



ANNEX – Brief on African descent and police brutality and other violations of human rights in the Americas

Introduction

This document attempts to provide an overview of the persistent situation of structural discrimination against people of African - descent in the Americas, in particular on the disparities in policing and criminal justice system in some countries of the region where the Afro-Descendant population is higher.¹

Key Issues

A. Structural discrimination

1. The Afro-descendent population in the Americas exceeds 150 million people - approximately 30 % of the total population - and is among the continent's poorest groups.²
2. The Inter-American Commission on Human Rights (IACHR) has found that Afro-descendants in the Americas suffer from a situation of structural discrimination, evidenced in indicators relating to poverty, political participation, contact with the criminal justice system and access to quality health care, among others.³
3. Although, the Latin American region has achieved a sustained increase in income levels, there are still gaps between Afro-descendant and the rest of the population in the Americas.⁴ For example:
 - In **Peru** 34 % of Afro-descendants live below the poverty line, compared to only 23% of mestizos.
 - In **Brazil**, one half of all Afro-descendants receive a monthly income of less than two minimum wages.
 - In **Colombia**, the infant mortality rate in the Afro-descendant population is nearly twice the national average.⁵
4. Based on the Durban Declaration and Programme of Action, the OHCHR has recognized that people of African-descent are among the most marginalized groups as a consequence of the historical legacy of the transatlantic slave trade and persistent form of contemporary discrimination.⁶
5. The Committee on the Elimination of Racial Discrimination (CERD) has recognized that "*racism and structural discrimination against people of African descent, rooted in the infamous regime of slavery, are evident in the situations of inequality affecting them*".⁷ In that same sense, the IACHR considers that the historical legacy of subjugation enslavement, terror, marginalization and exclusion has continuing repercussions for African descendant's full enjoyment of human rights.

¹ USA, Argentina, Brazil, Colombia, Ecuador, Panama, Nicaragua.

² IACHR, The Situation of People of African Descent in the Americas, OEA/Ser.L/II. Doc 62 (2011), § 42, 43.

³ IACHR, Report on Poverty and Human Rights in the Americas, 2017, p. 121.

⁴ Morrison Judith, Race and Poverty in Latin America, Addressing the development needs of African descendants.

⁵ IACHR, Report on Poverty and Human Rights in the Americas, *op. cit*

⁶ United Nations, Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Durban, September 8, 2001.

⁷ U.N., Comm. Elimination of Racial Discrimination, *General recommendation No. 34: Racial discrimination against people of African descent*, 79th session, CERD/C/GC/34, Oct. 3, 2011, § 6.

6. This situation has led to structural patterns or practices, norms, rules, routines, attitudes and standard of behavior, that give rise to a situation of inferiority and exclusion of Afro-descendants in a generalized sense, situations that are perpetuated over time and even for generations (structural discrimination).⁸
7. Despite the deep historical roots of discrimination and racism against Afro-descendants in the Americas, these problems and their causes and consequences have been largely ignored and even denied in the majority of the States of the Americas.⁹ In the case of the Latin American region what is often overlook is the systemic racism that goes hand in hand with law enforcement personnel actions (specifically in regard to police).
8. *Intersectionality*. Is worth noting that Afro-descendants may face multiple kinds of discrimination based on other aspects of their identity - beyond race -, bearing in mind the close links between poverty, race, gender and social class and how these categories are intertwined, exacerbating the Afro-descendant population's vulnerability.
9. In this regard, the IACHR has received information indicating that black LGBT persons are at higher risk of being subjected to police abuse, due to violence motivated by race and by sexual orientation and/or gender identity.¹⁰ For example:
 - One study in the **United States** found that compared to with cisgender persons, trans persons of color are six times more likely to experience physical violence at the hands of the police.¹¹
 - At a 2013 thematic hearing on the rights of Afro-descendant trans women in **Brazil**, the IACHR received troubling information regarding the high level of violence and excessive use of force against and numerous cases of arbitrary detention and torture, of Brazilian trans people of African descent.¹²

B. Over policing and racial profiling

10. In November 2020, the CERD stated that racial profiling is understood in the way it has been referred to in paragraph 72 of the Durban Programme of Action; that is "*the practice of law enforcement relying, to any degree, on race, color, descent or national or ethnic origin as the basis for subjecting persons to investigatory activities or for determining whether and individual is engaged in criminal activity*".¹³
11. In addition, the IACHR has affirmed that Afro-descendants in the Americas are subjected to selective detention, on the grounds of racial profiling¹⁴, unjustified police surveillance and negative interactions with the police, and to disproportionate arrest rates and over-representation of Afro-descendants in the criminal justice system. For example, the Working Group of Experts on People of African Descent¹⁵ has reported that:

⁸ Id. (citing, *inter alia*, IACHR, Report No. 64/12, Case 12.271, Merits, *Benito Tide Méndez et al.* (Dominican Republic), Mar. 29, 2012, para. 53); see also I/A Ct. H.R., *Hacienda Brasil Verde Workers v. Brazil*. Preliminary Objections, Merits, Reparations and Costs. Judgment of Oct. 20, 2016. Series C No. 318, paras. 334-341 (discussing structural discrimination against poor and Afro-descendant workers who performed forced slave labor at a plantation in Brazil for years with the knowledge and tacit consent of the State).

⁹ IACHR, Human Rights in the Dominican Republic (2015), § 92.

¹⁰ IACHR, Violence against LGBTI Persons, OAS/Ser.L/V/ II. rev.1, 2015, p. 192.

¹¹ *Ibidem*

¹² Global Rights and Rede Negra LGBT de Brazil, Human Rights situation of trans people decent in Brazil, 149^o Period of Sessions of the IACHR, October 29, 2013.

¹³ CERD, Preventing and Combating Racial Profiling by Law Enforcement Officials, CERD/C/GC/36, §18.

¹⁴ IACHR, Report No. 26/09 (Admissibility and Merits), Case 12.440, *Wallace de Almeida* (Brazil), 2009., § 61.

¹⁵ UN: Report of the Working Group of Experts on People of African Descent Mission to Panama, A/HRC/24/52/Add.2, 2013, § 63.; Report of the Working Group of Experts on People of African Descent Mission to Brazil, A/HRC/27/68/Add.1, 2014, §68.; Report of the Working Group of Experts on People of African Descent Mission to Ecuador, A/HRC/45/44/Add.1, 2020, §53.

- In **Panama**, the use of racial profiling resulted in an overrepresentation of people of African-descent in places of detention, both in centres of pretrial detention and among the convicted prison population.
 - In **Ecuador**, the use of racial profiling, led to the overrepresentation of people of African descent in detention. During the visit of the Working Group to Ecuador they identified that in a juvenile centre 90% of detainees were African-descent.
 - In **Brazil**, the Ministry of Justice informed that an estimated of 75 % of prison population is Afro-Brazilian.
- 12.** On this issue, the Special Rapporteur on Torture (SRT), reported that in 2014 about 67 % of **Brazil's** total prison population was classified as "black" or "mulatto". In addition, the SRT noticed that Afro-brazilians were at a significant higher risk of mass incarceration, police abuse, torture and ill-treatment, medical neglect, and being killed by the police.¹⁶
- 13.** In **Argentina** the experiences of people of African-descent with law enforcement indicate the prevalence of structural discrimination. Negative stereotypes of people of African- descent to the effect that they are dangerous, violent criminals involved in drug trafficking and sex work have contributed to excessive policing, resulting in selective and discretionary mechanisms for carrying out arbitrary detentions and investigations.¹⁷
- 14.** Also, in **Argentina** in 2017, a trend was identified whereby the Buenos Aires Metropolitan Police and Argentina Federal Police enforced profiling in identity checks on the streets which disproportionately affected migrants and people of African - descent.¹⁸
- 15.** The Inter-American Court on Human Rights (IACtHR) in a new judgment related to **Argentina** (issued in August 2020), condemned the use of racial profiling in the 1996 arrest of José Delfín Acosta Martínez, a black man who then died after being badly injured in police custody (he was criminalized for being completely intoxicated). The IACtHR concluded that the police had been motivated more by racial profiling than a real suspicion that a crime had been committed.¹⁹
- 16.** In **Panama**, concerns have been raised about institutionalized stereotypes and excessive policing in areas inhabited by people of African- descent. Racial profiling by law enforcement officials, through the use of "pele police".²⁰ Also, it has been reported that profiling is systemic practice, widely used as a selective and discretionary mechanisms for carrying out detentions and investigations.
- 17.** In the **United States** the New York Police Department "Stop, Question and Frisk" policy, introduced in 1990, which involves temporarily detaining, questioning, and at times searching civilians on the street for weapons. This policy has had a clear discriminatory impact on historically marginalized groups, including African Americans.²¹ For example, during the first quarter of 2017, 57% of those stopped were African American.

¹⁶ UN, A/HRC/ 27/68/Add. 1, Report of the Working Group of Experts on People of African Descent Mission to Brazil, 23 September 2014.

¹⁷ Committee on the Elimination of Racial Discrimination. CERD/C/ARG/CO/21-23 of 11 January 2017.

¹⁸ Text 7. Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on his mission to Argentina. A/HRC/RES/41/Add.1, 18 April 2017.

¹⁹ IACtHR, Judgement Case Acosta Martínez and Others vs. Argentina issued on 31 August 2020.

²⁰ Pele police are handheld electronic devices used by law enforcement officers to undertake verification and identification checks of individuals, usually on the streets.

²¹ Civil Rights Bureau of the New York State Attorney General's Office, Stop and Frisk Report of November 2013, Nov. 2013. "Stop and Frisk" is a policing tactic comprised of two separate acts that involve two different levels of justification. To stop a person, a police officer must have reasonable suspicion that the person has committed, is committing, or is about to commit an unlawful act. To frisk a person, the officer must have a reason to believe that the person stopped has a weapon that poses a threat to the officer's safety.

18. These patterns reveal a clear racial filter: skin color proves to be a major determinant of security forces intervention. For instance, in 2013, a service order was issued by the police in the city of Campinas, **Brazil** in which police officers were order to target "black" and "pardo" people when conducting searches in a wealthy neighborhood.²²
19. In **Colombia**, where some police units have the non- non-institutionalized practice of reaching a certain number of searches and arrests per day to have benefits or not to be punished (quotas). A former police officer interviewed by the NGO ILEX Acción Jurídica stated: "*Many times the quota was directed at people of African descent or if a crime or infraction of black person occurred, the entire community was sentenced and persecuted by the police unit*".²³

C. Use of Excessive force and police killings

20. The IACHR has reported the existence of policies of institutional violence targeting the Afro-descendent population in various countries in the hemisphere, mainly targeted to men who are young and poor. This institutional violence perpetuates patterns of existing discrimination, either generated by the absence or inefficiency of investigations and sanctions on the perpetrators, or by the violence undertaken by agents of the State, lacking knowledge of standards of proportionality, exceptionality, and necessity in the use of force²⁴, and in the context of the "war on drugs". As shown below, this demonstration of discrimination and racism goes beyond the disproportionated use of force.

a. Use of Excessive Force

21. The information gathered by the IACHR shows that Afro-descendant population has been affected by double victimization, as it has been excluded from the protection of the State's security forces.
22. As an example, in **Panama** people have been detained without a court order and without being informed of the reasons for their arrest. There have been also allegations of excessive use of force during arrest and detention. In October 2012, protest against the government plans to sell off State -owed land in the province of Colón, the police used tear gas and fired live rounds to disperse protesters. As a result, three people of Afro-descendant, including a 9 - year - old child and a woman died.
23. In **Colombia**, symbolic violence occurs in the use of insults such as "black", "ape", "tan", "slave", the expressions most often used by members of the police to refer to the Afro-descendant population. These expressions have dehumanizing connotations associated with intellectual inferiority and the "indelible" connection between being of African descent and slavery.²⁵
24. As regard the gender approach, experts have pointed out that when security forces interact with Afro-descendant men, treatment is aggressive; they insult and hit them. In **Brazil**, Afro-

²² Do UOL em Americana, Ordem da PM determina revista em pessoas "da cor parda e negra" em bairro nobre de Campinas (SP). See: <https://noticias.uol.com.br/cotidiano/ultimas-noticias/2013/01/23/ordem-da-pm-determina-revista-em-pessoas-da-cor-parda-e-negra-em-bairro-nobre-de-campinas-sp.htm?cmpid=copiaecola>

²³ ILEX, Acción Jurídica, Abuso Policial y Discriminación Racial hacia Afrodescendientes.

²⁴ IACHR, IACHR Expresses Deep Concern over Growing Violence against Afro-descendants in Brazil, Press Release, September 26 2018. See: http://www.oas.org/en/iachr/media_center/PReleases/2018/209.asp

²⁵ ILEX, Acción Jurídica, Abuso Policial, *op. cit.*

descendant face a probability 1.1% points higher than a white individual in the probability of suffering verbal aggression by the police.²⁶

25. On the other hand, in the case of Afro-descendant women, security forces humiliate them, hit them and subject them to sexual violence, even through sexual abuse before their respective partners.²⁷ In **Colombia**, the experience of young and adult black women in relation to police officers illustrates forms of discrimination based on gender and race. Women have reported sexual harassment and verbal intimidation committed by police officers based on stereotypes about black women's sexuality that reinforce social and racial imaginaries of Afro-descendent women and that reproduce the idea that Afro women's bodies are objects of appropriation and desire.²⁸
26. *Use of excessive force by private actors.* In **Brazil**, in November 2020, a 40 - year - old man, Joao Alberto Silveira Freitas, was repeatedly punched in the face and head by two security guards in a supermarket, the excessive use of towards Joao resulted in death.²⁹
27. On the use of force excessive committed by both state and private actors is worth highlighting that there is a strong link between discrimination, violence and due diligence.³⁰ Due to the State is obligated not only to abstain from violating rights and act with due diligence to prevent particular acts of violence, but also to remedy an underlying situation of discrimination and injustice. In the case of the excessive use of force committed by public and private actors States in the Americas have failure to act with due diligence to prevent violence against African-descendants constituting a form of discrimination and denial of equality before law.
28. In that sense, the IACHR has emphasized that it is essential not only to appropriately investigate, prosecute, and punish cases of police violence, but also "to modify [...] institutionalized stereotypes towards Afro-descendant[s]"³¹ in order to fulfill its duties to prevent and eradicate discrimination.

b. Police killings

29. In the region, **Brazil** has been noted as the country where the police kill more people of African-descent than in the U.S.³² According to an analysis published by the Brazilian Public Security Forum, almost eight out of 10 Brazilian police fatalities are of African-descent.³³
30. In the Brazilian context, the IACHR has had information on various acts of violence committed by State police forces, like the case of a 51 -year- old woman of African descent, who was seriously assaulted on July 12, 2020 by a police officer, the act was recorded in a video that shows the police officer stepping on her neck with the intention of immobilizing her. The same practice was noted in a video recorded in July 14, which shows four police officers violently boarding and chocking

²⁶ Inter-American Development Bank, *Race Differences in Police Violence and Crime Victimization in Brazil*, pp. 16.

²⁷ Amnesty International, *Picking up the pieces: Women's Experience of Urban Violence in Brazil* (2008), p. 38. <https://www.amnestyusa.org/wp-content/uploads/2017/04/amr190012008eng.pdf>

²⁸ ILEX, *Acción Jurídica, Abuso Policial y Discriminación Racial hacia Afrodescendientes*.

²⁹ BBC, *Killing of black man by guards at Brazil supermarket sparks protests*, 20 November 2020. See: <https://www.bbc.com/news/world-latin-america-55020915>

³⁰ IACHR, Report No. 80/11, *Jessica Lenahan* (2011); Report No. 28/07, *Gonzalez et al.* (2007); I/A Ct. H.R., *Cotton Field*, Series C No. 205 (2909); IACHR, Report No. 54/01, *Maria da Penha* (2001).

³¹ IACHR, *People of African Descent in the Americas*, 2011, §162.

³² BBC, *Muerte de George Floyd: el país latinoamericano donde la policía mata a más negros que en Estados Unidos*, 03 Junio 2020. See: <https://www.bbc.com/mundo/noticias-america-latina-52911312>

³³ BBC, *Muerte de George Floyd: el país latinoamericano donde la policía mata a más negros que en Estados Unidos*, 03 Junio 2020. See: <https://www.bbc.com/mundo/noticias-america-latina-52911312>

Jefferson André da Silva, a 23-year-old African -American motorcycle rider as part of a protest for better working conditions.³⁴

31. In **Rio de Janeiro**, of the 1,075 victims of police killings - between January and July 2019-, 80% were black (75% higher than the national percentage). The total corresponds to twice as many deaths by the United States police in the same period.³⁵
32. In **Brazil**, the government's current operating logic sees the afro-descendant population in general as dangerous or in opposition. As a result, in 2019, police shot and killed five children under the age of 12 and 43 teenagers between the ages of 12 and 18, in the favelas of Rio de Janeiro. One of those killed was 14-year-old African - American João Pedro Mattos. He was hit by one of the 72 shots fired by police near his home in Complexo do Salgueiro last May.³⁶
33. In the case of **Colombia**, at least three young Afro-Colombian men have been killed by the police. On August 24, Harold Morales, a 17-year-old Afro-Caribbean man died after being shot in the back by a police officer. On May 21, Anderson Andrés Arboleda, 19, died after being brutally beaten by police in Puerto Tejada, Cauca. On September 9, Julian Mauricio Gonzalez, 27, died after being shot twice in the abdomen by police amid protests against police abuse in Bogotá.³⁷
34. In **Ecuador**, on August 23, 2018, in the rural Afro-Ecuadorian community of Mascarilla, 180 kilometers north of Quito, Ecuador, a 24-year-old Afro-Ecuadorian Andres Padilla Delgado was shot in the back of the head by an Ecuadorian national police officer.
35. In September 2019, in **Nicaragua**, the death of a young black man, Evans Taylor Joseph, was publicly denounced. The police beat Joseph, later while he was being chased, he jumped into the sea and drowned. The police officers did not rescue Joseph and only mocked him.³⁸
36. *COVID-19*. In the context of COVID-19, the IACHR has called **Brazil** to adopt a security policy with a citizen focus, as well as to combat and eradicate the historical structural discrimination that result in disproportionate patterns of institutional violence against people of African descent and those exposed to poverty and extreme poverty. According to data from the Brazilian Security Forum, from January to April 2020, there was a 31% increase in police lethality in the State of Sao Paulo compared to the same period in 2019, with 381 deaths reported at the hands of security agents in that period in 2020. In the State of Rio the Janeiro alone, according to data from the Public Safety Institute (ISP), the period from January to April 2020 saw an increase of approximately 9% in the police fatality rate, with 612 events.³⁹
37. In **Colombia**, on May 19 a 19-year-old Afro-descendant, Anderson Arboleda was beaten outside his home by local police officers for breaking the quarantine curfew. He was hit multiple times on

³⁴ IACHR, IACHR condemns violent police actions in Brazil and urges it to adopt measures to combat social and racial discrimination, Press Release, 2 August 2020. See: http://www.oas.org/en/iachr/media_center/PReleases/2020/187.asp

³⁵ DW, A violencia policial contra negros como política de Estado no Brasil, <https://www.dw.com/pt-br/a-violencia-policial-contra-negros-como-pol%C3%ADtica-de-estado-no-brasil/a-53729007>

³⁶ The Guardian, Black lives shattered: outrage ad boy 14, is Brazil police's latest victim, 18 May 2020. See: <https://www.theguardian.com/world/2020/jun/03/brazil-black-lives-police-teenager>

³⁷ UF, Foro: la brutalidad policial y los afrodescendientes en America Latina, 01 October 2020. See:

<http://www.latam.ufl.edu/calendar/events/2020/foro-la-brutalidad-policial-y-los-afrodescendientes-en-america-latina.php>

³⁸ La Vanguardia, Denuncian a Policía de Nicaragua por ahogamiento joven que les pidió auxilio, 29 September 2019. See: <https://www.lavanguardia.com/vida/20190924/47622075637/denuncian-a-policia-de-nicaragua-por-ahogamiento-joven-que-les-pidio-auxilio.html>

³⁹ IACHR, IACHR condemns violent police actions in Brazil and urges it to adopt measures to combat social and racial discrimination, Press Release, 2 August 2020. See: http://www.oas.org/en/iachr/media_center/PReleases/2020/187.asp

the head with a baton and tear-gassed, Anderson was pronounced dead to brain death on the following day in Cali.⁴⁰

C. Measures to address the problem taken by States in the Americas

38. Some States of the region have developed the following measures to address the excessive use of force related to discriminatory patterns:

- In some states of **Mexico** criminal legislation include racial discrimination as an aggravating circumstance in crimes such as homicide and injuries, with sanctioned conduct carrying a suspended sentence of two to three years for civilians and of two to four years for public servants, as well as life time ban on serving in public office.
- In **Ecuador**, the Comprehensive Organic Criminal Code, which has been in force since 2014, includes articles 176 and 177 under which acts of racial discrimination and hate crimes are criminalized as offences punishable by one to three year's imprisonment.
- In 2019, **Mexico** issued the National Law on the Use of Force⁴¹ that sets out how and when security forces, such as police and national Guard, can use force. Nevertheless, the law does not restrict the use of lethal force, neither specifies how and when weapons can be use, also the law does not require that minimum force is used. The Law provides that the training received by the agents will consider the national and international standards related to human rights and non-discrimination among others.
- In Rio de Janeiro, **Brazil**, a temporary measure issued by the Federal Supreme Court banned police operations in favelas during the course of the COVID-19 pandemic, resulting in a 72% reduction in deaths occurring in the context of police operations in these communities.⁴²
- In **Argentina**, starting 2018, the programme against institutional violence of the Office of the Public Defender was intensified, monitoring and documenting the repeated arrests of street vendors (mostly from Senegalese origin) in Buenos Aires; and has identified that the manner of those arrests could imply that the Buenos Aires police are carrying out arbitrary arrests of street vendors. According to the information, such arrest often involved violence, resulting in injuries, in some cases severe, such as broken bones or deep cuts.⁴³
- In the **United States**, the Maryland's Baltimore County Police Department are constructing a public dashboard of all complaints⁴⁴ made against officers, use of force incidents, and traffic stops, and will include demographic data. In New Orleans a Resolution⁴⁵ was passed to task the city's Independent Police Monitor to create a public database to provide "comprehensive data on the use of force and disciplinary action for law enforcement officers".
- In the **United States**, the President Obama's Task Force recommendation regarding the use of force, included creating agency use of force policies for training that emphasizes the use of less lethal technologies, de-escalation, and alternatives to arrest or summons in situations where appropriated.⁴⁶

⁴⁰ The Bogota Post, Black Lives Matter comes to Colombia, 23 June 2020. See: https://thebogotapost.com/black-lives-matter-comes-to-colombia/46928/?fbclid=IwAR3SbSZ0r5eJk_0kHDcFhujiFwt2Gj9q6KtNiZY4GEPqMiCn7psYXfXac

⁴¹ Cámara de Diputados, Ley Nacional sobre el Uso de la Fuerza. See: http://www.diputados.gob.mx/LeyesBiblio/pdf/LNUF_270519.pdf

⁴² Supremo Tribunal Federal, Tutela Provisória Incidental na Medida Cautelar na argüição de descumprimento de preceito fundamental 635 Rio Janeiro. See: <http://www.stf.jus.br/arquivo/cms/noticiaNoticiaStf/anexo/ADPF635DECISaO5DEJUNHODE20202.pdf>

⁴³ Ministerio Público de la Defensa República Argentina, Informe Anual 2019. See: <https://www.mpd.gov.ar/index.php/publicaciones-violencia-institucional/5201-informe-anual-2019>

⁴⁴ Fox news, Police reform initiatives unveiled in Baltimore County, 12 June 2020. See: <https://foxbaltimore.com/news/local/baltimore-county-executive-police-chief-announce-new-police-reform-initiatives>

⁴⁵ New Orleans City Council, New Orleans City Council calls for new public database on police misconduct, 18 June 2020. See: <https://council.nola.gov/news/june-2020/new-orleans-city-council-calls-for-new-public-data/>

⁴⁶ COPS, Final Report of the President's Task Force on 21st Century Policing, May 2015, Recommendations 2.2.1, 3.6. See: https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf

Recommendations:

a. Data collection

In order to establish, evaluate, and understand the magnitude and principal modalities of police violence, patterns and practices against certain groups and for ensuring accountability it is recommended to:

- Collect official statistics on police violence in a systematic, rigorous, transparent and disaggregated manner.
- Disaggregate the information to distinguish between the context of use of force incidents (i.e. at public demonstrations, regular policing activities, and states of emergency); actors involved, weapons used, rights violated, and circumstances of time and place.

b. Training and hiring processes

- Design and implement rigorous and transparent processes for selecting personnel, together with offer a fair and competitive salaries and labor and social benefits that make possible to identify and hire officers who have appropriate moral, psychological and physical qualities for the effective exercise of their functions.
- Periodically reviewed training programs and operational procedures. The CERD has additionally stated that law enforcement officials should be trained "to ensure that in the performance of their duties they respect as well as protect human dignity and maintain and uphold the human rights of all persons without distinction as to race, color, or national or ethnic origin".⁴⁷

⁴⁷ CERD, General Recommendation XIII on the training of law enforcement officials in the protection of human rights. U.N. Doc A/48/18, 1993, para. 2.