



THE PERMANENT MISSION  
OF THE  
UNITED STATES OF AMERICA  
TO THE  
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS  
IN GENEVA

January 12, 2022

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Special Rapporteur on extrajudicial, summary or arbitrary  
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the highest attainable standard of physical and mental health  
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Balakrishnan Rajagopal  
Special Rapporteur on adequate housing as a component of the  
right to an adequate standard of living, and on the right to  
non-discrimination in this context  
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E. Tendayi Achiume  
Special Rapporteur on contemporary forms of racism,  
racial discrimination, xenophobia and related intolerance  
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Marcos A. Orellana  
Special Rapporteur on the implications for human rights of  
the environmentally sound management and disposal of  
hazardous substances and wastes  
Geneva, Switzerland

Dear Special Procedures Mandate Holders:

Please find enclosed the U.S. response to your letter dated January, 7, 2021.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Daniel A. Kronenfeld', enclosed in a light blue rectangular box.

Daniel A. Kronenfeld  
Deputy Permanent Representative  
Human Rights

Thank you for your letter dated January 7, 2021, requesting information regarding the allegations of excessive use of force by the Philadelphia Police Department in response to Black Lives Matter protests that took place during May and June of 2020. We are grateful for the work you do across the globe to promote respect for human rights and for the opportunity to provide information concerning U.S. law, policy, and practice. We have sent your letter to the relevant local authorities, who may wish to provide additional information at a later date.

The United States fully supports the fundamental freedoms of expression, association, and peaceful assembly set out in the International Covenant on Civil and Political Rights (ICCPR) and the Universal Declaration of Human Rights (Universal Declaration). The right of the people to peaceably assemble is one of our most cherished Constitutional rights.

The United States is fully committed to the protection of the right to peaceful assembly at home and through our work to reinforce the international community's focus on this fundamental freedom. In 2010, the United States led the creation of the Special Rapporteur on the rights to freedom of peaceful assembly and of association. Since establishing the Special Rapporteur's mandate, the United States has introduced and co-sponsored resolutions on the promotion and protection of the right to peaceful assembly and freedom of association at the HRC and UN General Assembly (UNGA). In 2018, we put forward an UNGA resolution to call attention to the threats and attacks many individuals are facing around the world for peacefully assembling, covering protests as journalists or media workers, or serving as mediators between the government and those protesting. Moreover, addressing systemic racism and racial inequity is an imperative goal of the United States. At the 46th session of the HRC in March 2021, the United States led a Joint Statement on countering racial discrimination, which garnered 158 signatures and called on countries to examine and eliminate practices and policies that marginalize members of ethnic and racial minority groups.

The Biden-Harris Administration is committed to addressing issues of systemic racism and racial inequity in the United States. Equal opportunity is the bedrock of American democracy and our diversity is one of our country's greatest strengths. The United States is committed to forthrightly, honestly, and powerfully addressing systemic racism and the legacy of discrimination in our country. Equal justice under the law must be a reality, not an aspiration.

The murder of George Floyd on May 25, 2020 shocked our nation's conscience and galvanized a global response to ending the injustices of systemic racism, especially in the criminal justice system and particularly in policing. For nine minutes and 29 seconds, the world saw firsthand how a police officer used his position of authority to murder an unarmed Black man he was sworn to serve and protect. These viral images led to national and global Black Lives Matter (BLM) protests and demonstrations, precipitating a movement to confront systems perpetuating deep-seated inequities rooted in the historical oppression of members of racial, tribal, ethnic, and other minority communities. Unfortunately, in some of the racial justice protests seen across the United States in 2020, questions have been raised about the law enforcement response. As you know, the United States is a "compound" federal republic and our Constitution limits the powers

of government, including by dividing it between the federal and state governments. The federal government has only the powers granted by the Constitution, which includes protections for the freedom of speech, the press, and assembly, as well as prohibitions against excessive use of force or discriminatory conduct. All remaining powers of self-government are explicitly reserved to the States or to the People, respectively.

The United States takes seriously its responsibilities under domestic law and commitments and obligations under the Universal Declaration and the ICCPR. The U.S. Department of Justice has issued guidance on the use of racial profiling in federal law enforcement practices. Many states have done the same. The Department of Justice has expressed its commitment to prosecuting individual officers who violate individuals' civil rights and investigating police departments that might be engaging in a pattern or practice of conduct that deprives persons of their rights, including with respect to people involved in peaceful assembly. The Department of Justice has initiated four pattern and practice investigations of police departments in 2021. These include Louisville, Minneapolis, Phoenix, and Mount Vernon, NY.

Additionally, the Department of Justice seeks to proactively prevent discrimination or the use of excessive force by facilitating the training of federal, state, and local law enforcement officers across the country. In his April 20, 2021 remarks following the conviction of ██████████ for the murder of George Floyd, President Biden called on the American people to acknowledge and confront, head on, systemic racism and the racial disparities that exist in policing and in our criminal justice system. In addition, President Biden has issued a number of Executive Actions to begin dismantling the drivers of systemic discrimination and economic inequalities in our system. He pledged to undertake executive action to advance the Administration's priorities to improve policing and reform the U.S. criminal justice system to address systemic disparities. Moreover, in our response to the 2020 Universal Periodic Review of the United States, we supported many of the recommendations received in the area of civil rights and discrimination, including those recommending that the United States identify best practices for the use of force by police and for improving the enforcement of laws that prohibit racial profiling and excessive use of force in policing.