**European Union Agency for Fundamental Rights (FRA) information to the Office of the High Commissioner’s (OHCHR) Committee for the Elimination of Racial Discrimination (CERD) Recommendation No. 36 ‘Preventing and combating racial profiling’**

The European Union Agency for Fundamental Rights (FRA) welcomes the invitation to provide input to the Office of the High Commissioner’s (OHCHR) Committee for the Elimination of Racial Discrimination (CERD) Recommendation No. 36 ‘Preventing and combating racial profiling’.

The FRA is pleased to inform the CERD consultation on ‘Preventing and combating racial profiling’ about its relevant studies, survey results, legal opinions and guiding tools recently published:

* **Preventing unlawful profiling today and in the future: a guide***[[1]](#footnote-1)*

This guide explains the legal frameworks that regulate profiling, provides practical guidance on how to avoid unlawful profiling in police and border management operations and looks into emerging areas such as algorithmic profiling.

* **EU MIDIS, Second European Union Minorities and Discrimination Survey**[[2]](#footnote-2)

Police stops and searches and perceptions of discrimination when police stops are carried out were surveyed as part of this large scale survey.

* **Being black in the EU***[[3]](#footnote-3)*

People of African descent in the EU face widespread and entrenched prejudice and exclusion. This report examines the experiences of almost 6,000 people of African descent in 12 EU Member States.

* **Fundamental rights and the interoperability of EU information systems: borders and security**[[4]](#footnote-4)

FRA has published a report and a legal opinion on the fundamental rights implications of interoperability by shedding light on potential challenges and pointing at safeguards and mechanisms to ensure fundamental rights protection.

* **Fundamental rights-based police training – A manual for police trainers***[[5]](#footnote-5)*

This manual is a practical tool, translating fundamental rights principles into specific practical exercises that drive human rights-based policing. The manual focuses on crucial police-related issues, such as diversity and non-discrimination amongst others.

* **#BigData: Discrimination in data-supported decision making**[[6]](#footnote-6)

When algorithms are used for decision-making, there is potential for discrimination against individuals. The principle of non-discrimination, as enshrined in Article 21 of the Charter of Fundamental Rights of the European Union (EU), needs to be taken into account when applying algorithms to everyday life. This paper explains how such discrimination can occur, suggesting possible solutions.

* **Data quality and artificial intelligence – mitigating bias and error in algorithms to protect fundamental rights**[[7]](#footnote-7)

This paper highlights how algorithms used in machine learning systems and artificial intelligence can only be as good as the data used for their development. It illustrates one source of bias in data used for algorithmic decision-making and AI systems and discusses how data quality can be assessed by drawing on experiences from the social sciences and statistics

1. European Union Agency for Fundamental Rights Handbook, Preventing unlawful profiling today and in the future: a guide: <https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-preventing-unlawful-profiling-guide_en.pdf> [↑](#footnote-ref-1)
2. European Union Agency for Fundamental Rights, Second European Union Minorities and Discrimination survey – main results: <https://fra.europa.eu/en/publication/2017/eumidis-ii-main-results> [↑](#footnote-ref-2)
3. European Union Agency for Fundamental Rights, Being black in the EU: <https://fra.europa.eu/en/publication/2018/eumidis-ii-being-black> [↑](#footnote-ref-3)
4. European Union Agency for Fundamental Rights, Fundamental rights and the interoperability of EU information systems: borders and security: <https://fra.europa.eu/en/publication/2017/fundamental-rights-interoperability> [↑](#footnote-ref-4)
5. European Union Agency for Fundamental Rights, Fundamental Rights Based Police Training – A Manual for Police Trainers: <https://fra.europa.eu/en/publication/2013/fundamental-rights-based-police-training-manual-police-trainers> (available in 22 languages). [↑](#footnote-ref-5)
6. European Union Agency for Fundamental Rights, Data quality and artificial intelligence – mitigating bias and error in algorithms to protect fundamental rights: :https://fra.europa.eu/en/publication/2019/artificial-intelligence-data-quality. [↑](#footnote-ref-6)
7. European Union Agency for Fundamental Rights, Data quality and artificial intelligence – mitigating bias and error in algorithms to protect fundamental rights: :https://fra.europa.eu/en/publication/2019/artificial-intelligence-data-quality. [↑](#footnote-ref-7)