²⁹

Our partners across the U.S. have similarly designed “Invest/Divest” campaigns built on the understanding that a society cannot meaningfully comply with its human rights obligations without divesting the government’s resources from criminalization. Nationally, the cost of policing is a staggering \$115 billion per year, with vast amounts of public funds invested into maintaining and expanding law enforcement scope, capacities and militarization.³⁰

²⁴ See Movement for Black Lives, “Struggle for Power,” 2021, available online at: <https://m4bl.org/struggle-for-power/>

²⁵ See CCR. “Color of Change v. Department of Homeland Security and Federal Bureau of Investigation,” March 19, 2018, available at: <https://ccrjustice.org/COC-FOIA>; see also CCR. “Briefing Guide: Color of Change v. FBI & DHS,” May 16, 2018, available: <https://ccrjustice.org/briefing-guide-color-change-v-fbi-dhs>

²⁶ See CCR and Color of Change. “Briefing Guide: The DHS “Race Paper”,” March 19, 2018, available online at: <https://ccrjustice.org/sites/default/files/attach/2018/03/COC%20FOIA%20-%20Full%20Briefing%20Guide%20Final.pdf>

²⁷ See Movement for Black Lives, “Struggle for Power,” 2021, available online at: <https://m4bl.org/struggle-for-power/>

²⁸ Additionally, read [Freedom to Thrive: Reimagining Safety & Security in Our Communities](#), a report written by Law for Black Lives, BYP100, and Center for Popular Democracy, which gives budget numbers from a dozen cities and counties across the country, and features divest/invest campaigns in each of these places.

²⁹ See Movement for Black Lives. “Invest/Divest.” *The Vision for Black Lives*. Available at: www.m4bl.org/policy-platforms/invest-divest

³⁰ See Vera Institute. “What Policing Costs: A Look at Spending in America’s Biggest Cities.” June 2020. Available at: <https://www.vera.org/publications/what-policing-costs-in-americas-biggest-cities>

This significant and sustained funding, whether for maintaining or “reforming” police, has not produced safety, particularly for Black communities.³¹ Despite being the world leader³² in criminalization and incarceration, the U.S. is no safer than comparable nations.³³ The U.S. rate of gun violence is significantly higher than international counterparts, with low-income Black communities disproportionately affected.³⁴ The U.S.’ centuries-long experiment of equating state violence with safety must be rejected and replaced by an equally well-funded and robust commitment to ensuring that individuals, families and communities have access to the resources, programs and support needed to achieve genuine security.

The BREATHE Act: Codifying a future of safety and security for Black people

In 2020, the Movement for Black Lives drafted the BREATHE Act³⁵, an omnibus legislation that incorporated the invest/divest framework. Crucially, and in accordance with the mandate of UN EMLER,³⁶ the BREATHE Act was co-created with Black communities across the U.S. in a participatory democratic process that invited stakeholders to assess and make demands with regard to the fundamental need of community safety. Rather than being anchored in what is politically possible, the BREATHE Act is anchored in what is just, life-affirming and liberatory. The Act recognizes that a political commitment to racial justice and equity must challenge existing state infrastructure and institutions, and necessitates a recalibration of national priorities, where public resources are reallocated away from discriminatory systems of incarceration, policing, and militarism, and into programs, solutions, and institutions that center and bolster the human rights of Black people and other oppressed communities in the U.S.³⁷

The BREATHE Act has served as a basis for legislation aiming to bring us closer to a vision of safety for all, including the People’s Response Act, introduced by U.S. Representative Cori Bush.³⁸ Public and political momentum is moving towards systems designed to keep communities safe. UN EMLER must leverage its unique opportunity to similarly articulate a vision of safety and justice that relies not on policing, prison and punishment, but on the fulfillment of the social, economic and cultural rights of Black people and the abundant resourcing of communities in order to create and sustain the conditions of collective flourishing.

³¹ See United States, Congress, Congressional Research Service, and Nathan James. *Community Oriented Policing Services (COPS) Program*. crsreports.congress.gov/product/pdf/IF/IF10922 (describing COPS funding that has steadily increased notwithstanding sustained calls for transformative change. Over the past 25 years, state and local police departments have received more than \$14 billion in COPS funding).

³² See Widra, Emily, and Herring, Tiana. “States of Incarceration: The Global Context 2021.” *Prison Policy Initiative*. Sep. 2021. <https://www.prisonpolicy.org/global/2021.html>

³³ Aizenman, Nurith. “Gun Violence Deaths: How the U.S. Compares with the Rest of the World.” *NPR*, NPR, 25 May 2022, <https://www.npr.org/sections/goatsandsoda/2021/03/24/980838151/gun-violence-deaths-how-the-u-s-compares-to-the-rest-of-the-world>

³⁴ “Gun Violence Archive.” Gun Violence Archive, <https://www.gunviolencearchive.org>

³⁵ See Movement for Black Lives. “The BREATHE Act.” Available at: <https://breatheact.org/>

³⁶ See A/HRC/RES/47/21.

³⁷ See Center for Constitutional Rights, *Shifting Power to the People: A Rights-Based Vision for Biden & the 117th Congress*, available at: <https://ccrjustice.org/shifting-power-people-center-constitutional-rights-federal-policy-2021-2022>

³⁸ See H.R.4194 - The People’s Response Act. (June 28, 2021), available at: <https://www.congress.gov/bill/117th-congress/house-bill/4194/text>

RECOMMENDATIONS FOR U.S. GOVERNMENT

1. Enact or achieve by Executive Order the central demands of the BREATHE Act to divest public resources from mass incarceration, militarization and state control of Black communities and invest in non-punitive, non-carceral approaches to community safety by supporting services, infrastructure, and efforts, such as community programs to address food insecurity and homelessness, and by guaranteeing fully-funded education as well as access to equitable universal healthcare.³⁹
2. Ratify core international human rights treaties, including the Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child.
3. Pass implementing legislation for all ratified international human rights treaties to ensure each agreement's provisions are judicially enforceable in the United States.
4. End the criminalization of Black political activity and the participation of local authorities in the federal prosecutions of protestors.
5. Enact H.R. 40 (2023) / S. 40 (2023), the Commission to Study and Develop Reparation Proposals for African-Americans Act, or establish a similar commission by executive order, and ensure the scope of the duties includes an express mandate to analyze the injustices of the criminal legal system within the context of lingering negative effects of the institution of slavery.

³⁹ See also, CCR, *Shifting Power to the People*, supra note 36.