



General Assembly

Distr.: General
12 March 2026

English only

Human Rights Council

Sixty-first session

23 February–2 April 2026

Agenda item 9

Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Written statement submitted by China Foundation for Human Rights Development, a non-governmental organization in special consultative status*

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[23 January 2026]

* Issued as received, in the language of submission only.



Insurmountable Judicial Barriers: The Human Rights Predicament of Minority Communities in the United States of America

Racial discrimination has long been one of the deepest and most entrenched human rights challenges in the United States of America. Rooted in the historical legacy of slavery, Jim Crow laws and their derivative institutional arrangements, contemporary racial disparities within the law enforcement and judicial systems of the United States of America further solidified systemic violations against minorities in their rights to life, liberty, equality, a fair trial, as well as political and economic participation. Together, these structural inequalities have formed nearly insurmountable “judicial barriers,” exposing minority communities to disproportionate legal risks and persistent human rights abuses.

I. Biased Policing Practices: The Initial Erosion of the Rights to Life and Liberty

As the first link in the justice system, policing already exhibits pronounced racialized patterns, serving as the initial point where the rights to life and liberty of racial and ethnic minorities are violated. Long before entering formal judicial proceedings, minority communities are placed in structurally vulnerable positions characterized by deprivation and exclusion.

Studies have indicated that African Americans are disproportionately subjected to street stops, searches or arrests compared with white Americans. In traffic stops, approximately 9% of African Americans are searched or arrested—nearly three times the rate for whites. The higher intensity of surveillance and enforcement experienced by African Americans in police encounters reflects the deeply uneven application of discretionary policing power along racial lines. These enforcement disparities also produce pronounced intergenerational effects. Although African American youth account for only 15% of the total youth population in the United States, they represent 46% of those placed (i.e., detained or committed) in juvenile facilities, and are 5.6 times more likely to be placed than white youth.

Police violence further amplifies the risks of racial inequality in the right to life. Between 2013 and 2025, the death rate resulting from police brutality among African Americans was approximately 2.8 times that of white Americans, and for Hispanics, it is approximately 1.3 times that of whites.

II. An Unbalanced Trial Process: Institutional Weakening of the Rights to Equality and a Fair Trial

Structural inequalities within the trial process—accumulating across investigation, pretrial proceedings, jury trials, and sentencing—have not only systematically constrained minority defendants at every stage but also constituted an institutional deprivation of their rights to equality and a fair trial, gradually distorting “legal protection” into a dysfunctional or even counterproductive mechanism for racial minorities in the United States of America.

First, racial bias in the investigation and evidence-gathering stages significantly heightens the risk of miscarriage of justice for minorities. Investigative misconduct, such as deception in interrogations, threats to witnesses, and tainted witness identification, occurs at markedly higher rates in cases involving African Americans, fundamentally leading to a higher likelihood of wrongful convictions. Recent statistics show that since 1992 nearly 60% of exonerees in the United States of America have been African American, and innocent African Americans are 7.5 times more likely to be wrongfully convicted of murder than white people.

Second, the pretrial detention system amplifies inequality. People of color are disproportionately perceived as “dangerous” or “flight risks” due to biased risk assessments, making them more likely to be denied bail or subjected to higher bail amounts. This directly increases their likelihood of accepting unfavorable plea agreements. Among nearly 3,300 individuals exonerated over the past three decades, about 25% had succumbed to plea agreements, 75% of whom were African American or Hispanic.

Furthermore, racial exclusion in the jury system poses a direct threat to fair trials. Limited representativeness in jury pools, high service barriers faced by ethnic minorities, and the intentional exclusion by prosecutors in the selection process have resulted in the frequent formation of all-white or nearly all-white juries in criminal cases in the United States of America. Such juries are more prone to rely on racial stereotypes and spend less time deliberating, leading to a higher probability of wrongful convictions.

In addition, disparities in sentencing continue to exacerbate inequality. Studies have shown that African American males receive sentences 13.4% longer than those imposed on white males and were 23.4% less likely to receive probation. These imbalances are particularly pronounced in cases involving extreme punishments. As of October 2025, African Americans comprised 40.66% of death row inmates in the United States of America, far exceeding their share of the general population. The delays in the exoneration process also show a significant disparity: in murder cases, African Americans are exonerated an average of three years later than whites, and in sexual assault cases, the delay extends to four years.

III. Mass Incarceration and Its Consequences: Deep Erosion of Political and Socioeconomic Rights

The United States of America maintains the highest incarceration rate among developed nations, with minority communities bearing a disproportionate share of its burdens. According to the latest data from the Bureau of Justice Statistics of the United States of America, as of June 2024, people of color comprised more than half of the inmates in American local jails, with African Americans accounting for approximately 38%. Inequality embedded in trial and sentencing processes ultimately leads to the disproportionate mass incarceration of minorities, systematically depriving them of their rights to political participation, economic security, and social development, thus confining them to a fragile structure of intergenerational reproduction. This constitutes a profound, continuous, and institutionalized violation of fundamental human rights.

Economically, incarceration produces enduring harm to individuals and families. Research indicates that incarceration results in an average monthly income loss of \$1,803 per affected individual. Meanwhile, costs associated with visitation, transportation, communication, and related expenses inside and outside prison impose substantial financial strain on families, with African American families spending approximately 2.5 times more than white families. Due to the longer incarceration periods and higher family costs for African Americans, mass incarceration objectively further widens the racial wealth gap.

Politically, felony convictions usually result in disenfranchisement. In 2024, approximately 4 million Americans were unable to vote due to felony convictions. The disenfranchisement rate among African American adult men reached 4.5%, more than three times that of other racial groups. This exclusion directly undermines the representation of minorities within democratic institutions and further hinders their capacity to advocate for judicial reform.

At the social and familial level, mass incarceration generates significant intergenerational effects. Children of incarcerated parents show significant declines in academic and health performance and are at higher risk of future involvement with the criminal justice system. At the community level, high incarceration rates lead to a breakdown in social trust and a deterioration in public safety, while distrust of law enforcement further intensifies police-community tensions, creating a vicious cycle.

In conclusion, the judicial system of the United States of America exhibits a highly structured pattern of human rights violations, trapping minority groups in a mutually reinforcing “judicial-economic-political” predicament that makes it difficult for them to escape their disadvantaged position. Therefore, we urge the government of the United States of America to fundamentally undertake systemic reform, truly dismantle judicial barriers, ensure the protection of minority human rights, and make equality before the law a lived reality rather than an empty promise on paper.