

HISAR SCHOOL

JUNIOR MODEL UNITED NATIONS 2018

“Globalization: Creating a Common Language”

Human Rights Council

The Issue of Racial Profiling by Police Officers



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REPORT**

Recommended by:



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Forum: Human Rights Council

Issue: Sexual Harassment in Workplace

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Introduction

Racial profiling is the use of race, ethnicity, gender, religion, or national origin by law enforcement agencies as a factor in deciding whom to investigate, arrest or detain without any specific illegal activity noticed. It is the practice of targeting individuals with the perception that they are more likely to engage in criminal activity. Ethnic profiling takes place in law enforcement actions such as identity checks; stops and searches; raids; border and customs checks; vehicle inspections; home searches; mass identity checks; selection of targets for surveillance; data mining; and other police-initiated actions. This continues even in violation of certain basic human rights expressed in many countries constitutions. Some proponents express that racial profiling is a an efficient method of using law enforcements resources to safeguard security of all. Others will express, however, that the practice is not a legal security measure, but diverts law enforcements attention from real sources of threats. Law enforcement around the world is beginning to use this practice as they identify threats based on ethnicity, national origin and religion most prevalently.

Definition of Key Terms

Profiling: the analysis of a person's behavioural characteristics and /or traits, so as to assess or predict their capabilities assist in identifying a particular subgroup of people.

Race: a group of people sharing the same culture, history, language, etc.; an ethnic group.

Minority: a relatively small group of people, especially one commonly discriminated against in a community, society, or nation, different from others in race, religion, language, or political persuasion.

Civil rights: relating to, or promoting equality in social, economic, and political rights

Bias: a particular tendency, trend, inclination, feeling, or opinion, especially one that is preconceived

General Overview

The issue of racial profiling by law enforcement agencies is again making worldwide headlines and most often in the United States. Many civil rights groups have said that this has long been happening to many groups including African Americans and Hispanics who have the highest rates of being stopped and questioned. Under the core international human rights treaties all persons have a right not to be discriminated against, which is violated by the practice of ethnic profiling. Racial profiling also results in many unnecessary stops and searches, harassment and intimidation, and even confiscation of property without due process. In Oakland, California for example, black men were four times more likely to be

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searched than whites during a traffic stop and were more likely to be handcuffed even if they weren't arrested, according to a 2016 report from Stanford academics who analysed the city's police stop data. In nearly nine out of 10 searches, police find nothing.

Another widespread example of racial profiling is the targeting of Arabs, Middle Easterners and South eastern Asians since the attacks in New York City on September 11th. After 9/11, people who are Arab, Muslim and South Asian have found themselves routinely being singled out for secondary searches and interrogations when crossing international borders and entering and exiting the country. This has moved from only law enforcements agencies practicing racial profiling, but also airport security, department store security, pilots and many more. All of these occupations have had accusations of practicing racial profiling as well.

Many profiling situations have become life and death issues with many people involved in these stops losing their lives or being injured. This has brought many communities to become hostile towards law enforcement and being destructive in the communities where this has taken place. This can undermine effective law enforcement with the community becoming less helpful and communication breaking down.

Advocates of racial profiling will firmly state that it helps in identifying criminals, preventing crimes, and protecting innocent community members. They will argue that by having a racial profile, they can apprehend a 'criminal' before that person hurts someone. Supporters say that racial profiling is backed by statistics and that it is not an act of racism but for protection of communities and innocent civilians.

Major Parties Involved and Their Views

One of the main countries with an issue involving racial profiling by large city law enforcements agencies is the United States of America. There are many high profile cases involving police departments and agencies practicing profiling. Many cases have involved injuries and deaths resulting from these stops. The American President, Donald Trump, has been quoted as being an advocate of looking into using racial profiling especially as it pertains to Muslims and restricting travel to America. "I think profiling is something that we're going to have to start thinking about as a country," Trump said when asked on CBS whether he supported more profiling of Muslims in America. "You look at Israel and you look at others, and they do it and they do it successfully. And you know, I hate the concept of profiling, but we have to start using common sense," he added.

Racial profiling is often seen in European countries working on anti-terrorist investigations. Countries that have suffered terrorist attacks are resulting to racial profiling of people in order to prevent further attacks. This has led to suspicion of not only citizens but immigrants as well. Technically, racial profiling is forbidden under European Union law, and records of stop-and-searches are not routinely kept in many nations, including France and Germany. But from Barcelona to Warsaw, Munich to Paris, it has become commonplace to see ethnic minorities held up at police checkpoints as white Europeans and tourists whisk through unmolested. Many countries have been facing tough issues with immigrants and a rise in sexual assault and sexual harassment incidents on the rise. Police in these countries are facing a dilemma and are being accused of racial profiling and profiling people based on clothes, religion and behaviors as well.

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Timeline of Events

<i>Date</i>	<i>Event</i>
1968	Terry v. Ohio was the first challenge to racial profiling in the United States
2003	Department of Justice issued its Guidance Regarding the Use of Race by Federal Law Enforcement Agencies forbidding racial profiling by federal law enforcement officials.
2011	United Nations Committee on the Elimination of Racial Discrimination (CERD) urged the Spanish government to take "effective measures" to ethnic profiling, including the modification of existing laws and regulations which permit its practice.
2012	There has been a first court ruling concerning racial profiling in German police policy.

Treaties and Events

Many countries have explicit laws and constitutional rights guaranteed to their citizens to be free from racial and ethnic profiling. There are states that are working towards explicit laws clearly stating guidelines about law enforcement application of profiling as a policy. There are numerous court cases in the USA and Canada specifically arguing against racial profiling.

Evaluation of Previous Attempts to Resolve the Issue

Attempts and recommendations to solve this issue have been made and recommended previously. Many countries reject many of these recommendations especially if they are in a state of emergency. Many countries say they may use this practice as needed to secure the safety of their borders and their citizens. Countries that have suffered terrorist attacks are not willing to be prescribed as to how they may stop and question people in the name of safety.

Possible Solutions

There are many possible solutions to this issue, one of them being a change in policies in airports, and police stations around the world. Police must carry out their responsibilities according to established policies which reflect community values and must be held accountable if they do not. These policies should state how all suspects should be treated fairly until they are proven guilty. Another possible solution is social media and Public Service Announcements. The use of these tools can build community trust and legitimacy because the police can engage and educate communities, and have dialogues about privacy, accountability, and transparency. But its implementation must be built on a defined policy framework, and its purposes and goals must be clearly delineated. Police departments must be held to clear standards and be accountable if they do not adhere to policies. Effective training is needed especially as societies become more pluralistic. Communities must work with the police to be partners in making their communities safe and participate together. Definitive and clear anti-profiling laws and policies can be accepted and placed into use. Yearly data can be analyzed and looked at for bias and addressed. Also, law enforcement agencies can look at internal and external systems to analyze bias and profile cases and address them. Clear guidelines can help law enforcement agencies rebuild trust and adhere to basic human rights and freedoms.

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