***Input from Jair Schalkwijk from Controle Alt Delete, the Netherlands***[***www.controlealtdelete.nl***](http://www.controlealtdelete.nl)

VII. Recommendations

1. A variety of strategies have been adopted by governments, law enforcement agencies, and civil society organizations to counter the problem of profiling. The Committee is of the view that these provide the basis for recommendations to States and other actors:

A. Legislative measures

1. As a pre-requisite, and without prejudice to further measures, comprehensive legislation against racial discrimination, including civil and administrative law as well as criminal law, is indispensable to combating racial profiling effectively.

***Perhaps the CERD can include that states should explicitly acknowledge that racial profling is a form of discrimination. In the Netherlands, for example, this is not the case.***

1. States should develop laws and policies that prohibit the generalized use of race, ethnicity and other prohibited grounds of discrimination as a basis for suspicion and decision-making in law enforcement actions and require individualized suspicion based on reasonable and objective grounds. These prohibitions against racial profiling should be accompanied by guidance for law enforcement agencies on the ground, in how they should make decisions in a non-discriminatory manner.

***Perhaps the CERD can add a sentance here, to further clarify the guidance for law enforcement on the ground: "law enforcement agencies are not allowed to stop/check someone because "they (apparently) belong to a group that is overrepresented in crime statistics or because their appearance 'does not belong' in that neighborhood."***

B. Human rights education and training

1. Law enforcement agencies should develop targeted training programmes for law enforcement that sensitize law enforcement agencies about biases and the communities they serve and promote an understanding of the laws and policies that govern their conduct. Affected groups should be engaged in the development and delivery of training where possible. In addition, given concerns about the limitations of training on changing attitudes and behavior, non-discrimination and bias training should be evaluated to ensure that it is having desired impacts.

***Perhaps the CERD can further describe the desired impact. The desired impact is, for example, not an X amount of awareness trainings. The desired impact is that racial profiling decreases.***

C. Recruitment measures

1. Law enforcement agencies should develop recruitment, retention and advancement strategies that promote a diverse workforce that better reflects the populations they serve. This has the potential to influence the culture of agencies and the attitudes of staff with a view to produce less biased decision-making.

D. Dialogue with communities

1. Law enforcement and community leaders/members should constructively engage one another in dialogue about police tactics, racial profiling, and community impacts. This should help improve communication and reduce levels of (and perceptions of) racial profiling. Police-community dialogue should be expanded beyond community leaders, many profiled groups are poorly represented at community leadership level, and may need dedicated and sensitive outreach efforts. Young people who are most commonly targeted by police would be a key example.

E. Disaggregared data

1. Law enforcement agencies should commit to collecting disaggregated data on relevant law enforcement practices (such as identity checks, traffic stops or border searches), which includes information on the ethnic origin of members of the public targeted, as well as details and outcome of the encounter. The anonymized statistics generated should be made public and discussed with local police and communities. Such data should be collected in accordance with human rights and fundamental freedoms, such as data protection regulations and privacy guarantees. This information must not be misused.

***In this recommendation there's on underlying reason why the police should collect data. Perhaps the CERD can add a sentence to state the importance of collecting data: [..] so that it can be determined whether the measures lead to a decrease in ethnic profiling.***

F. Accountability

1. Managers and supervisors within law enforcement agencies should promote non-discriminatory policies and practices within their agencies, and monitor agent behaviors, holding them accountable for deviations from policy. This can be supported by the availability of data and analysis collected on agent decision-making and practice. Managers should also review the impact of operations at higher risk of generating disproportionate outcomes on specific groups or communities.
2. Civil society groups are encouraged to hold police agencies and governments accountable for the actions of law enforcement agents. This includes monitoring police activities, publicizing findings, lobbying for improvements, litigating cases, as well as engaging constructively with governments and law enforcement agencies.
3. International and regional human rights mechanisms, NHRIs or equality bodies, civil society groups and members of the public should have the possibility to challenge inappropriate practices of law enforcement agencies. Members of the public should be able to make complaints through an independent mechanism in addition to directly with police.

G. Artificial intelligence

1. When procuring or deploying artificial intelligence systems of applications States should adopt legislative, administrative and other measures to ensure that law enforcement agencies act consistently with human rights principles and norms, States should also ensure the human rights compliance and the ethnical governance of artificial intelligence. These measures should aim at preventing artificial intelligence from undermining the right to not be discriminated against; the right to equality before the law; the right to personal freedom and security; the right to the presumption of innocence; rights to life, liberty and security; privacy; freedom of movement; freedom of association; protections against arbitrary arrests and other interventions; rights to effective remedy.
2. States should ensure community impact assessments, piloting and evaluation should precede the introduction of new technologies to assure their neutrality on protected personal grounds such as race and ethnicity and compliance with human rights standards, including the right to privacy.
3. States should adopt measures to ensure that police oversight bodies have a mandate to investigate the use of artificial intelligent tools by police, and assess them against a range of criteria to ensure they are not entrenching inequalities or producing discriminatory results. States should also ensure that those oversight bodies have technical staff who are able to conduct such required technical analysis.
4. States must adopt measures to ensure human rights compliance of private sector design, deployment and implementation of artificial intelligence systems. States should also ensure the adoptinon and periodically revision of guidelines that companies/business’ must observe in the programming, use and commercialization of algorithms, susceptible to racial biases, and in general any form of discrimination likely to be in violation of the International Convention for the Elimination of all forms of Racial discrimination.
5. States should document and report in their reports to the Committee for the Elimination of Racial Discrimination, the cases of racial discrimination associated with artificial intelligence, and the measures of prevention and sanction adopted.
6. Human rights bodies, States, national human rights institutions and civil society organization should carry out and disseminate studies and good practices of prevention or response to racial biases derived from artificial intelligence, including those related to the human rights compliance and ethical aspects of machine learning and the relevant criteria in terms of interpretation or transparency in the processes of programming and training of the algorithms, amenable to observation under the prism of the International Convention for the Elimination of all forms of Racial Discrimination.