

UNITED NATIONS HUMAN RIGHTS COUNCIL



Background Guide

**AGENDA : RELENTLESS EXPLOITATION
AND ABUSE DUE TO RACISM**

LETTER FROM THE EXECUTIVE BOARD

DEAR PROSPECTIVE MEMBERS,

At the outset on behalf of the Executive Board, we extend a warm welcome to all of you and congratulate you on being a part of “SXMUN 2020”.

The committee being simulated, would unlike most other simulations you must have heard of or been a part of; focus on political intellect and analytical application of thoughts and strategic application of thoughts in resolving impending politically sensitive bilateral issues. Kindly note, we are not looking for existing solutions, that would be a copy paste of what the world leaders have already taken; instead we seek an out of the box solution from you, while knowing and understanding your impending political and ideological limitations. This Introductory guide would be as abstract as possible, and would just give you a basic perspective on what you can expect from the committee and areas wherein which your research should be focused at this given point in time. Given, the extremely volatile nature of this committee, your presence of mind and politico-analytical aptitude is something which we at the executive board would be looking to test.

Kindly note, that unlike most conventional/unconventional committees you have attended, this committee shall have “substantive” intervention by the Executive Board. The objective of this background guide is to provide you with a ‘background’ of the issue at hand and therefore it might seem to some as not being comprehensive enough. If you feel that the Guide does not cover all the issues and it could have been compiled in a better way by giving more information or links or better arguments ‘for’ and ‘against’, we think that would be the appropriate time to pat our backs for we successfully managed to compile a ‘Background Guide’ and not a ‘Study Guide’ which most of the Executive Board members fail to differentiate. We feel that ‘study guides’ are detrimental to the individual growth of the delegate since they overlook a very important part of this activity, which is- Research. We are sure however that this background guide gives you a perfect launching pad to start with your

research.

Wishing you all a very warm good luck and hoping to see you all at this conference discussing imperative issues of national trust.

Warm Regards,

Aayush Arora (Chairperson)

Cheshta Dabra (Vice Chairperson)

FOLLOWING IS A SUGGESTED PATTERN FOR RESEARCHING

- Research on the allotted nation, understanding their thinking about the agenda.
- Comprehending the foreign policy of the allotted country. It includes understanding the ideology and principles adopted by the nation on the agenda. It further includes studying past actions taken by the nation on the agenda and other related issues – specifically analysing their causes and consequences.
 - Reading the background guide thoroughly.
 - Researching further upon the agenda using sources such as academic papers, institutional reports, national reports, news articles, blogs etc.
 - Understanding policies adopted by different stakeholders involved in the agenda. Including their position, ideology and adopted past actions.
- Characterizing the agenda into sub-topics and preparing speeches and statements on them. It is the same as preparing topics for the moderated caucuses and their content.
 - Preparing a list of possible solutions and actions that can be adopted on the issue as per your country's policies.
 - Assemble proof/evidence for any important piece of information/allegation you are going to use in committee
 - Keeping your research updated using various news sources, especially news websites given in the proof/evidence section.
- Lastly, we would request all the delegates to put sincere efforts in preparation and research for the simulation and work hard to make it a fruitful learning experience for all. Feel free to contact if you have any queries or doubts.
 - A lot of members have doubts such as what they are supposed to write or how should they should structure their speech. This is completely up to the member. The maximum we can do is to tell you according to our experiences about how speeches are structured and content chosen for them accordingly. These are:
 - ❖ Premise – Analysis – Example
 - ❖ Problem – Solution – Benefits
 - ❖ Past – Present – Future Scenario
 - ❖ What – So what – Now what
- There can be more structures. These are some of them which the members of the
- Reiterating, kindly do not limit your research only to these points and feel free to broaden your horizons of the research. This is just a list of topics you should cover and is a reflection of the direction in which we intend to see the flow of debate in the committee.

MANDATE OF UN HUMAN RIGHTS

The Office of the High Commissioner for Human Rights (UN Human Rights) is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. The Charter of the United Nations, the Universal Declaration of Human Rights, and international human rights laws and treaties established those rights.

UN Human Rights was created by the General Assembly in 1993 through its resolution 48/141 which also details its mandate.

UN Human Rights is mandated:

- Promote and protect all human rights for all
- Recommend that bodies of the UN system improve the promotion and protection of all human rights
- Promote and protect the right to development
- Provide technical assistance to States for human rights activities
- Coordinate UN human rights education and public information programmes
- Work actively to remove obstacles to the realization of human rights and to prevent the continuation of human rights violations
- Engage in dialogue with Governments in order to secure respect for all human rights
- Enhance international cooperation for the promotion and protection of all human rights
- Coordinate human rights promotion and protection activities throughout the United Nations system
- Rationalize, adapt, strengthen and streamline the UN human rights machinery

The Human Rights Council is an inter-governmental body within the United Nations system responsible for strengthening the promotion and protection of human rights around the globe and for addressing situations of human rights violations and make recommendations on them. It has the ability to discuss all thematic human rights issues and situations that require its attention throughout the year. It meets at the UN Office at Geneva.

The Council is made up of 47 United Nations Member States which are elected by the UN General Assembly. The Human Rights Council replaced the former United Nations Commission on Human Rights.

Combating Racial Discrimination

Racial and ethnic discrimination occur on a daily basis, hindering progress for millions of people around the world. From denying individuals the basic principles of equality and non-discrimination to fuelling ethnic hatred that may lead to genocide, racism and intolerance destroy lives and communities. The struggle against racism is a matter of priority for the international community and is at the heart of the work of the Office of the High Commissioner for Human Rights.

The United Nations has been concerned with this issue since its foundation and the prohibition of racial discrimination is enshrined in all core international human rights instruments. It places obligations on States and tasks them with eradicating discrimination in the public and private spheres. The principle of equality also requires States to adopt special measures to eliminate conditions which cause or help to perpetuate racial discrimination.

In 2001, the World Conference against Racism produced the most authoritative and comprehensive programme for combating racism, racial discrimination, xenophobia and related intolerance: the [Durban Declaration and Programme of Action](#). In April 2009, the Durban Review Conference examined global progress made in overcoming racism and concluded that much remained to be achieved. Undoubtedly, the greatest accomplishment of the conference was the renewed international commitment to the anti-racism agenda.

Activities of the UN human rights office

- Supports the activities of [Committee on the Elimination of Racial Discrimination](#) (CERD). The Committee oversees implementation of the International Convention on the Elimination of All Forms of Racial Discrimination.
- Supports the [Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance](#). The Special Rapporteur, who is an independent expert, publishes annual reports on racism, transmits urgent appeals and communications to States concerning cases of racism, racial discrimination, xenophobia and related intolerance and undertakes fact-finding country visits.
- Assists the [Independent Expert on Minority Issues](#). Acknowledging that minorities in all regions of the world continue to face serious discrimination and racism, the Independent Expert works with other UN bodies and mechanisms such as the Minority Forum to address human rights violations suffered by minorities.
- Supports the [Working Group of Experts on People of African Descent](#), which elaborates short, medium and long term proposals for the elimination of racial discrimination against People of African descent.
- Through the Anti-Discrimination Unit, furthers the struggle against racism and intolerance. The unit builds national capacity to eliminate racism through advisory services, conducts research and analysis on racism, services intergovernmental and expert mechanisms addressing the situation of victim groups, and engages with the wider community forging partnerships, raising awareness and mobilizing support for anti-discrimination measures, such as legislation, policies and programmes.

DEFINITION OF IMPORTANT TERMS

Discrimination

In all its possible forms and expressions – is one of the most common forms of human rights violations and abuse. It affects millions of people every day and it is one of the most difficult to recognize. Discrimination and intolerance are closely related concepts.

Intolerance

Intolerance is a lack of respect for practices or beliefs other than one's own. It also involves the rejection of people whom we perceive as different, for example members of a social or ethnic group other than ours, or people who are different in political or sexual orientation. Intolerance can manifest itself in a wide range of actions from avoidance through hate speech to physical injury or even murder.

Discrimination occurs when people are treated less favourably than others who are in a comparable situation only because they belong or are perceived to belong to a certain group or category of people. People may be discriminated against because of their age, disability, ethnicity, origin, political belief, race, religion, sex or gender, sexual orientation, language, culture and on many other grounds.

Discrimination, which is often the result of prejudices people hold, makes people powerless, impedes them from becoming active citizens, restricts them from developing their skills and, in many situations, from accessing work, health services, education or accommodation. Discrimination has direct consequences on those people and groups being discriminate against, but it has also indirect and deep consequences on society as a whole. A society where discrimination is allowed or tolerated is a society where people are deprived of freely exercising their full potential for themselves and that society.

Xenophobia

The Oxford English Dictionary defines xenophobia as "a morbid fear of foreigners or foreign countries". In other words, it means an irrational aversion to strangers or foreigners; it is irrational because it is not necessarily based on any direct concrete

experiences of threat posed by foreigners. Xenophobia is a prejudice related to the false notion that people from other countries, groups, cultures, or speaking other languages are a threa. Xenophobia is closely related to racism: the more "different" the other is perceived, the stronger the fears and negative feelings tend to be. Xenophobia is one of the most common forms of and grounds for discrimination and it is for this that it is a challenge to human rights. Slavery, particularly the Transatlantic slave trade was the worst manifestation of racism, xenophobia, and intolerance throughout human history. It is a stain on the human race. More recently racism, xenophobia, and intolerance have manifested themselves via colonialism.

Racism

Some prejudices may transform into ideologies and feed hatred. One such ideology is racism. Racism involves discriminatory or abusive behaviour towards people because of their imagined "inferiority". There has been widespread belief that there are human races within the human species, distinguishable on the basis of physical differences. Scientific research shows, however, that "human populations are not unambiguous, clearly demarcated, biologically distinct groups", and that race is an imagined entity or social construct. All humans belong to the same species and, therefore, it makes no sense to talk of "races". The impact of racist ideologies has been devastating to humanity; it has justified slavery, colonialism, apartheid, forced sterilizations and annihilations of peoples. It has been the basis of the Nazi ideologies and the programs to exterminate Jews and other "inferior peoples". Unfortunately, racism continues to be present in contemporary European societies and politics. Although race is no longer accepted as a biological category and only few people believe now in "superior races" with an inherent right to exercise power over those considered "inferior", the impact of racism lingers on and takes on different forms, such as cultural racism or ethnocentrism, the belief that some cultures, usually their own, are superior or that other cultures, traditions, customs and histories are incompatible with theirs.

Racism and Racial Discrimination

The concept of racism dates back to the 18th century, where scientists, biologists and philosophers attempted to categorize human populations into different groups based on their abilities and characteristics. These scientists and political philosophers subscribed to the belief that these racial groups can be placed in a hierarchal order and that one race can be superior or inferior to another race. The position of a racial group in the hierarchal order can then used to determine the distribution of rights and freedoms accorded to the people belonging to a particular racial group. But let's trace our steps back and decide for ourselves if racism is real or not? Most biologists argue that till date there is little evidence in human

genome research that indicates that race can be defined in a manner that would be useful in determining a genetic classification of humans. On the other hand, modern sociologists consider racism to be a social and political construct. This means that although concepts of race and racism might be based on observable biological characteristics, inferences on race on the basis of those observations are influenced by political and cultural ideologies.

This racist construct then tends to manifest itself in our societies across different aspects of life such as socio- cultural practices, political processes, judicial mechanisms etc. This social construct gets reinforced in our minds time and again through a continuous loop of implicit biases and prejudices thus fueling racial discrimination. Therefore, it is important to understand that the concept of racism is a social construct that leads to subconscious biases and prejudices that result in racial discrimination. Though the United Nations does not define the term racism, the [International Convention on the Elimination of all Forms of Racial Discrimination](#) offers a formal and acceptable definition of racial discrimination. Under article 1, racial discrimination is defined as: “distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin that has the purpose or effect of annulling or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.”

The Preamble of the Convention concludes that the doctrine of supremacy based on racial discrimination is scientifically false, is morally condemnable, socially unjust and dangerous and that there is no justification for racial discrimination. Furthermore, it is important to note that the definition of racial discrimination subscribed to by the UN fails to make a distinction between discrimination based on race or ethnic origin in accordance to the definition. Therefore, for all purposes of this committee simulation, references to racial discrimination also include discrimination based on one’s descent, national or ethnic origin.

[Individual Racism vs Institutional Racism](#)

Discrimination refers to differential and often unequal treatment of a person or a group of persons based on membership to a group or possession of traits such as ethnic origin, gender, race, religion, sexual orientation, language caste or some other status. In regards to racism, racial discrimination can manifest in the form of personal biases and the regular functioning of institutions. Sometimes such racist attitudes can become so deep-seated in our mindset that racial discrimination becomes a part of the normal functioning of societies and

institutions. This is called institutional racism or institutional racial discrimination. Individual racism refers to isolated cases of racial discrimination that one person might face. In cases of individual racism, a person discriminates against another person on the basis of race, ethnic or national origin.

Individual racial discrimination is in most cases a result of personal biases or prejudices a person might possess due to personal experiences, social norms, cultural conditioning or some other reasons. On the other hand, Institutional racism refers to discrimination against a person or a group of persons that has been incorporated in the structures, policies, procedures and practices of social institutions – such as governmental organizations, public schools and hospitals, judicial bodies and courts etc. This form of discrimination is either borne out of prejudice or because of failure to take into account the particular needs of different social identities. One historic example of institutional racism is the exclusion of African-American students from attending certain public schools and separate schools for African-American children. This ended up limiting the educational opportunities of African-American children and precluded them from achieving status equal to that of others. Other examples of institutional racism in the education sector include less funding of public schools in colour dominated communities as compared to schools in caucasian dominated communities in the US. Similar institutional racism exists in the hiring processes of job applicants. It has been seen that job applicants with a caucasian sounding name had a 50% greater chance of getting a call back after circulating their resume as compared to a person with a colour sounding name. Such cases of Institutionalized racism and racial discrimination are rife in other aspects of one's life such as through access to courts and other legal remedies, judicial decisions of juries in the prosecution of people, incarceration rates in case of drug addicts. It can be argued that racism and racial discrimination can exist with access to public facilities.

Incarceration of Japanese-Americans post WW2

Ten weeks after the Japanese military attack on Pearl Harbor, Hawaii in 1941, the U.S. government authorized the removal of over 110,000 Japanese American men, women, and children from their homes in Western parts of the country to incarceration camps in desolate areas of the U.S.

History and racial trauma are inextricably linked. Given the complicated multicultural and racial nature of contemporary society, associate understanding of the history of racism and its impacts on communities of colour is crucial. analysis of specific historical and race-based traumas can give insights into these impacts and their long-range consequences. the current paper describes World War II (WWII) Japanese American incarceration, a case example of racial trauma that occurred over seventy-five years ago, to provide a perspective on the scope of racial trauma and healing over a broad arc of time and across ever-changing social contexts.

Japanese Americans carried psychological burdens and an undeserved stigma from the unjust imprisonment long after the war's end. The incarceration remained "the mournful reference point from which these Americans describe changes in their communities, their personal lives, their aspirations"¹. Its powerful impacts reflect four important forms of trauma: individual, race-based, historical, and cultural. Individual and race-based traumas occurred at the time of incarceration, while the historical and cultural traumas emerged after the war ended at an intergenerational level. At the individual level, the suspicions of disloyalty from non-Japanese and their government, sudden uprooting and imprisonment without wrongdoing, and uncertainty about their future shattered Japanese Americans' assumptive world, sense of self, and well-being². It is important that the incarceration also represented a powerful race-based trauma³.

Japanese Americans were deliberately targeted for discriminatory treatment motivated by racial stereotypes, while German and Italian Americans were not. Decades of anti-Asian racism driven by perceptions of Japanese as untrustworthy and unassimilable foreigners preceded the war and resulted in laws restricting immigration, miscegenation, rights to citizenship, and land ownership⁴. This exclusion of Japanese Americans from mainstream society paved the way for a swift response following Pearl Harbor, with little objection from others. Poll data from the spring of 1942 showed that a majority of

Americans favoured removal. Chinese Americans, who supported the incarceration given the history of conflict between China and Japan, helped spread the belief that Japanese Americans were untrustworthy and wore “I am Chinese” buttons⁵. At the same time, nearly all Black and Jewish community organizations and civil liberties groups remained silent⁶.

Two additional forms of trauma, historical and cultural, surfaced after the incarceration ended and are associated with long-term intergenerational impacts. Historical trauma has been defined as a trauma that is shared by a group of people and has impacts that span across multiple generations⁷. Consistent with this, evidence points to extended incarceration impacts that affected subsequent generations of Japanese Americans⁸. Cultural trauma can be seen as a more specific manifestation of historical trauma.

While historical trauma concerns intergenerational impacts broadly, cultural trauma focuses on how a shared traumatic event impacts group consciousness and identity. It is defined as occurring "When members of a collectivity feel they have been subjected to a traumatic event that leaves indelible marks upon their group consciousness, marking memories forever and changing their future identity".

Racism in Europe

Government and community responses to racism have varied considerably. In some countries particularly Germany and Switzerland—it is difficult for immigrants to obtain naturalisation, and even children born to immigrant parents do not automatically become citizens. Permanent resident status is also hard to get in certain countries. In such cases, community conflicts are exacerbated by immigrants' weak legal status and their insecurity about whether they can remain in the country. Moreover, anti-discrimination laws cannot be introduced or enforced where the state itself discriminates, for instance by giving preference in employment and social security to its citizens and other European Community nationals. In eastern and south-eastern Europe, the collapse of communist states have led to explosive ethnic conflicts based partly on long-suppressed historical disputes and partly on new problems arising from the economic and political crisis.

The current struggles in the ruins of the former Yugoslavia are too well-known to need rehearsing here. The extreme racism of 'ethnic cleansing' has evoked widespread horror. The failure of European countries and supranational bodies like the European Community and the United Nations to stop the fighting appears as a major setback to attempts to create a new global order after the Cold War. The response to the new refugee emergency has also been far from adequate, and the suspicion exists that some countries, such as Britain, have put restrictive immigration policies before humanitarian considerations. The conflicts in Bosnia, Croatia and other parts of former Yugoslavia show vividly that racism can present a major threat to democratic states and the international community.

Racial Segregation in the United States

Immediately following the Civil War and adoption of the 13th Amendment, most states of the former Confederacy adopted Black Codes, laws modelled on former slave laws. These laws were intended to limit the new freedom of emancipated African Americans by restricting their movement and by forcing them into a labour economy based on low wages and debt.

Vagrancy Laws allowed blacks to be arrested for minor infractions. A system of penal labour known as convict leasing was established at this time. Black men convicted for vagrancy would be used as unpaid labourers, and thus effectively re-enslaved. This would set precedent for Black Codes & Jim Crow Laws.

- Jim Crow laws were laws created by white southerners to enforce **racial segregation** across the South from the 1870s through the 1960s.
- Under the Jim Crow system, “whites only” and “coloured” signs proliferated across the South at water fountains, restrooms, bus waiting areas, movie theatres, swimming pools, and public schools. African Americans who dared to challenge segregation faced arrest or violent reprisal.
- In 1896, the Supreme Court declared Jim Crow segregation legal in the *Plessy v. Ferguson* decision. The Court ruled that “separate but equal” accommodations African Americans were permitted under the Constitution.

Examples of Jim Crow Laws Across Various States:

“It shall be unlawful for a negro and white person to play together or in company with each other in any game of cards or dice, dominoes or checkers.”

—**Birmingham, Alabama, 1930**

“Marriages are void when one party is a white person and the other is possessed of one-eighth or more negro, Japanese, or Chinese blood.”

—**Nebraska, 1911**

“Separate free schools shall be established for the education of children of African descent, and it shall be unlawful for any coloured child to attend any white school, or any white child to attend a coloured school.”

—**Missouri, 1929**

“All railroads carrying passengers in the state (other than street railroads) shall provide equal but separate accommodations for the white and coloured races, by providing two or more passenger cars for each passenger train, or by dividing the cars by a partition, to secure separate accommodations.”

—**Tennessee, 1891.**

Racism in the 21st Century

Black Lives Matter

The Black Lives Matter movement originated out of the unwarranted deaths of three African-American men, Trayvon Martin, Eric Garner & Michael Brown.

The movement aims to challenge people to think critically about the treatment of the African-American community in the United States and goes beyond the extrajudicial killings of Black people by police and vigilantes. Additionally, BLM surrounds its main conversation around the deprivation of basic human rights that the African-American community has been through.

The Black Lives Matter movement has demonstrated an unparalleled ability to not only reach, but to affect, a massive audience. It has been credited with bringing issues of racial justice into the mainstream and has demonstrated a commitment to dissolving the myth that the United States is a "post-racial" society. According to several studies conducted by Pew Research Center, 43% of Americans support the movement, including 65% of African-Americans. White Democrats, and those under the age of 30, have been particularly vocal in their support of the movement. 59% of black Americans believe that the movement will be effective, in the long run, in helping black Americans achieve equality. 34% of white Americans agreed with this sentiment.

While the movement has garnered attention and conditional support, from many people, famous personalities of film, television & sports, even presidential candidates as well as the former president Barack Obama, it is also facing some criticism, as well as out-right opposition from numerous sources. Many of those who oppose the movement are politically Conservative. One rather conservative media source, Fox News has repeatedly criticized the movement, going so far as to label it a terrorist movement, while using military-like language to describe the behaviour of Black Lives Matter protesters. Much of the Republican backlash towards the movement focuses on the perception that it is anti-police, giving rise to the slogan "Blue Lives Matter " (referencing police uniforms) in response.

The movement has also faced criticism from those fully aware and supportive of their

objectives - a number of Civil Rights era activists have decried the methods utilized by the movement to achieve its goals - namely, the “confrontational and divisive tactics” employed by protesters.

CAMPAIGN ZERO

A movement linked to Black Lives Matter - Campaign Zero - outlined a 10-point objectives in relations to police brutality in the U.S. after many critics commented the Black Lives Matter movement lacks direction.

1. **End Broken Window Policing:** Campaign Zero calls to end Broken Window Policing and racial profiling as well as establish alternative approaches to the Mental Health Crisis. Broken Window Policing criminalizes minor offences such as trespassing, jaywalking and marijuana possession as a preventative measure. According to the Campaign Zero website, 287 people were killed by the police department because of such a policy.
2. **Community Oversight:** Campaign Zero calls for community oversight for policy-making and jurisdiction of police offence and complaints. According to the U.S. Department of Justice, less than 1 of every 12 police misconduct results in disciplinary actions.
3. **Limit Use of Force:** Campaign Zero calls for setting restrictions of excessive use of force by establishing standards and revise current policy.
4. **Independent Investigations and Prosecutions:** in the case of police violence, Campaign Zero aims to shift police investigation of themselves to independent investigation.
5. **Community Representation:** Campaign Zero aims to challenge the police department to reflect the cultural diversity of the population and utilizing community feedback to inform rooms of improvements in the local police department.
6. **Body Cams/ Film the Police:** Campaign Zero noted that video evidence was crucial in the jurisdiction process of most police violence cases, thus, they aim to push forward using technologies to hold the local police department accountable.
7. **Training:** Campaign Zero has the intent to push forward a new set of training regimes that will put more emphasis on community interaction.
8. **End For-Profit Policing:** through limiting the use of ticket and arrest quotas, fines and fees for low-income individuals, as well as any form of corruption,

Campaign Zero challenges the police department to work for the people instead of aiming to make profits.

9. **Demilitarization:** establishing policies that limit the use of weapons that could potentially harm unarmed individuals.
10. **Fair Police Contracts:** rewrite police union contracts that are focused on protecting the police from unfair prosecution, while holding them accountable for their actions.

Racism against Muslims

Given that Muslims are not considered to be a group defined by race, the perception is that they cannot experience racism. A by-product then of the “measured response” claim is the suggestion that it is somehow acceptable to be Islamophobic on the basis that the fear of religion is genuine, logical and non-racial. This not only deflects accusations of racism but also situates Islamophobes in a more favourable position.

Anti-Muslim racism is a particular type of discrimination against all those perceived to be Muslim, which is itself determined by ideas about physical appearance (wearing of the hijab or burqa), religious custom (prayer or observation of Ramadan), and biological features (brown skin), which result in a sense of post-colonial superiority over all those considered to be Muslim. The term “anti-Muslim racism” emphasizes that racism is not exclusively biologically determined, but that it is something which is a socio-politically produced experience.

Along with ideas about failed multiculturalism, a lack of community cohesion, and the need for tighter border controls and national security (prevention of terrorist activity), nations have used “a narrative which connects race with culture with multiculturalism with national identity with community cohesion with wider social relations” around crime and security. This “logic” has resulted in attempts to further control brown bodies at every possible level, including the wearing of clothing often associated with Muslims. For instance, in 2011, France banned the wearing of the Islamic veil in public places. Punishable with fines of up to 150 Euros, the 2011 ban added to the 2004 ban on hijabs in France’s state schools. Later, in 2016, many French towns banned the wearing of a “burkini” (the term used in the media to refer to a swimsuit that covers most of the body and which is mostly worn by Muslim women). Reasons for the ban cited health concerns, security issues, assimilation agendas, as well as gender equality issues. Unsurprisingly, there has been a rise in the number of reported racist attacks, which have specifically used visual markers of Muslim-ness as a focus of hate, for example, bearded men being attacked and (women especially) having clothing forcibly removed or torn off. More recently, in March 2017, the European Court of Justice ruled that companies could ban its staff from wearing visible religious symbols whilst at work. Although the ruling covered the wearing of symbols of any religion, it was openly welcomed by those of the right of

the political spectrum who had been preoccupied with women wearing Islamic headscarves in the workplace.

Counter-terror measures have been criticized for excessively focusing on Muslims, and for their simplistic, generic and one-dimensional notions. This has presented the view that extremism and radicalisation are inherent within Muslim culture. This logic presents all Muslims as extremists, rather than criticizing the extremist mindset of individuals themselves. Anti-Muslim racism has seen the state and its allied services construct Muslims through a language of disobedience, deviance, and criminality, which is itself considered to be built on anti-Western hostility and a history of Orientalism. Rooted in these anxieties is the idea that Muslims are uncivil, inferior and inhumane. This logic not only helps to justify their unequal treatment in society but also helps to ensure that accusations of abuse and torture by the state are viewed with relatively little sympathy.

Propagation of Islamophobia

In a study of media coverage of terrorism in the U.S. identified a clear pattern of media coverage of Islam feeding Orientalism and fear of Islam, or us versus them mentality, though in this study, the “us” was U.S. citizens with international ties.

Mediated images of terrorism continue to serve an “essentializing” function intimately connecting terrorism with Islam and Muslims. Those U.S. citizens with no international ties were in some way “excused” for their behaviour due to mental illness and access to guns, or in cases of hate crimes, seen as fueled by irrational anger; whereas Muslims committing terrorist acts were connected with a larger network of terrorist groups with the goal of attacking America. Once a terrorist event occurred, the perpetrator was first labelled Muslim or non-Muslim before the reason for the act was investigated. If the perpetrator was not Muslim, they were frequently described as an angry loner with mental illness who was part of the gun violence culture in the U.S. If the perpetrator is Muslim, connections to international Islamic terror groups are investigated and the war of Islam on the U.S. is furthered, widening the East/West divide promoting Islamic terror and Muslims as the “other”.

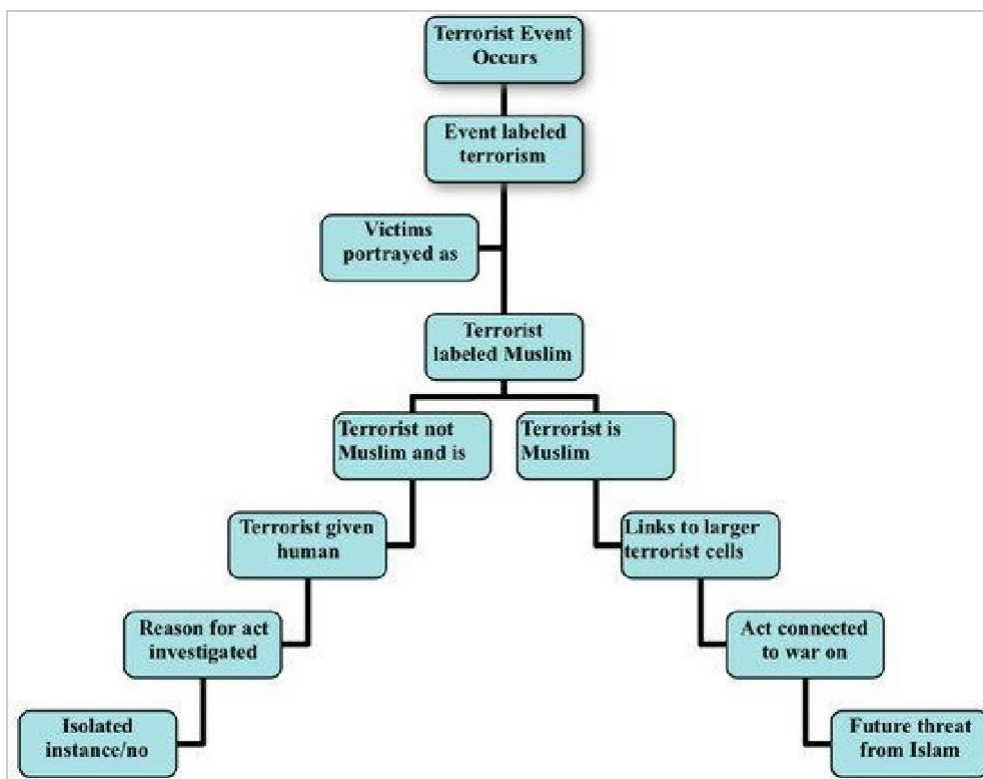


Figure 1. Model of media coverage of terrorist events in the U.S. Ironically, since terrorist acts depend on the media to spread fear, the media coverage of

acts of terror in this way is aiding Islamic terrorists in their goal of creating fear. While it can be argued that terrorism is a communication act with various audiences: victims, the U.S. government, and the larger population. Media coverage of terrorist acts helps achieve the final goal by inciting fear.

As media frames grow and become accepted, they can impact the political response, such as when President Obama addressed the nation about efforts to combat terrorism after the San Bernardino event, given ties to international terrorist groups. The media frame becomes an exigence requiring a political response to assure the public that actions are being taken to keep them safe.⁹

In the terrorist acts from 2011–2016, because of the extended focus on terrorists who were Muslim and U.S. citizens, the threat from Islam is even greater because terrorists are living among us. For acts of domestic terrorism with no international ties, the news coverage of the event was brief, whereas acts carried out by Muslims with “international” ties prolonged the coverage. There were 237 news articles for the six incidents of terrorism with no international connection, compared with 645 articles for the five incidents by Muslims with international connections. Approximately three times as much coverage of Muslim terrorist acts heightens fear and not only keeps Orientalism alive, but intensifies the resulting fear of Islam.

This media framing fuels anti-Muslim sentiment in the U.S., as Bail (2012)¹⁰ found that anti-Muslim organizations that were formerly fringe organizations were now in the mainstream in terms of contributing to media framework coverage. This media framing also has the potential to impact political decision making and global relations between the U.S. and Islamic countries. Saleem et al. (2017)¹¹ found that those consuming anti-Muslim coverage were more likely to support restricting civil liberties of Muslims and military actions in Muslim countries. This can be seen in the differences of how Obama paused before using the term “terrorist” and would not use “Islamic” and “extremism” together, whereas, Trump seems to have adopted the us versus them terrorist frame, which has impacted his policies, including travel bans on individuals from Muslim countries.

Due to the vast nature of mass media and the power of framing, "Muslims are mediated beings in ways beyond their control in reductive and monolithic ways". With the

majority of media coverage of terrorist acts focusing on those by Muslim Americans (though that is only five of the 11 terrorist acts in the last six years), this media framing poses a particular challenge: "As Muslim-Americans work to carve out a hybrid identity, a key part of their struggle will be challenging the dominant media discourse that insists on the incompatibility of the two parts of that hyphenated identity". It calls into question the primary identity and allegiance of Muslim Americans in a media frame of Islam versus the U.S., thus perpetuating questions of identity and being a "real American." Media framing of Muslims as terrorists has been fairly consistent since 9/11 and has an impact within the U.S. on Muslim Americans and how others see them. This study argues that terrorists who are Muslim are framed differently than those who are not Muslim, adding to a fear of the "other" that intensifies with each terrorist event. The dominance of the U.S. media globally adds to the power of this frame to impact global relations with Islamic countries.

The negative portrayal of Muslims in the Western media is globalized and if allowed to continue may eventuate into some kind of clash of civilizations with horrendous consequences for human civilization on the planet.

International Legal Instruments and Prior action of the UN

There exist multiple regional and international legal instruments that prohibit racism and racial discrimination but the foremost legal instrument on combatting racism, xenophobia and all forms of intolerance are the International Convention on Elimination of all forms of Racial Discrimination. In the 1960s, United Nations acted upon calls from numerous member states to address issues of rising anti-Semitism across the globe and adopted a resolution condemning “all manifestations and practices of racial, religious and national hatred” as breaches of the UN Charter and the principles embedded in the Universal Declaration of Human Rights. Later in 1963, the United Nations adopted the Declaration on the Elimination of all forms of Racial Discrimination. The Declaration became the foundation for further UN action on the issue and is considered a precursor to the International Convention on Elimination of all forms of Racial Discrimination . The Convention offers a formal definition of racial discrimination and sets out international standards for the eliminating all forms of racial discrimination. The main provisions of the convention are summarized in simpler terms as follows:

- State parties condemn racial discrimination and commit to the elimination of all forms of racial discrimination through state guarantees to not engage in the act of or practice racial discrimination or sponsor racial discrimination
- States parties condemn racial segregation and apartheid and undertake to prohibit and eradicate all such practices in its territories.
- It criminalizes the act of dissemination of propaganda relating to ideas or theories about the supremacy of one race to another.
- It criminalizes acts of violence or acts inciting violence against a person or group of persons from another colour or ethnic origin.
- State parties to the ICERD ensure that all people in its jurisdiction get effective protection and remedies through access to competent national tribunals and other State institutions against acts of racial discrimination.
- State parties agree to undertake effective measures to combat prejudices that lead to discrimination and promote understanding and tolerance and friendship among nations through education, culture and dissemination of information.

One of the most contentious and deliberated upon issues of the convention is the

article relating to prohibition on the incitement of racism and hate crimes based on race. The article condemns and propagandizes and organizations that attempt to endorse racial discrimination and criminalizes hate speech, hate crime, financing of racist activities and membership in organizations that promote and incite racial discrimination. The point of contention is that several parties interpret this article and the measures as infringement on the freedom of speech and expression, association and assembly. On the other hand, the Committee on Elimination of Racial Discrimination feels that this article is indispensable to combatting racism and racial discrimination. It regards the obligation as consistent with the freedoms of opinion and expression affirmed in the UNDHR and ICCPR and further notes that the latter in particular prohibits inciting racial discrimination and hatred. In spite of this, some member parties have expressed their reservations on this article. The Convention also establishes a “dispute resolution mechanism” among the parties to ensure the implementation and enforcement of the Convention. Under this mechanism, if one party to the Convention feels that the other is not acting in accordance to its obligations under the Convention, then it can register a complaint to the Committee on the Elimination of Racial Discrimination. The Committee passes on the complaint to the concerned parties for a response and if the dispute remains unresolved, it establishes an ad-hoc conciliation commission to consider the matter and submit recommendations to Chairman of the Commission to find an amicable solution to the satisfaction of both parties to the dispute. The entire procedure for the registration of complaints and dispute resolution is detailed from article 11 to article 13 of the Convention.

One of the main reasons for the effectual implementation of this agreement apart from the dispute resolution is the “Individual complaint mechanism” as detailed under Article 14 of the Convention. Under this mechanism, if a member state recognizes the competence of the Committee to listen to individual or group cases on issues of racial discrimination, then the committee can extend its jurisdiction and offer appropriate recommendations.

Committee on Elimination of Racial Discrimination

[The Committee on the Elimination of Racial Discrimination \(CERD\)](#) is composed of 18 independent experts that monitor implementation of the Convention on the Elimination of all Forms of Racial Discrimination. The State parties to the convention are obligated to submit regular reports to the Committee on the implementation of the convention. Under the current reporting procedures, a State acceding to the Convention must submit a report in the 1st Year called the Initial Reports and then submit Periodic Reports every 2 years. The Committee examines each report and addresses its concerns and recommendations to the state parties in the form of “concluding observations”.

The Committee on Elimination of Racial Discrimination is often considered the custodian of International Convention of Elimination of all forms of racial discrimination (ICERD), it is responsible for monitoring the implementation of the Convention. The Committee does so through 3 mechanisms:

- Early warning procedure of the Committee
- Dispute Resolution mechanism on Inter-state complaints
- Individual Complaints mechanism

The "Dispute Resolution mechanism" and "Individual complaints mechanism" has been explained in depth in the preceding section of the Background Guide. The Committee also publishes its interpretation of the content of human rights provisions in the form of known as general recommendations and organizes discussions on thematic issues relating to racism and racial discrimination. The success of an international legal instrument can be measured in terms of its adoption and its implementation. It can be argued that the International Convention of Elimination of Racial Discrimination has become an international standard and has gained acceptance across the globe. The other measure of success is its implementation.

The agreement has had a strong bearing on national legislations, resulting in numerous state parties banning racism and racial discrimination in all aspects of life. Some examples include the Civil Rights act of 1964 in the United States, the Race Relations act of 1971 of New Zealand, Race Relations act of 1976 in the UK and the Canadian Human Rights act of 1977. But there exist numerous challenges to the implementation and reporting standards. Some state parties still need to report their

progress to the Committee. It has been noted that, as of 23 November 2015, 92 state parties have not submitted their initial or periodic reports on time. For instance, Sierra Leone has failed to report its progress since 1976. Liberia and Saint Lucia also haven't fulfilled reporting requirements under the Convention. The Committee has also noted that the number of state parties accepting the "Individual complaints mechanism" among African and Asian countries remains especially low. Only 3 Asia-pacific state parties have made the declaration under Article 14 of the Convention to recognize the Individual complaints mechanism.

Durban Declaration and Durban Programme of action

[The Durban Declaration and Programme of action](#) together represent the second most important document on the issue of racial discrimination after the ICERD. In 2001, the General assembly, according to Ga resolution 52/111 authorized a conference to be held in Durban against Racism, Racial Discrimination, Xenophobia and related Intolerance. The outcome of the conference resulted in the Durban Declaration and Programme of action a comprehensive action-oriented document that proposes concrete solutions to combat racism, racial discrimination, xenophobia and related intolerance. The Durban Declaration and Programme of action embodies the firm commitment of the international community to plug the loopholes in the ICERD but it comes at the expense of losing its enforcement abilities in part because the declaration is not binding in nature, meaning that state parties can the recommendations contained in the document. The Durban Declaration and Programme of action is a 60-page document. As it is not possible for delegates to read the full document, I shall, for the purposes of ease, reiterate its main features here. To summarize, the Durban Declaration and Programme of action:

- Calls for the Universal ratification of the International Convention on Elimination of all forms of Racial Discrimination.
- Delegates the obligation to combat racism, racial discrimination, xenophobia, and related intolerance to States parties to the Convention and calls upon international organizations, national human rights institutions increase their engagement;
- Highlights the need to incorporate a gender dimension in the fight against racism and racial discrimination and attributes a much greater role for females in the drafting of programmes to combat racism, racial

discrimination and related intolerance;

- Calls for the drafting of “National action plans” to eradicate racial discrimination, xenophobia and related intolerance;
- Calls for reinforcement of National Human Rights bodies to formulate concrete recommendations in the area’s of national legislation and administrative justice

Outlines measures to address discrimination in the fields of education, healthcare, job opportunities and policing;

- Calls upon state parties to adopt policies and programmes to counter incitement to racial hate crimes and hate speeches in the media, including the Internet.
- Urges state parties to adopt "affirmative-action" to create equal opportunities for victims of racism, racial discrimination, xenophobia and related intolerance in the political, economic, social and cultural decision-making spheres.

The Durban Declaration and Programme of action contains important issues relating to the agenda and these areas must be examined. But at the same time, it is important to use a broader understanding of racism and racial discrimination in regards to social, economic and legal spheres of life. Therefore the recommendations and suggestions contained in the Durban Declaration and Durban Programme of action can serve as a strong basis for committee debate.

Key Issues

Legal Equality

Equality of all individuals under the law would seem almost universal at this point, having been espoused by the UN Charter and the ICERD. Discrimination based purely on race is illegal in most cases—the Gulf States being a potential exception that we will address in a moment.

However, even if racism has been somewhat purged from legal codes, xenophobia has not. In many cases, it is still legal and common for discrimination to take place explicitly based on country of origin. Significantly, ICERD allows states to —make distinctions, exclusions, restrictions or preferences between citizens and non-citizens—as long as all non-citizens are treated equally. This means that citizenship can become a tool of discrimination, especially against foreigners. The United Arab Emirates, for instance, has exploited this distinction for years. Out of a population of 9.2 million people, 7.8 million are expatriates, with the vast majority being migrant workers from South Asia. While the 1.4 million Emirati citizens enjoy great prosperity, the migrant workers suffer under the Kafala system, in which employers take workers' passports and essentially force them to work below international labour standards.

Another easily exploited legal distinction is that which separates legal and illegal immigrants. Most countries do not (explicitly at least) guarantee all economic and political rights to illegal immigrants. However, the committee must determine which of these rights only belong to legal immigrants and which belong to all. Public education, for instance, presents one such conundrum. Education is a human right, but public education is taxpayer-funded; should illegal immigrants have the right to such an education?

Economic Inequality

The true contentiousness begins after equality under the law has been established. Under one perspective, which might be described as conservative or perhaps neoliberal, the establishment and enforcement of legal codes are sufficient. All individuals enjoy equal protection under the law, and with it, equal opportunity for economic gain. Conservatives in the United States commonly hold this view: underprivileged minorities, particularly blacks and Hispanics/Latinos, have enjoyed equal rights since the civil rights movement of the 1960s.

Affirmative action policies that explicitly target those minorities are therefore unnecessary. The other, more left-wing side of that argument would support affirmative action policies in education and elsewhere because these programs would simply be adjusting for previously created inequities. Under this perspective, legal equality is not sufficient; there should also be programs that explicitly target the economic divide between racial or ethnic groups. This perspective stems from the belief that past racist and xenophobic social structures directly caused economic challenges for these minority groups. The interplay between these two sides will significantly influence the policy directions taken in committee. For what it is worth, the Durban Declaration explicitly endorses affirmative action programs in education, the workplace, and other areas. It is unclear how many countries, especially poor and ethnically homogeneous ones, will be willing to do the same.

Terrorism and Xenophobia

Xenophobia has become a relevant international topic in part because of Islamophobia in the United States and Western Europe, the byproduct of a rise in Islamic terrorism since the turn of the century. While events like 9/11 and Charlie Hebdo have left these countries traumatized, the fact remains that their populations are still comprised of many peaceful Muslims; 7.5% of France's population was Muslim as of 2010. In committee, delegates will essentially have to decide whether or not national security and minority rights are mutually exclusive or go hand in hand. It might be necessary, for instance, to subject certain individuals from minority groups to extra security at airports in the name of national security. On the other hand, effective cultural and economic integration of Muslim and other immigrants might reduce the chances of homegrown

extremism.

Important Issues to Consider

This section consists of issues or questions that the Executive Board feels can be debated upon. But remember that this list is not exhaustive – meaning that delegates should feel free to explore other sub-topics apart from these issues.

Issue 1: Does Institutional racism exist in one's access to public facilities such as access to education, healthcare, sanitation, courts and other legal remedies, job opportunities? Please research some case studies or examples if possible.

Issue 2: Policies and measures members can adopt to ensure faster integration of racial and ethnic minorities.

Issue 3: Does the criminalization of hate speech constitute an infringement on the freedom of speech and expression?

Issue 4: Has the International Convention the Elimination of all forms of Racial Discrimination (ICERD) been successful in combatting racism and racial discrimination?

Issue 5: Is the "Dispute resolution mechanism" effective in implementing and enforcing the clauses of the International Convention the Elimination of all forms of Racial Discrimination (ICERD)?

Issue 6: Please suggest some recommendations or solutions combat racism, racial discrimination, xenophobia and related intolerance.

Issue 7: What is the role of the UN Special Rapporteur on Contemporary forms of racism, racial discrimination, xenophobia and related intolerance?

Important Questions for Research

This section consists of important issues or questions regarding a delegate's portfolio. It is expected that a delegate is researched on these questions.

Issue 1: Does your country have a documented historical past of engaging in institutional racism, ethnic discrimination or xenophobia?

Issue 2: What policies or measures has the Government implemented to combat racism, racial discrimination or xenophobia?

Issue 3: Has the Government been submitting periodic reports to the Committee on Elimination of Racial Discrimination on its progress?

Issue 4: Has the Government accepted the recommendations contained in the Durban Programme of action? If not, then the reason for the same