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“Diplomacy in a Challenging Global Environment”

A Research Report

COMMITTEE: Political

QUESTION OF: The Appropriateness of Racial Profiling in Public Policy

AUTHOR: Courtney Dixon

Introduction and Background

Coloquially, racial profiling is known as the association of different physical, behavioral, or psycholological characterisitcs with making law enforcement descisions in reagrds to people of a specific ethnic descent. Racial profiling is a major issue as in recent years there has been an increasing reliance on race, colour, descent, and national or ethnic origin by law enforcement, security, and border control as it relates to detailed searches, identity checks and investigations. In recent years there has been an alarming rise in racial profiling at the hands of law enforcement officals and policy makers that disproportionatey target those of minorities, which has forced the issue to the forefront of the United Nation’s concerns.

The general practice of racial profiling is seen as widely intolerable as it does not adhere to the basic stadards of human rights that the majority of countries adhere to; it is generally denounced in many nations because it is inapproprtiate for law enforcement officals or any other powerful public figure to base their judgements on natural characteristics such as race. As such, there has

been a rise in organizations that actively seek to eliminate or reduce the normality of racial profiling in public policy. One prominent example of such a group would be the Working Group of Experts on People of African Descent which has conducted many studies in order to have a deeper understanding of the effects racial profiling has in different nations.

Such studies have found that in several cases, notably in Brazil and Canada, there is a disproportionate amount of African American persons in the criminally charged circuit.

Similarly, they have found that in the Dominican Republic there is a trend in those of Haitian descent being treated in a discriminatory manner in regards to the issuing of important identity documents. Furthermore, the Committee on the Elimination of Racial Discrimination has openly expressed their concern for the rise in racial profiling by United States law enforcement officials and agencies as they pertain to the determination of immigration status and the enforcement of immigration laws.

What is the Difference Between Constructive and Unlawful Profiling?

Profiling, especially racial profiling, can be a very useful tool by law enforcement officers and policy makers when it comes to categorising individuals. For example, insurance companies use profiling when determining how much to charge an individual for their insurance in accordance to their risk level. However, the standards that are created by such profiling may not always be true; in grouping people together based on traits such as gender, race, ethnicity or any other physical attribute, it is assumed that those people have the same characteristics, which is untrue. That is where the line is drawn between constructive and deconstructive profiling. While it is

beneficial to base some things off of these traits, it is unfair and unlawful to base assumptions off of permanent physical or mental traits such as race or ethnicity.

The law already protects minorities against discrimination in many cases, so using the traits that cause them to fall into such categories in profiling generally causes unwarranted discrimination against those who happen to fall within those groups. Profiling bases assumptions off of the way people act, which means if cities experience higher crime rates from a specific minority group, profiling may suggest that all members of that minority group are more likely to commit crimes and therefore they may be unfairly targeted in the creation of public policy due to that assumption.

Is Racial Profiling Ever Appropriate?

The internationally accepted answer to this question would be no. Generally speaking, international law states that direct discrimination on the grounds of race, ethnicity or religion can never be justified or lawful. However, that has not stopped nations from turning to such actions during times of high security threats, a prime example being the actions of the United States in the years following the 9/11 attacks. While in security checks in airports were heightened for all travelling individuals, the unrest towards people of Muslim descent led to an increase in restrictions on those of that specific religious group. Since then, US public policy has continued to reflect the unease a small group of Muslim individuals inflicted on the nation, namely in Trump's implementation of a travel ban from primarily Muslim identifying countries. Such actions are inappropriate because they are based solely on the grounds of race and religion,

which is strictly prohibited by international law, but were generally overlooked due to relevant political tension.

How Does Racial Profiling Infringe Upon an Individual's Human Rights?

In many cases, those being discriminated against in racial profiling cases have been a part of a prominent racial or ethnic group in the area for a great period of time. As such, various ethno-nationalist ideologies may be systematically implemented into those societies in a way that purposely excludes minority groups that are seen as unfit or unwanted in that specific area. Many nations view the purposeful exclusion of those who have been long time residents of an area as unjust and a violation of their innate human rights.

That being said, racial profiling is, in many cases, in direct violation of an individual's human rights. In many cases - specifically in article 2 of the Universal Declaration of Human Rights, article 2 of the International Covenant on Civil and Political Rights, articles 1, 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination and article 2 of the Convention on the Rights of the Child - it is directly stated that rights and freedoms in regards to race, color, descent, ethnic origin, sex, language, religion, political opinion, national or social origin, property, birth status are all equally protected under the law. For many nations to not uphold these standards in regards to the prevalence of racial profiling means that not all citizens of their nations are being treated equally under the law. While for some nations this may not be an incredibly jarring issue there are others that see it as one of the most prevalent problems that affects their country currently, but regardless of each individual nation's viewpoint

on the issue, many of their actions are directly disobeying the rules and regulations outlined in the Universal Declaration of Human Rights that has been signed by the majority of nations.

What has Been Done in the Past to Solve this Problem?

The United Nations believes that racial profiling is a very relevant issue and has been dealt with on several accounts. In United Nations Resolution 69/19 of the General Assembly it was noted that ethnic and racial profiling is extremely serious; it called upon states to design, implement, and enforce measures to ensure that resulting issues can be effectively countered. Similarly, the UN General Assembly adopted the International Convention on the Elimination of All Forms of Racial Discrimination in order to ensure that the basic human rights of all individuals are maintained by all nations at all times. The Convention works to establish international machinery that will help make the process of ending racial discrimination and thus racial profiling much easier. Finally, the United Nations has reaffirmed its faith in fundamental human rights through the Universal Declaration of Human Rights, which many nations have agreed to and continue to uphold. However, the seemingly incurable gap in human rights behaviors such as life expectancy and income continue to reflect the structural discrimination against members of specific minority groups that creates de facto barriers that keep them from being able to fully exercise the human rights outlined in the document.

Individual nations have also made efforts to combat the issue of racial profiling independent from the UN, the United States being a prime example. A myriad of programs, such as 'My Brothers Keeper' or 'Smart on Crime' have been created by the Justice Department as a means to

combat the rapidly growing use of racial profiling in the US. Furthermore, the nation has made many policy changes that seek to eliminate the disproportions that cause tension between the minority groups that are targeted most by racial profiling. One such example would be the elimination of the death penalty in many states, as it has unfairly targeted African American citizens for many years.

What are Possible Solutions to this Issue?

Racial profiling is a multifaceted issue which makes it incredibly difficult to end in through a singular means. As such, the United Nations has recommended that those who stand at the forefront of the issue, namely law enforcement officials, be properly trained to maintain the human rights of those they work to protect rather than infringe upon them. In doing so the UN hopes that officials can respect and uphold human dignity regardless of race, ethnicity, or color of the subject. In order to do so, any questions, searches, or arrests that are based solely on one's physical appearance should be prevented unless there are factors other than race, color, or ethnicity that raise suspicion. It is important that if the United Nation adpots a universal policy to combat racial profiling that it adequately addresses all facets of the issue and remains consistant and holds nations accountable as to not allow for easy relapse into poor human rights behavivors.

While it is in the hopes of the United Nations that all countries will uphold the goals of the Universal Declaration of Human Rights, not all nations have agreed to it. As such, each nation should protect the rights of their citizens as they see most fit in order to keep balance and peace within their borders while ensuring their people are held to the same standards as those

throughout the international community. Rather than focusing punishment or indictment on ethnicity, nations should strive to place a focus on behavior to ensure that its citizens are being treated properly in regards to human rights while still receiving adequate punishment.

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