

BACKGROUND GUIDE

# General Assembly Third Committee (GA3)



Property of Lagos Model United Nations

Background Guide: General Assembly Third Committee (GA3)

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## Table Of Contents

<b>Letter from USG</b>	<b>4</b>
<b>Abbreviations</b>	<b>6</b>
<b>Committee Overview</b>	<b>9</b>
i. Introduction	9
ii. Governance, Structure, and Membership	10
iii. Mandate, Functions and Powers	11
Recent Sessions and Current Priorities	14
Conclusion	15
Annotated Bibliography	16
Bibliography	16
<b>TOPIC ONE: ADDRESSING SYSTEMIC RACISM IN THE 21ST CENTURY</b>	<b>18</b>
Introduction	18
International and Regional Framework	21
Role of International System	30
Origin of Systemic Racism	31
Racism in the Healthcare Sector	35
Racial Discrimination in the Educational Sector	39
Racial Profiling and Criminal Justice	43
The Role of Social Media in the Fight against Systemic Racism	47
Eliminating Racism in a Changing World	50
Conclusion	53
Further Research	53
Annotated Bibliography	53
Bibliography	55
<b>TOPIC TWO: COMBATTING HUMAN TRAFFICKING ON AN INTERNATIONAL SCALE</b>	<b>61</b>
Introduction	65
International and Regional Framework	66
Role of International System	70
Breakdown of the Basics of human trafficking	73
Root Causes of Human Trafficking	74
Groups Susceptible to Human Trafficking	75
Accentuating the Pattern of Human Trafficking	76
Human Trafficking and Labour Exploitation	80
The Nexus between Human Trafficking and Migrant Smuggling	81
Human Trafficking and Homelessness	84
Measures in Preventing Human trafficking	85

Conclusion	86
Further Research	86
Annotated Bibliography	85
Bibliography	89

## Letter from USC

Dear delegates,

With great pleasure, I welcome you to the Lagos Model United Nations 2022, the 7th session. LMUN is a platform that highlights contemporary world issues. It brings together youths from different walks of life to deliberate on viable solutions to make the world a better place. The conference helps participants develop and improve their writing, research, public speaking, leadership, networking and diplomatic skills. LMUN refines and polishes the very best qualities in us, and I have no doubts that this conference will be a transformative process for all participants.

This year, the staff for the General Assembly (GA) Third Committee are **Gloria Oziohu Alonge** (Under-Secretary-General), **Moyoninuoluwa Ogunwunmi** (Chair), **Triumph Olisekodiaka** (Vice-Chair), **Ruby Ihekweme** (Researcher) and **Rokiat Sulaimon** (Researcher).

**Gloria** is a 4th-year law student at the University of Lagos. She has served as a delegate in several MUNs, including LMUN 2019 as the delegate of Algeria in ECOSOC and MYMUN in 2020 as the delegate of Egypt in GA 6, where she was awarded the Best Delegate Award. She has also served in official capacities as a Chair for WHO in MYI-MUN 2020 and as a Researcher for the UNHCR in LMUN 2021. She believes that MUNs are essential in the sensitization of youths on global issues and the development of problem-solving skills. She is passionate about diplomatic relations, human rights and the attainment of the SDGs. **Moyo** is a 4th-year student of the Faculty of Law, University of Lagos. She was a delegate at the LMUN'20 and she bagged the position paper and distinguished delegate awards in the Human Rights Council (UNHRC). She has a keen interest in international human rights. **Triumph** is a 4th-year law student in the University of Lagos. She was a delegate at LMUN'21 where she was awarded the Position paper and Outstanding Delegate awards in the General Assembly Third committee. **Ruby** is a 4th-year Economics student in the University of Lagos. She was a delegate at LMUN'21 where she received the Honourable mention award in the Food and Agriculture Organization. She also received the outstanding delegation award as a representative of Kenya. **Rokiat** is a 4th-year law student of the University of Law. She was a delegate at LMUN'21 where she learnt adequate diplomacy and public speaking skills. She was also a delegate at YISMUN where she won the position paper award. She is interested in the attainment of the SDG goals, with SDG 13 on Climate Action being her favourite.

The GA 3 deals with issues pertaining to human rights, humanitarian affairs and other social matters. The topics to be discussed by the Committee are

- I. Addressing Systemic Racism in the 21st Century
- II. Combatting Human Trafficking on an International Scale

The background guide is to serve as a stepping stone to begin research on the topics to be discussed and not as a replacement for individual research. As such, delegates are encouraged to conduct their research beyond the background guides and make use of the Further Research, Annotated bibliography and Bibliography to aid in extensive research. Also, the Delegate Prep Guide and the Rules of Procedure will acquaint you with the conference's required conduct and procedural rules. These documents can be accessed on the LMUN website- [www.lmun.ng](http://www.lmun.ng).

In preparation for the conference, each delegate is expected to submit a position paper on a date to be communicated after registration and country and committee assignment. The guidelines in the LMUN Position Paper Guide will direct delegates on this process. To communicate any questions or concerns during your preparation for the conference, please contact me at [usggeneralassembly@lmun.ng](mailto:usggeneralassembly@lmun.ng) or the committee at [gal@lmun.ng](mailto:gal@lmun.ng)

We look forward to seeing you at the LMUN 2022 Conference!

**Gloria Oziohu Alonge**

USG General Assembly, LMUN 2022.

## Abbreviations

<b>AAPI</b>	Asian American and Pacific Islander
<b>ACT</b>	Active Communities Against Trafficking
<b>BLM</b>	Black Lives Matter
<b>CEDAW</b>	Convention on the Elimination of All Forms of Discrimination Against Women
<b>COVID-19</b>	Corona-Virus Disease (2019)
<b>CRC</b>	United Nations Convention on the Rights of the Child
<b>ENAR</b>	European Network Against Racism
<b>ESL</b>	English as a Second Language
<b>EU</b>	European Union
<b>GA</b>	General Assembly
<b>ICCPR</b>	International Covenant on Civil and Political Rights
<b>ICERD</b>	International Convention on the Elimination of All Forms of Racial Discrimination
<b>ICESCR</b>	International Covenant on Economic, Social and Cultural Rights
<b>IGAD</b>	Intergovernmental Authority on Development
<b>ILO</b>	International Labour Organisation
<b>NGOs</b>	Non-Governmental Organisations
<b>OAS</b>	Organisation of American States
<b>OHCHR</b>	The United Nations Office of the High Commissioner for Human Rights
<b>PGA</b>	President of the General Assembly
<b>SC</b>	Supreme Court
<b>SOCHUM</b>	Social, Humanitarian and Cultural Committee
<b>STEM</b>	Science, Technology, Engineering and Mathematics
<b>STF</b>	Stop The Traffik

<b>UDHR</b>	Universal Declaration of Human Rights
<b>UN</b>	United Nations
<b>UNDRIP</b>	United Nations Declaration on the Rights of Indigenous People
<b>UNESCO</b>	United Nations Educational, Scientific and Cultural Organisation
<b>UNGA</b>	United Nations General Assembly
<b>UN.GIFT</b>	United Nations Global Initiative to Fight Human Trafficking
<b>UNHCR</b>	United Nations High Commissioner for Refugees
<b>UNHRC</b>	United Nations Human Rights Council
<b>UNICEF</b>	United Nations International Children's Emergency Fund
<b>UNODC</b>	United Nations Office on Drugs and Crime
<b>WTO</b>	World Trade Organisation



## Committee Overview

### Introduction

The United Nations General Assembly (UNGA) is one of the six principal organs of the United Nations (UN), serving as the UN's main deliberative, policymaking, and representative organ. It was formed in 1945 by virtue of the United Nations Charter. All 193 members of the United Nations are members of the UNGA. The UNGA makes key decisions for the United Nations, including appointing the Secretary-General on the recommendation of the Security Council, electing the non-permanent members of the Security Council, and approving the UN budget. The current president governing the UNGA is Abdulla Shahid, and the Committee is presently in its 76th session, which opened on 14th September 2021.

The Third Committee of the UNGA, otherwise referred to as the Social, Cultural and Humanitarian (SOCHUM) or General Assembly 3 (GA 3), is one of the main Committees of the United Nations. The GA 3 was formed in 1947.<sup>1</sup> However, the Committee first convened in 1948. It majorly deals with social, cultural, and humanitarian affairs that affect people globally. It focuses a large part of its work on questions surrounding human rights. The Committee considers all social, cultural and humanitarian matters that are within the legislative scope of the United Nations Charter. An important part of the work of the Committee is the examination of reports of the Special Procedures of the Human Right Councils.<sup>2</sup> The Committee seeks solutions to the many challenges that affect the rights of people irrespective of their race, colour, religion or any other differences. It discusses questions relating to the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. The Committee also

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<sup>1</sup> Pinar Sezgin, "Research Binder Friday: SOCHUM/GA 3", 9 February 2017.

<sup>2</sup> UN News, "Turkish diplomat elected President of historic 75th UN General Assembly", 17 June 2020.

addresses important social development questions such as issues relating to youth, family, ageing, persons with disabilities, crime prevention, criminal justice, and international drug control.

### **Governance, Structure, and Membership**

The membership of the SOCHUM includes all 193 Member States, and each Member State has one equal vote.<sup>3</sup> The non-member states and other entities recognized by the UN as permanent observers may attend and participate in meetings, but they cannot vote.<sup>4</sup> The General Assembly annual meetings are categorised into two parts: the main part of the General Assembly and the resumed part of the General Assembly. The main part of the General Assembly holds its meetings from mid of September to the end of December annually, while the resumed part of the General Assembly holds its meetings in the remainder of the year.

The General Assembly, Third Committee, is currently at its 76th session and is chaired by H.E Mohamed Siad Doualeh (Djibouti).<sup>5</sup> Mr Mohamed Siad Doualeh is the Permanent Representative of Djibouti to the United Nations and the Ambassador of Djibouti to the United States. Before assuming his duties as Ambassador of Djibouti to the United Nations, World Trade Organisation (WTO) and Switzerland, he served as Special Envoy to the Intergovernmental Authority on Development (IGAD)-led Process for Somalia as a member of the IGAD Facilitation Committee.<sup>6</sup> Serving as Vice chairs in the current session (2021-2022) are Ms Hanne Carlé (Belgium), Ms Devita Abraham (Trinidad and Tobago), and Mr Joongil Shin (Republic of Korea). The rapporteur is Ms Maria-Iuliana Niculae (Romania).<sup>7</sup> At the 75th session of the GA, the Third committee considered 50 draft resolutions.

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<sup>3</sup> Pinar Sezgin, "Research Binder Friday: SOCHUM/GA 3", 9 February 2017.

<sup>4</sup> Ibid.

<sup>5</sup> United Nations General Assembly, "Social, Humanitarian and Cultural Issues (Third Committee)."

<sup>6</sup> Ibid.

<sup>7</sup> Ibid.

The General Assembly comprises a President and Twenty-One (21) Vice-Presidents. It should be noted that the committee sessions are usually conducted in October annually. In addition to this, various subsidiaries report to the General Assembly, such as boards, committees, commissions, and councils.<sup>8</sup> The President of the General Assembly (PGA) is elected by a simple majority vote of the General Assembly. In accordance with the rules of procedure of the General Assembly, the President, Vice-Presidents and Chairs of the Main Committees are elected at least three months in advance of the start of the new session in order to strengthen coordination and preparation of work among the Main Committees and between the Committees and the Plenary.<sup>9</sup>

### **Mandate, Functions and Powers**

The Third Committee of the General Assembly, also known as the social, humanitarian and cultural Committee, essentially deals with human rights, humanitarian affairs and social matters. The GA3 has its mandate established according to the United Nations charter. It is mandated to receive and discuss reports issued by the other principal organs established under the Charter, as well as reports issued by its subsidiary bodies.<sup>10</sup> While the GA may consider any issue within the scope of the Charter, it may not take decisions on international situations or disputes that the Security Council is considering.<sup>11</sup> Furthermore, the GA has the mandate to elect and appoint its officers. The Assembly has a mandate of helping to protect human rights and fundamental freedoms with the Universal Declaration of Human Rights as its main reference guide<sup>12</sup> and focuses on social and cultural concerns. It collaborates and interacts with various groups and organisations to enact the GA resolutions.

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<sup>8</sup> United Nations, "Agenda of the 74th session".

<sup>9</sup> Ibid.

<sup>10</sup> The GA Handbook, "A practical guide to the United Nations General Assembly".

<sup>11</sup> Ibid.

<sup>12</sup> UN General Assembly – 3rd Committee - ThessISMUN.

The United Nations outlines, in The UN Charter, the functions of GA as discussing questions relating to the maintenance of international peace and security,<sup>13</sup> initiating studies and making recommendations for the target of promoting progressive development of international laws and their codification,<sup>14</sup> as well as promoting international co-operation in the economic, social, and cultural fields.<sup>15</sup> The GA receives and considers annual reports from the Security Council that show the measures decided upon or taken to maintain international peace and security.<sup>16</sup> The GA receives and considers reports from the other organs of the United Nations. The GA's functions still outline;

1. Discussing issues such as women's advancement, child safety, indigenous issues, and refugee treatment.
2. Promotion of fundamental freedoms through the elimination of racism and racial discrimination.
3. Pursuing important social development concerns such as crime prevention, criminal justice, and worldwide drug control are also addressed by the Committee.

As outlined in the United Nations Charter,<sup>17</sup> The General Assembly has the power to call the Security Council's attention to situations likely to endanger international peace and security.<sup>18</sup> The Committee's power also extends to the investigation of human rights issues, examination of human rights questions, and examination of reports from the Human Rights Council's special procedures, which were established in 2006.<sup>19</sup> As authorised and mandated by the Human Rights Council, the Committee will hear from special rapporteurs, independent experts, and working group heads in October 2020. According to the Charter of the United Nations, the General Assembly<sup>20</sup> has the power to;

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<sup>13</sup> United Nations, "Charter of the United Nations", 24 October 1945, 1 UNTS XVI, Art. 11 para. 2.

<sup>14</sup> Ibid, Art.13 para. 1.

<sup>15</sup> Ibid, Art. 13 para. 2.

<sup>16</sup> Ibid, Art. 15 para. 1.

<sup>17</sup> United Nations, "Charter of the United Nations", 24 October 1945, 1 UNTS XVI.

<sup>18</sup> Ibid, Art. 11, para. 3.

<sup>19</sup> United Nations General Assembly - Third committee - Social, Humanitarian & Cultural Issues.

<sup>20</sup> United Nations, "Charter of the United Nations", 24 October 1945, 1 UNTS XVI.

1. Consider and approve the United Nations budget and establish the financial assessments of Member States.<sup>21</sup>
2. Elect the non-permanent members of the Security Council and the members of other United Nations councils and organs and, given the recommendation of the Security Council, appoint the Secretary-General.<sup>22</sup>
3. Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament.<sup>23</sup>
4. Discuss any question relating to international peace and security and, except where a dispute or situation is currently being discussed by the Security Council, make recommendations on it.<sup>24</sup>
5. Discuss, with the same exception, and make recommendations on any questions within the scope of the Charter or affecting the powers and functions of any organ of the United Nations.<sup>25</sup>
6. Initiate studies and make recommendations to promote international political cooperation, the development, and codification of international law, the realisation of human rights and fundamental freedoms, and international collaboration in the economic, social, humanitarian, cultural, educational and health fields.<sup>26</sup>
7. Make recommendations for the peaceful settlement of any situation that might impair friendly relations among countries.<sup>27</sup>
8. Consider reports from the Security Council and other United Nations organs.<sup>28</sup>

In circumstances of a threat to peace, a breach of peace, or an act of aggression, the Assembly may act if the Security Council has failed to act due to a permanent member's

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<sup>21</sup> United Nations "General Assembly of The United Nations" Functions and powers of the General Assembly.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Ibid.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

<sup>28</sup> Ibid.

negative vote. In such cases, the Assembly may review the situation immediately and recommend to its members collective steps to maintain or restore world peace and security, as set out in its "Uniting for Peace" resolution of 3 November 1950.

### **Recent Sessions and Current Priorities**

The General Assembly Third Committee is currently at its 76th session, which is ongoing, and meetings are estimated to span till September 2022. Due to ongoing COVID-19 restrictions, the Third Committee is operating in a hybrid fashion. Some sessions are held in person, and some are virtual.

The current session focuses on promoting sustainable economic growth and social development. The Committee further discusses questions relating to the advancement of women, the protection of children, indigenous issues, the treatment of refugees, the promotion of fundamental freedoms through the elimination of racism and racial discrimination, and the right to self-determination. It also addresses important social development issues such as youth empowerment, crime prevention, criminal justice, and international drug control.

All these issues addressed by the General Assembly Third Committee plague the world today. This session serves as a medium for member states to provide solutions to the concerns in question. This session serves as a medium for member states to provide solutions to the concerns in question. The Third Committee has considered over sixty (60) draft resolutions covering the recent priorities, including draft resolution A/76/462/Add.2 DR III,<sup>29</sup> which focuses on Combating intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence and violence against persons, based on religion or belief.

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<sup>29</sup> A/RES/76/157

## Conclusion

The GA 3 is majorly concerned with social, cultural, and humanitarian affairs; thus, the Committee's role and importance cannot be overstated. The mandate of the Committee therein vests a great responsibility on delegates representing various countries to be intentional, particularly about their resolutions. The matters to be resolved in the Committee speak to the root of man's existence and status in the community globally and internationally. Therefore, resolutions developed in furtherance of the Committee's session must be directed towards promoting human dignity and the social and cultural well-being of the world, thereby achieving peaceful co-existence.

## Annotated Bibliography

United Nations, 'Working of the General Assembly' available at <https://www.un.org/en/ga/> (accessed 4 March, 2022)

*This discusses the functions, workings, and key decisions of the United Nations. It also provides the composition of the Member States of the United Nations, the voting capacity of each Member States, and the yearly sessions.*

## Bibliography

Pinar Sezgin, "Research Binder Friday: SOCHUM/GA 3", 9 February 2017, available at: <https://bestdelegate.com/research-binder-friday-sochum-ga3/> (accessed 23 March 2022).

UN News, "Turkish diplomat elected President of historic 75th UN General Assembly", 17 June 2020, available at: [Turkish diplomat elected President of historic 75th UN General Assembly | UN News](#) (accessed 23 March 2022).

United Nations, "Charter of the United Nations", 24 October 1945, 1 UNTS XVI, available at: (accessed 23 March 2022).

United Nations General Assembly, "Social, Humanitarian and Cultural Issues (Third Committee)", available at: <https://www.un.org/en/ga/third/> (accessed 23 March 2022).

United Nations, "Agenda of the 74th session", available at: [Agenda of the 74th Session of the UN General Assembly \(2019-2020\)](#) (accessed 23 March 2022).



## Addressing Systemic Racism In The 21st Century

*"I refuse to accept the view that mankind is so tragically bound to the starless midnight of racism and war that the bright daybreak of peace and brotherhood can never become a reality... I believe that unarmed truth and unconditional love will have the final word" – Dr*

**Martin Luther King Jr.**<sup>30</sup>

### Introduction

According to the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD),<sup>31</sup> "racial discrimination" means any distinction, exclusion, restriction, or preference based on race, colour, descent, or national or ethnic origin which has the purpose or the effect of nullifying 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.<sup>32</sup> On the other hand, systemic racism is one of the common forms and manifestations of racism. It includes the policies and practices entrenched in established institutions, which result in the exclusion or promotion of designated groups.<sup>33</sup> It differs from overt discrimination in that no individual intent is necessary.<sup>34</sup> Systemic racism accounts for individual, structural and institutional forms of racism. It describes how discriminatory actions are perpetuated in the institutions such as the workplace, educational system, healthcare sector and criminal justice system. Systemic racism is composed of intersecting, overlapping and codependent racist institutions, policies, practices, ideas, and behaviours that give an unjust amount of resources, rights, and power to certain people while denying them to others on the grounds of racial differences.<sup>35</sup> Most

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<sup>30</sup> The Nobel Prize, "Martin Luther King Jr Acceptance Speech", 1964.

<sup>31</sup> UN General Assembly, "International Convention on the Elimination of All Forms of Racial Discrimination", 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195.

<sup>32</sup> Ibid, Art. 1.

<sup>33</sup> Race Forward Model, "Four levels of racism".

<sup>34</sup> Ibid.

<sup>35</sup> Nicki Lisa Cole, Ph.D, "Definition of Systemic Racism in Sociology", 31 July 2021.

people believe that once they are not verbally or physically harmful, they are not racist, but it should be noted that racism goes beyond this. Racism is not just about active discrimination, which is why even well-intentioned people contribute to racial discrimination.<sup>36</sup> Systemic racism is a phenomenon that sees political and economic institutions of the society operating to put ethnic minorities in a disadvantaged position while giving undue advantage to the upper class.<sup>37</sup> It is built into the foundations of society. Hence, present in laws, politics, economy, social institutions, and the way individuals think, whether consciously or subconsciously.<sup>38</sup>

For a proper perusal of systemic racism, it is necessary to examine history briefly. In the United States, systemic racism dates back to the 1880s, when many governmental agencies began a process called redlining whereby areas were mapped with a red line to determine good or bad areas for investment.<sup>39</sup> These maps were used to deny public and private loans to persons of colour due to racial differences.<sup>40</sup> Systemic racism was seen in Europe in 1452 when Pope Nicholas V launched a Papal Bull (the Dum Diversas) that authorised Alfonso V of Portugal to conquer and enslave Muslims, pagans, and anyone who was not Roman Catholic. Many European countries integrated the Papal Bull and other similar acts into their laws, restricting non-European people.<sup>41</sup> This system continued for many years. Therefore, even when the government enacted laws against racism and slavery, the behaviour had set so deeply into the society that it became a mentality.<sup>42</sup>

Quite inimical to society, systemic racism precipitates political disenfranchisement, racist immigration policies, racial profiling, racist media imagery, mass incarceration, burgeoning racial wealth gap, microaggressions, and disparities in health, education, employment and

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<sup>36</sup> Guilia Paganucci, "Guide: What is Systemic Racism", 25 January 2021.

<sup>37</sup> Ibid.

<sup>38</sup> Nicki Lisa Cole, Ph.D, "Definition of Systemic Racism in Sociology", 31 July 2021.

<sup>39</sup> Guilia Paganucci, "Guide: What is Systemic Racism", 25 January 2021.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

housing.<sup>43</sup> In some countries, racial profiling exists even among people of the same nationality. For example, a Chinese-Cambodian woman stated, “We have experienced a lot of racial discrimination by our pure Chinese relatives who look down on us for being part Cambodian and for being darker and poorer”.<sup>44</sup>

Systemic racism is also evident in the Ukraine-Russia crisis. When Russia invaded Ukraine, many residents of Ukraine sought to flee Ukraine to seek refuge in safer countries. However, non-Ukrainian residents narrated that they were treated with abject discrimination in their attempt to escape the warzone. People of colour, especially Nigerians and Indians, were made to wait for hours or even days while Ukrainians boarded the vehicles immediately. The authorities operated on a “Ukrainians first” policy. In an instance, a Nigerian woman was told, “If you are black, you should walk.”<sup>45</sup> According to her, you are at a disadvantage if your skin is dark. It was only when most Ukrainians were evacuated that Africans and other persons of colour stood a chance. A Nigerian doctor who lived in Ukraine for years, spoke Ukraine fluently and helped people in long queues was asked to return to the back of the line.<sup>46</sup> This makes it palpable that racism does not end in times of war; it even gets worse.

### **International and Regional Framework**

Racism continues to be an inherent challenge on a local, regional and global scale. For this reason, many international and regional frameworks have been signed and ratified to address systemic racism. Some of these frameworks would be analysed to guide delegates in international jurisprudence, and regional policies closely linked to the topic.

*The Charter of the UN of 1945*<sup>47</sup> is the foundational treaty of the United Nations. Apart from maintaining international peace and security and developing friendly relations among

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<sup>43</sup> Kate Slater, “What is Systemic Racism”, 4 February 2021.

<sup>44</sup> Trina Jones, “The Significance of Skin Colour in Asian and Asian-American Communities: Initial Reflections”.

<sup>45</sup> Vivienne Dovi, “The treatment Africans are facing in Ukraine is despicable, but why are we surprised?”, 1 April 2022.

<sup>46</sup> Ibid.

<sup>47</sup> United Nations, “Charter of the United Nations”, 24 October 1945, 1 UNTS XVI.

nations, the Charter also protects people's social, cultural, and humanitarian rights. With the Charter, the UN promotes and encourages respect for human rights and fundamental freedoms without racial distinctions.<sup>48</sup> The General Assembly has been obliged to initiate studies and make recommendations to promote international cooperation in the economic, social, cultural, educational, and health fields and assist in realising human rights and fundamental freedoms for all without distinction as to race.<sup>49</sup> The Charter of the United Nations is not automatically binding and must be ratified by states according to their constitutional processes.<sup>50</sup>

The *Universal Declaration of Human Rights 1948* (UDHR)<sup>51</sup> also came into force in 1945. It enshrines the rights and freedoms of all human beings. It consists of 30 articles which recognise, in detail, the rights of individuals. The UDHR asserts that every human being is born free with equal rights and without racial discrimination.<sup>52</sup> Furthermore, the UDHR promotes the spirit of brotherhood.<sup>53</sup> Although it is not legally binding, the contents of the UDHR have been expanded and incorporated into subsequent international, national and regional frameworks.

The *International Covenant on Civil and Political Rights* (ICCPR)<sup>54</sup> is one of the international frameworks modelled after the UDHR. The Covenant was adopted by the United Nations GA on the 16th of December 1966 and entered into force on the 23rd of March 1976. It recognises and protects the civil and political rights of individuals. The Covenant asserts that all individuals shall enjoy the rights recognised in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinions, national or

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<sup>48</sup> Ibid, Art. 1(3), Art. 55(3).

<sup>49</sup> Ibid, Art 13(2).

<sup>50</sup> United Nations, "Charter of the United Nations", 24 October 1945, 1 UNTS XVI.

<sup>51</sup> UN General Assembly, "Universal Declaration of Human Rights", 10 December 1948, 217 A (III).

<sup>52</sup> Ibid, Arts. 1,2.

<sup>53</sup> Ibid, Art. 1.

<sup>54</sup> UN General Assembly, "International Covenant on Civil and Political Rights", 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.

social origin, property, birth or other status.<sup>55</sup> States that ratify the ICCPR are legally bound by it. However, states that do not ratify the ICCPR are not bound by the treaty's obligations, and they cannot invoke these obligations against other state parties.

Furthermore, the *International Covenant on Economic, Social and Cultural Rights* (ICESCR)<sup>56</sup> was adopted by the UN General Assembly on the 16th of December 1966 and it came into force on the 3rd of January 1976. The ICESCR protects and recognises individuals' economic, social, and cultural rights. It asserts that the rights enunciated in the Covenant shall be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status.<sup>57</sup> Like the ICCPR, state parties that ratify the ICESCR are legally bound by it, while states that do not ratify are not.

It is doubtful whether there can be a complete dialogue on racial discrimination without mentioning the *International Convention on the Elimination of All Forms of Racial Discrimination*<sup>58</sup> (ICERD). The ICERD was adopted on the 21st of December 1965 and entered into force on the 4th of January 1969. It is monitored by the *Committee on the Elimination of Racial Discrimination*. As the name implies, the Convention commits all state parties to eliminate all forms of racial discrimination and embrace understanding among races.<sup>59</sup> It also frowns at hate speech and membership of racist organisations. The ICERD encourages state parties to protect the rights of individuals, including the right to participate in elections, security of persons, freedom of movement, nationality, freedom of thought, conscience and religion, freedom of opinion and expression, work, housing, public health and medical care,

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<sup>55</sup> Ibid, Arts. 2(1), 4(1), 24(1).

<sup>56</sup> UN General Assembly, "International Covenant on Economic, Social and Cultural Rights", 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.

<sup>57</sup> Ibid, Art. 2(1).

<sup>58</sup> UN General Assembly, "International Convention on the Elimination of All Forms of Racial Discrimination", 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195.

<sup>59</sup> Scottish Human Rights Commission (SHRC), "The International Convention on the Elimination of Racial Discrimination".

education, and the right to equal participation in cultural activities without any form of racial discrimination.<sup>60</sup> Its standards legally bind member states that are party to the Convention.

*The Convention for Prevention and Punishment of Genocide*,<sup>61</sup> or the *Genocide Convention*, was adopted on the 9th of December 1948 in response to atrocities committed during World War II. It entered into force on the 12th of January 1951. Since then, the Convention has been widely accepted by the international community and ratified by 152 States. Genocide is a transnational crime which entails the national and international responsibility of individual persons and states.<sup>62</sup> Often, genocide is the result of discrimination against a particular race. The Convention clearly defines what constitutes genocide in terms of required intent and prohibited acts. It obligates states to enact legislation that penalizes persons guilty of genocide.<sup>63</sup> The Convention specifies that the crime of genocide may be committed in times of peace or war.<sup>64</sup> Article II of the Convention lists out five acts that constitute genocide. They include: killing members of the group; causing serious bodily or mental harm to members of the group; deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; imposing measures intended to prevent births within the group, and forcibly transferring children of the group to another group. Furthermore, the Convention gives jurisdiction to the competent tribunal in a State where the offence of genocide has been committed to pass verdicts on the matter and punish defaulters.<sup>65</sup>

*The UN Convention relating to the Status of Refugees*,<sup>66</sup> also known as the *1951 Refugee Convention* or the *Geneva Convention and its 1967 Protocol* was adopted on the 28th of July

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<sup>60</sup> UN General Assembly, "International Convention on the Elimination of All Forms of Racial Discrimination", 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, Art. 5.

<sup>61</sup> UN General Assembly, "Convention on the Prevention and Punishment of the Crime of Genocide", 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277.

<sup>62</sup> General Assembly Resolution A/RES/3/260.

<sup>63</sup> UN General Assembly, "Convention on the Prevention and Punishment of the Crime of Genocide", 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, Art. 2 & 3.

<sup>64</sup> Ibid, Art. 1.

<sup>65</sup> Ibid, Art. 2 & 3.

<sup>66</sup> UN General Assembly, "Convention Relating to the Status of Refugees", 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137.

1951 by the United Nations Conference of Plenipotentiaries on the Status of Refugees and Stateless persons.<sup>67</sup> It entered into force on the 22nd of April 1954. The Convention was adopted to protect and promote the rights of refugees. The Convention focuses on protecting refugees and asylum seekers in host countries by clarifying the rights and obligations of its 148 parties to either one or both of these instruments. It clearly outlines and sets the standard for identifying refugees and asylum seekers. This Convention calls on the Member States to ensure that refugees are not discriminated against by virtue of race, religion, country of origin or any other factor.<sup>68</sup> It should be noted that this Convention brought about the formation of other regional instruments such as the *1961 OAU Refugee Convention*<sup>69</sup> and the development of a Common Asylum system in the European Union,<sup>70</sup> amongst others.

The *UNESCO Declaration on Race and Racial Prejudice*<sup>71</sup> was proclaimed based on the principle that racism violates human worth and dignity. It states that all peoples of the world possess equal faculties for attaining the highest level in intellectual, technical, social, economic, cultural and political development and the differences between the achievements of the different peoples are entirely attributable to geographical, historical, political, economic, social and cultural factors.<sup>72</sup> It also declares that any theory that involves the claim that racial or ethnic groups are inherently superior or inferior, therefore implying that some would be entitled to dominate or eliminate others, presumed to be inferior, or which bases value judgements on racial differentiation, has no scientific foundation and is contrary to the moral and ethical principles of humanity.<sup>73</sup> This Declaration was adopted by the General Conference of UNESCO that met in Paris for its 20th session from the 24th of October to the 28th of October 1978.

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<sup>67</sup> General Assembly resolution 429 (V) of 14 December 1950.

<sup>68</sup> UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations, Treaty Series, vol. 189, p. 137, Art. 3.

<sup>69</sup> The Convention governing the Specific Aspects of Refugees.

<sup>70</sup> Common European Asylum System- European Commission.

<sup>71</sup> UNESCO, "Declaration on Race and Racial Prejudice".

<sup>72</sup> Ibid, Art. 1(4)-(5).

<sup>73</sup> Ibid, Art. 2.

More so, the *UN Declaration on the Rights of Indigenous People*<sup>74</sup> (UNDRIP), alternatively known as the *Declaration on the Rights of Indigenous Peoples* (DOTROIP), is a non-legally binding resolution that the UN adopted on the 13th of December 2007. As indigenous people are more vulnerable to systemic racism, this Declaration is premised on promoting and safeguarding the freedoms and rights of indigenous people. The Declaration states that member states shall provide effective mechanisms for preventing any form of propaganda designed to promote or incite racial or ethnic discrimination directed against indigenous people.<sup>75</sup> As recognised in the Charter of the United Nations<sup>76</sup> and UDHR,<sup>77</sup> indigenous people have the right to exercise their fundamental human rights as individuals and groups.<sup>78</sup> This Convention, like others, holds its members to a standard that prohibits all forms of discrimination against indigenous people and encourages them to be vocal and active in the pursuit of the issues relating to them.<sup>79</sup>

To combat educational discrimination, the *Convention against Discrimination in Education*<sup>80</sup> was adopted on the 14th of December 1960 by UNESCO. It enjoins member states to formulate policies that will promote equality of opportunity in education and, in particular, desist from promoting discrimination in the educational sector.<sup>81</sup> The Convention saddles state parties with the responsibility of implementing the right to education as contained in the Convention, including the duty to provide free and compulsory education.

In the same vein, the *Convention on the Discrimination in Respect of Employment and Occupation*<sup>82</sup> was adopted in 1960 by the International Labour Organization (ILO) to combat

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<sup>74</sup> UN General Assembly, "United Nations Declaration on the Rights of Indigenous Peoples", 2 October 2007, A/RES/61/295.

<sup>75</sup> Ibid, Art. 8(2)(e).

<sup>76</sup> United Nations, "Charter of the United Nations", 24 October 1945, 1 UNTS XVI.

<sup>77</sup> UN General Assembly, "Universal Declaration of Human Rights", 10 December 1948, 217 A (III).

<sup>78</sup> UN General Assembly, "United Nations Declaration on the Rights of Indigenous Peoples", 2 October 2007, A/RES/61/295, Art. 15.

<sup>79</sup> Ibid, Art 15.

<sup>80</sup> UN Educational, Scientific and Cultural Organisation (UNESCO), "Convention Against Discrimination in Education", 14 December 1960.

<sup>81</sup> Ibid, Art. 4.

<sup>82</sup> International Labour Organisation (ILO), "Discrimination (Employment and Occupation) Convention", C111, 25 June 1958, C111.



discrimination in the labour market. The Convention implores states to enact legislation prohibiting discrimination, preference, and exclusion based on race, colour, sex, religion, political opinion, and national or social origin in employment and repeal any legislation that is not based on equal opportunities.<sup>83</sup> It is stated that employment and occupation, for the purpose of the Convention, include access to vocational training and access to employment.<sup>84</sup> The *Convention on the Rights of Persons with Disabilities*<sup>85</sup> is a human rights treaty adopted by the General Assembly to affirm and protect the rights of persons living with disabilities.<sup>86</sup> The Convention was adopted on the 24th of January 2007 and entered into force on the 3rd of May 2008. It is necessary to protect the human rights of disabled people because they would otherwise be unable to fully enjoy the human rights and privileges that most non-disabled persons take for granted. It has been reported that about 15% of the world's population (approximately one billion persons) live with disabilities.<sup>87</sup> Therefore, it is essential to see that the rights of these people are protected. Concerned that persons with disabilities are susceptible to aggravated forms of discrimination based on race.<sup>88</sup> The Convention enjoins member states to ensure the full realisation of the human rights of disabled persons without discrimination.<sup>89</sup>

The UN has also set up resolutions in respect of the elimination of racism. They include: *Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance*<sup>90</sup>; *Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and*

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<sup>83</sup> Ibid, Art 1(1).

<sup>84</sup> Ibid, Art 1(3).

<sup>85</sup> UN General Assembly, "Convention on the Rights of Persons with Disabilities", 24 January 2007, A/RES/61/106.

<sup>86</sup> Ibid, Art 1.

<sup>87</sup> WHO and World Bank, "World Report on Disability", 2011, p. 29.

<sup>88</sup> UN General Assembly, "Convention on the Rights of Persons with Disabilities", 24 January 2007, A/RES/61/106, Preamble, para. p.

<sup>89</sup> Ibid, Art. 4(1).

<sup>90</sup> A/RES/70/139.

*follow-up to the Durban Declaration and Programme of Action*<sup>91</sup>; and *A global call for concrete action for the total elimination of racism, racial discrimination, xenophobia and related intolerance*.<sup>92</sup>

Concerned about racial discrimination's unjust reflections and consequences, the UN established resolutions over decades. They include; 1973-1982: 1st Decade for Action to Combat Racism and racial discrimination;<sup>93</sup> 1983-1993: 2nd Decade to Combat Racism and racial discrimination.<sup>94</sup>

To further strengthen the commitment of the UN to this cause, Committees have been set up to monitor issues of all forms of racism, such as the UN Committee on the Elimination of Racial Discrimination. Furthermore, special procedures of the Human Right Council also monitor specific topics, including the History of Special Procedures on Racial Discrimination, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerances, among others.<sup>95</sup>

As stated earlier, regional documents are also made with the view of combating racial discrimination in specific localities or regions. The *Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance*<sup>96</sup> was adopted by the Organisation of American States (OAS) on the 5th of June 2013. The Convention reaffirms that every human being is equal under the law and has a right to equal protection against racism, racial discrimination, and related forms of intolerance in any sphere of life, public or private.<sup>97</sup> The Convention also to ensure that state parties undertake to prevent, prohibit, eliminate and punish all acts and manifestations of discrimination and intolerance.<sup>98</sup>

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<sup>91</sup> A/RES/69/354.

<sup>92</sup> A/RES/73/587.

<sup>93</sup> A/RES/3057(XXVIII).

<sup>94</sup> A/RES/38/14.

<sup>95</sup> OHCHR, Special Procedure of the Human Right Council.

<sup>96</sup> Organisation of American States, "Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance", 5 June 2013.

<sup>97</sup> Ibid, Art. 2.

<sup>98</sup> Ibid, Art. 4.

Also, The *Declaration of the African Regional Preparatory Conference for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances of 2001*<sup>99</sup> is another regional document which was made in accordance with the *UNGA RES 52/111*.<sup>100</sup> The Declaration recognises the horrific manifestations of racial discrimination suffered by Africans both in the continent and during the times of colonialism, apartheid and slave trade.<sup>101</sup> It further states that racism, racial discrimination, xenophobia, and related intolerance are among the root causes of armed conflict and very often one of its consequences.<sup>102</sup> In addition, this Declaration prohibits the discriminatory treatment of foreigners and migrant workers, especially in granting work visas, work permits, housing, healthcare and access to justice based on their race, colour or descent are human rights violations.<sup>103</sup> It further urges the States to adopt the necessary measures, as provided by national law, to ensure the right of victims to seek adequate reparation to redress acts of racism, racial discrimination, xenophobia and related intolerance and to design effective measures to prevent the repetition of such acts.<sup>104</sup> Delegates can also explore the *Council of Europe Committee of Ministers Recommendation Rec (2001)6 of the Committee of Ministers to Member States on the Prevention of Racism, Xenophobia and Racial Intolerance in Sport*<sup>105</sup> when considering racial discrimination in the sports sector. This recommendation was adopted by the Committee of Ministers of the Council of Europe on the 18th of July 2001.

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<sup>99</sup> "Declaration of the African Regional Preparatory Conference for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances of 2001".

<sup>100</sup> UNGA RES 52/111.

<sup>101</sup> "Declaration of the African Regional Preparatory Conference for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances of 2001", para. 13-15.

<sup>102</sup> Ibid, para. 20.

<sup>103</sup> Ibid, para. 81.

<sup>104</sup> Ibid, para. 166.

<sup>105</sup> Council of Europe Committee of Ministers, "Recommendation Rec(2001)6 of the Committee of Ministers to Member States on the Prevention of Racism, Xenophobia and Racial Intolerance in Sport", 18 July 2001.

## The Role of International System

The UN Human Rights Council (UNHRC) has taken up discussions about racism more directly. It established the Ad Hoc Committee on the Elaboration of Complementary Standards in 2007. The Committee's mandate is to elaborate, as a matter of priority and necessity, complementary standards in the form of either a convention or additional protocol(s) to the ICERD, filling the existing gaps in the Convention and also providing new normative standards aimed at combating all forms of contemporary racism, including incitement to racial and religious hatred. At its ninth session, which focused on xenophobia, the Ad Hoc Committee experts expressed significant concerns about the rise of racism, citing the term several times in their discussion of xenophobia. The United Nations Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) have also played key roles in the elimination of all forms of discrimination by organizing and mobilizing information that helps in mitigating the phenomenon.

Also, on 28 June 2021, OHCHR released the High Commissioner's groundbreaking report on radical justice and equality, pursuant to Human Rights Council resolution 43/1.<sup>106</sup> This report was adopted by consensus in June 2020 following an urgent debate on "current racially inspired human rights violations, systemic racism, police brutality and violence against peaceful protests."<sup>107</sup>

The UN General Assembly resolution A/RES/2142 (XXI), adopted on 26 October 1966, proclaimed 21 March as the International Day for the Elimination of Racial Discrimination to be commemorated annually.<sup>108</sup> This day was selected because on 21 March 1960, the police released fire and killed 69 people in a peaceful demonstration against apartheid in South

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<sup>106</sup> United Nations Human Rights Office of the High Commissioner, "Agenda towards transformative change for racial justice and equality" - Implementation of HRC Resolution 43/1 and Seminal Report, 28 June 2021.

<sup>107</sup> Ibid.

<sup>108</sup> UNESCO, "International Day for the Elimination of Racial Discrimination".

Africa.<sup>109</sup> The 2022 edition of the International Day focused on the theme “VOICES FOR ACTION AGAINST RACISM”. This edition aimed at highlighting the importance of strengthening meaningful and safe public participation and representation in all areas of decision-making to prevent and combat racial discrimination. It also aimed at recognizing the contribution of individuals and organizations that stand up against racial discrimination and the challenges they face.<sup>110</sup>

### The Origin of Systemic Racism

Racism exists when one ethnic group or historical collectivity dominates, excludes, or seeks to eliminate another based on differences that it believes are hereditary and unalterable.<sup>111</sup> An ideological basis for explicit racism came to a unique fruition in the West during the modern period. The identification of the Jews with the devil and witchcraft in ancient times was perhaps the first sign of a racist view. Official sanction for such attitudes came in sixteenth-century Spain when Jews who had converted to Christianity and their descendants became the victims of a pattern of discrimination and exclusion.<sup>112</sup>

The Renaissance and Reformation period were also when Europeans came into increasing contact with people of darker pigmentation in Africa and Asia, and the whites were making judgments about them. The official rationale for enslaving Africans was that they were heathens, but slave traders and enslavers sometimes interpreted a passage in the Book of Genesis as their justification.<sup>113</sup> They maintained that Ham sinned against his father, Noah, who condemned his supposedly black descendants to be "servants unto servants."<sup>114</sup> When Virginia decreed in 1667 that converted slaves could be kept in bondage, not because they

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<sup>109</sup> Ibid.

<sup>110</sup> United Nations, “Voices For Action Against Racism”.

<sup>111</sup> George M. Fredrickson “The Historical Origins and Development of Racism” (2003).

<sup>112</sup> Ibid.

<sup>113</sup> Book of Genesis, Chapter 9 vs 18-27.

<sup>114</sup> Ibid

were actual heathens but because they had heathen ancestry, the justification for black servitude was thus changed from religious status to something approaching race. Beginning in the late seventeenth-century, laws were also passed in English North America forbidding marriage between white people and black people and discriminating against the mixed offspring of informal liaisons. Without clearly saying so, such laws implied that black people were unalterably alien and inferior.

During the Enlightenment, a secular or scientific theory of race moved the subject away from the Bible, with its insistence on the essential unity of the human race. Eighteenth-century ethnologists began to think of human beings as part of the natural world. They subdivided them into three to five races, usually considered varieties of a single human species.<sup>115</sup>

The Nineteenth-century was an age of emancipation, nationalism, and imperialism. This contributed to the growth and intensification of ideological racism in Europe and the United States. The growth of nationalism, especially romantic cultural nationalism, encouraged the development of a culture-coded variant of racist thought, especially in Germany. Beginning in the late 1870s and early 1880s, the coiners of the term "antisemitism" made explicit what some cultural nationalists had previously implied. They stated that being Jewish in Germany was not simply adhering to a set of religious beliefs or cultural practices but meant belonging to a race that was the antithesis of the race to which true Germans belonged.. The climax of Western imperialism in the late nineteenth-century scramble for Africa and parts of Asia and the Pacific represented an assertion of the competitive ethnic nationalism among European nations.<sup>116</sup>

The climax of the history of racism came in the twentieth century with the rise and fall of what might be called overtly racist regimes. In the American South, the passage of racial segregation laws and restrictions on black voting rights reduced African Americans to a lower

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<sup>115</sup> George M. Fredrickson "The Historical Origins and Development of Racism" (2003).

<sup>116</sup> Ibid.

caste status. Racist ideology was eventually carried to its extreme in Nazi Germany. It took Hitler and his cohorts to attempt the extermination of an entire ethnic group based on a racist ideology. Hitler, it has been said, gave racism a bad name.<sup>117</sup>

Explicit racism also came under devastating attack from the new nations resulting from the decolonisation of Africa and Asia and their representatives in the United Nations. The Civil Rights movement in the United States, which succeeded in outlawing legalised racial segregation and discrimination in the 1960s, drew crucial support from the growing sense that national interests were threatened when black people in the United States were mistreated and abused. In the competition with the Soviet Union for "the hearts and minds" of independent Africans and Asians, Jim Crow laws and the ideology that sustained it became a national embarrassment with possible strategic consequences.<sup>118</sup>

The defeat of Nazi Germany, the desegregation of the American South in the 1960s, and the establishment of majority rule in South Africa suggest that regimes based on biological racism or its cultural essentialist equivalent are a thing of the past. But racism does not require the full and explicit support of the state and the law, nor does it require an ideology centred on the concept of biological inequality. Discrimination by institutions and individuals against those perceived as racially different can long persist and flourish under the illusion of non-racism, as historians of Brazil have recently discovered.<sup>119</sup>

Consequently, racism can be so embedded in systems that it is often assumed to reflect the natural, inevitable order of things; hence systemic racism. Systemic racism is one of the most common forms and manifestations of racism. It includes the policies and practices entrenched in established institutions, which results in the exclusion or promotion of designated groups. It differs from overt discrimination in that no individual intent is

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<sup>117</sup> Ibid.

<sup>118</sup> Ibid.

<sup>119</sup> Ibid.

necessary.<sup>120</sup> Systemic racism manifests itself in two ways: Institutional and Structural Racism. Institutional racism is an organisation's set of policies and behaviours intended to discriminate against people of colour. On the other hand, Structural racism is the cultural values in a society so ingrained in daily life that they are seen as the way of things.<sup>121</sup> Political disenfranchisement and disempowerment through voter suppression and gerrymandering are important historical and contemporary manifestations of systemic racism. Although the legal right for all men to vote was secured in 1870, the nearly 100-year era of Jim Crow laws suppressed the voting rights of Black people in many states through violent intimidation and selectively applied laws. The Civil Rights Act of 1964 did not eliminate requirements that continue to differentially affect people of colour. Even in 2021, many states recently passed or considered enacting legislation that disproportionately restricts the voting rights of people of colour.<sup>122</sup> Environmental injustice is systemic racism with direct health consequences. Racially segregated communities have often experienced the damaging health effects of environmental injustice. Examples include well-documented patterns of selectively locating coal-fired power plants and hazardous waste disposal in or near communities of colour, with adverse effects on the population's health.<sup>123</sup> Another historical and current example of systemic racism is racial residential segregation, initially created by the deliberate and explicit racism codified in Jim Crow laws.

### **Racism in the Healthcare Sector**

Racism is palpable in the healthcare system. Undue advantage is given to a set of people while others are put in a disadvantaged position based solely on racial differences. This serves as a barrier to accessing medical facilities, health care, health promotion and disease

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<sup>120</sup> Race Forward Model, Four Levels of Racism.

<sup>121</sup> Ibid

<sup>122</sup> Keyssar A., "The Right to Vote: The Contested History of Democracy in the United States", New York (NY): Basic Books; 2009.

<sup>123</sup> Census Bureau, "Quick Facts: Population Estimates", 1 July 2021, Washington (DC): Census Bureau.



prevention. Medical practitioners take an oath to treat all patients equally. However, some medical practitioners do not carry out this obligation.<sup>124</sup> Though some try to treat all patients indiscriminately, they operate in an inherently racist system where prejudice is exerted subconsciously.<sup>125</sup>

The Corona-Virus (COVID-19) pandemic has highlighted that equality in access to healthcare is a myth as it unequally affected many racial minority groups, putting them at higher risk of getting sick or dying from the pandemic.<sup>126</sup> For instance, a 2020 study carried out in the United States of America found that black people are more than three times as likely to die from COVID-19.<sup>127</sup> Generally, black people continue to have higher morbidity and mortality rates than white persons for most physical health indicators. Hispanics and American-Indians also have elevated disease and death rates for multiple conditions.<sup>128</sup>

Racial discrimination in the healthcare sector is a prominent factor that propagates health inequality worldwide. Africans, Asians, Hispanics, and other persons of colour often face bias in accessing proper medical care when ill, leading to severe consequences on their health. In Sweden, for example, foreign-born patients are less likely to receive adequate care regarding heart failure medications. They also receive lower rates of beta-blockers than medically recommended.<sup>129</sup> Also, Asian and Black patients were less likely to receive kidney transplants when compared with White patients in a study conducted in 36 European countries.<sup>130</sup>

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<sup>124</sup> Monique Tello, MD, Ph.D, "Racism & Discrimination in Healthcare: Providers & Patients", 16 January 2017.

<sup>125</sup> Ibid.

<sup>126</sup> Centres for Disease Control and Prevention, "Health Equity Considerations and Racial and Ethnic Minority Groups", updated 25 January 2022.

<sup>127</sup> Cary P. Gross, Utibe R. Essien, Saamir Pasha, et al., "Racial and Ethnic Disparities in Population Level Covid 19 Mortality", 11 May 2020.

<sup>128</sup> David R. Williams, Ph.D., M.P.H, Toni D. Rucker, Ph.D, "Understanding and Addressing Racial Disparities in Health Care."

<sup>129</sup> Sarah Hamed, Suruchi Thapar-Bjorkert, Hannah Bradby et al., "Racism in European Healthcare: Structural Violence and Beyond", 16 June 2020.

<sup>130</sup> Lidwien A. Tjaden, MD, Marlies Noordzig, PHD et al., "Racial Disparities in Access to and Outcomes of Kidney Transplantation in Children, Adolescents, and Young Adults: Results From the ESPN/ERA-EDTA (European Society of Pediatric Nephrology/European Renal Association-European Dialysis and Transplant Association) Registry", 7 November 2015.

Other factors propagating health inequality between white people and people of colour are higher unemployment rates among the minorities and their under-representation in good-paying jobs that include health insurance as part of the benefits package.<sup>131</sup> Without good-paying jobs and health insurance, these minority groups find it difficult and sometimes impossible to access the standard medical centres. Hence, they either refrain from seeking healthcare or opt for low-quality medical services. Also, when minorities express concern about their symptoms, clinicians delay their treatment and seem to believe them less. Black people, for example, are generally less likely to receive adequate pain management medication because of the false belief held by many medical professionals that black people have a higher pain tolerance than other races.<sup>132</sup> Shalon Irving, an African American woman, living in the United States of America, had her baby in 2017. She visited the hospital several times because of multiple complications, but clinicians repeatedly assured her that the symptoms were normal. This continued until she collapsed and died.<sup>133</sup> Many other women worldwide have similar experiences for no reason other than the colour of their skin.

Racial discrimination is also prominent in the healthcare sector of South Africa. Although the country is now 25 years into democracy, inequality remains high in many sectors, and the health sector is no exception.<sup>134</sup> The ability to have access to quality services is mainly influenced by the socio-economic status of the people rather than the need for care.<sup>135</sup> The 2018 General Household Survey (GHS) indicated that only 9.9% of Black households had access to medical insurance compared to 72.9% of white households had access to medical insurance.<sup>136</sup> Speaking to City Press on the racial dynamics in the medical industry, Professor

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<sup>131</sup> David R. Williams, Ph.D., M.P.H, Toni D. Rucker, Ph.D, "Understanding and Addressing Racial Disparities in Health Care."

<sup>132</sup> Kelly M. Hoffman, Sophie Trawalter et al., "Racial Bias in Pain Assessment and Treatment Recommendations, and False Beliefs about Biological Differences between Blacks and Whites", 4 April 2016.

<sup>133</sup> Amy Roeder, "America is failing its Black Mothers", Winter 2019.

<sup>134</sup> David Mhlanga and Rufaro Garidzirai, "The Influence of Racial Differences in the Demand For Healthcare in South Africa: A Case of Public Healthcare", 14 July 2020.

<sup>135</sup> Ibid.

<sup>136</sup> Statistics South Africa (StatsSA), "General Household Survey", Salvokop, 2018.

Shisana Baloyi, the academic head of the department of obstetrics and gynaecology at the University of the Free State, South Africa, said: “We have not even moved an inch in addressing racism and systemic racial issues in this country.”<sup>137</sup> He further stated that in the healthcare industry, the same people who were in control then (during apartheid) are still in power today. It is still racially bound, and you will get the worst deal if you are black.<sup>138</sup>

This racial injustice prevalent in South Africa explains the variance in demand for public healthcare. The White populations have the lowest probability of demanding public healthcare compared to other races.<sup>139</sup> Because of their access to facilities like medical insurance, many white people in South Africa do not resort to public healthcare but instead opt for private healthcare. Although public healthcare in South Africa is government-funded, studies show that the sector suffers from many challenges compared to private healthcare. These challenges include long waiting times, “long wait times, rushed appointments, old facilities, and poor disease control and prevention practices.”<sup>140</sup> It is believed that many of the problems facing public healthcare in South Africa originated from the apartheid era (1948–1993), where the healthcare system was fragmented with discriminatory effects among the racial groups of Blacks, Coloureds, (mixed race), Indians and White.<sup>141</sup> The unequal access to justice present in South Africa before democracy has been institutionalised by the apartheid rules and regulations that discriminated against the natives who were the majority during that time.<sup>142</sup>

It should be noted that these experiences faced by people of colour are not a result of their susceptibility to certain conditions or that they are unhealthy compared to people from other

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<sup>137</sup> Vuyo Mkize, “Racism Still Alive: Healthcare Industry in SA Has Not Been Spared”, 13 September 2020.

<sup>138</sup> Ibid.

<sup>139</sup> David Mhlanga and Rufaro Garidzirai, “The Influence of Racial Differences in the Demand For Healthcare in South Africa: A Case of Public Healthcare”, 14 July 2020.

<sup>140</sup> Montgomery Young, “Private vs Public Healthcare in South Africa”, 2016.

<sup>141</sup> Winnie T. Mamphulo, Busisiwe R. Bhengu, “Challenges of Quality Improvement in the Healthcare of South Africa Post Apartheid: A Critical Review”, 2019.

<sup>142</sup> David Mhlanga and Rufaro Garidzirai, “The Influence of Racial Differences in the Demand For Healthcare in South Africa: A Case of Public Healthcare”, 14 July 2020.

racism. However, the results owe largely to institutional racism deeply ingrained in the healthcare industry and the prejudiced choices of medical practitioners. It is evident that illnesses and diseases are not aware of the disparities in racial backgrounds. Therefore, everybody must be given equal access to proper healthcare without prejudice.

### **Racial Discrimination in the Educational Sector**

Education is an essential aspect of a person's life. It enables human beings to have a wide grasp of their duties, rights, and obligations. Therefore, all persons should be given equal opportunity to access quality education regardless of their racial backgrounds. However, like in the healthcare system, racism has permeated the educational sector of many countries, serving as a risk factor for adverse academic outcomes. Every day, students of colour are subjected to inadequate resources, low expectations, stereotypes, and a curriculum favouring white cultural values.

The post-World War II GI Bill is a clear example of racial discrimination in accessing educational opportunities. The Servicemen Readjustment Act of 1944, also known as the GI Bill, provided academic and vocational opportunities for returning service members.<sup>143</sup> However, these benefits were only enjoyed by white veterans. While approximately 125,000 Black servicemen fought in the war, the benefits under the GI Bill were not extended to them.<sup>144</sup> Even when the veterans of colour were successful in accessing the benefits, they were frequently tracked into vocational programs and less selective colleges and universities.<sup>145</sup> With this, white service members had advantages over black service members as they had access to free college education, thereby increasing their job prospects and net worths.<sup>146</sup>

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<sup>143</sup> 78th US Congress, "Servicemen Readjustment Act", (1944), s. 102.

<sup>144</sup> Kate Slater, "What is Systemic Racism", 4 February 2021.

<sup>145</sup> ASHE Higher Education Report, "Systemic Racism in Higher Education", Nov. 2015, Vol. 42, p. 51.

<sup>146</sup> Kate Slater, "What is Systemic Racism", 4 February 2021.

From the admission process into universities or colleges, some students are at disadvantaged positions due to the colour of their skin. This has the effect of channelling minority students into under-resourced schools or tracking them into remedial and vocational pathways.<sup>147</sup> In some cases, the race-conscious admission process has been reinforced by the United States Supreme Court (SC). In the case of *Regents of the University of California v Bakke*,<sup>148</sup> The SC ruled that race-conscious admission policies were constitutional. Also, the court upheld the legality of the Law school's race-conscious admission practices in the case of *Grutter v Bollinger*.<sup>149</sup> In the 2013 case of *Fisher v University of Texas*,<sup>150</sup> The court ruled in favour of the university's limited use of race in the admissions processes.

Although the case of *Brown v Board of Education of Topeka*<sup>151</sup> has proved significant for people of colour to access educational opportunities, it also resulted in the closure of non-white schools. Teachers of colour were fired because it was deemed inappropriate for them to teach white students.<sup>152</sup> In a study, female teachers of colour reported that white male students often challenged their scholarly expertise and authority to evaluate them, which made these students question their grades.<sup>153</sup> Education is used as a tool of oppression to teach people of colour that their culture is inferior to the White culture. This method of prioritizing white culture affects the self-esteem of non-white students. In 1933, Carter G Woodson wrote a book titled "The Miseducation of the Negro".<sup>154</sup> This book argues that schools miseducate students into believing that people of colour are of less value than white people. A growing number of universities and their student unions are exploring this issue.<sup>155</sup>

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<sup>147</sup> ASHE Higher Education Report, "Systemic Racism in Higher Education", Nov. 2015, Vol. 42, p. 53.

<sup>148</sup> (1978) 438 U.S. 265.

<sup>149</sup> (2003) 539 U.S. 306, 323.

<sup>150</sup> (2016) 579 U.S. 365.

<sup>151</sup> (1954) 347 U.S. 483.

<sup>152</sup> Rita Koli, "Breaking the Cycle of Racism in the Classroom: Critical Race Reflections From Future Teachers of Colour", Fall 2020, p.180.

<sup>153</sup> ASHE Higher Education Report, "Systemic Racism in Higher Education", Nov. 2015, Vol. 42, p. 65.

<sup>154</sup> Carter Godwin Woodson, Ph.D, "The Mis-Education of the Negro", January 1933.

<sup>155</sup> Billy Wong, Reham Elmorally, et Al. "Is race still relevant? Student perceptions and experiences of racism in higher education", Published online 26 October 2020.

For example, the “Why is My Curriculum White?” movement was founded by students at University College London to tackle the whiteness that operates within the university curricula.<sup>156</sup>

As stated earlier, racism may not be consciously conveyed. A Pakistani woman born and raised in Southern California and was a native English speaker narrated that teachers made many assumptions about her language skills because she did not fit into their perception of what an English speaker looks like.<sup>157</sup> She revealed that she was taken out of class in high school to be tested for the English as a Second Language (ESL) program. The woman narrated that she was told that since she was of a south Asian background, it was a requirement for her to pass the ESL test before continuing her regular classes. She was assessed entirely due to her racial background. The fact that she was born and raised in California and had the highest grade in English did not make a difference.<sup>158</sup> A similar case occurred in Sweden, where a student born and raised in Sweden was automatically placed in a class for students who spoke Swedish as a second language.<sup>159</sup> Although not a malicious discrimination, it shows that racism is deeply ingrained into the educational system. Apart from giving students low self-esteem, racism in the educational system also affects students' academic outcomes, individual happiness, school climate, cultural identity, school-community relations, and general behaviours of students.

Racial discrimination is also pervasive in South African schools. From cases of progressing white pupils who had failed while holding back black students who also failed<sup>160</sup> to turning away largely black pupils claiming their classrooms are full,<sup>161</sup> many South African schools have largely given undue favour to white students. Reflecting on her experiences of racial

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<sup>156</sup> Peters, M. A., “Why is my curriculum white? Educational Philosophy and Theory”, 2015.

<sup>157</sup> Rita Koli, “Breaking the Cycle of Racism in the Classroom: Critical Race Reflections From Future Teachers of Colour”, Fall 2020, p. 183.

<sup>158</sup> Ibid.

<sup>159</sup> Lila Farkas and Dezideriu Gergely, “Racial Discrimination in Education and EU Equality Law”, 2020.

<sup>160</sup> Jerome Joost, “Racism is still rife in South African Schools. What can be done about it”, 24 January 2019.

<sup>161</sup> Ibid.

discrimination, a black South African narrated that black girls were told that their natural hair was a distraction, that it was messy and untidy and went against the clause in the school code of conduct about neat presentation. However, the white girls could go from brown hair to platinum blonde hair and have unconventional piercings on display without getting punished for uniform infringement.<sup>162</sup> She also recounted that a teacher stated, unprovoked, that he was looking forward to seeing some black students working as car guards and minding his vehicle outside a shopping mall.<sup>163</sup> This makes it clear that many teachers have low expectations of Black students' capabilities, and this manifests in how they treat the students.

It is no news that women of colour are largely underrepresented in science, technology, engineering and mathematical (STEM) related fields. This is due to the dual presence of race and gender. Although female students are desirous of STEM careers, they often opt for lower-level classes as they are usually excluded from the high-level maths and science classes. In medicine, for example, a study of medical school applicants across European countries showed that having a European surname predicted acceptance into medical school.<sup>164</sup>

The classroom environment is a proper environment for inculcating values in students. Therefore, Member States must ensure that education is used to eliminate racial discrimination and not as a medium for its propagation.

### **Racial Profiling and Criminal Justice**

Racial profiling encompasses the act of targeting, suspecting, or discriminating a person based on their racial background rather than individual suspicion. It describes the

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<sup>162</sup> Valentine Atsango, "Confronting Racism in South African Schools", 2 December 2020.

<sup>163</sup> Ibid.

<sup>164</sup> Ian Christopher Mcmanus, Sally Maitlis, et al., "Identifying Medical School Applicants from Ethnic Minorities", 9 July 2014.

disproportionate amount of traffic stops, searches, arrests, and convictions of minorities. Here, law enforcement agents use race, ethnicity, or religion to determine who is suspicious enough to warrant police stops, frisks, searches, and other police practices. This has led to the embarrassment, wrongful conviction, and untimely death of innocent people.

Institutional Racism is prevalent in the criminal justice system across the European Union and has created a “justice gap” in many cases. As stated by the European Network Against Racism (ENAR), institutional racism is deeply rooted in the criminal justice system, from reporting crimes to sentencing or conviction.<sup>165</sup> The law enforcement agents are in the habit of treating reports of racist attacks with levity, and they sometimes disbelieve and dismiss the victim without carrying out a proper investigation.<sup>166</sup> It has been stated that since the 1990s, the Russian police force has grown infamous for racially profiling non-Slavs on the streets of Moscow and other cities.<sup>167</sup> A 2006 study by the Jurix legal organisation found that non-Slavs were almost 22 times more likely to be stopped by the police than ethnic Russians.<sup>168</sup> Also, in December 2005, Human Rights Watch reported that racism and xenophobia remain entrenched in Ukraine.<sup>169</sup> Apart from the attacks and assaults on Ukrainian foreigners, persons of African and Asian heritage have also faced various types of harassment, such as being stopped on the street by civilians and law enforcement agencies for no reasonable cause other than the fact that they are people of colour.

Persons of colour are often denied the rights accorded to them under the European Union (EU). These rights include; access to lawyers, the right to legal aid, rights to translation and interpretation and the presumption of innocence.<sup>170</sup> They face these biases due to the racial profiling deeply ingrained in the justice system. In the case of *Lingurar v Romania*,<sup>171</sup> the

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<sup>165</sup> Rachael Kennedy, “Institutional Racism in the Justice System is Prevalent Across EU States Says New Report”, 12 September 2019.

<sup>166</sup> Ibid.

<sup>167</sup> Bradley Jardine & Matthew Kupfer, “After Metro Blast, Racial profiling is on the Rise in Russia”, 13 April 2017.

<sup>168</sup> Ibid.

<sup>169</sup> Human Rights Watch, “Overview of Human Rights Issues in Ukraine”, 31 December 2005.

<sup>170</sup> Fair Trials, “Disparities and Discrimination in the European Union’s Criminal Legal Systems”.

<sup>171</sup> (Application No. 48474/14).



European Court of Human Rights (ECHR) found pervasive institutional racism within the state's prosecution office. The prosecutors had approved the unjustified raid of the Roma community by the police. In Bulgaria, researchers found evidence that Romanians taken into custody could not contact a lawyer of their choice while in police custody. They were appointed lawyers by the state. However, these lawyers are highly underpaid. Hence, they provide low-quality counsel.<sup>172</sup> In Lithuania, courts were neither providing interpretation nor Translation for Roma participants. Also, in a review of Pre-trial detention case files in Greece, it was seen that none of the files had been translated. This is so even though 43% of people in pre-trial detention in Greece at the time were foreign nationals.<sup>173</sup>

People of colour also face worse outcomes in prisons than white people. They are faced with longer prison sentences and are not granted non-custodial sanctions such as fines.<sup>174</sup> A judge may assume that someone who is a migrant cannot pay a fine and sentence them to prison instead. For example, the European Commission Country Report on Discrimination highlighted that judges in Slovakia were influenced by racial bias in their decision-making.<sup>175</sup> The criminal justice system of the United States is not left out of this racial injustice. Racial and ethnic minorities often face extra police attention in the United States, even when they are not engaged in criminal activity. The case of *United States v Pedro Soto-Alvarez*<sup>176</sup> concluded that the United States police had been targeting African-Americans on turnpikes for several years. In the same vein, in the case of *Whren v United States*,<sup>177</sup> the police stopped a car driven by an African American and another African American in the passenger seat. The police had no reason to suspect the vehicle of drug trafficking. Yet, due to the racial background of the two persons in the car, the police followed the vehicle until the driver

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<sup>172</sup> Fair Trials, "Disparities and Discrimination in the European Union's Criminal Legal Systems".

<sup>173</sup> Fair Trials, "A Measure of Last Resort? The Practice of Pre-Trial Detention Decision Making in the EU", pg. 15.

<sup>174</sup> Fair Trials, "Disparities and Discrimination in the European Union's Criminal Legal Systems".

<sup>175</sup> Ibid.

<sup>176</sup> 324 N.J. Super. 66, 69 (1996).

<sup>177</sup> 517 U.S. 806 (1996).

committed a minor traffic offence. The policemen then ordered a search of the car. The unlawful harassment of Robert Wilkins, an African American lawyer, and his family on their return from a funeral out of state by police officers led to the case of *Wilkins v Maryland State Police*.<sup>178</sup>

Another form of racial profiling is profiling by proxy. Here, an individual summons the police and makes ill-informed claims due to racial bias. For example, white civilians see African Americans in places where they believe such African Americans do not belong and summon the police to investigate the behaviour of the “out of place” and therefore suspicious black people.<sup>179</sup> On 29 April 2018, a white woman called the police on a black family getting ready to have a barbecue at a public park because, according to her, they used the wrong type of grill. The police responded and detained the family for an hour.<sup>180</sup> In May 2018, four people (three of them black) checked out of an Airbnb rental, and while loading their luggage into the vehicle, they were stormed by police cars and a helicopter ordering them to put their hands in the air. The police operated on a call by a white neighbour who reported that she did not recognise them and they might be burgling the house. They were held for 45 minutes and then released.<sup>181</sup> Similarly, on 8 May 2018, a black graduate student at Yale was harassed by a fellow (white) graduate student for being in the common area. The white graduate student summoned the campus police, and the black graduate student had to spend almost an hour with the police to prove that she had a right to be in the common area.<sup>182</sup>

These examples are far from being the only experiences minorities face in everyday life. All over the world, innocent people are maltreated, harassed, imprisoned, and murdered on no other grounds but their racial background.

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<sup>178</sup> Civil Action No. CCB-93-468.

<sup>179</sup> David A. Harris, “Racial Profiling: Past, Present & Future”, Winter 2020, p. 16.

<sup>180</sup> Ibid, p. 17.

<sup>181</sup> Ibid.

<sup>182</sup> Ibid.

## The Role of Social Media in the Fight against Systemic Racism

Following the murders of Breonna Taylor, George Floyd and many other black people at the hands of police, social media (Black Lives Matter movement) have started to take a stand against systemic racism. When George Floyd was yelling that he could not breathe, some witnesses recorded the brutality of the police and Floyd's suffering. It is sensible that social media has contributed to the formation of various communities against racism. People throughout the world organised walks and protests against racism in 2020. Social media played a huge role in organising such events.<sup>183</sup> For instance, after the death of Breonna Taylor and George Floyd in the United States on the 2nd of June 2020, many companies populated their social media pages with a black square to show solidarity with the protesters globally. This was to signify the hashtag "BlackoutTuesday" created by two black women who worked for Platoon and Atlantic Records. The use of social media and other information platforms help people become more open-minded and, at the same time, unveils the bane of hate theory. Formerly, agencies like the UN were the only source of spreading social harmony among the masses. However, with the development of platforms like Twitter and Facebook, more people have been able to reach out to their counterparts with the message of inclusivity.<sup>184</sup> People have started to speak up about their personal experiences and how racism can cripple a person's mental health dramatically. A survey by the Royal College of Psychiatry<sup>185</sup> showed that although British adults of colour had the highest mean score for severity of mental wellness, they were the least likely to sort medication for it. Social platforms have helped many to get over this stigma.<sup>186</sup>

Bouts of support have poured in from across the world for the victims of racism, and many have raised funds to support businesses owned by people of colour. The anti-racism

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<sup>183</sup> Debating Communities and Network XII "Social Media in the Fight Against Racism", 7 May 2021.

<sup>184</sup> UNICEF "How Social Media is Helping Combat Racism", 11 July 2020.

<sup>185</sup> Royal College of Psychiatrists PS01/18 "Racism and Mental Health" March 2018.

<sup>186</sup> Ibid.

movement also instilled a sense of 'online-kindness', which has led to people becoming more compassionate towards one another.

One of the major reasons for the increase in the use of social media is the pandemic. As the global workforce got online and social distancing took the front stage, an increasing number of people found out the best way to connect is via social media. Social media has also enlightened people about societal challenges. In a country like India, racism has been a major issue but has never gotten the required attention. Several inhabitants across the subcontinent raised their concerns over India's obsession with 'fair-skin' promoted in the form of creams and moisturisers. The manufacturers of the products soon relabelled rather than re-branded their products, but it certainly did not put an end to the problem. In this aspect, social media managed to have an impact.

Nonetheless, the effect of social media could be a double-edged sword. Social media is an open platform for all types of opinions and sentiments regardless of their genuineness, sedition and potential impacts. Thus, the spread of viral messages on social media would also apply to the exposure to racist events, remarks and concepts. Oftentimes, events would escalate in an unexpected way or pace on social media. What is also amplified is the emotion and perspective of the people behind the screen. Different people may have different opinions on the same matter. When the extreme one gets exposed through social media, negative consequences will occur.<sup>187</sup> The study of anti-Asian hate and counter hate on social media during the COVID-19 pandemic renders, "hate is contagious, and nodes are highly likely to become hateful after being exposed to hateful contents".<sup>188</sup>

Furthermore, as millions of citizens in Ukraine fled the country after Russia initiated a deadly attack on the 24th of February 2022, there were increasing reports of racism against black people in Ukraine as they tried to leave the country. Social media was used as a medium for

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<sup>187</sup> UNICEF "How Social Media is Helping Combat Racism", 11 July 2020

<sup>188</sup> Ziems, He, Soni & Kumar 2020.

expressing different reactions in the fight against the act of racism. The hashtag “#AfricansinUkraine” was used on Twitter to highlight cases of racial injustice and the ways that Black people are being left behind in a rush to flee danger. According to the Independent,<sup>189</sup> Black people seeking to leave the country have been abandoned at border crossings. They have been discriminated against in their attempts to board public transport to evacuate the country. One citizen told the Independent that he and his family were denied entry to a bus on its way to cross the border, being told, “no blacks.” A medical student also caught in the conflict took to social media<sup>190</sup> to report their experience and said that it continued even after they were eventually able to cross the border after hours of travelling.<sup>191</sup>

### **Eliminating Racism in a Changing World**

Combating systemic racism requires aggressive action to address structures, policies, and practices that contribute to the wealth gap, health disparities, and inequalities in educational access, outcomes, and beyond. On the occasion of the United Nations (UN) International Day for the Elimination of Racial Discrimination, the United States reiterates its determination to address these challenges at home and abroad. On the first day of Joe Biden’s administration, the President issued Executive Order (EO) 1398.<sup>192</sup> This order established that the Federal Government should pursue a comprehensive approach to advancing equity for all and creating opportunities for improving historically underserved communities. Also, on January 26, President Biden issued a Memorandum Condemning and Combating Racism, Xenophobia, and Intolerance against Asian Americans and Pacific Islanders in the United States. The memorandum orders executive departments and agencies to take all appropriate steps to ensure that official actions, documents, and statements, including those that pertain

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<sup>189</sup> Ukraine: Concerns mount as Black people report racism while fleeing war zone, 27 February 2022.

<sup>190</sup> A twitter thread started by Asya on Twitter.

<sup>191</sup> Global Citizens “Black People in Ukraine Are Reporting Racism While Trying to Leave”

<sup>192</sup> Fact Sheet: “U.S Efforts to Combat Systemic Racism” | The White House (21 March 2021).

to the COVID-19 pandemic, do not exhibit or contribute to racism, xenophobia, and intolerance against Asian Americans and Pacific Islanders.<sup>193</sup> Other countries have also taken positive measures to eliminate racism. Bolivia, Chile, Ecuador, Greece, Kazakhstan, Lithuania and Serbia have reported that discrimination on the grounds of race has been declared punishable by law. Uruguay has also adopted a law on affirmative action policies to ensure equal access to higher education and the public labour market, stipulating a quota of at least 8 per cent for people of African descent. England and Wales, the United Kingdom, and the Netherlands have issued guidelines for police specifically prohibiting. Argentina, Colombia, Ireland, Mexico, South Africa, Spain, and Turkey have also enacted laws prohibiting racial profiling and discrimination. Finally, the Congress of Deputies of Spain has approved a law on the memory of slavery, with the recognition and support of black communities, African people and people of African descent in Spain.<sup>194</sup>

At the UN Human Rights Council, more than 140 nations joined the United States in a statement outlining the continuing scourge of racism, racial discrimination, xenophobia, and other forms of intolerance. This historic cross-regional statement is a call to action for all nations to; acknowledge and address the legacy and persistence of systemic racism, review, and revise long-standing practices and policies to ensure all individuals are treated equally, embed fairness and inclusivity in the decision-making processes, redress inequities in policies that serve as barriers to equal opportunity, and eliminate barriers to political participation.<sup>195</sup>

Consequently, racism is a global issue. It harms people all over the world. Widespread accounts of racism documented by UN human rights groups evidence the rise of racist hate speech and incitement to violence against the Igbo people in Nigeria, the killing of 60 human rights defenders, many of whom were engaged in the fight against racial discrimination. It also exposed the low level of investigation, prosecution, and conviction of racism cases in the

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<sup>193</sup> Ibid

<sup>194</sup> United Nations, International Decade for People of African Descent. 2015 - 2024

<sup>195</sup> Fact Sheet: "U.S Efforts to Combat Systemic Racism" | The White House (21 March 2021).

Philippines and the fact that black men from sub-Saharan countries are being sold in slave markets in Libya.<sup>196</sup> In December 2018, the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerances<sup>197</sup> visited Morocco and urged leaders to take “immediate actions on domestic racial inequalities.”<sup>198</sup>

International human rights law began to address racism challenges over fifty years ago. The moment of reckoning arrived in 1963, amid the escalating Civil Rights Movement in the United States and deepening independence movements throughout Africa when the United Nations General Assembly adopted the *United Nations Declaration on the Elimination of All Forms of Racial Discrimination*.<sup>199</sup> Article 1 provides that “discrimination between human beings on the ground of race, colour or ethnic origin is an offence to human dignity and shall be condemned as a denial of the principles of the Charter of the United Nations, as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights, as an obstacle to friendly and peaceful relations among nations and as a fact capable of disturbing peace and security among peoples.” Two years later, the United Nations adopted the *International Convention on the Elimination of All Forms of Racial Discrimination*.<sup>200</sup> The treaty furthered the purposes of earlier international laws banning slavery.<sup>201</sup> And subsequent international instruments were adopted to this effect.

The UN has also organised world conferences in lieu of eliminating racism, for example, *The Durban South Africa 2001 Conference against Racism, Racial Discrimination, Xenophobia and other Related Intolerances*.

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<sup>196</sup> Anna Spain Bradley, “Human Rights Racism”, Harvard Human Rights Journal / Vol. 32.

<sup>197</sup> Professor E. Tendayi Achiume.

<sup>198</sup> Fact Sheet: “U.S Efforts to Combat Systemic Racism” | The White House (21 March 2021).

<sup>199</sup> UN General Assembly, “United Nations Declaration on the Elimination of All Forms of Racial Discrimination”, 20 November 1963, A/RES/1904.

<sup>200</sup> UN General Assembly, “International Convention on the Elimination of All Forms of Racial Discrimination”, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195.

<sup>201</sup> Anna Spain Bradley, “Human Rights Racism”, Harvard Human Rights Journal / Vol. 32.

## Conclusion

In light of the aforementioned, systemic racism manifests in different areas and aspects of life. Although it appears invisible, the effects of systemic racism are evident. It can be seen in the educational sector, the healthcare sector and various workplaces, as explained above. Although the UN, social media, Non-Governmental Organisations (NGOs) and many others have made efforts to eradicate systemic racism, there are complexities in the measures adopted.

## Further Research

How does racism affect the distribution of properties? What role does systemic racism play in the ownership of landed properties? What is the relationship between the environment and racism? What are the effects of systemic racism on academic achievement? How can education be used as a tool to eliminate system racism? What is the nexus between politics and racism? What are the impacts of systemic racism in the labour market? What are the impacts of systemic racism on personal and professional lives? In what other ways can social media help in eliminating systemic racism? What are the effects of racism on political representation? How can barriers placed on political participation by racism be effectively eliminated? Can racism be seen in the sports sector? What method can be used to eradicate racism in sports?

## Annotated Bibliography

Christy Clark-Pujara PhD, UW Madison: Diversity Forum 2020 “A Brief History of Systemic Racism in America” available at <https://diversity.wisc.edu/wp-content/uploads/2020/10/A-Brief-History-of-Systemic-Racism-in-America-Christy-Clark-Pujara.pdf> (accessed 10 March 2022)



*This article discusses the race slave system in America, the constitution regulating this system- A proslavery document, and the slave patrol system.*

Fact Sheet: “ U.S Efforts to Combat Systemic Racism” | The White House 21 March 2021  
<https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/21/fact-sheet-u-s-efforts-to-combat-systemic-racism/> (accessed 21 March)

*This explains steps and actions taken by the United States in the administration of Joe Biden to combat systemic racism, which includes advancing racial equity in the Federal Government, condemning and combating racism, xenophobia and intolerances against the Asian American and Pacific Islander (AAPI) community, assessing domestic violence extremism, to mention a few actions.*

George M Fredrickson 2003, “The Historical Origins and Development of Racism” available at [https://www.pbs.org/race/000\\_About/002\\_04-background-02-01.htm](https://www.pbs.org/race/000_About/002_04-background-02-01.htm) (accessed 10 March 2022)

*This source carefully examines the historical origins and development of racism in the world: through the advent of racism during the modern period, the period of Renaissance and Reformation, the Enlightenment period, the age of Emancipation, Nationalism and Imperialism during the nineteenth century. This source also details that the climax of racism came in the twentieth century.*

## **Bibliography**

Anna Spain Bradley, “Human Rights Racism”, Harvard Human Rights Journal / Vol. 32 available at <https://www.corteidh.or.cr/tablas/libro7-68.pdf> (accessed 21 March 2022).

ASHE Higher Education Report, “Systemic Racism in Higher Education”, Nov. 2015, Vol. 42, available at:

<https://fas.columbia.edu/files/fas/content/ASHE%20Higher%20Education%20Report.%20Nov2015%2C%20Vol.%2042%20Issue%201%2C%20p49-71.%2023p.%20.pdf> (accessed 23 March 2022).

Billy Wong, Reham Elmorally, et al., “Is race still relevant? Student perceptions and experiences of racism in higher education”, published online 26 October 2020, available at: <https://www.tandfonline.com/doi/full/10.1080/0305764X.2020.1831441> (accessed 20 May 2022).

Bradley Jardine & Matthew Kupfer, “After Metro Blast, Racial profiling is on the Rise in Russia”, 13 April 2017, available at: [After Metro Blast, Racial Profiling Is on the Rise in Russia - The Moscow Times](#) (accessed 23 March 2022).

Brennan Centre for Justice at NYU Law, Voting laws roundup, October 2021, available at <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-october-2021> (accessed 17 March 2022).

Carter Godwin Woodson, Ph.D, “The Mis-Education of the Negro”, January 1933, available at: <http://www.ipanafrican.org/ebooks/3.4eBookThe%20Mis-Education.pdf> (accessed 23 March 2022).

Cary P. Gross, Utibe R. Essien, Saamir Pasha, et al., “Racial and Ethnic Disparities in Population Level Covid 19 Mortality”, 11 May 2020, available at: <https://www.medrxiv.org/content/10.1101/2020.05.07.20094250v1.full.pdf> (accessed 4 March 2022).

Census Bureau. “Quick facts: Population Estimates”, July 1 2021 available at <https://www.census.gov/quickfacts/fact/table/US/PST045219> (accessed 17 March 2022).

Centres for Disease Control and Prevention, “Health Equity Considerations and Racial and Ethnic Minority Groups”, updated 25 January 2022, available at: <https://www.cdc.gov/coronavirus/2019-ncov/community/health-equity/race-ethnicity.html> (accessed 20 May 2022).

Council of Europe Committee of Ministers, “Recommendation Rec(2001) 6 of the Committee of Ministers to Member States on the Prevention of Racism, Xenophobia and Racial Intolerance in Sport”, 18 July 2001, available at: [Result details \(coe.int\)](#) (accessed 23 March 2022).

David A. Harris, “Racial Profiling: Past, Present & Future”, Winter 2020, available at: [https://scholarship.law.pitt.edu/cgi/viewcontent.cgi?article=1115&context=fac\\_articles](https://scholarship.law.pitt.edu/cgi/viewcontent.cgi?article=1115&context=fac_articles) (accessed 23 March 2022).

David Mhlanga and Rufaro Garidzirai, “The Influence of Racial Differences in the Demand for Healthcare in South Africa: A Case of Public Healthcare”, 14 July 2020, available at: <https://www.mdpi.com/1660-4601/17/14/5043/htm> (accessed 15 June 2022).

Debating Communities and Network XII “Social Media in the Fight Against Racism.” May 7 2021, available at <http://networkconference.netstudies.org/2021/2021/05/07/social-media-in-the-fight-against-racism/> (accessed 23 March 2022).

“Declaration of the African Regional Preparatory Conference for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerances of 2001”, available at: [Durban.PDF \(un.org\)](#) (accessed 23 March 2022).

Elimination of All Forms of Racial Discrimination”, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195, available at: <https://www.refworld.org/docid/3ae6b3940.html> (accessed 4 March 2022).

Fact Sheet: “ U.S Efforts to Combat Systemic Racism” | The White House 21 March 2021 <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/21/fact-sheet-u-s-efforts-to-combat-systemic-racism/> (accessed 21 March).

Fair Trials, “A Measure of Last Resort? The Practice of Pre-Trial Detention Decision Making in the EU”, pg. 15, available at:

<https://www.fairtrials.org/app/uploads/2022/01/A-Measure-of-Last-Resort-Full-Version.pdf>

(accessed 20 May 2022).

Fair Trials, “Disparities and Discrimination in the European Union’s Criminal Legal Systems”, available at:

<https://www.fairtrials.org/app/uploads/2021/11/Disparities-and-Discrimination-in-the-European-Unions-Criminal-Legal-Systems.pdf> (accessed 20 May 2022).

Global Citizen “Black People in Ukraine Are Reporting Racism While Trying to Leave” February 2022, available at:

<https://www.globalcitizen.org/en/content/racism-leave-ukraine-asylum-black-people-of-color/> (accessed 19 May 2022).

Guilia Paganucci, “Guide: What is Systemic Racism”, 25 January 2021, available at: <https://www.anewseducation.com/post/what-is-systemic-racism> (accessed 4 March 2022).

Human Rights Watch, “Overview of Human Rights Issues in Ukraine”, 31 December 2005, available at:

<https://www.hrw.org/hrw-redirects/legacy-redirect?url=legacy/english/docs/2006/01/18/ukrain12219.htm> (accessed 4 March 2022).

Ian Christopher McManus, Sally Maitlis, et al., “Identifying Medical School Applicants from Ethnic Minorities”, 9 July 2014, available at:

[https://www.researchgate.net/profile/Ian-Mcmanus/publication/248963032\\_Identifying\\_Medical\\_School\\_Applicants\\_from\\_Ethnic\\_Minorities/links/0deec53bd1568d6c11000000/Identifying-Medical-School-Applicants-from-Ethnic-Minorities.pdf?origin=publication\\_detail](https://www.researchgate.net/profile/Ian-Mcmanus/publication/248963032_Identifying_Medical_School_Applicants_from_Ethnic_Minorities/links/0deec53bd1568d6c11000000/Identifying-Medical-School-Applicants-from-Ethnic-Minorities.pdf?origin=publication_detail) (accessed 20 May 2022).

International Labour Organization (ILO), “Discrimination (Employment and Occupation) Convention”, C111, 25 June 1958, C111, available at:

<https://www.refworld.org/docid/3ddb680f4.html> (accessed 6 March 2022).

Jerome Joost, “Racism is still rife in South African Schools. What can be done about it”, 24 January 2019, available at:

<https://theconversation.com/amp/racism-is-still-rife-in-south-africas-schools-what-can-be-done-about-it-110195> (accessed 20 May 2022).

Kate Slater, “What is Systemic Racism”, 4 February 2021, available at: <https://www.today.com/tmrw/what-systemic-racism-t207878> (accessed 4 March 2022).

Kelly M. Hoffman, Sophie Trawalter et al., “Racial Bias in Pain Assessment and Treatment Recommendations, and False beliefs about Biological differences between Blacks and Whites”, 4 April 2016, available at: <https://www.pnas.org/doi/10.1073/pnas.1516047113> (accessed 4 March 2022).

Lidwien A. Tjaden, MD, Marlies Noordzig, PHD et al., “Racial Disparities in Access to and Outcomes of Kidney Transplantation in Children, Adolescents, and Young Adults: Results From the ESPN/ERA-EDTA (European Society of Pediatric Nephrology/European Renal Association–European Dialysis and Transplant Association) Registry”, 7 November 2015, available at: [https://www.ajkd.org/article/S0272-6386\(15\)01255-X/fulltext](https://www.ajkd.org/article/S0272-6386(15)01255-X/fulltext) (accessed 20 May 2022).

Lila Farkas and Dezideriu Gergely, “Racial Discrimination in Education and EU Equality Law”, 2020, available at: [https://ec.europa.eu/info/sites/default/files/racial\\_discrimination\\_in\\_education\\_and\\_eu\\_equality\\_law\\_web.pdf](https://ec.europa.eu/info/sites/default/files/racial_discrimination_in_education_and_eu_equality_law_web.pdf) (accessed 20 May 2022).

Monique Tello, MD, Ph.D, “Racism & Discrimination in Healthcare: Providers & Patients”, 16 January 2017, available at: [Racism and discrimination in health care: Providers and patients - Harvard Health](#) (accessed 23 March 2022).

Montgomery Young, "Private vs Public Healthcare in South Africa", 2016, available at: [https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=3752&context=honors\\_theses](https://scholarworks.wmich.edu/cgi/viewcontent.cgi?article=3752&context=honors_theses) (accessed 16 June 2022).

New York Times, "How George Floyd Died and What Happened Next", 1 November 2021, available at: [How George Floyd Died, and What Happened Next - The New York Times \(nytimes.com\)](https://www.nytimes.com/2021/11/01/us/politics/george-floyd-death-what-happened-next.html) (accessed 23 March 2022).

Nicki Lisa Cole, Ph.D, "Definition of Systemic Racism in Sociology", 31 July 2021, available at: <https://www.thoughtco.com/systemic-racism-3026565> (accessed 4 March 2022).

Organisation of American States, "Inter-American Convention Against Racism, Racial Discrimination and Related Forms of Intolerance", 5 June 2013, available at: <https://www.equalrightstrust.org/sites/default/files/ertdocs//INTER-AMERICAN%20CONVENTION%20AGAINST%20RACISM%20RACIAL%20DISCRIMINATION.pdf> (accessed 23 March 2022).

Paula A. Braveman, Elaine Arkin, Dwayne Proctor, Tina Kauh, Nicole Holm, "Systemic and Structural Racism: Definitions, Examples, Health Damages and Approaches to Dismantling Racism" available at: <https://www.healthaffairs.org/doi/10.1377/hlthaff.2021.01394> (accessed 17 March 2022).

Peters, M. A., "Why is my curriculum white? Educational Philosophy and Theory", 2015, available at: <https://www.tandfonline.com/doi/full/10.1080/00131857.2015.1037227> (accessed 20 May 2022).

Rachael Kennedy, "Institutional Racism in the Justice System is Prevalent Across EU States Says New Report", 12 September 2019, available at: <https://www.euronews.com/amp/2019/09/12/institutional-racism-in-the-justice-system-is-prevalent-across-eu-states-says-new-report> (accessed 20 May 2022).

Rita Koli, "Breaking the Cycle of Racism in the Classroom: Critical Race Reflections From Future Teachers of Color", Fall 2020, available at: <https://files.eric.ed.gov/fulltext/EJ838707.pdf> (accessed 23 March 2022).

Sarah Hamed, Suruchi Thapar-Bjorkert, Hannah Bradby et al., "Racism in European Healthcare: Structural Violence and Beyond", 16 June 2020, available at: <https://journals.sagepub.com/doi/10.1177/1049732320931430> (accessed 20 May 2022).

Scottish Human Rights Commission (SHRC), "The International Convention on the Elimination of Racial Discrimination", available at: <https://www.scottishhumanrights.com/projects-and-programmes/treaty-and-international-work/international-treaty-monitoring/the-international-convention-on-the-elimination-of-racial-discrimination-icerd/> (accessed 4 March 2022).

Statistics South Africa (StatsSA) General Household Survey , Salvokop, 2018, available at: <https://microdata.worldbank.org/index.php/catalog/3512> (accessed 16 June 2022).

The Nobel Prize, "Martin Luther King Jr Acceptance Speech", 1964, available at: [Martin Luther King Jr. - Acceptance Speech \(nobelprize.org\)](https://www.nobelprize.org/martin-luther-king-jr-acceptance-speech) (accessed 4 March 2022).

Trina Jones, "The Significance of Skin Colour in Asian and Asian-American Communities: Initial Reflections", available at: <https://www.law.uci.edu/lawreview/vol3/no4/Jones.pdf> (accessed 20 May 2022).

UN Educational, Scientific and Cultural Organisation (UNESCO), "Convention Against Discrimination in Education", 14 December 1960, available at: <https://www.refworld.org/docid/3ae6b3880.html> (accessed 6 March 2022).

UNESCO, "Declaration on Race and Racial Prejudice", available at: [Declaration on Race and Racial Prejudice | OHCHR](https://www.unhcr.org/refworld/docid/3ae6b3880.html) (accessed 23 March 2022).

UNESCO, "International Day for the Elimination of Racial Discrimination", available at:

[International Day for the Elimination of Racial Discrimination \(unesco.org\)](https://www.unesco.org/en/convention-combating-racism) (accessed 4 March 2022).

UN General Assembly, "Convention on the Prevention and Punishment of the Crime of Genocide", 9 December 1948, United Nations, Treaty Series, vol. 78, p. 277, available at: <https://www.refworld.org/docid/3ae6b3ac0.html> (accessed 5 March 2022).

UN General Assembly, "Convention on the Rights of Persons with Disabilities", 24 January 2007, A/RES/61/106, available at: <https://www.refworld.org/docid/45f973632.html> (accessed 6 March 2022).

UN General Assembly, "International Convention on the Model United Nations, "UN Charter", available at: <https://www.un.org/en/model-united-nations/un-charter> (accessed 4 March 2022).

UN General Assembly, "International Covenant on Economic, Social and Cultural Rights", 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3, available at: <https://www.refworld.org/docid/3ae6b36c0.html> (accessed 4 March 2022).

UN General Assembly, "United Nations Declaration on the Elimination of All Forms of Racial Discrimination", 20 November 1963, A/RES/1904, available at: <https://www.refworld.org/docid/3b00f06558.html> (accessed 23 March 2022).

UN General Assembly, "United Nations Declaration on the Rights of Indigenous Peoples", 2 October 2007, A/RES/61/295, available at: <https://www.refworld.org/docid/471355a82.html> (accessed 23 March 2022).

UN General Assembly, "Universal Declaration of Human Rights", 10 December 1948, 217 A (III), available at: <https://www.refworld.org/docid/3ae6b3712c.html> (accessed 4 March 2022).

UNICEF "How Social Media is Helping Combat Racism" July 11, 2020 available at <https://www.voicesofyouth.org/user/shivangi-chatterjee> (accessed 23 March 2022).

United Nations, "Charter of the United Nations", 24 October 1945, 1 UNTS XVI, available at: <https://www.refworld.org/docid/3ae6b3930.html> (accessed 4 March 2022).



United Nations, “Durban Declaration and Plan of Action, Adopted at the World Conference Against Racism, Racial Discrimination, Xenophobia and Related Violence”, 8 September 2001, available at: <https://www.refworld.org/docid/3db573314.html> (accessed 23 March 2022).

United Nations, “Voices For Action Against Racism”, available at: <https://www.un.org/en/observances/end-racism-day> (accessed 20 May 2022).

US Department of Health and Human Services, “HHS Action Plan To Reduce Racial and Ethnic Disparities: Implementation Progress Report 2011-2014”, 31 October 2015, available at: [HHS Action Plan to Reduce Racial and Ethnic Health Disparities: Implementation Progress Report 2011-2014 | ASPE](https://www.hhs.gov/health-equity/implementation-progress-report-2011-2014) (accessed 4 March 2022).

Valentine Atsango, “Confronting Racism in South African Schools”, 2 December 2020, available at: <https://assembly.malala.org/stories/racism-in-south-african-schools> (accessed 20 May 2022).

Vivienne Dovi, “The treatment Africans are facing in Ukraine is despicable, but why are we surprised?”, 1 April 2022, available at: <https://www.euronews.com/2022/04/01/the-treatment-africans-are-facing-in-ukraine-is-despicable-but-why-are-we-surprised> (accessed 20 May 2022).

Vuyo Mkize, “Racism Still Alive: Healthcare Industry in SA hasn’t been Spared”, 13 September 2020, available at: <https://www.news24.com/amp/citypress/news/racism-still-alive-healthcare-industry-in-sa-has-nt-been-spared-20200913> (accessed 15 June 2022).

WHO and World Bank, “World Report on Disability”, 2011, available at: [World Report on Disability \(who.int\)](https://www.who.int/publications/m/item/world-report-on-disability) (accessed 4 March 2022).

Winnie T. Mamphulo, Busisiwe R. Bhengu, “Challenges of Quality Improvement in the Healthcare of South Africa Post Apartheid: A Critical Review”, 2019, available at:

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6556866/?report=reader> (accessed 16 June 2022).

## COMBATting HUMAN TRAFFICKING ON AN INTERNATIONAL SCALE

*“Enslave the liberty of one human being, and the liberties of the world are put in peril.”*

-**William Lloyd Garrison** (American Journalist and abolitionist)<sup>202</sup>

### Introduction

Historically, human trafficking is a vice that dates back thousands of years, touching upon fragments of history while remaining a prominent human rights issue over time. Human trafficking is a vicious activity that has always been present in every society and goes back to ancient civilization. This epidemic continued and eventually led to the Transatlantic slave trade, where millions of enslaved Africans were taken across the Atlantic Ocean to the Americas during the 16th to 19th centuries.<sup>203</sup> Despite the severity of the issue, it was not addressed until 1904, when heads of state conceded to sign the International Agreement for the Suppression of the White Slave Traffic<sup>204</sup>, which focused solely on the trafficking of white women and children into prostitution. Following this, the 1910 Convention for the Suppression of the White Slave Trade<sup>205</sup> was passed. A more efficient solution was provided in 1921 when multiple countries at a League of Nations international conference signed the *International Convention for the Suppression of Traffic in Women and Children*<sup>206</sup>. Although the main focus remained on human trafficking for sexual exploitation and prostitution, the document covered all women and children rather than just one race. The current situation of human trafficking in the world today takes various forms, from sex trafficking to trafficking for forced labour, trafficking for organs trade and other reasons. Human trafficking finds its root in

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<sup>202</sup> Hilbert College, Social Justice Activists, William Lloyd Garrison.

<sup>203</sup> Lewis, Thomas. "Transatlantic slave trade". Encyclopaedia Britannica, 22 Sep. 2021.

<sup>204</sup> International Agreement for the suppression of the "White Slave Traffic", Chapter VII, United Nations Treaty Collection.

<sup>205</sup> Ibid.

<sup>206</sup> A/RES/4/317.

multiple factors like poverty, lack of education and job opportunities, and as a consequence of globalization and rapid economic growth.

According to the United Nations Office on Drugs and Crime (UNODC)<sup>207</sup>, human trafficking is the recruitment, transportation, transfer, harbouring or receipt of people through force, fraud or deception, with the aim of exploiting them for profit.

## International and Regional Framework

*The Universal Declaration of Human Rights (UDHR)*<sup>208</sup> remains the foundational international framework that must be considered when broaching matters involving the fundamental human rights of persons worldwide. Article 1 of the UDHR acknowledges that all human beings are born free and equal. Article 4 focuses on human trafficking specifically, declaring that no one shall be held in slavery or forced to do labour.

The *UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* serves as a legal turning point as it constitutes the first international document on trafficking in persons that is legally binding. *Article 1* of the Convention states that the member states party to the Convention agree to punish persons who, for the purpose of gratifying the pleasures of another: procures, entices or leads away, for purposes of prostitution, another person, even with the consent of that person; exploits the prostitution of another person, even with the consent of that person.<sup>209</sup>

*The United Nations Convention Against Transnational Organised Crime*,<sup>210</sup> adopted in 2000, addresses the global threats from transnational organized crime. It contains objectives that aim to eliminate differences among legal systems to achieve global cooperation in relation to

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<sup>207</sup> United Nations Office on Drugs and Crime.

<sup>208</sup> United Nations, UN General Assembly, Universal Declaration of Human Rights, A/RES/217 A (III), 1948.

<sup>209</sup> Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others A/RES/317(IV).

<sup>210</sup> UN General Assembly, "Convention against Transnational Organised Crime: Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children" (A/RES/55/25), 2000.

crime. Its Protocol to *Prevent, Suppress and Punish Trafficking in Persons*<sup>211</sup> provides a universally agreed definition of “trafficking in persons.” The Protocol addresses all forms of exploitation while seeking to balance law enforcement action with victims’ rights. The purposes of the Protocol are stated in Article 2, which gives three main objectives: to prevent and combat trafficking in persons, paying particular attention to women and children; to protect and assist the victims of such trafficking, with full respect for their human rights; and to promote cooperation among States Parties in order to meet those objectives.

The Protocol, in *Article 5*, also commits ratifying States to combating trafficking in persons, prosecuting perpetrators, protecting and assisting victims of trafficking and promoting cooperation among states to meet those objectives.<sup>212</sup> Another supplement to the Convention is the *Protocol against the Smuggling of Migrants by Land, Sea and Air*,<sup>213</sup> which aims to protect the rights of migrants and contains provisions that ensure migrants receive humane treatment. Article 6 to Article 11 contains international approaches to combat trafficking in persons whilst addressing root causes of migration and providing socio-economic measures.<sup>214</sup>

The *Forced Labour Convention*,<sup>215</sup> which International Labour Organisation adopted in 1930, is a founding document on forced labour and the consequences that should be enacted on any state or party that submits any person to forced labour or slavery. The International Labor Organization is a UN’s specialized agency which seeks the promotion of social justice and internationally recognised human and labor rights.

The *United Nations High Commissioner For Human Rights Principles and Guidelines on Human Rights and Trafficking*<sup>216</sup> also serves as substantive material essential to the subject

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<sup>211</sup> Ibid.

<sup>212</sup> Ibid, Art. 5.

<sup>213</sup> United Nations, “Protocol against the Smuggling of Migrants by Land, Sea and Air.”

<sup>214</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime, CHAPTER XVIII, United Nations Treaty Collection.

<sup>215</sup> ILO Convention C029, Forced Labour Convention 1930.

<sup>216</sup> OHCHR, Recommended Principles and Guideline on Human Rights and Human Trafficking.

matter. It is a comprehensive document that serves as a guideline for state parties and organizations concerning trafficked persons. The document shines more light on human trafficking while providing effective remedies to prevent and combat the vice.

The *United Nations Global Plan of Action to Combat Trafficking in Persons*,<sup>217</sup> adopted in 2010, includes concrete actions to eradicate trafficking in persons whilst also ensuring the protection and assistance of victims. The document identifies the risk factors associated with human traffickings, like gender-based violence and discrimination. In addition, the plan establishes a United Nations voluntary trust fund for victims of trafficking in persons, especially women and children.

The *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*<sup>218</sup> is a comprehensive international Bill of Rights for women. Hence, it contains provisions that protect women from human trafficking. Article 6 of the Convention sets States parties' legal obligation to "take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of the prostitution of women".

The *United Nations Convention on the Rights of the Child*<sup>219</sup> prohibits the trafficking of children by any means, including child labour. Article 32(1) of the CRC provides that state parties must protect the child from economic exploitation and performing any hazardous work.<sup>220</sup> It also stands against the sex trafficking of children, and this is detailed in Sections 34 and 35 of the Convention.

The *United Nations Security Council Resolution S/RES/2388*<sup>221</sup> reiterates condemnation of all acts of trafficking, particularly the sale or trade in persons undertaken by the "Islamic State of

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<sup>217</sup>UN General Assembly, "United Nations Global Plan of Action to Combat Trafficking in Persons", (A/RES/64/293), 2010.

<sup>218</sup> United Nations, CEDAW, 1979.

<sup>219</sup> UN General Assembly, "Convention on the Rights of the Child" (A/RES/44/25), 1989.

<sup>220</sup> Ibid.

<sup>221</sup>United Nations Security Council S/RES/2388 (2017).

Iraq and the Levant.” It underscores the importance of collecting and preserving evidence relating to such acts to ensure that those responsible can be held accountable.

On the regional scene, the *Council of Europe Convention on Action against Trafficking in Human Beings*<sup>222</sup> serves as a regional instrument that addresses all forms of human trafficking. It focuses on protecting victims, safeguarding their rights, preventing trafficking and prosecuting those responsible for it. The Convention, in Article 6, provides an independent monitoring mechanism capable of overseeing the implementation of the obligations contained in the Convention. It also includes a section dedicated to measures to ensure the decline of human trafficking rates, detailed in Article 6 of the Convention<sup>223</sup>.

The *Inter-American Convention on International Traffic in Minors*<sup>224</sup> is also a regional document that aims to “protect the fundamental rights of minors and their best interests” by preventing and punishing international traffic in minors and regulating its civil and penal aspects.<sup>225</sup>

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<sup>222</sup> Council of Europe Convention on Action against Trafficking in Human Beings, Council of Europe Treaty Series No. 197.

<sup>223</sup> Ibid.

<sup>224</sup> Organisation of American States (OAS), Inter-American Convention on International Traffic in Minors OAS, Treaty Series, No. 79.

<sup>225</sup> Ibid, Art. 1.

In Africa, the *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003)* charges states to take measures to prevent trafficking in women and prosecute the perpetrators.<sup>226</sup> Similarly, the *African Charter on the Rights and Welfare of the Child (1999)* charges states to prevent the abduction, sale or trafficking of children for any purpose and by any person, including parents or legal guardians of the child.<sup>227</sup>

### The Role of International System

The sustainable development goals, which correctly address human trafficking, outline its goals as taking immediate and effective measures to eradicate human trafficking and forced labour. It also provides for the prohibition, elimination, and eradication of the worst forms of recruitment and use of children for labor. Target 8.7 aims to end child labour in all its forms by 2025.

Target 16.2 of the SDG aims to end abuse, exploitation, trafficking and all forms of torture of children. Target 5.2 seeks to eliminate all forms of violence against all women and girls in public and private spheres, including sex trafficking and other types of exploitation.

The United Nations Global Initiative to Fight Human Trafficking (UN.GIFT)<sup>228</sup>, a multi-stakeholder initiative, was conceived to promote the global fight against human trafficking by continuously creating new partnerships and developing cogent effectual tools for fighting human trafficking based on international agreements reached in the UN. The United Nations Global Effort to Fight Human Trafficking (UN.GIFT) aims to combat human trafficking by giving global access to experience, knowledge, and innovative partnerships. UN.GIFT strives to build synergies between UN agencies, international organisations, and other stakeholders' anti-trafficking efforts to develop the most efficient and cost-effective

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<sup>226</sup> Art. 4(2)(g).

<sup>227</sup> Art. 29.

<sup>228</sup> United Nations Global initiative to Fight Human trafficking.



tools and best practices. The Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, which complements the Palermo Convention against transnational organised crime, has been signed by 140 countries so far, following a diplomatic meeting for the convention of a protocol.<sup>229</sup>

One of the United Nations (UN) core programmes, Active Communities Against Trafficking (ACT), aims to bring members of a community together under the guise of an ACT organisation or group. These organisations are provided with a wealth of information to assist them in identifying human trafficking, understanding how it affects local communities, and learning how to help prevent it. Human trafficking is believed to originate in a community. Hence, it can also be prevented at that level with the help of all community members. This can be accomplished by creating relationships with local authorities, specialists, and community leaders and inquiring about missing children. The thesis of the Active Communities Against Trafficking is to act locally to prevent human trafficking and protect victims. This is accomplished by forming networks of relevant local activists who receive training on human trafficking issues and prevention policies, and groups of individuals who disseminate Human Trafficking information at a local level to contribute to prevention.

The United Nations General Assembly focuses on the critical role it plays in developing effective strategies to prevent this crime. They locate and rescue victims and assist them in their rehabilitation and recovery. The GA also lists July 3 as the World Day against Trafficking in its resolution, *A/RES/68/192*. This portrays a campaign that puts victims of human trafficking front and centre, emphasising the necessity of listening to the survivors and learning from them the possible solutions to human trafficking.

The United Nations High Commissioner for Refugees (UNHCR) and the United Nations International Children's Emergency Fund (UNICEF) have made efforts to combat the growing

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<sup>229</sup> "Philippines: PH, UAE Sign MOU to Combat Human Trafficking, Protect Women and Children." MENA Report, Albawaba (London) Ltd., Sept. 2019.

human trafficking rate in Ukraine as Ukraine has been the hub for human trafficking following the flight of millions of women and children across its borders in the face of Russian aggression. (UNHCR) and the United Nations International Children's Emergency Fund (UNICEF) have tried to combat the growing human trafficking rate in Ukraine. UNICEF and UNHCR have impacted countries to ensure that safe spaces for women and children are provided, crossing borders and looping national child protection systems. A government system has been put in place, providing funds and assistance to ensure that temporary foster and critical protection is given to children who have been displaced across borders while fleeing Ukraine from the Russian Invasion. UNHCR mandates that any movements must be reported without haste and brought to the notice of the proper authorities in Ukraine and neighbouring countries to ensure effective monitoring of women and children to protect them from traffickers upon crossing the border.

Stop the Traffik is an international pioneer charity which aims to bring an end to human trafficking worldwide. STF has made efforts to end human trafficking. The initiative made a strong statement saying that the crime should not be ignored and presented nearly 1.5 million signatures to the UN in 2008.<sup>230</sup> Since then, they have been actively working to create a world where individuals are not hunted. STF aims at not just prosecuting traffickers but also believes that for human trafficking to be eradicated, it must be avoided in the first place and in itself prevented.

For this reason, Stop the Traffik embarked on a dynamic project in conjunction with the UN. The project, labelled the START FREEDOM initiative, sought to empower people to fight human trafficking and raise awareness among young people by exposing them to the issues surrounding human trafficking. This was done to ensure that people realize they have an important role in preventing this illicit trade.

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<sup>230</sup> Stop the Traffik "people shouldn't be bought and sold".

## The Basics of Human Trafficking

According to The *Protocol to Prevent, Suppress and Punish Trafficking in Persons*,<sup>231</sup> “trafficking in persons” is defined as the “recruitment, transportation, transfer, harboring or receipt of persons, by means of threat or use of force or other forms of coercion, abduction, fraud, deception, the abuse of power or a vulnerable position, the giving or receiving of payments or benefits to achieve the consent of a person having control over another person; all of which are for the purpose of exploitation.”<sup>232</sup> The protocol further stipulates what constitutes exploitation, stating that it shall include the exploitation through prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs. The protocol emphasises three elements of trafficking; The act (what is done), the means (how it is done) and the purpose (why it is done). These fundamental elements must be present for a situation of trafficking to exist. However, for children (persons under 18 years of age), the “means” element is not required. It is only necessary to show that a child was subjected to an act in which exploitation of the child was the primary purpose.

Note that trafficking does not always require movement and does not exclusively refer to the process of transporting victims for exploitation. Instead, it also extends to keeping a person in a situation of exploitation.<sup>233</sup> It is also important to note the means of human trafficking and how it takes place. Traffickers often use violence or fraudulent employment agencies and fake promises of education and job opportunities to trick and coerce their victims. This exploitation can occur anywhere, from the victim’s home country to a foreign country or even during the migration process.

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<sup>231</sup> Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, A/RES/55/25, Art. 3.

<sup>232</sup> Ibid.

<sup>233</sup> Human Rights and Human Trafficking Fact Sheet No.36.

## Root Causes of Human trafficking

Trafficking in persons is a complex phenomenon often driven by social, economic, cultural and many other factors. A factor in human trafficking is the local condition that makes a substantial amount of the population desire to migrate to another state in search of better living conditions. These local conditions include poverty, civil unrest or armed conflict, natural disasters, lack of socio-economic opportunities and many more. Destabilization of populations continually increases their vulnerability, allowing traffickers to take advantage of this situation and subject them to human trafficking. Social and cultural practices also contribute to trafficking as the devaluation of women and girls makes them more vulnerable to sexual exploitation and trafficking. For example, there is a South African traditional custom termed *Ukuthwala*, which is a practice that involves a man and his friends or peers who set out to compel a girl or young woman's family to endorse marriage negotiations. A man may abduct a girl while she is walking down the road and forcefully transport her to an unknown location where she is raped. Then the man asks the girl's family for her hand in marriage. As rape still carries a stigma, the girl's rape renders the family vulnerable and susceptible to agreeing to the proposed marriage.<sup>234</sup>

## The Effects of Human Trafficking

Human trafficking is a crime against the individual, and the victims feel its consequences more. It is a direct violation of one's personhood that wholly violates a victim's human rights. The trafficking process may also involve physical, sexual and psychological abuse of persons involved. Victims of the act face prolonged and repeated trauma in the forms of forced use of substances, manipulation, violence, economic exploitation, and abusive working conditions.

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<sup>234</sup> Tradition and Culture in Africa: Practices that Facilitate Trafficking Of Women and Children, Norah Hashim Msuya, Volume 2 Issue 1, Article 3.

Trafficked persons repeatedly have to survive despite having little or no access to adequate healthcare. Victims of sexual exploitation are more prone to sexual diseases like HIV/AIDS. The trauma often stays with the trafficked victim for life, displaying symptoms of post-traumatic stress disorder and severe mental illnesses. Child victims are further stunted in their development, resulting in societal and developmental difficulties. Long-term effects of human trafficking on the victim are expected, with little to no guarantee of complete recovery.

### **Groups Susceptible to Human trafficking**

In every case of human trafficking, women and children have always been the bigger target. As human trafficking has surged over the years, there has been a high profile of victimised women and children. Human traffickers prey on people who are isolated and considered weak,<sup>235</sup> and this is what constitutes or stands as the basis of vulnerability to trafficking. In every society, women are viewed as weak, children as helpless, and people with disabilities as being isolated and defenceless. This may contribute to their vulnerability, leaving women, children, and disabled people at a high risk of being trafficked. Women are viewed as being unable to protect themselves if they are lured. This has also been the situation with children who go missing at an alarming rate. Lured children are used for child labour, organ trafficking and sex trafficking. Lately, it has been identified that countries or places with high advantages in surrogacy and maternity wards are targets. Member states with high maternity and surrogacy rates have now become a target for traffickers with the intention of apprehending these children for their illicit trade and intentions. This is the case in Russia, where due to the

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<sup>235</sup> United Nations office on Drugs and Crime, an introduction to human trafficking: vulnerability, impact and action, (January 2008)

Russian crisis, children have been abandoned in maternity wards and up to 1000 babies born to surrogate mothers are stranded.<sup>236</sup>

Refugees are another vulnerable population that have become targets for human trafficking. After people have been forced to leave their countries in the process of escaping war or natural disaster, while en route, they become vulnerable. They are therefore easily exposed to traffickers. Also, people with disabilities have long been targeted since they are considered isolated from their peers. They are mostly lured with the promise of an opportunity or a better life. Even if they are conscious of their situation, their physical limitations make them seem weak and defenceless.

### **Accentuating the Patterns of Human Trafficking**

Sexual exploitation/sex trafficking is the most common form of human trafficking. The 2020 Global Report on Trafficking in Persons shows that 50 per cent of detected victims in 2018 were trafficked for sexual exploitation,<sup>237</sup> and the victims whom the traffickers apprehend are predominantly women and girls.<sup>238</sup> Women and children have been set as easy targets for this cause. Women are forced to engage in sexual activity by making it a condition for assistance. It also goes as far as enticing or forcing children to engage in sexual activities. In return, the child is promised a reward, and this gain can come in a tangible or intangible form. In some cases, fear is instilled in the children, and this fear usually leads to negative consequences for the child. The perpetrators or those facilitating the abuse are also rewarded. This establishes the root cause for human trafficking; the intention of criminals and traffickers to make a profit.

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<sup>236</sup> Guardian News and Media Limited 2022.

<sup>237</sup> United nations office on drugs and crime, human trafficking.

<sup>238</sup> Ibid.

Through leverage on globalisation, the international child sexual exploitation database has established a connection between about 64 countries to exchange information through the database.

Through this connection, about 23,564 victims have been identified worldwide using images and video comparison software. This database holds more than 2.7 million images and videos, and by examining random videos and images in the ICSE database, it observed several alarming trends.<sup>239</sup> For one, the younger the victims, the more severe the abuse.<sup>240</sup> Also, more than 60% of unidentified victims, including infants and toddlers, were prepubescent.<sup>241</sup> 65% of unidentified victims were girls and <sup>242</sup>92% of visible offenders were male.<sup>243</sup>

Due to the effects of globalization and industrialisation, the demand for cheap labor is continuously rising, and in effect, efforts to meet that supply have doubled. Forced labour is a form of human trafficking that places people in conditions of slavery under the deception of proper employment. Exploitative employment, coupled with “**debt bondage**” or “**bonded labor**”, is a common tactic used to lure unsuspecting emigrants.

According to *Convention No. 29 concerning Forced or Compulsory Labor*, forced labor is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself [herself] voluntarily.”<sup>244</sup> Forced labor has been on the increase for a long time and is becoming much worse. The 2012 ILO global estimate showed that about 18.7 million people, 90% of the statistics, are exploited by individuals or the private sector. Facts and figures also showed that in 2016, labour trafficking accounted for about 24.9 million of global trafficking incidents.<sup>245</sup> It ranks as the second most common form of human trafficking. In 2013, the International Conference of Labour

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<sup>239</sup> INTERPOL, International child sexual exploitation database.

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.

<sup>242</sup> Ibid.

<sup>243</sup> Ibid.

<sup>244</sup> Convention No. 29 concerning Forced or Compulsory Labour of the International Labour Organisation (ILO).

<sup>245</sup> International Labour Organisation 1996-2022.

Statisticians adopted *Resolution II* to facilitate further work on statistics of forced labour. The work engages International Labour Organisation (ILO) constituents and other experts in discussing and developing international guidelines to elaborate statistical definitions and survey tools on forced labour and to inform the 20th International Conference of labour statisticians on the progress made.<sup>246</sup> The ILO also launched the Fair recruitment initiative, which is grounded in relevant International Labour Standards (ILS). The initiative ensures the absolute prevention of human trafficking, protection of workers' rights from abusive and fraudulent practices, and the instigation of Fundamental Principles and Rights at work (FPRW)<sup>247</sup> to ensure no form of coercion, threat, or slavery is exerted.

Organ trafficking is a threat whereby traffickers take advantage of persons who become vulnerable due to socioeconomic conditions and the desire to secure better living standards. As a result, traffickers use coercion and enslavement to obtain organ donations from them. While en route or in host states, migrants are left vulnerable and exposed to abuse, which becomes an opportunity for traffickers. It is estimated that approximately 12,000 illegal transplants occur each year, around 8,000 of which include kidney, liver and heart transplants. However, the number of reports on Trafficking in Human Beings for the purpose of Organ Removal (THBOR) was about 700 victims detected from 25 countries.<sup>248</sup> Still, the attention and study devoted to such a global problem and threat has been sparse, with organ trafficking being hardly detected and reported. There are limited studies on the relationship between THBOR and migrants. However, governments and (NGOs) have begun to provide preliminary figures or rough estimates about THBOR. To help bridge this gap in knowledge.

Domestic Servitude is another form of modern slavery where live-in workers are not allowed to leave. These trafficked people are often disguised as nannies or caretakers of private

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<sup>246</sup> Ibid.

<sup>247</sup> International Labour Organisation 1996-2022.

<sup>248</sup> International Journal of Environmental Research and Public Health 2020 May;17(9):3204.



residencies, which serves as a camouflage for domestic slavery. These victims are often kept in inhumane conditions, underpaid and unvalued for their labour. They are usually subject to inhumane treatment even as they work underneath these families. These workers, mainly women and children, confront various forms of abuse, harassment, and exploitation, including sexual and gender-based violence.

### Human Trafficking and Labour Exploitation

Forced labour, according to Convention No. 29 concerning Forced or Compulsory Labour, is work or service given involuntarily under duress or threats of menace.<sup>249</sup> The transaction of this activity is usually carried out underneath the guise of a standard business process in an attempt to conceal its illegality. Due to the effects of globalisation and industrialisation, the demand for cheap labour is continuously rising, and in effect, efforts to meet that supply have doubled. Exploitative employment, coupled with “**debt bondage**” or “**bonded labour**”, is a common tactic used to lure unsuspecting emigrants. These victims take on an initial debt as part of their recruitment process, unaware that this debt will be used to hold leverage over them and keep them under the control of these organisations. Forced labour is often seen as a denomination of modern slavery, constituting an essential part of the global phenomenon. According to the ILO,<sup>250</sup> in 2016, 24.9 million people were involved in forced labour; of these people, 16 million were exploited in the private sectors.

The agricultural sector is an industry where forced labour is abhorrently prevalent. Trafficked agricultural workers often suffer heatstroke from exposure to intense sunlight and thick layers of clothing. They are not provided with enough shade, breaks or drinking water, making them more prone to heatstroke and heart-related conditions. In the U.S, where seasonal workers come in through a special visa that enables agricultural employers to bring

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<sup>249</sup> Convention No. 29 concerning Forced or Compulsory Labour of the International Labour Organisation (ILO).

<sup>250</sup> ILO, Global Estimates of Modern Slavery: Forced Labour and Forced Marriage 2017.

in people from other countries to work on their farms, these workers are especially susceptible to forced labour. A recent study showed that workers on these visas experienced signs of labour trafficking, with many detailing that they experienced a restriction of movement and other human rights violations.<sup>251</sup> In the fishing sector, fishers are lured into situations by legitimate employment opportunities but, once recruited, are suddenly unable to leave. According to a 2017 study examining the experiences of Cambodian and Burmese fishers in Thailand,<sup>252</sup> about 76% of migrant workers were being held in debt bondage, and 38% of the workers had been trafficked into the Thai fishing industry.

The most commonly known industry with a history of labour exploitation is the Fashion industry or the garment business. Labourers can work 10 to 12 hours per day, seven days a week, receiving no break and, in some cases, no monetary gain. A 2019 report detailed by Oxfam<sup>253</sup> brought to light that 9 out of 10 workers in Bangladesh cannot afford enough food for themselves and their families and regularly find themselves in debt. It also detailed that one in three workers are separated from their children, usually due to a lack of adequate income.<sup>254</sup> Large fashion brands and corporations typically do not have control over their supply chains, making illegal practices highly likely.

The motive behind forced labour is the low cost of manufacturing the final product, and the method of achieving this is usually not considered. Due to consumerism, the human rights of workers are often ignored in favour of achieving high profit.

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<sup>251</sup> Ripe for Reform: Abuses of Agricultural Workers in the H-2A Visa Program. Centro de los Derechos del Migrante, Inc.

<sup>252</sup> Issara Institute and the International Justice Mission, Not in the Same Boat.

<sup>253</sup> Oxfam Australia, "Made in Poverty: The True Price of Fashion,,"

<sup>254</sup> "Modern Slavery in the Fashion Industry, The Remarkable Woman."

## The Nexus between Human Trafficking and Migrant Smuggling

Migrant smuggling is the facilitation of irregular entry into a country where the migrant is not a national or resident for financial or other material gains. Smugglers take advantage of people who need to escape poverty, natural disaster, conflict or persecution, or lack of employment and education opportunities but do not have the options to migrate legally. The United Nations in the year 2000 adopted the *Protocol against the Smuggling of Migrants*<sup>255</sup> as a part of the *United Nations Convention against Transnational Organised Crime*. The Protocol aims to reduce the smuggling of migrants, protect the rights of smuggled migrants, and prevent the abuse associated with this crime.<sup>256</sup> The Protocol aims to reduce the smuggling of migrants, protect the rights of smuggled migrants, and prevent the abuse associated with this crime. Although the concepts of trafficking in persons and migrant smuggling often overlap, they are not the same, as the constituent elements of the offenses are often different. Smuggled migration generally involves the consent of the persons being smuggled, while trafficking in persons does not. Still, some trafficked persons may start their journey by agreeing to be smuggled into a country illegally but, in the process, may find themselves deceived, coerced or forced into an exploitative situation. Hence, what usually begins as a situation involving smuggled migrants may develop into one of trafficked persons.<sup>257</sup>

According to UNODC,<sup>258</sup> approximately 60% of victims of trafficking in persons are foreigners in the countries where they are eventually discovered. Due to economic pressure or social barriers to finding work, these individuals agree to offers from recruiters who turn out to be traffickers and soon enough find themselves being smuggled illegally into another country to work.

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<sup>255</sup> Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organised Crime, CHAPTER XVIII (12. b), United Nations Treaty Collection.

<sup>256</sup> UNODC, "The Protocol for Migrant Smuggling."

<sup>257</sup> UNODC, "Toolkit to Combat Smuggling of Migrants."

<sup>258</sup> UNODC, "Global Report on Trafficking in Persons," 2016.

Another related concept to migration is the refugee system. Forced displacement of large numbers of people also presents many challenges, the most important being that there are fewer options for safe and regular migration to areas that will allow them to work and have a prosperous life. Many persons fleeing conflict, violence or persecution are also compelled to move irregularly to seek protection. Due to this, they find themselves at the mercy of smugglers. In these circumstances, refugees are particularly vulnerable to being trafficked or falling victim to serious crimes and human rights violations. When they desperately need work, these victims will be willing to do anything to afford themselves some form of monetary payment.

### **Human Trafficking and Homelessness**

Human trafficking is a means of exploitation spanning different spectrums such as race, class, age and other categories. The homeless constitute a part of the demographic more susceptible to human trafficking. Homeless youths, in particular, have been determined to have a higher chance of being victimised and trafficked, including an increased risk of commercial sex exploitation. According to a Modern Slavery Research Project study,<sup>259</sup> approximately 24% of unsheltered youths were trafficked for sex, while 13% were trafficked for labour.

### **Measures in Preventing Human trafficking**

Records of accurate figures and statistics on human trafficking must be kept to achieve a qualified control of the global menace and phenomenon that is human trafficking. Also, a proper course of action should be put in place to ensure this menace is detected. It cannot be overemphasised that knowledge and understanding of this crime must be enhanced and

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<sup>259</sup> Laura T. Murphy, Labor and Sex Trafficking Among Homeless Youth.

promoted if we are to make good policy decisions and provide focused responses. Emphasis must also be placed on the significance of further research and analysis of the issue.<sup>260</sup>

Legislations play an important role in crime prevention. Hence, as part of measures to prevent human trafficking, many states have created national laws prohibiting trafficking in all its forms.

UNFPA, as one of the UN agencies, has made efforts to provide technical assistance and training to agencies and increase their capacity to develop policies and anti-trafficking measures.<sup>261</sup> The United Nations Office on Drugs and Crime also provides global reports on Human Trafficking, anti-trafficking toolkits and manuals and documentary films to create awareness on human trafficking. In addition to the existing measures, efforts must be intensified to ensure that traffickers are apprehended and convicted of their crimes. This serves as a way of establishing orderliness within the society and deters others from perpetrating such acts.

## Conclusion

Human trafficking is a global threat that has originated from the desire of criminals to make profits by capitalizing on the vulnerability of people. With unreliable data/statistics, the records or cases of human trafficking have been undermined. However, even recorded cases have been met with inadequate efforts by governments of member states to ensure justice by prosecuting the offenders. A chain of steps must be taken to ensure that this menace is put to an end, starting from ensuring that definite and adequate figures and statistics on human trafficking are known and a proper course of action is put in place to ensure that this menace is detected. Efforts must be taken to ensure that traffickers are apprehended and

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<sup>260</sup> UNODC, An introduction to Human Trafficking: Vulnerability, Impact and Action.

<sup>261</sup> UNFPA, Trafficking In Women, Girls and Boys; Key Issues for Population and Development Programmes.

prosecuted, that support is given to victims, and that campaigns are held to promote awareness on human trafficking, thereby helping people to identify threats or potential human trafficking situations.

### Further Research

What are the root causes of human trafficking, and how can they be used to proffer solutions? What are other socioeconomic factors that influence human trafficking? How does the legalisation of sex work influence trafficking for sexual exploitation? How do these conflicting interests of member states influence anti-trafficking strategies? How can immigration laws be implemented to further reduce the rate of trafficked persons? Is there a connection between human trafficking and the international refugee system? What role does technology play in the trafficking of persons? What can be done to ensure that laws laid down against the practice of human trafficking are effective? What can be done to ensure that women and children do not fall prey to traffickers?

### Annotated Bibliography

International Child Sexual Exploitation Database, Interpol, available at <https://www.interpol.int/en/Crimes/Crimes-against-children/International-Child-Sexual-Exploitation-database> (accessed March 19).

*INTERPOL's Child Sexual Exploitation database holds more than 2.7 million images and videos and has helped identify 23,564 victims worldwide.*

International Journal of Environmental Research and public health available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7246946/> (accessed on 6th March 2022)

*While the number of reports on victims of trafficking in people has increased, only 700 victims of THBOR were detected from 25 countries for the 2006–2019 period [6].*

International Labor Organization- International Conference of Labor Statistician available at <https://www.ilo.org/global/topics/forced-labour/statistics/lang--en/index.htm> (accessed on 5th March 2022)

*Survey tools on forced labor and to inform the 20th International Conference of labor statisticians on the progress made.*

Statistics of Human trafficking prosecution available at <https://www.statista.com/statistics/459591/number-of-prosecutions-related-to-trafficking-worldwide/#:~:text=Number%20of%20prosecutions%20of%20human%20trafficking%20worldwide%202007%2D2020&text=I> (accessed on 28th March 2022)

*It was recorded in 2018 that about 11,096 were only prosecuted after following apprehension. It shows about 11,841 prosecutions were recorded in 2019, and even up to 2020, recorded 9,876 prosecutions.*

United Nations General Assembly available at <https://www.un.org/en/ga/about/background.shtml> (accessed on 5th March 2022).

*Consider and approve the United Nations budget and establish the financial assessments of Member States*

United Nations - General Assembly of the United Nations available at <https://www.un.org/en/ga/about/background.shtml> (accessed 7 March 2022)

*Consider and make recommendations on the general principles of cooperation for maintaining international peace and security, including disarmament*

United Nations Human Rights Office of the High Commissioner, Human Rights and Human Trafficking Fact Sheet No.36, 2014 available at <https://www.refworld.org/docid/5566d0e84.html> (accessed 20 March 2022)

*This serves as comprehensive material on human trafficking, explaining the basics and fundamental knowledge regarding trafficking in persons. It provides suggestions on remedies for trafficking while taking a state-focused approach, detailing the responsibility of member states in addressing human trafficking. It also provides insight on human trafficking as a violation of human rights, whilst providing solutions based on implementation, monitoring and accountability.*

United Nations Office on Drugs and Crime, Global Report on Trafficking in Persons 2020, available [https://reliefweb.int/sites/reliefweb.int/files/resources/GLOTiP\\_2020\\_15jan\\_web\\_0.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/GLOTiP_2020_15jan_web_0.pdf) (accessed 22 March 2022)

*This document provides statistics on trafficked persons whilst providing valuable insight on these groups by categorizing the victims based on multiple factors. The research subdivides victims based on gender, form of exploitation, region, country and other elements.*

United Nations Office on Drugs and Crime , Plan of action against human trafficking <https://www.unodc.org/unodc/en/frontpage/2010/September/un-launches-global-plan-of-action-against-human-trafficking.html> (accessed 19 March 2022).

UNODC's Global Report on Human Trafficking, *anti-trafficking toolkits and manuals, documentary films, public information and technical assistance have also played a part to build consensus. I thank all those involved for their commitment and hard work"*



World Health Organization Sexual Exploitation and Abuse (SEA) available at [https://cdn.who.int/media/docs/default-source/documents/ethics/sexual-exploitation-and-abuse-pamphlet-en.pdf?sfvrsn=409b4d89\\_2](https://cdn.who.int/media/docs/default-source/documents/ethics/sexual-exploitation-and-abuse-pamphlet-en.pdf?sfvrsn=409b4d89_2) (accessed at 19 March 2022).

*Acts of sexual exploitation and abuse include; Sexual assault, Demanding sex in any context or making sex a condition for assistance.*

## Bibliography

Active Communities Against Trafficking ACT can be accessed at <https://www.magazineim.com/home/index.php/active-communities-trafficking/>

David Schinasi, Human Trafficking: Past, Present, Future 2017, available at: <https://medium.com/@FalconSec/human-trafficking-past-present-future-acb7793047a6>

Esther Brito, Trafficking: where globalisation and money meet, 25 March 2020, available at <https://www.ivint.org/trafficking-where-globalisation-and-money-meet/> (accessed on 22 March 2022)

Family & Youth Services Bureau | Runaway and Homeless Youth Training & Technical Assistance Center, Human Trafficking for Runaway and Homeless Youth Serving Programs, available

<https://www.rhyttac.net/assets/docs/Resources/HumanTraffickingResourceGuide-508.pdf>

(accessed on 22 March 2022)

General assembly of the United Nation, available at <http://un.org/en/ga/about/background.shtml> (accessed on 5th March 2022)

Grant Oster, The History of Human Trafficking, 2012 available at: <https://hankeringforhistory.com/the-history-of-human-trafficking/> (accessed 7 March 2022)

Government system put in place for Ukraine refugees available at <https://www.state.gov/united-with-ukraine/>

Statistics of human trafficking available at <https://www.statista.com/statistics/459591/number-of-prosecutions-related-to-trafficking-worldwide/#:~:text=Number%20of%20prosecutions%20of%20human%20trafficking%20worldwide%2007%2D2020&text=In%202020%2C%209%2C876%20prosecutions%20of,than%20in%20the%20previous%20year.>

The UN Refugee Agency, Trafficking in Persons, available at <https://www.unhcr.org/human-trafficking.html> (accessed on 23 March 2022).

The World Day against Trafficking in persons can be accessed at <https://www.un.org/en/observances/end-human-trafficking-day>

UNODC, Toolkit to Combat Trafficking in Persons, available at [https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296\\_tool\\_9-2.pdf](https://www.unodc.org/documents/human-trafficking/Toolkit-files/08-58296_tool_9-2.pdf) (accessed 23 March 2022)

U.S. DEPARTMENT OF STATE, What is Modern Slavery? Available at <https://www.state.gov/what-is-modern-slavery/> (accessed on 22 March 2022)

United Nations charter available at <https://www.un.org/en/about-us/un-charter/full-text> (accessed on 5th March 2022)

United Nations Global Initiative to Fight Human Trafficking can be accessed at [https://en.wikipedia.org/wiki/United\\_Nations\\_Global\\_Initiative\\_to\\_Fight\\_Human\\_Trafficking](https://en.wikipedia.org/wiki/United_Nations_Global_Initiative_to_Fight_Human_Trafficking)

United Nations Office on Drugs and Crime, Addressing Trafficking in Persons since 1949, 2 December 2010, available at: <https://www.unodc.org/unodc/en/human-trafficking/2010/addressing-trafficking-in-persons-since-1949.html> (accessed 9 March 2022)

Walk Free Foundation, Global Slavery Index, available at <https://www.globalslaveryindex.org/2018/findings/importing-risk/cocoa/> (accessed on 22 March 2022)