



I. **National Crisis of Elderly Prisoners and Generational Incarceration in North America**

II. **Aging People in Prison Human Rights Campaign**

APP-HRC (Aging People in Prison-Human Rights Campaign) focuses on the population of aging men and women incarcerated from anywhere from 30, 40, 50, or more years in prisons across the United States. APP-HRC educates, advocates, and lobbies for the release and return of elderly people in prison so they can participate in the rebuilding of families, communities, and society. The organization participates on the local, national, and international level on behalf of elderly prisoners.

III. The current crisis of people aging in prison for 30, 40, 50, and even 64 years is a human rights issue that has destroyed families and communities generationally. The current historical context of people of African descent is a direct result of the legacy of slavery and institutional racism that remains in place.

IV. **ICCPR Articles 2(3), 6, 14 Death penalty; Innocent people sentence to Death; Lethal Injection, Racial Discrimination in the Death Penalty**

ICCPR Articles 6(5) Juvenile Death Penalty, Racial disparities in Death Row

ICCPR Articles 2,7,10 Juvenile life without parole, racial discrimination

ICCPR Articles 4,7,10, 14,24,26 Juveniles to Life without parole, virtual life sentences

ICCPR Articles 10(3) Life without parole

ICCPR 7,9,10 Arbitrary Excessive Sentencing Detention

V. **Concluding Observations and ICCPR Legal Framework**

Based on the ICCPR articles, 70<sup>th</sup> years Anniversary of the UN Human Rights Declaration, and the UN Decade of People of African Descent 2015-2024; the US legal/criminal justice system has of 2019 is still unable to culturally and systemically evolve its infrastructure into a justice system that prevents elderly and generational incarceration.

VI. **Current U.S. Government Policy or Practice**

The current US Policy/Laws and/or practice issues from a 18<sup>th</sup> century philosophical/ideological thought process of white supremacy and the methodology of institutional racism wherein it concerns people of African descent/the descendants of the enslaved Africans brought to Americas over 400 years ago. Thus, an indication like their enslaved ancestors the system/governance culture of black inferiority, containment, confinement, imprisonment has not changed.

## VII. Human Rights Committee General Comments

### VIII. Other UN Body Recommendations

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The Other Death Sentence; More than 100,000 Americans are destined to spend their final years in prison. Can we afford it. MOTHER JONES. James Ridgeway- September 25, 2015.

<https://www.motherjones.com/politics/2012/09/massachusetts-elderly-prisoners-cost-compassionate-release/>

Aging in Prison; Reducing Elder Incarceration and Promoting Public Safety. Center for Justice at Columbia University. November 2015.

[http://centerforjustice.columbia.edu/files/2015/10/AgingInPrison\\_FINAL\\_web.pdf](http://centerforjustice.columbia.edu/files/2015/10/AgingInPrison_FINAL_web.pdf)

The Impact of an Aging Inmate Population on the Federal Bureau of Prisons. Office of the Inspector General. U.S. Department of Justice. Revised February 2016.

<https://oig.justice.gov/reports/2015/e1505.pdf>

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[https://www.hrw.org/sites/default/files/reports/usprisons0112webwcover\\_0.pdf](https://www.hrw.org/sites/default/files/reports/usprisons0112webwcover_0.pdf)

At America's Expense; The Mass Incarceration of the Elderly. ACLU. June 2012.

[https://www.aclu.org/files/assets/elderlyprisonreport\\_20120613\\_1.pdf](https://www.aclu.org/files/assets/elderlyprisonreport_20120613_1.pdf)

A Way Out: Abolishing Death By Incarceration in Pennsylvania. Abolitionist Law Center. September 2018.

[http://abolitionistlawcenter.org/wp-content/uploads/2018/09/ALC\\_AWayOut\\_27August\\_Full1.pdf](http://abolitionistlawcenter.org/wp-content/uploads/2018/09/ALC_AWayOut_27August_Full1.pdf)

### IX. Recommended Questions

- In accordance with prison reform and the US as the world's largest holder of incarcerated women, men, and children; can the US from the federal to state level institute a law where maximum sentencing is 25 years?
- Can the US federal and state prisons begin to release elderly prisoners who have been in prison for 30, 40, 50 and more years beginning in 2019?
- The US federal government abolished parole in 1984, in 2019 can the US federal government reinstate parole on a federal level?

**X. Suggested Recommendations**

- To change the course of collective national history and narrative, the US governance change the name/language of courts and legal system from criminal justice to human rights courts/justice system.
- To change the generational systemic narrative of racism, poverty, illiteracy, and developmental deficits that reparative/restorative justice and practices be implemented in the US legal system nationally.
- Follow and begin to implement the Mandela Rules for Prisoners across the federal and state prison and criminal justice system when it comes to sentencing, crimes, conditions, and release of prisoners.

**Civil Society/UN Human Rights Committee for the US Periodic Report ICCPR compliance submitted and compiled by: Aging People in Prison Human Rights Campaign; [www.apphrc.com](http://www.apphrc.com), [dcapphrc@gmail.com](mailto:dcapphrc@gmail.com). Founding Director and Cultural Anthropologist Tomiko Shine. January 14, 2019.**