Stockholm, 30 June 2019

To the Committee on the Elimination of racial Discrimination (CERD),

Civil Rights Defenders (CRD) welcomes the initiative taken by CERD to prepare General Recommendation No. 36 on *Preventing and Combating Racial Profiling*

and wants to emphasize the importance of international guidelines regarding the phenomena of racial profiling to clarify international legal standards in relation to police practices.  These Recommendation will prove important not only in relation to the principle of non-discrimination but also to ensure other convention-based rights for those that are victims of profiling contrary to the Recommendation. CRD is pleased to see that questions related to racial biases in artificial systems are dealt with by the Recommendations.

CRD has no major comments on the content of the draft Recommendation. However, as there is great variation between legal systems and structures related to them, it is important to ensure that the Recommendation is formulated in a way which makes it applicable irrespective of such differences. One such question is data collection where practices possibilities differ between states.

Another general aspect is the need to better understand racial profiling in national contexts in order to address the issue in an adequate way and, thus, the need for more research to be conducted in this field. It would, therefore, be relevant and important also to highlight in the Recommendation questions related to funding of such academic work.

In addition, CRD supports the suggestions made by Open Society Justice Initiative (OSJI) to:

1. Include in the Recommendation the need to create viable legal remedies to the recommendations on accountability at F, paragraphs 32 -34. As noted by OSJI, remedies should include a range of options beyond monetary damages, including orders for relief and reform, such as audits of police services, policies, requiring documentation of practices through tools such as stop forms and other recommended good practices.
2. Expand in the Recommendation the section defining and understanding racial profiling at paragraphs 16 to 17 to include the discriminatory use of fines and

administrative penalties against certain groups and/or in certain areas or neighborhoods.

Yours sincerely,

John Stauffer,

*Legal Director*