**Committee on the Elimination of All Forms of Racial Discrimination**

**Draft General Recommendation No. 36 on Preventing and Combating Racial Profiling**

**Comments of the Government of the United Kingdom of Great Britain and Northern Ireland**

1. The Government of the United Kingdom is grateful to the Committee on the Elimination of All Forms of Racial Discrimination for its work on drafting a General Recommendation on Preventing and Combating Racial Profiling. We welcome this opportunity to provide comments on the present draft of General Recommendation No. 36 on this topic.
2. In this response, we make a general observation and then specific drafting comments on certain paragraphs of the draft General Recommendation. For ease of comprehension, paragraph references are underlined and proposed new text is italicised.

General Observation

1. Overall, the UK Government believes this General Recommendation is considered and constructive, and we are largely supportive of the draft. Racial profiling is a concerning issue; the UK Government is committed to ensuring equality and firmly believes in not singling any person out because of their race, ethnic or national origin or any other protected characteristic. As such, we welcome the Committee’s engagement with this important issue.
2. A significant focus of this General Recommendation is the actions and practices of ‘police and other law enforcement officers’. This focus appears appropriate, but it would be helpful to clarify in the text exactly how the Committee defines this category of personnel. Paragraph 4 references General Recommendation No. 13, which effectively defines law enforcement officials as those with police powers. Conversely, the text in paragraph 16 implies a definition of law enforcement agents based on certain categories of actions. The UK therefore requests that the text provide a clear, consistent explanation of those officials encompassed by the term ‘police and other law enforcement officers’, making the inclusions and exclusions of the definition explicit. For the avoidance of doubt, we provide this response on the understanding that the term aligns with the implicit definition in paragraph 16; that a definition of law enforcement agents should be based on certain categories of actions.
3. The UK is supportive of the General Recommendation’s engagement with the issue of racial bias in artificial intelligence systems. The UK Government takes this issue very seriously and we are currently developing strategies to combat this problem. These strategies take a number of forms, including developing our evidence base and understanding, creating guidance and standards (e.g. through our Personal Information Charter[[1]](#footnote-1)), and the establishment of cross-government research centres and teams to provide scientific advice to Government. The recommendations on artificial intelligence (paragraphs 35-40 - to ensure “neutrality on protected personal grounds”) largely align with the UK’s own concerns and echo our approach to technology that is used by Government. Our goal is to ensure that ‘artificial intelligence systems’ do not systematise ‘bias’ or reinforce existing inequalities.

Specific Comments

1. We agree that many of the articles of the Convention, which are listed in paragraph 14, are relevant to the issue of racial profiling. We would be grateful, however, for clarification of the relevance of articles 3 and 4. No mention is made of them or their content elsewhere in the draft General Recommendation.
2. The reference of “peoples’ enjoyment” in paragraph 15 appears to be an error within the draft; this should read “*people’s* enjoyment”. However, the UK would prefer the text to refer to “*persons’* enjoyment of a number of other human rights” as this more accurately reflects the principle that human rights belong to individuals.
3. In paragraph 31, we propose that the first sentence incorporate the following changes:

“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 *detailed* information on the ethnic origin and *gender of* members of the public targeted, as well as details and outcome of the encounter.”

It is important that detailed information is collected as this provides more useful data. For example, collecting data that distinguishes between different nationalities and ethnic origins - such as Indian, Pakistani, or Bangladeshi, rather than simply “Asian” - allows for analysis that is more specific.

1. We believe that the reference to “ethnical governance” in paragraph 35 is an error within the draft text; we think this should read “*ethical* governance”.
2. The UK respectfully asks that the text in paragraph 38 is made clearer. Currently, it is not apparent whether the text refers exclusively to artificial intelligence systems that are made in private companies and then used by State law enforcement agencies, or about artificial intelligence systems in general. The UK considers that it should refer to the former of these two interpretations: artificial intelligence systems used by the State.

28 June 2019

1. This personal information charter contains the standards that can be expected when personal information is asked for, held or in any way processed: <https://www.gov.uk/government/organisations/home-office/about/personal-information-charter> [↑](#footnote-ref-1)