

Police Brutality as Human Rights Violation: A Study Case of Black Lives Matter

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ABSTRACT

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Today's unresolved human rights issue is racial misbehavior and police brutality in all of its manifestations. The United States of America stands as a horrifying example of a State that has failed to protect its citizens against bigotry. This has been especially visible in recent years, with several incidents of unjustified police shootings of African-Americans culminating in the formation of the global movement known as "Black Lives Matter," abbreviated as BLM, which began quietly as a Twitter hashtag. Thus, this study addressed how the legal enforcement against police brutality in the case of Black Lives Matter in the US in regards to human rights violations based on international human rights perspective. The author employed normative research in this study which focuses on library (literature) studies and emphasizes reading and analyzing resources. The result showed that police brutality against Black people is common in the US. Despite the fact that the US has considered regulatory frameworks that establish standards that address discriminatory racial practices in the targeting and killing of unarmed Black boys and men, the implementation of police brutality protection in the US has yet to be effective and thorough. As a result, national action is required to address this issue. There is an urgent need for top management and institutions to step up their supervision of police behavior in order to address the abuse of power by some police forces.

1. INTRODUCTION

Today's unresolved human rights issue is racial misbehavior and police brutality in all of its manifestations. Despite progress in the area of international legal rules, norms, and principles to observe the different types and forms of harm both publicly and privately, progress in reducing racial violence against specific races by certain government officials has been slow. Despite the existence of a global treaty prohibiting racial discrimination and torture, nations continue to spread and tolerate racism with impunity, and actions of discrimination are still frequent.

Hence, the United States of America (hereinafter referred to as the US) stands as a horrifying example of a State failing to protect its citizens against bigotry. This has been especially visible in recent years, with several incidents of unjustified police shootings of African-Americans. The killing of young black Michael Brown in 2014 by Darren Wilson, a white Missouri policeman, provoked worldwide outrage, protests, and action. Following that, the public's attention was attracted to the murders of other Black people, such as Eric Garner and Michael Brown. Some claimed that their deaths were motivated by racial prejudice. Others said that their deaths had nothing to do with race and that the "real" victims were the officers.¹ Regardless, their deaths are a form of human rights violation.

This heinous cycle of police brutality, public outrage, government promises of justice, and final failure to prosecute or even indict continues, culminating in the formation of the global movement known as "Black Lives Matter," abbreviated as BLM, which began quietly as a Twitter hashtag.² Patrice Cullors, Alicia Garza, and Opal Tometi—activists from California and New York—created the #BlackLivesMatter hashtag in 2013 in protest of George Zimmerman's trial in Trayvon Martin's killing.³ The actual importance of the slogan as a call to arms for a new movement became clear in 2014, amid protests against additional acts of police abuse and further spread along in the aftermath of tragedies and a lack of accountability for the officers involved. The hashtag then made its way from media platforms to the streets.

As a result, during the last decade, the issue of human rights breaches has become increasingly serious on the world scene. Racial prejudice by the cruelty of the cops, which leads to the deaths of many individuals, is unquestionably a form of human rights violation. It must be highlighted that the Universal Declaration of Human Rights (hereinafter referred to as UDHR), which has been ratified by all governments throughout the world, has determined that everyone is subject to fundamental human rights. Everyone has the right to life, liberty, and personal security, according to Article 3 of the Universal Declaration of Human Rights.⁴ This article claims that international law has recognized the enforcement of individual human rights, specifically the right to life. Individual human rights include not only the right to life but also the freedom from discrimination, the freedom from slavery, the freedom from torture, and many other rights enshrined in the UDHR. Additionally, the world community had enacted and signed the Convention

¹ Nikita Carney, "All Lives Matter, but so Does Race: Black Lives Matter and the Evolving Role of Social Media," *Humanity & Society* 40, no. 2 (2016): 180–99.

² Candice LaShara Edrington and Nicole Lee, "Tweeting a Social Movement: Black Lives Matter and Its Use of Twitter to Share Information, Build Community, and Promote Action," *The Journal of Public Interest Communications* 2, no. 2 (2018): 289–306.

³ Jelani Ince, Fabio Rojas, and Clayton A Davis, "The Social Media Response to Black Lives Matter: How Twitter Users Interact with Black Lives Matter through Hashtag Use," *Ethnic and Racial Studies* 40, no. 11 (2017): 1814–30.

⁴ Article 3 of Universal Declaration of Human Rights.

Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment under the United Nations (UN).

The BLM cases are unquestionably violations of human rights. The practice of police violence had breached both international and domestic law. Even worse, in the majority of BLM prosecutions, the decision found the accused human rights offenders not guilty. Outside the courts, however, many people believed the rulings were a miscarriage of justice.⁵ The judgment not only dominated newspapers, television programs, and tabloids but also sparked fierce debate on social media. Not only was such protection not provided, but the judicial process in the courts had become an inescapable concern. As a result, these problems were addressed in international law. Despite the fact that international law compels all nations to offer proper remedies for legal violations, the US has failed to give such protection to black victims of police brutality until now.

2. RESEARCH METHOD

The research was a normative study. Accordingly, the research focused on library (literature) studies and emphasized reading and analyzing resources. The research approach employed in this work was qualitative research.

3. RESULTS AND DISCUSSION

3.1. Police Brutality

Police brutality may be seen all throughout the world, and historically, it can be traced all the way back to the late 17th century in France, the US, and the United Kingdom. The word first appeared in America in 1872, when the Chicago Tribune revealed a civilian assault at the Harrison Street police station.⁶ The word refers to creating cognitive and emotional suffering to members of the public by inflicting injuries and employing intimidation methods beyond the bounds of legally sanctioned police protocol.

The use of excessive force by police on citizens when such force is unjustified, such as severe beatings and unlawful shootings, is classified as police brutality.⁷ Hence, Walker describes police violence as “the use of extreme physical force or verbal assault, as well as psychological intimidation.”⁸ Similarly, in their study, Magaloni and Rodriguez describe police brutality as characteristics of police misbehavior such as authoritarian

⁵ Garrett Chase, “The Early History of the Black Lives Matter Movement, and the Implications Thereof,” *Nevada Law Journal* 18 (2017): 1091–1112.

⁶ F T Abiodun et al., “Unlawful Killings of Civilians by Officers of the Special Anti-Robbery Squad (SARS) Unit of the Nigerian Police in Southwest Nigeria: Implications for National Security,” *African Journal of Law, Political Research and Administration* 3, no. 1 (2020): 49–64.

⁷ Andrea J Ritchie and Joey L Mogul, “In the Shadows of the War on Terror: Persistent Police Brutality and Abuse of People of Color in the United States,” *DePaul J. Soc. Just.* 1, no. 2 (2007): 175–250.

⁸ April Walker, “Racial Profiling-Separate and Unequal Keeping the Minorities in Line-the Role of Law Enforcement in America,” . . *Thomas L. Rev.* 23, no. 2 (2010): 576–619.

personalities, prejudices, sexism, racism, and cynicism.⁹ This is consistent with the growing amount of academic papers on police brutality, which has found that Black people are more likely than Whites to be victims of police brutality. As a result, police misbehavior and brutality have been identified as a factor contributing to dehumanization experiences for people of color and ethnic minorities.¹⁰

Edwin contends in his thesis that police misbehavior and violence take different forms and have a multitude of reasons.¹¹ First, there is the policing subculture. Second, public disobedience to police orders. For example, when people refuse to follow government commands, they end up becoming victims of police brutality as a result of their refusal to follow police orders. Third, there is corruption and bribery, in which the wealthy pay police officers to bother and harass the poor in order to benefit the wealthy. Fourth, the police arrive to regain control, and due to community insolence, they employ outrageous violence to restrain and disperse public members. Finally, rather than providing equal treatment and fairness for all members of the public, police show bias and racism toward the public.

Police brutality has occurred and continues to occur in countries all over the world, and it is a major source of concern for both the general public and law enforcement. It is a type of extrajudicial killing, often known as extrajudicial execution without due process of law. Finally, police brutality is described as the overuse of force, including the practice of extreme force by police officers against citizens while upholding the law and carrying out their official duties. It is certainly violent, terrifying, inappropriate, and unjust, as well as inhuman in the human sense.

3.2. Black Lives Matter Case

The killing of Trayvon Martin by George Zimmerman is the first case that plays as the catalyst for the Black Lives Matter movement. On the evening of February 26, 2012, Martin was walking through a Sanford, Florida neighborhood wearing a sweatshirt and having only a soft drink and some chocolates.¹² Zimmerman, a neighborhood watch volunteer, suspected Martin of being suspicious and called the police. Despite being told to step back and keep his distance, Zimmerman instigated a confrontation that evolved into a brawl and culminated with him shooting Martin dead, despite the fact that Martin

⁹ Beatriz Magaloni and Luis Rodriguez, "Institutionalized Police Brutality: Torture, the Militarization of Security, and the Reform of Inquisitorial Criminal Justice in Mexico," *American Political Science Review* 114, no. 4 (2020): 1013–34.

¹⁰ Cheryl N Grills, Enola G Aird, and Daryl Rowe, "Breathe, Baby, Breathe: Clearing the Way for the Emotional Emancipation of Black People," *Cultural Studies? Critical Methodologies* 16, no. 3 (2016): 333–43.

¹¹ M R Kipsiran Mengich Edwin, "Determining Factors Leading to Police Brutality; A Research Study of Moiben Division, Uasin Ngishu County," 2018.

¹² Angela Onwuachi-Willig, "Policing the Boundaries of Whiteness: The Tragedy of Being Out of Place from Emmett Till to Trayvon Martin," *Iowa L. Rev.* 102 (2016): 1113–85.

had done nothing wrong. As a result, many Americans were shocked when Zimmerman was found not guilty on all counts of Martin's death.

The BLM movement gained pace after a subsequent string of black male killings that happened as a result of the real commission. Black Lives Matter protested the killings of many African Americans by police in 2014, notably Eric Garner, Ezell Ford, and Michael Brown. Eric Garner was killed when a New York City Police Department officer used a dangerous stranglehold on him.¹³ Witnesses said Garner shouted again, "I can't breathe," before being killed. While in California, the Ezell Ford case, in which police officers shot him, ended in a court ruling that, despite the fact that the policemen had no grounds to halt Ford and that force was warranted, the officers were not penalized.¹⁴ Hence, officer Darren Wilson, who shot to death Michael Brown in Ferguson, Missouri, in 2014, was neither indicted nor convicted.¹⁵

In the spring of 2020, the world was reminded once more that police officers frequently threaten Black lives as though they were disposable. Breonna Taylor was killed at her apartment in Louisville, Kentucky, on March 13, by police officers executing a no-knock warrant.¹⁶ Taylor's boyfriend fired a warning shot as a deterrent, believing the plainclothes police officers were robbers. The policemen then fired 32 rounds into the residence, killing the innocent Taylor. There were no cops charged with her death. Another case is George Floyd was arrested on May 24 for attempting to use a counterfeit \$20 bill. During the arrest, Minneapolis police officer Derek Chauvin held Floyd to the ground for more than eight minutes, placing his knee on Floyd's neck.¹⁷ Floyd begged the cop and yelled, but to no effect, he died later as a result of injuries acquired during the arrest. Then, among other things, Chauvin was charged with second-degree murder, and the officers there were charged with conspiracy to commit murder.

Not to mention the deaths of several African Americans by police activities from 2015 to 2017, including Tony Robinson, Jonathan Sanders, Anthony Hill, Eric Harris, Walter Scott, Corey Jones, Freddie Gray, Jamar Clark, also Alton Sterling, Abdirahman Abdi, Paul O'Neal, Sylville Smith, and Deborah Danner.¹⁸ These and other public and

¹³ BBC. (2019). "Eric Garner: NY Officer in 'I Can't Breathe' Death Fired." Accessed from <https://www.bbc.com/news/world-us-canada-49399302> on December 25th, 2021 at 06:05 pm.

¹⁴ Johanna Solomon and Adam Martin, "Competitive Victimhood as a Lens to Reconciliation: An Analysis of the Black Lives Matter and Blue Lives Matter Movements," *Conflict Resolution Quarterly* 37, no. 1 (2019): 7–31.

¹⁵ Ikedi O Onyemaobim, "The Michael Brown Legacy: Police Brutality and Minority Prosecution," *Geo. Mason UCRLJ* 26, no. 2 (2015): 157.

¹⁶ Brandon Hogan et al., *The Movement for Black Lives: Philosophical Perspectives* (Oxford University Press, 2021).

¹⁷ Oscar Holmes IV, "Police Brutality and Four Other Ways Racism Kills Black People," *Equality, Diversity and Inclusion: An International Journal* 39, no. 7 (2020): 803–9.

¹⁸ Al Jazeera. (2012). "Know Their Names: Black People Killed by the Police in the US." Accessed from <https://interactive.aljazeera.com/aje/2020/know-their-names/index.html> on December 20th, 2021 at 12:22 am.

recurring shootings of Black and African-American people by police officers spurred Black Lives Matter to become an international movement.

3.3. International Human Rights Protection against Police Brutality

Human rights are usually regarded to be the rights that one has just by virtue of being human, in the most literal sense of the term. Human rights are fundamental rights that apply to everyone, regardless of origin, skin tone, faith, language, or other traits. Individuals have equal human rights and are not discriminated against. These are integrally interrelated, interconnected, and indivisible rights.¹⁹ Human rights are also inalienable rights because being human or not being human is widely seen as an irreversible fact of nature rather than something that can be gained or lost.²⁰ Human rights do not have to be earned, nor can they be restricted, save under the conditions prescribed by the constitution, or (in the case of special rights) during times of national emergency.²¹

Human rights are thus “universal” rights in the sense that they are “universally” held by all humans. Conventions, customary international law, general rules, and other international legal sources are commonly employed to express and protect universal human rights. The notion of human rights universality serves as the foundation of international human rights legislation. This doctrine, first acknowledged in the 1948 Universal Declaration of Human Rights (hereinafter referred to as the UDHR), has been reaffirmed in a number of international human rights treaties, declarations, and resolutions, including the 1966 International Covenant on Civil and Political Rights (ICCPR) and the 1966 International Covenant on Economic, Social, and Cultural Rights (ICESCR). All governments have ratified at least one, if not more, of the basic human rights treaties, indicating State assent that sets legal responsibilities for them and gives real form to universality.

The notion of human rights is addressed for the very first moment in The French Declaration of the Rights of Man and of the Citizen, which was founded in 1789, but the concept of inherent dignity had existed for a long time before that.²² The Great Charter of the Liberties of England (1215), the English Bill of Rights (1689), and the American Bill of Rights (1791) were all significant milestones along the way. Accordingly, the modern human rights movement may be traced back to the era of the Second World War.²³ The horrors of totalitarianism and the Second World War brought in a major

¹⁹ N Zerkina, N Kostina, and S Pesina, “Concept «Human Rights» and Its Cognitive, Discursive, Contextual and Historical Characteristics,” *Procedia-Social and Behavioral Sciences* 192 (2015): 475–80.

²⁰ Doris Schroeder, “Human Rights and Human Dignity,” *Ethical Theory and Moral Practice* 15, no. 3 (2012): 323–35.

²¹ Rhoda E Howard-Hassmann, “Human Security: Understanding Human Rights,” *Hum. Rts. Q.* 34, no. 1 (2012): 88–112.

²² Donnelly, Jack. (2015). “Normative versus Taxonomic Humanity: Varieties of Human Dignity in the Western Tradition.” *Journal of Human Rights*. 14(1): 1–2

²³ Jack Donnelly and Daniel J Whelan, *International Human Rights* (Routledge, 2020).

breakthrough in the establishment of the human and civil liberties foundation; on December 10, 1948, the UN General Assembly published the UDHR.

The UDHR's content, "all persons born and free and equal in dignity,"²⁴ and "no one shall be subjected to torture or violent, inhuman, or cruel punishment,"²⁵ had become one of the basic concepts that later gave birth to many treaties that regulate specific human rights issues, most notably the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (hereinafter referred as CAT). The CAT was approved in December 1984, went into force in June 1987, and it has been ratified by 173 parties.²⁶ It appears to require each signatory to carry integrated national laws that make torture a criminal offense, and each State asserts jurisdiction when the crime is committed within its own territory, or if the perpetrator or victim is a citizen of that State, or even if the offender is prevalent in its territory (if the signatory does not extradite the perpetrator for such reason).

The CAT, along with many other international legal instruments, is made on the basis of international institutions and individual State obligations to the treaty.²⁷ Enforcement methods, in particular, rely significantly on domestic restriction, investigation, and punishment of torture by States. The CAT urges participants to give reasonable security to ensure cruelty from appearing everywhere within their borders, to find a way to stop torture if one does occur, and to offer compensation to torture victims. This even requires parties to take active steps to prevent future torture, including such updating their national penal laws that include heavy penalties for torture, participation in torture, and planned torture.

The police abuse act is a kind of torture, despite the fact that there is no unique treaty that governs police brutality expressly, but the action of police brutality is implicitly controlled in the Convention. The CAT defines torture based on its consequences and the torturer's intent rather than any specific practices, tactics, or equipment. Torture, according to Article 1 of the CAT, is any intentional cause of severe harm on an individual, whether physically or mentally.²⁸

Hence, according to the CAT, international human rights law demands that police deaths and ill-treatment be adequately investigated and that personnel responsible for illegal activities be tried and convicted. If the allegation involves the right to life, torture, or cruel and humiliating treatment by police, there is a human rights requirement to

²⁴ Article 1 of The Universal Declaration of Human Rights.

²⁵ Article 5 of The Universal Declaration of Human Rights.

²⁶ James R Hollyer and B Peter Rosendorff, "Why Do Authoritarian Regimes Sign the Convention against Torture? Signaling, Domestic Politics and Non-Compliance," *Signaling, Domestic Politics and Non-Compliance (June 1, 2011)* 6 (2011): 275–327.

²⁷ Samuel Fuller, "Torture as a Management Practice: The Convention Against Torture and Non-Disciplinary Solitary Confinement," *Chi. J. Int'l L.* 19, no. 1 (2018): 102–44.

²⁸ Article 1 of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

conduct an independent, impartial, and timely inquiry. According to the CAT, an inquiry should be undertaken by the complaint mechanism when it receives a complaint²⁹ or on its own initiative where there are reasonable reasons to think that an act of torture or arbitrary death has occurred.³⁰ This is based on Article 13 and Article 12, which stated that “each State Party shall guarantee that every person who alleges he has been subjected to torture in any territory within its jurisdiction has the right to complain to, and have his case promptly and impartially investigated by, its national authorities. Steps must be made to safeguard the complainant and witnesses from any ill-treatment or intimidation because of his complaint or any evidence provided” and “each State Party shall guarantee that its local authority conducts a prompt and fair investigation, anywhere there is a justifiable reason to assume that an act of torture has been involved in any territory subject to its jurisdiction” respectively.

Furthermore, international law demands, in general, that the investigation for such police action be effective, complete, and impartial, as well as timely and transparent. The European Court of Human Rights has established five fundamental elements for the proper examination of police misconduct accusations.³¹ The first need is independence, which means that there must be no institutional or hierarchical ties between the investigators and the officer who becomes the target of the accusation, resulting in true, practical separation. The second characteristic is sufficiency, which indicates that the inquiry ought to be able to gather information to establish if the police behavior reported of was unconstitutional, as well as identifying and punishing individuals guilty. The third factor is promptness, which means that the inquiry should be completed as soon as possible in order to regain trust in the rule of law. Fourth, in order to ensure accountability, protocols and choice must be clear and transparent to the public. Finally, victim engagement implies that the complainant should be active in the complaints procedure to protect their legitimate interests.

3.4. Legal Enforcement of Police Brutality in the US

Given the fact that some laws have been enacted in the US to safeguard the police wrongdoing, one of the most contentious issues confronting the country today is the perception that police officers have consistently acted in an abusive and corrupt manner, particularly in their interactions with members of minority groups. There is no disputing that race continues to have an impact on the lives of numerous brown and black people in America today—unless, of course, you are white. Although this remark may appear

²⁹ Article 13 of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

³⁰ Article 12 of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

³¹ Jonny Byrne and William Priestley, “Police Oversight Mechanisms in the Council of Europe Member States (2017),” 2015.

harsh, the fact is that 50 years after the Civil Rights Act of 1964 and more than 150 years after the Emancipation Proclamation in 1863, many minorities claim that racial relations among whites and minorities have either remained unchanged or worsened.³²

The United States signed the Convention on April 18, 1988, and ratified it on October 21, 1994, subject to certain declarations, reservations, and understandings.³³ The Senate's approval to ratification of CAT were conditional on the pledge that the Convention was not self-executing, which meant that instituting regulation was needed to fulfill the US' international obligations under CAT, and other such effective implementation laws was required for CAT to be offered domestic effect. Furthermore, the US regarded itself obligated by Article 16 of the CAT to the degree that such cruel, unusual, and inhuman treatment or punishment was forbidden by the US Constitution's Fifth, Eighth, and/or Fourteenth Amendments.³⁴ The Fourth Amendment to the US Constitution bans illogical searches and seizures, while the Fifth Amendment protects persons against subconscious and forfeiture of life, freedom, or possessions without a fair trial. Hence, the Eighth Amendment prohibits harsh and inhumane penalties.

Aside from incorporating the CAT's provisions into its Constitution, the US has also prohibited torture, notably police brutality, under its federal legislation. Title 18 of the US Code, Title 6 of the Civil Rights Act, and The Americans with Disabilities Act all contain provisions that can protect American people against police brutality or help civilians in pursuing lawsuits against law enforcement if such crimes occur (hereby referred as ADA). The US Code makes it unlawful for criminal justice system to obstruct civilians from exercising or expressing any of their guaranteed rights on purpose under 34 US Code § 12601, which states, "It is prohibited for any governmental authority, or other agency thereof, or other personnel involved on its account, to participate in a structure or conduct of behavior by law enforcement personnel, authorities, or employees of any government entity with restraining powers."³⁵

Hence, the clause in the US Code implies that this provision can be used to a wide range of police brutality, including intimidation, excessive fatal force, sexual assault, excessive physical force, and the inappropriate use of pepper spray. Furthermore, the Civil Rights Act prohibited municipal and State law enforcement personnel from discriminating against residents based on their race, citizenship, gender, or religious

³² David G Embrick, "Two Nations, Revisited: The Lynching of Black and Brown Bodies, Police Brutality, and Racial Control in 'Post-Racial' Amerikkka," *Critical Sociology* 41, no. 6 (2015): 835–43.

³³ Penny M Venetis, "Making Human Rights Treaty Law Actionable in the United States: The Case for Universal Implementing Legislation," *Alabama Law Review* 63, no. 1 (2011): 97–160.

³⁴ Kristina Daugirdas and Julian Davis Mortenson, "United States Announces" Changes and Confirmations" in Its Interpretation of the UN Convention Against Torture," *American Journal of International Law* 109, no. 1 (2015): 191–96.

³⁵ 34 United States Code § 12601.

affiliation. In addition, Title II of the ADA and Section 504 of the Rehabilitation Act of 1973 ban handicap discrimination.

Further, at the federal level, Sections 241 and 242 of Title 18 continue to be the primary instruments used by the US Department of Justice to punish police officers who misuse their authority.³⁶ Furthermore, 18 USC § 242 authorizes federal prosecution of municipal, State, or federal authorities accused of violating the rights of others under color of law.³⁷ However, criminal prosecution of police personnel charged with crimes or abuse of authority remains uncommon, both in State and federal courts. This is due in part to a shortage of resources as well as the factual burden that the alleged policeman's particular aim to abuse a constitutionally civil right be shown beyond a reasonable doubt.

Even though various laws have been enacted to address the issue of police brutality, many people think that these laws have not been fully implemented in the US. In principle, police personnel can face charges ranging from aggravated assault to second-degree murder for violence against civilian suspects. In practice, however, cops are seldom tried for such offenses, and when they are, the officers are frequently acquitted. Between 2005 and 2014, 47 cops were accused (including officers from Baltimore, Maryland, Cincinnati, Ohio, North Charleston, South Carolina, and Portsmouth, Virginia), but only 11 were convicted.³⁸ As a result, it may be stated that law enforcement is still lacking in practice.

Thus, the implementation of police brutality protection in the United States is not yet effective or comprehensive. In the majority of cases, the culprits are not prosecuted. Especially in the case of BLM, when the victims look unconcerned, yet cops continue to hurt them till they die. Even in incidents involving the murder of unarmed individuals, police personnel are frequently absolved of guilt and held accountable for their conduct.

Despite the fact that the US has considered government legislation that sets the rules in policing practices that recognize racial discrimination and prejudice in the targeting and killing of innocent Black boys and men, State-level action does not encompass governmental oversight for training, best practice standards, and compliance regarding racial discrimination in policing. Furthermore, the Justice Department must decrease the standard and weight of proof in civil rights prosecutions that may result in the conviction of police who participate in racial profiling, abuse of authority, and reckless homicide.

³⁶ Corinthia A Carter, "Police Brutality, the Law & Today's Social Justice Movement: How the Lack of Police Accountability Has Fueled# Hashtag Activism," *CUNY Law Review* 20, no. 2 (2016): 521–57.

³⁷ Adam Harris Kurland, "The Enduring Virtues of Deferential Federalism: The Federal Government's Proper Role in Prosecuting Law Enforcement Officers for Civil Rights Offenses," *Hastings Law Journal* 70, no. 3 (2019): 771–849.

³⁸ Carter, *Op.Cit.*

Given the considerable authority vested in the police, it is critical that every democratic country have a police organization that works for its benefit and not against it. The police must be held accountable for utilizing their authority to enforce the law in a fair and completely justifiable manner. As a result, police violence against People of color is nothing new in the US. Failure to secure the responsible police implies to officers that they are unstoppable, and it gives the signal to children and other vulnerable groups that they are shielded from the reckless conduct and abuse of policemen or other officials.

Furthermore, a lack of national action and a refusal to hold police accountable contribute to the continuing indiscriminate deaths of unarmed African Americans. Certainly, this is a national issue that transcends families and communities. It is critical that the country protects Black children, like other children, from the psychological harm caused by the anxiety and actual or perceived danger of premature murder at the end of police or from police-inflicted violence. In addition, there is an urgent need for senior management and institutions to step up their supervision of police behavior in order to address the abuse of authority by some members of the police force. Additionally, during the orientation period of their induction into the police service, additional academic instruction on how to interact with the general public on problems that might harm the force's image should be provided. Police officers should be well-versed in all aspects of their duties, including their obligations and accountability.

4. CONCLUSION

International Law had regulated human rights in its most fundamental treaty, the Universal Declaration of Human Rights. It governs the notion that human rights are universal. Moreover, many other conventions, customary international law, general rules, and other international legal sources are commonly employed to express and protect universal human rights. These laws are also supported by the birth of many human rights-based institutions. One of the international law products to protect human rights is the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

Hence, police brutality against Black people is not new in the US. Despite the fact that the US has considered regulatory frameworks that establish standards to address discriminatory racial practices in the targeting and killing of unarmed Black boys and men, the implementation of police brutality protection in the US has yet to be effective and thorough. State-level action is not accompanied by national oversight for training, best practices, and compliance with regard to racial discrimination in policing.

As a result, national action is required to address this issue. There is an urgent need for top management and institutions to step up their supervision of police behavior in order to address the abuse of power by some police forces. More academic training should be provided to police officers so that they are thoroughly knowledgeable in the entire

scope of their employment, obligations, and accountability. Therefore, the government may impose a punishment on officers who have been discharged due to police misconduct and are no longer eligible to serve in law enforcement. Furthermore, it is vital that the Justice Department lowers the bar and burden of evidence in cases that may result in the conviction of police who participate in racial profiling, abuse of power, and other criminal dealings.

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