

Discuss To What Extent Has Criminal Justice Systems Around the World Been
Impacted by The Globalisation of Human Rights?

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The criminal justice systems all around the world have been significantly impacted by the globalisation of human rights. According to Roberts (2017), the establishment of a common framework for defending these rights as well as the expansion of a worldwide human rights movement have resulted from the international acknowledgment of human rights as a universal concept. Despite the seeming advantages, these innovations have given criminal justice systems new problems and opportunities as they work to preserve human rights and make sure justice is done. This assignment investigates the effects of the globalisation of human rights on criminal justice systems around the world. It also looks at how evolving legal and policy frameworks have been impacted by the expansion of international human rights standards and 'norms' as well as how the functioning of criminal justice systems has been impacted by the growing emphasis on human rights.

The increased emphasis on accountability and openness is possibly one of the most significant effects of the globalisation of human rights on criminal justice systems. Criminal justice systems in the past frequently lacked accountability measures and were opaque. There is now more demand for openness and accountability as a result of increased scrutiny of criminal justice systems brought on by the globalisation of human rights. In an effort to advance openness, accountability, and human rights, Ariel et al. (2015) acknowledge that police forces in the UK have increasingly used body-worn cameras (BWCs) in recent years. Additionally, there is evidence to suggest that the use of BWCs enhances both police officer behaviour and conduct as well as public behaviour, fostering greater respect and civil interactions between the parties. As a result, trust and better community connections are encouraged, as are police accountability and transparency, all of which are thought to be essential components of effective policing.

The use of body-worn cameras (BWCs) by police agencies has drawn criticism from some, despite their apparent advantages, and has been brought to attention by recent international movements. A prime example is the murder of George Floyd, which was not stopped despite the police officers involved wearing body-worn cameras (The New York Times, 2021). The evidence used in during the court proceedings was not captured by the police, but a bystander using their mobile phones. This demonstrates that just having body-worn cameras in place does not guarantee accountability or openness from the police.

According to research (Ariel et al., 2016; Lum et al., 2019), the effectiveness of body-worn cameras in reducing police use of force and improving police-citizen interactions is variable and context-dependent. Body-worn cameras are one tool among many that must be used in conjunction with thorough regulations and procedures, appropriate training, and a culture of openness and responsibility inside police departments. They are not a panacea for improving police accountability.

There are allegations that the usage of BWCs infringes civil liberties and violates privacy. This is because BWCs film individuals in public situations who might not have given their agreement to be filmed. Critics assert that this could result in the careless gathering of personal data and increase distrust between the public and the police (Cohen, 2021). Some critics assert that the widespread deployment of body-worn cameras may have this impact, making people less likely to exercise their right to free speech and protest if they believe that the police are filming them (Gascón, 2015). Others worry that wearing cameras on one's body could lead to more surveillance and privacy abuses, especially for communities who are already marginalised (Neyland, 2018).

Another impact of the globalisation of human rights on criminal justice systems is the growing significance of due process and fair trial rights. Due in part to international human rights treaties and conventions, the significance of fair trials in the English judicial system has gained increased recognition (Donald, Gordon, and Leach, 2012). One of the rights that is generally safeguarded by these texts is the right to a fair trial (UN General Assembly, 1966).

Greater sensitivity to cultural and linguistic differences among litigants, witnesses, and jurors has resulted from diversity in the legal profession, which can affect a person's right to a fair trial (Nottage, 2017). Due to this, practises and laws have been created to support equal access to justice for all citizens, regardless of their background (Cownie et al., 2016). Additionally, studies have demonstrated that diversity in the legal profession can result in better decision-making since diverse viewpoints can enliven the conversation and produce more creative solutions (Bell et al., 2016). This is especially important when the right to a fair trial is in question, since judges and lawyers from all backgrounds can contribute a wider range of experiences and perspectives to the conversation.

The right to a fair trial has been a contentious topic in a number of high-profile cases in the UK in recent years, and diversity in the legal profession has been crucial in ensuring that those rights are upheld. For instance, the Court of Appeal reversed a Traveller defendant's conviction in *R v. McNerney* [2011] EWCA Crim 2751 on the grounds that the trial judge had neglected to consider the cultural and language distinctions between the defendant and the rest of the court. The Court of Appeal emphasised the need for judges to become more sensitive to the concerns of varied

litigants and develop a deeper understanding of other cultures. Similar to this, the Court of Appeal overturned a group of men's convictions in the case of *R v. Mohammed & Others* [2018] EWCA Crim 1824 due to doubts about the fairness of the trial procedure. The defendants were referred to as "Muslim terrorists" by the court, which created an incredibly tense environment for the trial. According to the Court of Appeal, it is critical that the criminal justice system be sensitive to diversity issues and make sure that every defendant, regardless of their background, receives a fair trial.

Additionally, statistics show a connection between diversity in the legal profession and knowledge of fair trials. The percentage of Black, Asian, and Minority Ethnic (BAME) solicitors in England and Wales has climbed from 22% in 2014 to 27% in 2019, according to the Solicitors Regulation Authority (SRA) (SRA, 2019). This rise in diversity has increased sensitivity to language and cultural variations among litigants and jurors and has helped shape policies and procedures that support equal access to justice for all societal members. Although diversity has increased, there are still not enough judges from diverse backgrounds, especially at the senior levels (JUSTICE, 2017).

Additionally, a lot of detractors contend that in order to guarantee fair trials, diversity in the legal profession is insufficient on its own and that deeper reforms are required to address systemic problems with the legal system. Examples include the impact of legal aid cuts on the ability of poor and vulnerable populations to access justice (Citizens Advice, 2013) and the overuse of prison time in the criminal justice system (The Howard League for Penal Reform, 2023).

The English Legal System has faced difficulties as a result of the effects of globalisation on human rights in areas including cultural sensitivity, legal

harmonisation, and competing political interests. When the legal system comes across cultural practises that are unusual or might go against human rights norms, cultural sensitivity difficulties arise. For instance, the Court of Appeal took into account the issue of forced marriage and the cultural practises and beliefs that may be at its root in the case of *R v. H(M) and R(M)* [2010] EWCA Crim 1584. The court in this instance affirmed that forced marriage is an extremely serious crime and that cultural sensitivities cannot be used as an excuse for its practise.

Legal harmonisation, on the other hand, refers to the process of aligning national laws with international human rights standards. This has grown in significance as globalisation has made it simpler for people and organisations to conduct cross-border business, necessitating a larger demand for legal predictability and clarity. However, when balancing divergent political objectives, this process can be difficult and divisive. For instance, the UK Supreme Court took into consideration whether the UK's surveillance powers were consistent with human rights norms in the case of *R (on the application of Privacy International) v Investigatory Powers Tribunal and others* [2019] UKSC 22. In this instance, the court had to strike a balance between the right to privacy and the interests of national security, underscoring the challenge of balancing conflicting political objectives in a globalised society.

In conclusion, the globalisation of human rights has had significant impacts on criminal justice systems worldwide. One of the most significant impacts is the increased focus on accountability and transparency. The establishment of universal standards for the protection of human rights has served as a reminder to legal professionals of the critical nature of fair trial rights. The diversity in the legal profession has led to greater sensitivity to cultural and linguistic differences, which can impact individuals' rights to a fair trial. In conclusion, while the globalisation of human rights has resulted in positive

changes in criminal justice systems, it appears there is still more work to be done to ensure that these changes lead to a more just and equitable society.

Legal Cases

- R v McInerney [2011] EWCA Crim 2751
- R v Mohammed & Others [2018] EWCA Crim 1824
- R v H(M) and R v R(M) [2010] EWCA Crim 1584
- R (on the application of Privacy International) v Investigatory Powers Tribunal and others [2019] UKSC 22.

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