

Forum:	Human Rights Council (HRC)
Issue:	Measure to combat systemic racism and prejudice in criminal justice systems worldwide
Chair:	Ian Hsu, Deputy President

Introduction

Since the start of civilization, there have been social hierarchies within empires. The most well-known example is the caste system of India, which the people are placed in the hierarchy by birth. The only way to change one's place in society is through death. This idea of placement by birth also existed in many different societies, which brings us to the topic of racism.

1492, Columbus discovered the "New World", which was the Americas. Though the European's attitude towards the Native Americans were kind at first, once they figured out that the native Americans were unable to fight back, they started to use force and violence to take over their land and capture their people, making them slaves. The same applied to Africans. Natives from both of these places were then enslaved and marked as a creature below the level of humans, thus marking a beginning to the Triangular Slave Trade, which openly and legally traded people as objects.

Throughout history, there have been many other racism that just the ones in America. One significant example is Anti-Semitism, which means that hatred towards Jews. Germany's chancellor in World War II, Adolf Hitler, was one of the most significant Anti-Semites. The Holocaust was directly specifically and directly towards the Jews because they needed someone to blame for their hard times after World War I. This hatred and blame towards Jews became more extreme as the example of Holocaust mentioned previously. This shows that Systematic Racism was more than just simply within America, but it also happens in a lot more places around the globe.

How is the history of slavery relevant to racism? Slavery could be said to be one of the major cause to racism as it created a lasting impact and a permanent social hierarchy based on skin color, which like caste system, is based on birth. Africans or black people are constantly being discriminated against today because of their ancestor's past as a lower class human. Even today, this discrimination continues in a less severe but still problematic form

Definition of Key Terms

Systematic Racism

According to Derrick Johnson, systematic racism is defined as “systems and structures that have procedures or processes that disadvantages African Americans.” However, this definition is pertaining to the United States. A broader definition would be “systems and structures that have procedures or processes that disadvantages a specific ethnic group or race.” The idea is that Systematic Racism does not have to be directly attacking a certain group and can in fact be indirect or even unintentional! Racism that is built within a system defines “Systematic Racism”.

Racism in Criminal Justice System

There is a book called To Kill a Mockingbird, which has a scene including a white lawyer trying to help an African American suspect. Although the lawyer was well respected by the neighborhood, this action turned them against him and even tried to siege his house! During the debate, the lawyer gave a lot of substantial evidence while the persecutor was basically talking about his surmise. Everyone knows that the argument from the accuser’s side lacks evidence completely and, if any, were all lies. However, the final verdict still sentenced the colored man to jail, but he was killed on the way to jail.

Racism in the criminal justice system is a systematic racism that exists within the criminal justice system. Again, because of the verdict part being completely opinionated and the decision could be made with heavy bias, racial discrimination would be rather easy to implement, however, this racial bias does not pertain to only against African Americans, it can be against any race or ethnic group.

Jury Trials

Jury Trials are the preferred and the more traditional type of trial. This kind of trial consists of 12 jurors with specific requirements such as:

- must be a citizen of the United States
- must be at least 18 years old
- must live in the the judicial district for at least one year
- must be able to able to complete the juror qualification form in english
- cannot have any physical or mental difficulties that could affect the trial
- cannot have any charges within a year
- never sentenced to jail

Bench Trials

Preferably, Jury trials would be the first kind of trials to go with because the decision would be made by multiple people with different backgrounds and would therefore be more impartial. A bench trial is tried only in front of the judge. This would mean that the judge would single-handedly make the verdict and decide whether the accused is guilty or not.

Bench Trials are often requested when the crime committed has a public recognition of being bad. Crimes such as sexual assault, animal cruelty, and domestic violence would preferably be tried only in front of the judge as the Jurors could be way too emotional regarding these issues and not actually hearing the arguments and evidence.

Another time that bench trials can be used is when the accused has the looks of a gang or drug user. Although the physical appearances might not be the pivotal element that the Jurors make their decisions on, it sure gives them a negative impression and more or less affects their judgement.

In short, when there are elements that might cause regular people to have a negative impression towards the defendant, it would be preferable to waive for a bench trial in order to avoid the unprofessional, biased decision.

Verdict

A verdict is the final decision made in the court by the Jury. After the debate between the lawyer and the persecutor, the jurors will discuss and come up with a final verdict deciding whether or not the accused committed a crime. Currently with the CoronaVirus, the Jurors are unable to gather due to social distance being extremely difficult and nearly impossible in the traditional Jury trial. Currently, the United States government suspended all the jury trials and in-person bench trials, implying that online bench trials are still allowed to be conducted. However, this leaves the criminal justice system to be rather weak due to the lack of diverse opinions and point of views from the jurors, opening the court up to risks of unfair or biased judgements.

Anti-Semitism

Anti-Semitism is the intolerant behavior towards Jewish people. This was brought to an extreme during World War II when the Jewish were being massacred.

Racial Profiling

Racial profiling is the act of judging a person by their ethnicity. For example, an African descent would probably be thought of as poor. An Asian American would still be expected to be good at mandarin even though they haven't even lived in Mandarin speaking countries. The judging towards people based on their ethnicity's stereotype is racial profiling. When a black person is tried for theft, it is more likely for

them to be declared guilty because of the stereotypical thief to have darker skin color. This kind of discrimination and unfair judgement in court is a major problem.

Background Information

Start of racism

Racism did not appear or just come out as a natural element of the world. Historically, racism really came from the conflicts between ethnic groups, and the result will determine their place in society if one of the groups take over the others. The native americans and africans became people of a lower status this way. The Europeans enslaved both of these groups due to their advanced technology development.

Religion causing racism

After Christianity became widespread throughout Europe, the three Abrahamic religions became enemies of each other. It was evident through the fact that Jews were being hated and persecuted in Europe. The Jewish Diaspora was the period of time which the Jewish were leaving places and trying to find a place that would accept them.

Back to the racism aspect of it. The Jews were kicked out by pretty much every Christian place as they simply could not agree on Jesus' identity, one recognizes him as the God, while the other recognizes him only as a prophet. As mentioned earlier, the Holocaust that happened later in the World War II was the most extreme example of hatred towards Jews, but there were still many and this racism still exists even today!

Major Countries and Organizations Involved

United States of America (USA)

The United States of America has a lot of problems with racism internally. The recent BLM movement demonstrated how much of a problem racism is in the United States. As mentioned previously, the United States formed on the basis of racism and slavery, causing the country to suffer largely on this issue. As a reminder, during the Civil War, the South and the North were fighting each other because they had different philosophies about it: the North believes that it should be abolished as it is dehumanizing and violates basic human rights, but the South needed much of that labor force, which led to the South having to face a lot more issues associated with racism even today!

Another part of racism in the United States is that racism lasted so long even after the period of slavery that it has a solid foundation in the country. Although the USA is trying to demolish racism, the history of racism in the country is way too long for it to be gone within a snap. The racism in America

would be a country to think about when coming up with resolutions to solve the issue of systematic racism and racism in the criminal justice system.

China

China does not have much issue regarding racism. However the “re-education camp” in Xinjiang is another case.

Due to the conservative Chinese government, they had to control the foreign groups to make sure they were acting no different from the others considered as the “chinese” people. However, such a camp gives an impression of a racist action because the people living in the Xinjiang province are being discriminated against. There are reports of tortures, and the people in the camps not being well fed. Not just the fact that most of those held captive have not ever committed a crime, it was also that they had no legal representation. Although this is a case a little farther from racism, it still is similar to a certain degree because the Uyghurs are thought of as “dangerous” simply because they are not the “Han Chinese”.

Congo

The pygmy ethnic group has a history of being enslaved by the Bantu group. They are often ostracized and excluded from participating in societies of Africa. Similar to the lowest class of the Hindu caste system, they are “untouchable”. One can argue that Africa as a whole has a history of racism as the different tribes target each other and capture each other as slaves to use. It was later on when the Triangular Slave Trade (Europe - America - Africa) began that the different African tribes sold the captives to the European slave traders in exchange for weapons (to then conquer more tribes and capture more people).

Israel

Anti-Semitism was a major issue since the development of Christianity. As mentioned in the above paragraphs, The problem with Israel being discriminated against started from the religion. Judaism could be considered as the oldest religion in the world. However, when Christianity was developed, the argument over the identity of Jesus became the source of conflict of the two religions. In Christianity, Jesus is the God, the only God in this monotheistic faith. However, in Judaism, Jesus is only a prophet. Yaweh, is the one and only God.

Back to the Racism aspect of this issue. The discrimination against the Africans descent could be said to have improved a lot from the 15th amendment of the American Constitution to the Black Lives Matter that just happened recently and is still on-going. However, there have been nothing that was attempted to help the people of Jewish ethnicity, which is rather surprising considering that the current

slogan for the world is to “fight for equality”, which is not accurate as there are still a lot of unrepresented minority groups such as the Jews

International Association of Jewish Lawyers and Jurists (IAJLJ)

The International Association of Jewish Lawyers (IAJLJ) is an NGO that cooperates with the United Nations. They aim to solve the Human rights violations, war crimes, and more of the related issues. This kind of organization, specifically helping the minorities, could be an idea to reduce the amount of racism if countries would cooperate with such an organization.

Timeline of Events

You must include short sentences to explain the timeline. Follow the format presented below:

Date	Description of event
1492	Christopher Columbus discovers America
15th century	Triangular Slave Trade Starts
February 3rd, 1870	15th amendment passed to the Constitution of United States
March 13th, 2020	The Breonna Taylor incident
May 25th, 2020	The George Floyd incident
June 11th, 2020	No-knock Warrants banned in the U.S.

Relevant UN Resolutions and Treaties

- International Convention on the Elimination of All Forms of Racial Discrimination, December 21, 1965 (**S/RES/2106**)

Possible Solutions

One potential solution could be implementing an institution to teach and inform citizens about racism related issues. Awareness regarding the racism that exists throughout the world is extremely important. Not only should one be aware of its existence, the history of racism should also be taught to the people as this would make sure everyone knows about the history of racism and hopefully change their mindset about the people being discriminated against. To sum the idea up, racism comes

from the power disparity in the historical times and often because of killing or enslaving people. This culture and the implicit social hierarchy was preserved and led to racism today.

Another potential solution is to set up entrepreneurship programs that assists immigrants and minorities. Because racism most likely targets the minorities, by providing the minorities with more support, they are able to get a higher place in society, thus able to earn respect from others. In addition to that, racism towards the minorities might cause them to have hard time when finding jobs, however, if they are able to be independent and prove their abilities to be way better than what people's stereotype, then the impression from the slavery days will disappear as they have attained themselves a high place in the society.

One solution to racism in the criminal justice system is to investigate police actions when out to capture a suspect. Police brutality is a major problem. Although suspects should be captured and tried, it does not mean that the second they are suspected, they are criminals. Being a suspect does not mean that they deserved to be treated brutality with inhumane actions. By implementing a system that could check on the police's action would be effective as they will be held accountable for the human rights and crimes that they have committed when capturing the suspects. However, this camera itself could work very well, but the problem lies on how the information will be used. Even if there is video recording showing what happened, the verdict might still not come out to condemn the police, it could even cause the victims to suffer even more!

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