

Race, Criminal Justice, and Human Rights

Joint Stakeholder Summary Report



Submitted for the 36th Session of the
Universal Periodic Review



**UNITED NATIONS ASSOCIATION
OF THE UNITED STATES OF AMERICA**



UN Universal Periodic Review

Joint Shadow Report: Race, Criminal Justice, and Human Rights

Toward the goal of contributing primary-source input for the Universal Periodic Review (UPR) of the United States in May 2020, UNA-Southern New York State Division and Blacks in Law Enforcement of America submit this joint shadow report with a focus on race, criminal justice, and human rights. Specifically, this report addresses three issues:

- Policing, Pre-Trial, Parole, and Post-Prison;
- Mass Incarceration; and
- Women and Family Issues.

This report was compiled through a consultation process held by the UNA-Southern New York State Division. The consultation included 44 invited experts and community members and was co-sponsored by a dozen civil society organizations.

A. Policing, Pre-Trial, Parole, and Post-Prison

While the Obama Administration had appointed a Task Force on 21st Century Policing and received its report on how to strengthen public trust and foster strong relationships between local law enforcement and the communities they protect, this effort has largely been overturned by the current Administration.

Furthermore, misconduct of police force members continues to be a widespread issue and resulted in the deaths of an estimated 1,147 people in 2017. Furthermore, racial profiling within policing remains pervasive as African Americans were 25 percent of those killed despite being only 13 percent of the population.

Incarcerated people up for parole often face arbitrary and overly broad statutory provisions for parole, which often leads to unjust parole denials and creates a cycle of punishment rather than correction and rehabilitation. Formerly incarcerated people also face challenges in reintegrating into society, experiencing difficulty finding housing, maintaining a job, and accessing social support services. This inadequate assistance often leads to a cycle of incarceration.

B. Mass Incarceration

Passage of the First Step Act in December 2018 has been a welcome advancement toward reducing mass incarceration. It aims to reform lifetime mandatory minimum sentencing by giving a judge more discretion when sentencing nonviolent repeat drug offenders. It also provides prisoners with drug treatment programs, vocational and educational training and instruction, and other benefits.

Contact: George Garland, President: United Nations Association-Southern New York State Division george@unasny.org; Damon K. Jones, New York Representative: Blacks in Law Enforcement of America dkjones@bleausa.org

For full report visit: http://bit.ly/UNA_UPR-Race-Criminal-Justice-Human-Rights

However, mass incarceration remains an increasingly prevalent issue within American society. Between 1980 and 2015, the number of people incarcerated in America increased from roughly 500,000 to over 2.2 million. Racial disparities are also rampant within the criminal justice system as African Americans are incarcerated at more than five times the rate of white Americans. Those with mental and physical illnesses are also often particularly vulnerable within the criminal justice system and face a lack of support services along with discriminatory treatment in jails and prisons.

Incarceration is too often used as a first resort and nearly 80 percent of criminal convictions are for misdemeanors, resulting in prisons and jails that are often overcrowded which creates poor conditions and lack of services.

C. Women and Family Issues

The Allow States and Victims to Fight Online Sex Trafficking Act of 2017 was an achievement in fighting sex trafficking and made it illegal to knowingly assist, facilitate, or support sex trafficking, including people and websites. However, sex trafficking and human trafficking continues to be a pervasive issue in the U.S. and young girls coerced into sex trafficking are often treated as perpetrators rather than victims and face unnecessary and detrimental prison sentences.

Women and children face disparities within civil rights and the criminal justice system, particularly in areas such as the foster care system, maternal health, and sex trafficking. The current foster care system in the U.S. too often removes children from their biological parents instead of providing support and monitoring services within the home, imposing detrimental and long-lasting effects on children and creating a cycle of violence, incarceration, and poverty. African American women also face discrimination in health care: maternal mortality rates are three times higher for African American women as compared to white women.

Recommendations for the U.S.:

- Thoroughly address and create solutions regarding the issue of racial profiling within the criminal justice system;
- Create and provide funding for community-based organizations to facilitate prisoner re-entry to society, including mentoring, medical and mental health treatment, as well as educational and employment assistance; and
- Pass legislation reforming and clarifying the statutory factors determining parole decisions.
- Increase access to legal aid lawyers in order to protect the rights of vulnerable people and reduce unjust incarceration;
- Institute substantive personal and professional development programs within prisons to facilitate re-entry to society and reduce recidivism;
- Collect, publicize, and integrate data on incarceration by race, gender, and ethnicity to re-shape policy and legislation that can reduce racial bias and mass incarceration, particularly within the Bureau of Justice Statistics.
- Increase funding for preventative services to keep at-risk families intact and avoid foster care placements;
- Take steps to address and find solutions to disparities in maternal mortality rates;
- Reform treatment of young girls coerced in sex trafficking within the criminal justice system in order to ensure a rehabilitative rather than punitive response.

“[It is important] to understand how... aspects of our identities interact to shape the social, cultural, economic, and political inequalities, oppressions, and privileges that we all experience”
- 2019 Women’s Justice Agenda