

**PEOPLE OF AFRICAN DESCENT DISPROPORTIONATELY SUFFER
DUE TO INHUMANE CONDITIONS OF CONFINEMENT IN JAILS AND
PRISONS**

**SUBMISSION TO THE OFFICE OF THE UNITED NATIONS HIGH
COMMISSIONER FOR HUMAN RIGHTS**

**PERMANENT FORUM OF PEOPLE OF AFRICAN DESCENT
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UNITED STATES OF AMERICA

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The Southern Center for Human Rights

The Southern Center for Human Rights (SCHR) was founded in 1976 in Atlanta, Georgia, U.S.A. as the Southern Prisoners Defense Committee, by lawyers, ministers and activists concerned about criminal justice issues in response to the Supreme Court's reinstatement of the death penalty and the horrendous conditions in American Southern prisons and jails. Through litigation and public policy advocacy, we engage stakeholders to oppose the death penalty, address conditions of confinement, advocate for effective representation for poor people accused of crimes, and push for humane treatment of all people who come into contact with criminal legal systems.

People of African Descent & Conditions of Confinement

- Prison populations are growing worldwideⁱ. To the extent that people of African descent continue to be disproportionately impacted by the systemic racism inherent in criminal legal systems, our recommendation is that the Permanent Forum of People of African Descent address unacceptable conditions of confinement inclusive of human rights violations occurring in jails, prisons and detention centers around the world.
- Human rights violationsⁱⁱ within jails and prisons violate many bodies of international law, as incarcerated people are frequently exposed to:
 - Overcrowding;
 - Inadequate plumbing and sleeping accommodations;
 - Inedible and non-nutritious food;
 - State violence;
 - Unaddressed interpersonal violence;
 - Solitary confinement and other forms of social isolation;
 - Gender identity discrimination;
 - Sexual orientation discrimination;
 - Sexual violence;
 - Inadequate or non-existent medical care; and
 - Discrimination on the basis of mental health disability.

Case Study: Fulton County Georgia, United States

- In Fulton County, Atlanta, Georgia, U.S.A., Sheriff Patrick Labat is currently under investigation by the United States Department of Justice Civil Rights Division (DOJ). The DOJ “found significant justification to open this investigation, including credible allegations that an incarcerated person died covered in insects and filth, that the Fulton County Jail is structurally unsafe, that prevalent violence has resulted in serious injuries and homicides, and that officers are being prosecuted for using excessive force.”ⁱⁱⁱ
- Most people in jails in the United States have not been found guilty^{iv} of any crime and instead are being held on cash bail amounts they cannot afford while they await trial.^v
- Eighty-seven percent (87%) of people incarcerated in the Fulton County Jail are Black^{vi}, despite Fulton County being only 42% Black^{vii}.
- Ten people have died in Fulton County custody since January 2023, despite the announcement of the DOJ investigation.^{viii} Sixty people have died since 2009.
- State and local officials repeatedly ignore calls to depopulate facilities through modifying arrest and adjudication practices and instead continue to lobby for ineffective tactics such as transferring incarcerated people to leased facilities^{ix} and planning to build a new jail at a cost of \$2 billion.^x

- Through advocating for new, more expensive facilities, government officials curtail the allocation of funding to policy solutions^{xi} that are more responsive to harm experienced by people of African descent and incarcerated people.
- After six years of probes into the prisons within the State of Georgia, which house people under sentence, conditions in state facilities have also worsened.^{xii}
- The Fulton County dilemma is not uncommon; rather, reflects broader global practices wherein poor and people of African descent are subjected to the very worst conditions both within and outside of carceral facilities.

Recommendation

We kindly recommend that the Third Session of the Permanent Forum of People of African Descent include thematic discussions, side events and/or other opportunities to meaningfully address the racially disparate impact of inhumane conditions of confinement in jails and prisons. Member States and Civil Society will benefit from efforts to coordinate grassroots, legal, policy and government tactics within a reparatory justice framework.

ⁱ World Prison Brief, 2021,

<https://www.prisonstudies.org/#:~:text=The%20latest%20World%20Prison%20Population,of%2011.5%20million%20prisoners%20worldwide.>

ⁱⁱ The Marshall Project, How ‘Cruel and Not Unusual’ Conditions Persist in Many Lockups, 2023,

<https://www.themarshallproject.org/2023/02/18/texas-arizona-alabama-rikers-prison-conditions#:~:text=From%20endemic%20violence%20and%20inescapable,work%20from%20The%20Marshall%20Project.>

ⁱⁱⁱ United States Department of Justice Civil Rights Division, 2023, “Justice Department Announces Investigation into

Conditions in Fulton County, Georgia Jail”, Press Release, July 13, 2023, <https://www.justice.gov/opa/pr/justice-department-announces-investigation-conditions-fulton-county-georgia-jail.>

^{iv} Prison Policy Initiative, 2023, The Whole Pie 2023, March 14, 2023,

<https://www.prisonpolicy.org/reports/pie2023.html.>

^v Center for American Progress, 2022, Profit over People: Primer on U.S. Cash Bail Systems, July 6, 2022

[https://www.americanprogress.org/article/profit-over-people-primer-on-u-s-cash-bail-systems/.](https://www.americanprogress.org/article/profit-over-people-primer-on-u-s-cash-bail-systems/)

^{vi} Vera Institute for Justice, 2023, Incarceration Trends: Fulton County, GA, August 21, 2023,

https://trends.vera.org/state/GA/county/fulton_county.

^{vii} Fulton County, Georgia, 2020, “Census Data Confirms that Fulton Remains Georgia’s Most Populous County”,

News, August 13, 2021, [https://fultoncountyga.gov/news/2021/08/13/census-2020-data-confirms-that-fulton-](https://fultoncountyga.gov/news/2021/08/13/census-2020-data-confirms-that-fulton-remains-georgias-most-populous-)

[remains-georgias-most-populous-county#:~:text=42.5%25%20of%20Fulton%20County's%20population,County's%20population%20is%20Hispanic%20Latino.](https://fultoncountyga.gov/news/2021/08/13/census-2020-data-confirms-that-fulton-remains-georgias-most-populous-county#:~:text=42.5%25%20of%20Fulton%20County's%20population,County's%20population%20is%20Hispanic%20Latino.)

^{viii} Atlanta Journal-Constitution Editorial Board, 2023, Editorial Board’s view: There are far too many jail deaths in

Fulton County, Atlanta Journal Constitution, September 30, 2023, [https://www.ajc.com/opinion/there-are-far-too-many-jail-deaths-in-fulton/JLSTMOAAVNEKRGSKOA72COCNQ/.](https://www.ajc.com/opinion/there-are-far-too-many-jail-deaths-in-fulton/JLSTMOAAVNEKRGSKOA72COCNQ/)

^{ix} Atlanta News First staff, 2023, Judge: Fulton County Jail inmates cannot be transferred to out-of-state facility,

October 30, 2023, [https://www.atlantaneewsfirst.com/2023/10/30/judge-fulton-county-jail-inmates-cannot-be-transferred-out-of-state-facility/.](https://www.atlantaneewsfirst.com/2023/10/30/judge-fulton-county-jail-inmates-cannot-be-transferred-out-of-state-facility/)

^x Minnah Arshad, 2023, Claims of violence, dysfunction plague Atlanta jail under state and federal investigation, USA Today, November 4, 2023, <https://www.usatoday.com/story/news/nation/2023/11/04/fulton-county-jail-national-incarceration-crisis/70935788007/>.

^{xi} American Civil Liberties Union, There are Better Solutions, 2022, [https://www.aclu.org/report/there-are-better-solutions-analysis-fulton-countys-jail-population-data-2022#:~:text=Civil%20Liberties%20Union,There%20Are%20Better%20Solutions%3A%20An%20Analysis%20of%20Fulton%20County's%20Jail,City%20Detention%20Center%20\(ACDC\)](https://www.aclu.org/report/there-are-better-solutions-analysis-fulton-countys-jail-population-data-2022#:~:text=Civil%20Liberties%20Union,There%20Are%20Better%20Solutions%3A%20An%20Analysis%20of%20Fulton%20County's%20Jail,City%20Detention%20Center%20(ACDC))

^{xii} Aja Arnold, 2023, Georgia prison crisis worsens amid federal investigations, The Appeal, February 2, 2023, <https://theappeal.org/georgia-prisons-crisis-doj-federal-investigation/>.