



## George Floyd's Murder: A Human Rights Analysis of the Racial Discrimination in the United States

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### Abstract

George Floyd's murder by the police in Minneapolis provoked widespread political agitation across the country. It once again highlighted the problematic racial dimension of policing and egregious violation of human rights commitments on the part of the government. In this article we explore how the human rights law and racism in the United States interact with each other? We employ qualitative research based on descriptive-analytical method and divide the article in four parts: a brief introduction, a historical background of racism, a conceptual comprehension of racial discrimination and a brief survey of the international human rights instruments against racism, and the onground situation of racial discrimination in the country. We conclude that the process of negotiation between human rights law and racism in the United States is far from settled yet.

**Key words:** Racism, Blacks, Racial Discrimination, Human Rights, Protest.

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## Introduction

For a long period of time, the people of the Global South and developing countries have been faced with discriminatory behavior of the developed countries, concerning their nations and citizens. Racial discrimination is a prominent example of this background. Indeed the coloreds have always suffered such discrimination in the colonial era and afterwards. But this is not indeed an old phenomenon. In pre-modern times, humans were classified based on social class, language, religion, etc., and there were no racial divisions. The "Race" - an idea that there are inherent biological differences - is indeed a modern concept. Although the word "race" has entered into the European vocabulary at the end of the fifteenth century, it was not considered as a scientific classification until the nineteenth century.<sup>1</sup> Fredrickson believes that the modern concept of race, with its physical characteristics (first of all, skin color) and as a basic classification of human species, was not known till the eighteenth century.<sup>2</sup> Although today genetics has proved that all humans have the same genetic structure and are close to each other, racism or racial discrimination as a socio-political approach exists in different forms and in various societies. The term "racism" was not coined until the twentieth century, between the First and the Second World Wars; its widespread usage dates back to the end of the Second World War and the genesis of the fear of the historical experiences of Nazism.<sup>3</sup> Although the use of this term is very new, it is possible to refer to the works of the past thinkers in sociological, political, cultural, anthropological, and philosophical studies, and to explain their ideas in this field through the essays in hand.

Bruce Cohen believes that "racism" is one of the most powerful and destructive types of discrimination, based on which a racial group considers itself superior to other racial groups.<sup>4</sup> In the introduction to the book *The Arena of Racism*, the French sociologist Michel Wieviorka considers the phenomenon of racism to be a product of the combination of the ideas of "inferiorisation", and "differentiation".<sup>5</sup> Simply put, the distinction between the human beings accompanied by a contempt, is the logic of racism.

Now, if we accept the famous definition of human rights that is "the equal rights for all human beings, regardless of gender, race, class, religion, creed, or belief" then racism will be a clear violation of human rights, and hence against the "principle of equality". The

incident in Minneapolis, Minnesota, by a police officer Derek Schwyn, was a violation of the dignity of a black man under the feet of a white police officer, which is absolutely in breach of the provisions of the *Universal Declaration of Human Rights*.<sup>6</sup> In this declaration, as one of the most fundamental documents of human rights, the equality of all human beings, regardless of color, race, religion, gender, etc., is emphasised in different articles.

Paragraph 1 of Article 2 of the *International Covenant on Civil and Political Rights* ("ICCPR"),<sup>7</sup> state that: "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognised in the present Covenant, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status". According to Article 26 of ICCPR "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law..." In this regard, the law should prohibit all forms of discrimination, and should guarantee effective protections and equality for all people against all forms of discrimination. Hence, this research tries to examine the George Floyd's death incident, in the light of the principles of international law, regarding the systematic violence and racial discrimination against black Americans.

This article is written in four parts. After providing an introduction to the topic, the first part provides a historical background of racism. The second part is on the concept of discrimination. Thirdly, the international human rights instruments against racism are briefly discussed. In the fourth part, the Situation of Racial Discrimination in the United States Regarding George Floyd's Death is analytically described. It is finally concluded that this was an incident of breach of human rights, and the subsequent protests illustrated breaches of these norms. Especially concerning the case of George Floyd however, it is the exhaustion of local remedies that is going to let the scholars legally analyze the aspects of the case from the international human rights perspective.

### **1. A Background of Racism**

There is no doubt that the principle of non-discrimination is at the forefront of the hierarchy of legal rules. The International Court of Justice in the *Barcelona Traction* case mentions the rule prohibiting

racial discrimination, as one of the examples cited to state the general rules of law.<sup>8</sup> The *Human Rights Committee*, in a general comment,<sup>9</sup> together with the general recommendation of the *Committee on the Elimination of Racial Discrimination* state the importance of the principle of non-discrimination as follows: “Non-discrimination, together with equality before the law and equal protection of the law without any discrimination, constitutes a basic principle in the protection of human rights”.<sup>10</sup>

A historical survey of different psychological and sociological concepts, such as race and ethnicity, helps us to identify the factors that underlie many forms of ethnic conflicts. Therefore, in order to be able to fully analyze ethnic relations in the present era, we should have a historical perspective of the issue. It is impossible to understand ethnic divisions in modern times without considering the importance of the development of the west, over the past few centuries - especially the influence of western colonisation on the rest of the world.

Since the fifteenth century, Europeans proceeded to unknown seas and undiscovered lands; while pursuing exploration and trade goals, they also defeated and subjugated the native people in many regions. Millions of Europeans flocked to these territories. They also facilitated large-scale population transfers from Africa to the United States, through the slave trade. It is estimated that during the 300 years of the transatlantic slave trade, nearly twenty million Africans were transported to the Americas as slaves. Of these, more than 400,000 were sent to the thirteen British colonies and, later, the United States.<sup>11</sup>

The slave trade has actually contributed the ethnic composition of the United States, Canada, the Central and South America, South Africa, Australia, and New Zealand. In all these countries, the native population was subjugated by the Europeans - they actually became relatively small ethnic minorities in the North America, Australia, New Zealand, and the South Pacific islands. Because the Europeans were from different ethnic background, they established several ethnic distinctions in their new territories. At the height of the colonial era, in the nineteenth and early twentieth centuries, Europeans ruled over many other native peoples as well; for example in parts of Africa, parts of the Middle East, India, Burma, and Malaysia.

Through a long period of the European expansionist era, the ethnocentric attitudes were prevalent among the colonialists, who believed that their mission is to civilise the rest of the world. Even the most liberal European colonisers considered themselves superior to the native people they faced with. However the fact that many of those people and nations had an exact opposite view did not matter, because the Europeans had enough power to let their views succeed.

The early days of colonialism coincided with the rise of racism, and since then racial conflicts generally have often been at the forefront of ethnic conflicts; particularly, racist ideologies that separate whites from blacks play a central role in the European attitudes.

But, why did it happen? There are numerous reasons for this; one reason is that the contrast between white and black as cultural symbols has deep roots in the European culture. For a long time white was once associated with purity, and black with filth. (However, there is nothing "natural" about this symbolism, and in some other cultures it is the *vice versa*). The symbol of "blackness" had the below meanings of deeply tainted with filth, poisonous, tragic, ominous, etc., even before the West gained widespread contact with black tribes.<sup>12</sup>

These symbolic meanings usually affected the reaction to blacks when Europeans first encountered them off the African beaches. These meanings also helped to strengthen the sense of fundamental differences between people and nations, which, together with the infidelity of Africans, led many Europeans to look at blacks with a mixture of contempt and fear. In the same way a seventeenth century scholar suggested that blacks are nothing but demons, in terms of color and nature.<sup>13</sup>

Although nowadays the extremes of such attitudes have disappeared, it can be safely said that the components of this black-and-white cultural symbolism are still prevalent. The second important factor that influenced modern racism was simply the invention and dissemination of the concept of "race" itself. Racist attitudes have existed in many cultures and in elementary periods of history. In China, for example, in 300 AD, we find written reports of Berber clans "who are very similar to the apes from which they have originated."<sup>14</sup>

But the concept of "race" which refers to a set of inherited features, originated in the European thought of eighteenth and nineteenth centuries. Count Joseph Arthur de Gobineau (1816-82) has been named the "father of modern racism" because he came up with ideas that permeated many circles. Based on *Gobineau*, there are three races, "white, black and yellow". The white race has superior intelligence, morals, and willpower over other races, and these inherited traits underlie the spread of the Western influence throughout the world. Blacks are the least talented of these three races, and are characterised by animal nature, lack of morals, and emotional instability.

De Gobineau's and others' ideas who have cited similar hypotheses have emerged as seemingly scientific theories. These ideas influenced Adolf Hitler, who used them as part of the ideology of the Nazi party. Nowadays the idea of white supremacy, although in fact completely worthless, is still a major element of white racism.

The third reason for the rise of racism today lies in the exploitative relations that Europeans established with non-white peoples. Slave trade could not exist if Europeans did not universally believe that blacks belonged to a lower race, perhaps even subhuman. Racism helped in justifying the colonial rule over non-white people and denied them the right to participate in politics, the right that whites had acquired in their European territories. The racist attitude of the European colonists towards blacks, were more extreme than their attitude regarding the non-whites. For example, the first British colonists in the North America considered blacks to be generally lower than the Indians. Early ideas about Indians were more cultural than racial: these ideas are considered "savage" or "uncivilised", rather than racist.

Moreover, many colonialists considered Indians as a distinct race that didn't have white characteristics. But this view was never as clear as the attitudes towards the blacks. Thomas Jefferson (1743-1826), the third president of the United States, advocated the "Americanisation" of the Indians, that is, the teaching of Christian values to them. Compare this view with his attitude towards blacks; He writes: "I advance it... as a suspicion only that the blacks whether originally a distinct race or made distinct by time and circumstances are inferior to the whites in the endowments of both body and mind."<sup>15</sup>

## **2. The Concept of Discrimination**

Literal meaning of discrimination is “to divide and separate some from others, and to give some a superiority over others.”<sup>16</sup> But in terms of terminology, prejudice is an irrational and inflexible tendency towards a group of people. Although prejudice may have a positive direction towards a group of people, it usually conveys negative emotions such as hatred, hostility, and even fear. The real aspect of prejudice is that it is always rooted in generalisations, and therefore ignores the differences between individuals.<sup>17</sup>

Anthony Giddens, in his definition of discrimination suggests that we should first distinguish precisely between “prejudice” and “discrimination”. Prejudice refers to the beliefs or attitudes of members of a group about another group, while discrimination refers to the actual treatment of them. Prejudice involves having preconceived beliefs about an individual or group that are often based on what is heard, not direct evidence; ideas that are resistant to change even in the face of new information. Based on Giddens, discrimination refers to activities that deprive a group of the right to take advantage of opportunities it has opened up to others - such as when a person of Indian descent is not given a job offered to a white person. Although prejudice often forms the basis of discrimination, the two can exist separately. Individuals may have prejudiced attitudes that they do not act upon them. Also, discrimination does not necessarily result directly from prejudice.<sup>18</sup>

In social sciences terminology, the term discrimination refers to the inappropriate treatment of certain groups of people in authoritative ways and contexts. In this type of application, it refers to a process or form of social control that is useful for maintaining social distance between two or more groups by adopting more or less institutionalised or rationalised methods. The methods used, contain arbitrary documentation of subordinate traits in areas that have little to do with the actual behavior of discriminated individuals, and often contradict accepted beliefs about justice and fairness. Another definition of discrimination in one of the United Nations publications states: "Discrimination involves any conduct based on natural or social reasons and reasons that don't relate to individual skills or competencies nor to person's behavior."<sup>19</sup>

Social discrimination and inequality in general refers to differences between individuals (or positions) that are socially defined, which affect their way of life, especially their rights, opportunities, rewards, and privileges. Here, the most important differences are the ones that are structured in the social sense, the differences that are an integral part of the interaction and continuous interaction of individuals.<sup>20</sup>

### **2-1. Types of Discrimination**

Discrimination happens where a dominant group enjoys social preferences and uses its power to protect them at the expense of the minority groups. Discrimination has two basic types: First, the legal discrimination that means unequal treatment according to the membership of a group that is approved by law. The second is the institutionalised discrimination that means unequal treatment based on group membership, which is a form of social customs.

At first glance, it seems that legal discrimination is more severe, because such discrimination is particularly loud and has serious consequences. However, because this type of discrimination is enshrined in law, it can be mitigated by law and, as a result, an act can be eliminated by anti-discrimination legislation. It is however much difficult; indeed eliminating it requires far-reaching cultural changes, consisting of changes in people's informal behavior and private attitudes.<sup>21</sup>

One type of discrimination is racial discrimination, and is based on racist behavior. Racism, like other concepts in the humanities, has been interpreted in several ways. Until the late 1960s, racism was defined as an ideology or set of beliefs. The major element of this ideology was that "race determines culture", and the claim of racial superiority is derived from this belief. On the other hand, this word took on a broader meaning that included practices and attitudes, in addition to ideas. Racism in this sense refers to the entire set of factors that lead to racial discrimination and sometimes negligently contains the factors that lead to racial deprivation.<sup>22</sup>

Racism is a belief that one racial group considers itself superior than other racial groups and is one of the most powerful and destructive forms of discrimination.<sup>23</sup> According to this belief which some human groups with certain characteristics or traits are considered superior or inferior to other groups. Racist behavior may

not always be clear, unlike threatening some people because of their skin color. These behaviors may sometimes be covert and unusual, such as when a society systematically treats different groups on the basis of discriminatory judgments. Racist behavior often leads to racial discrimination that has certain negative consequences. In some cases these behaviors might be simple and limited to ignore the rights of individuals, and in some cases may be complex and dangerous, which leads to the deprivation of individuals of their rights.<sup>24</sup>

According to the definition of racism, it may be suggested that any factor of difference between different people that takes on the aspect of racism is a factor of discrimination.

### **3. International Human Rights Instruments against Racism**

Today, various human rights instruments provide legal sanctions against different types of racism, through regional and universal conventions. For instance, Article 4 of the *International Convention on the Elimination of All Forms of Racial Discrimination*,<sup>25</sup> provides States Parties condemn all propaganda and all organizations which are based on ideas or theories of superiority of one race or group of persons of one color or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination and, to this end, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of this Convention, inter alia:

- a) Shall declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;
- (b) Shall declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and shall recognize participation in such organizations or activities as an offence punishable by law;
- (c) Shall not permit public authorities or public institutions, national or local, to promote or incite racial discrimination.

According to Article 13(5) of the *American Convention on Human Rights*,<sup>26</sup>

Any propaganda for war and any advocacy of national, racial, or religious hatred that constitute incitements to lawless violence or to any other similar illegal action against any person or group of persons on any grounds including those of race, color, religion, language, or national origin shall be considered as offenses punishable by law.

Among the regional human rights instruments, only this convention explicitly notes the prohibition of hate speech. As the jurists have expressed, the articles of the European Convention mentioned below can be considered as a legal guarantee to this prohibition as well.

Article 14 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms*,<sup>27</sup> states:

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

Different human rights instruments may be having a variety of legal and non-legal sanctions. Indeed the rights and obligations mentioned under these instruments may be of a hard law nature, or merely a soft law. But the matter of prohibition of racial discrimination is indeed a well-known issue of human rights and usually has legal sanctions to guarantee such a prohibition.

#### **4. The Situation of Racial Discrimination in the United States Regarding George Floyd's Death**

The murder of another unarmed black man by a police officer in Minneapolis has sparked another round of widespread protests in the United States against racism. Similar events have happened several times in recent years in the United States, often leading to racial uprisings. These incidents, like indiscriminate shootings, have become a constant phenomenon in the American society. Although indiscriminate shootings are carried out by scattered individuals, the intensity of an act of violence by a police officer may involve a wider range of officials and institutions, including the hesitant juries, the strong union of police officers, the right-wing and racist pressure groups, and even the US Supreme Court, regarding what is actually

known as the "Blue Wall of Silence" in the US.<sup>28</sup> Perhaps the biggest culprit is the US Supreme Court's misinterpretation of the "conditional immunity" of police officers in the line of duty. These factors, in addition to the general tendency in any society to support the police as a force for order, have, in general, allowed criminal police officers to often escape the punishment they deserve, leading to a crisis of police violence and widespread street protests; protests whose main slogan has always been "a lasting peace of justice."

The police abuse with blacks such as stopping them, attacking them without any reason, and violating their civil rights, has been part of their lives. According to a research which is recently published by the National Academy of Sciences, while one white person in a thousand is more likely to be killed in front of the police, the figure for blacks is two and a half per thousand.<sup>29</sup> For the United States, as a country that has faced racism almost throughout its history, police violence is the latest form of black abuse. The American Civil War ended slavery in the United States in the 1860s. In the 1960s, the powerful civil rights movement was an end point to the policy of racial segregation and the lawful violation of the rights of blacks, and marked a major step in the elimination of discriminatory laws in American law. Discrimination and racism, though officially over, continued unofficially in the minds and hearts of tens of millions of Americans, a percentage of whom are members of law enforcement, the judiciary, politics, etc.; for this very fact, there are still individuals or groups who raise the flag of Confederacy.<sup>30</sup>

In such a context, the Presidents of the US, although not having much authority in the judiciary and law enforcement of the states, have played cultural or political role in alleviating or exacerbating the problem. Two prominent examples are the roles of Barack Obama and Donald Trump in this regard. With Obama becoming the president as a black man, the idea was formed that the American society might have obtained some sort of racial ceasefire for the rest time; but the continuing violence against the state police during the Obama administration, and Trump's subsequent victory represented the fact that such an opinion was unfounded.

A collection of evidence, such as Trump's racist tweets against several members of the Congress and a tacit support for the white supremacists rally in Charlottesville in 2017, and the strong

reciprocal support of Trump and the openly racist groups, left no doubt about the prevailing racist tendencies in the US.<sup>31</sup>

Although, racism is still a rampant phenomenon in different societies, the position of blacks and their presence at all levels of administration in the American society today is by no means comparable to the past decades. In the same way, new phenomena, like the social networks and availability of smart phones in the hands of citizens will further limit the racist officials and the attitudes of their supporters.

#### **4.1 Systematic Violence and Racial Discrimination against the Black Americans**

American society is generally based on immigrants and diversity, and different religions and individuals with different ethnic and racial backgrounds in society have created numerous and diverse racial and religious minorities in this country. Meanwhile, the statements and policies adopted by the ruling government in this country have increased the risk of growing conflicts and divisions among the diverse American society more than ever. Colored people, especially blacks, who are the largest minority in this country, have suffered from discrimination and unequal treatment for many years and have always complained and protested against racial discrimination and systematic racial violence against blacks.

According to published statistics, the black victims of gun violence in the United States, are ten times more likely to die at the point of attack than the whites; and are more than three times likely to be exposed to police violence. A glance to the homicides rate of blacks in the United States, such as police homicides, reveals strange facts. According to the *Mapping Police Violence*, between January 2013 and May 2021, police in the United States has killed at least 9,179 people. Despite only making up 13% of the US population, Black Americans are nearly three times as likely as white Americans to be killed by the police.<sup>32</sup>

On the other hand, job opportunities also are unequally distributed among whites and blacks, as the unemployment rate, working hours and salary of blacks show the continuation of discrimination so far; whereas the situation of whites in this area is continuously being upgraded and improved. In contrast, the US officials, despite their apparent emphasis on civil and political rights,

have in practice failed to address the issue of racial discrimination against blacks in the United States.<sup>33</sup>

Concurrent with protests of racial segregation and racial violence heightened in connection with the murder of George Floyd, a black citizen, the white police who had been arrested for a while and the prosecutor charged him with a "third-degree" murder, and in a strange decision he was immediately released on bail. The same kind of judicial and disciplinary approach to the white police, which also heightened the protests, actually indicates that racism is an institutionalised behavior in the United States, and that the education system, health system, judiciary, law enforcement, the executive and judicial institutions have a kind of institutionalised racist tendencies.

#### **4.2 Suppression of Protesters, Violation of Civil Rights and Domestic Laws**

By widespread public outcry against racism and racial violence in the US cities over the heart-rending killing of George Floyd, the US president, instead of calming the protesters and promising to crack down on racism and solve more racist problems in the United States, called the protesters, the radical left, as well as looters and thugs, and also called on governors of national and federal governments to crackdown on protesters; although the US Constitution, and other civil rights instruments allow the American people to peaceably assemble for different legitimate and legal rights and petitions.<sup>34</sup>

Evidently, the actions of the central government, the local and the federal governments in cracking down the protests against racial discrimination and violence, is a breach of the First Amendment of the United States Constitution which states:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; of the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.<sup>35</sup>

Therefore, this instrument prohibits the state from legislating laws to establish an official religion, prohibit free exercise of religion, restrict freedom of expression, the right to peaceful assembly, or the right to sue for damages; therefore the governors of different states must recognise the right of protest, and freedom of expression of the affected people, and not disrupt their peaceful assembly. A series of

evidence, images, and videos of various events and clashes indicate that the US government and its law enforcement officials did violate its domestic laws, and have openly breached the First Amendment.

### **4.3 Encountering Protests, Violations of International Rights and Human Rights**

According to the principles of international law and human rights, the people of nations have the right to object peacefully to the several issues of their society. The suppression of peaceful protests, and the use of violence against them is in breach of Article 20 of the *Universal Declaration of Human Rights* and the *ICCPR*; a right under which everyone has “freedom of peaceful assembly and association”. However, the police forces in riot gear stormed a rally, removing hundreds of protesters by truck.<sup>36</sup> In addition, the US police and government violated the rules of *ICCPR* by suppressing the protests and rallies; according to Article 21 of the *ICCPR*,

The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

Pertinently, Article 22(1) provides that “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests”. Also in the second paragraph of this Article it is stated that:

No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

In these protests the journalists while performing their duties to cover the news on social media and for public monitoring of the situation, despite having immunity to do so, were harassed by the police and guards. According to *France 24*, 144 of them have been arrested for several reasons, in nearly 72% of the cases, these journalists were attacked when their credentials were visible or

after they had identified themselves as members of the press. This is in violation of freedom of information, expression and, the media that are the basic principles recognised under international human rights instruments.<sup>37</sup>

These days, the rights and demands of the citizens of the US country are being violated and suppressed in different dimensions and aspects; a country that has always considered itself entitled to judge the human rights situation in other countries. In fact, the way the police, the military, and the US National Guard faced the protesters is a violation of exactly what the Americans have always claimed to be concerned about, under which they criticize human rights issues and ultimately condemn other countries.

### **Conclusion**

In America, racism is an institutionalised approach, and even if a black person becomes the president, this agenda never ends. The education system, the health system, the judiciary, the police, and the executive are institutionally racist and believe in the supremacy of the white Anglo-Saxon race.

Several visual pieces of evidence and reports from international and human rights organisations, such as the UN Human Rights Council, represent that the United States government, which has always claimed to protect human rights, is indeed one of the biggest human rights violators.

As mentioned, the US government has violated fundamental rights in the recent protests against the existing situation and has similarly violated constitutional rights and the right to freedom of expression. The issue is not only a threat to the rights of the color-skinned citizens but a threat to all the nations of the world.

The recent event in the US (George Floyd's death) and the crimes against the colored, which have been met with silence by the so-called human rights community, have proven that there is still no universal binding legal sanction for human rights values. Indeed there is a need to ensure human rights for all human beings. The regional and universal mechanisms for the protection of such rights are beneficial, but in fact, different nations like the US have a discretionary power to join or deny these mechanisms. The *American Convention on Human Rights* is a prominent example of an instrument, which the US has not ratified. Moreover, the US has ratified the *ICCPR* with five reservations, five understandings, and

four declarations, and has not signed *The First Optional Protocol to ICCPR*,<sup>38</sup> therefore claiming this venue for the protection of human rights under the *ICCPR* is unlikely to happen.<sup>39</sup>

In the meantime, the importance of the media is to reveal the facts about blacks at the international level and to play an active and positive role in defending their rights. The foreign media can expose the West's dual approach to human rights by informing, especially about the extent of violations of the rights of minorities in America. Appropriate coverage of news of blacks' rights violations can sensitise public opinions in Europe and around the world about the deprivation of this minority of their rights in the United States and will help to improve their living standards. In this process, the failure of the US government to provide equal access to public services to minority communities, including blacks, should be mentioned. Overseas media programs should emphasise the need to implement projects to promote equal rights of blacks and non-blacks in practice, and the promotion of equality.

Social facts, economic, and cultural realities in the United States exacerbate discrimination against vulnerable groups and minorities. Increased politicisation, unequal distribution of wealth, and severe economic shocks are all contributing factors to the situation of blacks. Future crises and challenges will disappear only when society meets itself as pluralistic and receptive to this diversity. If the media acts in a way that in the long term, social convergence between the majority and minorities increases, and the racist tendencies weaken, pluralism, indulgence and tolerance may promote and the future social crises may be effectively dealt with. It is in such a situation that the conscientious reporters are realised.

Considering the trial of Derek Chauvin in the court of Minnesota and the verdict of the Hennepin County District Court in his conviction; it is the time and the finality of judicial decisions that will prove the decisive actions of the judiciary of the US in such cases. Indeed, the role-playing of the international human rights mechanisms in such cases is absolutely subject to the exhaustion of local remedies; a factor that so far has not been met in this case.<sup>40</sup> In other words, despite various social, political, and historical elements that exacerbate the racial discriminatory behavior in the US, in legal cases as such, unless and until denial of justice is not the final outcome of the judicial proceedings, the international human rights

mechanisms have no legal venue to play a role to hold a government liable for unlawful conducts of its officers.

It is for this very fact that the media, especially in the global south, have a significant role in the promotion of human rights values of anti-discrimination. For instance, trying such cases in the courts of public opinion is a technique to achieve legal, social, and political enlightenment of each and every individual, and hence preventing judicial entities to negligently create a situation of denial of justice. This is a task that may be efficiently carried out by the independent media of these nations.<sup>41</sup> The governments, non-governmental organisations, private institutions, etc. may also provide a range of legal and political support platforms for the media to make this dream come true.

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