



# Southern China International MUN

*Official Background Guide*

*HRC Committee: On measures to mitigate the racial discrimination issues regarding unjust legislative cases*

*Agenda overseen by: Vic Chen*

## 1. Description of Issue

### 1.1 History of the Issue

In a world that **LEDC** (Less economically developed countries) and **MEDC** (More economically developed countries) cultures intertwine together to form mixed society, it is urgent to address the problem regarding equality among all races. **Racial discrimination**, in other words **racism**, is defined by the Merriam-Webster Dictionary as “prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership in a particular racial or ethnic group, typically one that is minority or marginalized.”<sup>14</sup> Despite the political or economic stability of a country, these phenomena constantly occur in many nations. Racial Discrimination is an imminent obstacle to ensure the basic human rights to every individual. Many policies and legislations implemented by the various government is making it impossible to mitigate racial discrimination systematically.

As early as the 1948, the United Nations published the **Universal Declaration of Human Rights**, declaring that people of all religion, sex, and race should enjoy the same rights and privileges. Then in 1963, they committed on mitigating racial discrimination through resolution 1904 (XVIII), adopted by the General Assembly. This resolution has eleven articles while two, Article 4 and 7, specifically address the problem of racism from a legislative perspective. Over 20 UN departments has been organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to create a network on racial discrimination and protection of minorities<sup>2</sup>. Currently, they have created a detailed framework on combatting racism while beginning to enact these actions. Furthermore, ensuring equality among all human is one of the **United Nation’s Goal of Sustainable Development by 2030**<sup>18</sup>.

There are many legislations implemented in multiple nations to ensure racial equality. For example, in the United States, executive order 11246 prohibits contractors from discriminating because of one’s race, skin color. The Title VII of the Civil Rights Act of 1964 prohibits employers to discriminate an employee in hiring, promotion, or pay based on the same elements listed above<sup>17</sup>. The European Union published an Anti-Discrimination law. Article 21 in this law stated that every group, no matter the sex, race, color, ethnic, or social origin should not be discriminated upon in any way. There are countless legislations implemented afterwards that prohibits any kind of racial discrimination, yet racism continues to pose a problem in many countries, even one as economically dominant as the United States.

South Africa had a system called apartheid in the 1950s. This system is a set of policies promoting segregation between races. One example of the apartheid law was prohibiting marriage between mixed races. Apartheid had a lasting effect which resulted in poverty and racism. Although most of these laws were generally repealed during 1990s, some are still in effect. For example, the Riot Assemblies law states that there may not be massive gatherings in a public spaces if the government believes it is dangerous. This law was initially implemented to protect the Europeans from the non-Europeans<sup>20</sup>.

There are also certain countries whose laws support racism or do not have any policies that prohibit racial discrimination. In Belgium, Bulgaria, Finland, and Sweden, legislations do not identify racism as a motive of crime<sup>6</sup>. Furthermore, in Finland and Sweden, hate speeches on racism are legal and do not violate the local laws<sup>6</sup>. The legislations in such countries may be considered flawed and a potential problem for racial discrimination.

## 1.2 Recent Developments

In India, there is a practice known as the untouchability. Untouchability is where those at the lowest social class are treated unjustly like a slave. The Indian government has implemented few legislations, Article 17 of the Indian Constitution and the Prevention of Atrocities, against the untouchable, and the law is vague, un-descriptive, and flawed. Although they called to abolish the practice of untouchability, they did not state much about how so in doing this. Therefore, untouchability continues to pose racial inequality issue in India<sup>18</sup>.

In China, there is an existing problem between the government and the indigenous population in Tibet and Xinjiang. In Xinjiang, there are education camps where detainees are forcibly brought in vocational trainings. These camps were established as a result of multiple cases of riots in the Xinjiang province. However, though the Chinese government argues that these camps were initially built to increase individual skills, increase job opportunities, and mitigate poverty, these re-education camps are questionable as there have been investigations that discovered the Chinese government using the detainees in Xinjiang as labor sources<sup>21</sup>. Tibet is also another province where indigenous populations face discriminatory policies. Traditional activities and social gatherings were banned by the Chinese government<sup>22</sup>. Similarly, to Xinjiang, the government has implemented forced education and labor programs which aim to eliminate the, as the Chinese government calls it, “lazy people” in Tibet<sup>23</sup>.

A major issue of racial discrimination in European Nations is the treatments towards refugee and minority groups. Illegal immigrations from African countries or other areas caused by war have always posed a problem for the European politicians. These refugees are also a minority population that may be discriminated upon. For example, in some countries, governments refuse to open up borders for refugees because they believe that the refugees’ existence will allow potential risks regarding racism to occur. They believe that whenever these minority groups face problems, over-

sensitive individuals will tie it to racial discrimination<sup>4</sup>. For example, the Immigration Act 1971 had discriminated against a citizen because of their ethnic origin<sup>4</sup>.

### **Parameters of the Debate**

Delegates should be aware of the following:

1. Unjust immigration legislation that may be discriminatory against different races.
2. Any flawed anti-discrimination laws that are often ignored due to its vagueness.
3. The treatment and policies towards a certain indigenous population.
4. Practice of racial discrimination because of the local tradition, such as the untouchability in India.
5. If their countries currently have any legislations regarding spread of racial hatred.

### **Key Terms**

**LEDC:** Less economically developed countries

**MEDC:** More economically developed countries

**Racial Discrimination/Racism:** prejudice, discrimination, or antagonism directed against a person or people on the basis of their membership in a particular racial or ethnic group, typically one that is minority or marginalized.

**Equality:** state of being equal in status, rights, and opportunities, when they are given political rights

**Universal Declaration of Human Right:** An international document adopted by the United Nation General Assembly that enshrines the rights and freedoms of all human being

**United Nation's Goal of Sustainable Development by 2030:** A blueprint adopted by the United Nation to achieve a better and more sustainable future for all. One of its statements emphasizes on promoting equality.

**Unjust Legislations:** Policies that may be unfair or unjust towards certain groups of people.

**Immigration Policies:** The term immigration policy encompasses all those measures by which a state regulates the influx of people.

## **2. Emphasis of the Discourse**

The political parties of most countries can be categorized into two major group, conservative politicians and liberal politicians. The conservative politicians, also the right wing, are known to dispose changes and preserve current conditions. They believe it is unnecessary for things to change and rely on the traditions heavily. On the

other hand, liberal politicians, also referred as the left wings, are known to support reformations and changes. They believe it is necessary for laws to be revised or implemented to address global or national problems<sup>19</sup>.

## **2.1 Right Wing Approach**

The conservative politicians are more tolerable about racial discrimination. Such parties defend the restriction of immigration while defining them as “illegal”. They believe that the legislations do not need improvement. They have always been strict with its policies and sometimes biased towards certain ethnic groups. This can be seen in both Immigration Act 1971 and British Nationality Act 1981<sup>7</sup>. The two acts made it difficult for the Asians and the Africans to enter the border when compared to people from Australia, New Zealand, Canada, and other areas. A British Conservative politician, Sir John Stokes, once noted about the legislations as<sup>4</sup>, “British citizenship should be a most valuable prize for anyone, and it should not be granted to all and sundry”. Sir John Stokes and other conservative politicians in England believe that immigrants from other countries might overtake the current population and end up in a diverse society like the United States. They believe that taking in immigrants, especially blacks, might result in a scenario of “racism when there is none” because some groups are overly sensitive.<sup>4</sup> This policy may seem to violate equality of rights, but it could also significantly reduce the possibility of more problems about racism from arising.

## **2.2 Left Wing Approach**

Liberal politicians are relatively more active in combatting racism. They are more willing to identify racism and implement or revise legislations to prevent it. They believe that it is necessary, and actions must be conducted to reduce racial discrimination.

Their policies, when compared to the conservative party, better ensure racial equality. However, there may be some potential risks since these policies are more difficult to carry out if the public is uncooperative, which is common in many areas when addressing the problem of racism<sup>13</sup>.

Liberal politicians in the United States, for example, are more active in promoting racial equality. The democratic party in America, also known for being liberal, is also focusing on mitigating racial discrimination. In the recent years, they have revised the past policies to advocate equality<sup>13</sup>. For example, Joe Biden, a liberal politician, has supported the pass of the Equity Act in 2019, which amends for the 1964 Civil Rights Acts. This act was supported by the Democrats (liberals) while opposed by the Republicans (conservatives)<sup>25</sup>.

In many other countries other than the United States, liberal politicians have also been enthusiastic in fighting racial discrimination. The Liberal Democrats in UK propose to have a more open immigration policies and welcome more foreigners despite knowing the potential risks that follow<sup>13</sup>.

### **2.3 Stance of intergovernmental organizations**

Certain intergovernmental organizations have taken actions to mitigate racial discrimination. One example of such organization is the OHCHR, a group that consists of 47 states nominated by the UN General Assembly<sup>2</sup>. They have combined to establish a program that mitigates racial discrimination. For example, they have sent groups to different nations to educate them on what racial discrimination is and how to prevent it. However, their intervention in this topic has minimal effect, as it is up to the individual governments to implement and establish legislations and OHCHR among other intergovernmental organizations are less influential in such areas. Yet, simply educating the local citizens about this topic is not enough. It does not change the current situation where governments have flawed legislations that are unjust.

The United Nations itself is an intergovernmental organization that has been active in combatting systematic racism. They cannot directly revise or implement legislations in individual countries, but can enact international sanctions on countries who refuse to revise unjust legislations, and lift such sanctions after the problem has been resolved<sup>24</sup>.

Beside the intergovernmental organization founded by the United Nations, there are also other organizations aiding with promoting racial equality such as the International Movement Against All Forms of Racism (IMADR). They have also taken action to combat racial discrimination. IMADR, founded in 1988, focuses on upholding the rights of indigenous people and minorities, and eliminating racial discrimination. They have linked minorities to share and communicate about their experiences with discrimination, held international and local events to raise awareness of this problem, and conducted research<sup>1</sup>.

### **2.4 Stances of Developed Countries**

Often in developed countries, there is a mixture of races and cultures. Multiple indigenous races blend together. Furthermore, a developed nation might take in refugees from other countries which could be considered as a minority group.

Most developed countries are eager to combat unjust legislations regarding the policies in their own nation. Some have been successful, such as Canada, while others have been much less successful. The Canada Human Rights Act implemented in 1985 is a detailed legislation that prohibits racial discrimination from multiple degrees such as wage, employment, and service<sup>25</sup>.

Yet there are some developed countries that may not be completely supportive of revising their legislation. China, for example, has certain legislations on the indigenous populations in certain areas. While these programs could be unjust, the Chinese government believes they are necessary<sup>23</sup>.

### **2.5 Stances of Developing Countries**

In the past, the apartheid system raised many questions. Its laws contain many that were viewed as discriminatory. For example, prohibition of marriage between mixed-races, discrimination in employment, and restrictions on landownership<sup>20</sup>. Legislations in developing countries are perhaps the most unjust. Though most of the

discriminatory laws had been repealed, there are still some in effect. For example, the prohibition of large gathering in public by the South Africa<sup>20</sup>.

In another case, countries may have legislations that are unclear and lack a specific parameter. As an example, India currently has anti-discrimination law regarding the untouchables, but they are too vague and flawed<sup>16</sup>, which allows for racial discrimination to continue.

The governments of such developing countries may have hoped to revise these incomplete legislations have not yet been able to do so as they also have many other problems, such as poverty, to face.

### **3. Possible Solutions**

#### **3.1 In favor of Developed Countries**

Developed nations have different opinions on their policies and legislations about racial discrimination. Their different stance is a result of political interest. One example can be shown, once again, through China's effort to contain the indigenous people so there are less riots by the public<sup>23</sup>. Other developed countries, on the other hand, are willing to combat racial discrimination through repealing or revising unjust legislations<sup>25</sup>.

Immigration laws are also a key point in this conference. Though letting in refugees and other minority groups from other countries will save many lives, it may also lead to a mixed society where racism will be a potential problem. Perhaps some countries may be in favor of letting in immigrants while other nations, not so much. Delegates may also explore other areas where the legislations may pose a risk to racial discrimination.

However, delegates should also be aware of their country stances on certain policies regarding to the local indigenous population. This is because certain countries may have different opinions on the treatment on the indigenous population. For example, the current policy on Tibet and Xinjiang has been criticized by many countries, such as the United States<sup>23</sup>.

#### **3.2 In Favor of Developing Countries**

Although most developing countries do have laws to mitigate racial discrimination, they are simply ignored because of their vagueness. As an example, the Indian's anti-discriminatory legislations simply state to mitigate racial discrimination while not listing any parameters for considerations. Furthermore, countries may fail because of corruption. For example, in India, many crimes are let off through bribing the local police or simply knowing that the police will do nothing to the criminals<sup>26</sup>. These countries meet such problems because of the inadequate living conditions of local citizens<sup>26</sup>. Even if there are legislations implemented, the local government does not show great effort in enforcing these laws as the local government may prioritize economic development rather than the enforcement of anti-discriminatory laws<sup>16</sup>.

Developing countries also face the problem of having a difficult time enforcing these laws. Therefore, they would more likely hope other countries or intergovernmental organizations to aid them in achieving racial equality. Most developing countries hope to resolute with other developed countries or organizations' support.

#### **4. Keep in Mind the Following**

When researching further into your country's stance, consider the specific legislative cases that block equality of all races. Consider the extent of racial discrimination in your country. If your country does have equality among different races, expand your scale and find flaws in other nations that cause racism. After researching the legislations, consider how these laws influences the social and economic perspective. Acknowledging laws that enforce racial equality and adjust or strike legislations that exacerbate the situation. These are six questions to consider when writing your paper:

1. *What kind of immigration laws regarding minority groups does your country currently have?*
2. *Are there any policies focusing on mitigating racial inequality in your country?*
3. *Were there any unjust racial discrimination policies in the past that have been revised?*
4. *Is your country currently facing difficulty in enforcing anti-discriminatory legislations?*
5. *Does your country currently have specific policies prohibiting the spread of ethnic hatred?*
6. *Has there been any practices of slavery or any type of unfair treatment in your country that could be related to racial discrimination currently or in the past?*

#### **5. Evaluation**

Racial discrimination has always been one of the largest human right problem the world has experienced and is, to this day, experiencing. Though we have seen improvement, systematic racism still exists in some areas. This problem has always been difficult to resolve because of the vague laws and different opinions among nations. However, it is crucial to solve this problem as racial discrimination is one of the largest inequalities. The chair suggests delegates to be sure of their country's stance on to what extent their nation is willing to combat systematic racism. Keep in mind that regardless of what happens in the conference, a delegate may not forcibly interfere with another countries' sovereignty.

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