

## HUMAN RIGHTS COUNCIL – 56th SESSION

### Interactive Dialogue with the Special Rapporteur on Contemporary Forms of Racism

08 July 2024

**Ms. Ashwini K.P., Special Rapporteur on Contemporary Forms of Racism**, undertook a visit to the United States of America in November 2023 and announced her upcoming visit to Brazil in the summer of 2024. She further presented her report to the General Assembly covering online racism, hate speech, and combating the glorification of Nazism. In January 2024, the Rapporteur attended the Regional Asia-Pacific Forum on the **International Decade of Peoples of African Descent**. As a proponent of the International Decade, the Rapporteur echoed and supported calls for proclaiming a second International Decade as of 2025 which must be informed by the lived experiences, knowledge, and expertise of peoples of African descent, and must also address their expectations and needs. Resolute actions were required to **reverse the culture of denial, dismantle systemic racism in all its facets**, and deliver reparatory justice for the wrongs of the past. At the 57th session of the Human Rights Council, she also presented two thematic reports addressing respectively racial discrimination and artificial intelligence; and combating the glorification of Nazism, Neo Nazism, and related ideologies.

As regards her visit to the **United States of America**, the Rapporteur commended the US Federal Government for developing several cross-cutting initiatives to address racial discrimination. She appreciated information received on equity assessment and action plans across several governmental departments to review how underserved communities and their members faced systemic barriers in accessing benefits and opportunities. While welcoming these initiatives as a recognition of the systemic nature of racial discrimination and a reflection of a strong commitment to eradicating it, the Rapporteur noted that many persons from marginalized groups continued to experience persistent systemic racism. Many interlocutors described **systemic racism as ‘being in the air they breathed and persisting from cradle to grave’**, which conveyed the pervasive, pernicious, far-reaching, and unrelenting nature of racial injustice.

The United States stood at a critical juncture in the fight against racism and racial discrimination, as these issues have gained increased attention recently. The murders of George Floyd, Breonna Taylor, and many others as well as the large-scale racial justice protests in 2020 brought some of the realities of continuing systemic racism into the mainstream American consciousness. Thanks to the sustained advocacy of civil society actors, this **racial reckoning had been translated into a strong commitment to racial justice** and some promising government initiatives designed to improve racial equality and eradicate systemic racism. The Rapporteur deemed as abundantly clear that persistent, multifaceted, and mutually reinforcing forms of systemic racial discrimination remained and took time for ongoing government initiatives to translate into significant improvements in the lived experiences of those affected the most. Furthermore, these initiatives did not adequately address white supremacy, underlying power balances, historical disinvestment, and extractivism, which underpinned contemporary forms of racial discrimination. The Rapporteur witnessed with strong concern a climate characterized by deep political polarization and volatility, economic uncertainty, severe income and wealth inequality, and severe damage to the fabric of American society. In particular, the deep political polarization had exacerbated anti-Black and anti-Asian discrimination, antisemitism, islamophobia, and anti-Palestine racism – trends that were creating fertile ground for hatred. As a consequence, the Rapporteur recommended directing additional attention and resources toward the development of a comprehensive reparatory justice approach.

Turning to her first thematic report, the Rapporteur strongly emphasized the **urgency and importance of dialogue about racial discrimination and artificial intelligence (AI)**. In this regard, the UN Secretary-General recently stated that ‘the risks overweight rewards without global oversight’. Sharing the same sentiment, the Rapporteur further stressed that the risks would not affect all equally, as those from racially and ethnically marginalized groups were among the most vulnerable to the risks posed by AI. Recent developments in generative AI and its application continued to raise serious human rights issues. Of particular concern was the rapid spread of AI applications across various fields, mainly due to the fact that policy and legal measures seeking to regulate AI were not keeping pace with the rapid expansion of these technologies. Moreover, measures were insufficiently attentive to its capacity to both **perpetuate and deepen systemic racial discrimination** as well as to widen inequalities at all levels, which in turn was perpetuated by a harmful and wrong assumption that technology was neutral and objective. The thematic report in point looked at **four crossing ways in which AI was contributing to racial discrimination**, namely data problems; algorithm design problems; the use of discriminatory purposes; and accountability problems. Overall efforts were inadequately inattentive to racial biases and not fully reflective of international human rights standards.

The thematic report on combating the **glorification of Nazism and related ideologies** noted with concern the continued prominence of racist and nationalist far-right political parties in organizations operating throughout various national contexts. In response to such trends, the report in point made reference to various human rights law provisions such as articles 2(1) and 4 of the ICERD and the provision **prohibiting incitement to racial hatred** enshrined in the ICCPR. To address the prominence of different manifestations of hatred, the Rapporteur recommended improving relevant national legal frameworks; adopting national action plans; strengthening efforts in education and public awareness campaigns to combat racist stereotypes; increasing disaggregated data collection, and stepping up efforts to implement relevant international legal provisions, such as those enshrined in the ICERD and in the Durban Declaration. Lastly, the Rapporteur reiterated the urgent need to draw attention to the **deteriorating situation in Gaza** and the escalating humanitarian catastrophe. She unequivocally condemned the indiscriminate attacks against civilians in Israel on October 7 and the subsequent rise in antisemitism. In the context of racism, the issue of anti-Palestine racism must also be addressed, which manifested itself both in overt and covert forms and was deeply entrenched in various systems and institutions, thereby perpetrating a cycle of marginalization and violence. In conclusion, the international community had a moral and legal obligation to address this crisis with urgency, as only through collective action and unwavering commitment to human rights, a lasting and just peace could be achieved for the people of Palestine and all those affected by the conflict.

In reply to questions raised by delegations, the Rapporteur noted the strong need to develop regulatory frameworks on **artificial intelligence** based on a comprehensive understanding of systemic racism and international human rights standards. In relation to **best practices, inclusive AI development involving diverse groups** ensured that various perspectives and potential biases were duly considered and addressed. Other crucial issues pinpointed by the Rapporteur were the need for social auditing by AI developers and researchers; the use of bias-detection tools; re-training of models with more representative data sets; transparency in AI decision-making and correction of discriminatory practices; and an intersectionality approach. She further stressed the importance of having a strong dialogue and **substantial negotiations with private entities** - notably those designing AI products – in order to adopt a human rights approach in the design of AI. Her thematic report highlighted both the potential of AI and the critical need for vigilance and action to ensure that AI technology served the interests of society equitably. Its transformative power came with the entrenchment of existing racial biases and the creation of new forms of discrimination, for whose countering the thematic report identified actionable strategies.

The **United States of America (country concerned)** reaffirmed its commitment to promoting racial equity globally, including robust engagement with the mandate holder. Referring to President Biden's quote 'Great nations do not shy away from their past', the US delegation acknowledged that America's history contained tragic and ugly events, including the displacement of native Americans, the enslavement of people of African descent, and the internment of Japanese Americans. This harmful legacy still lingering in the country was seen as an opportunity to confront history and improve for the present and the future. The US Government was working to address disparities across key domains of life such as the economy, health, education, housing, environmental justice, and community safety.

Since the Rapporteur's visit, the US Government has continued to take significant steps to address systemic racism and combat hate, bigotry, and bias. Among the most recent positive developments, the US delegation stressed efforts to strengthen civil rights enforcement; alleviate homelessness; reduce discrimination in the housing market; support equitable distribution of federal funding; and rule out bias in new technologies. Since the tragic death of **George Floyd** and far too many others, the US Government and law enforcement agencies have acted to improve accountability and trust in their work, most notably with the launch of the National Law Enforcement Accountability Database to capture critical information about misconduct by enforcement officers, and the expansion of the United Against Hate (UAH) Initiative designed to combat unlawful acts of hate, by connecting federal prosecutors and federal, state, and local law enforcement with communities, so as to encourage the reporting of hate crimes and incidents of hate.

### Interactive dialogue

**73 country delegations** took the floor during the interactive dialogue and commended the work carried out by the Rapporteur. While recognizing AI's potential to positively transform societies, many delegations shared the Rapporteur's concern over the cross-cutting ways in which AI could contribute to many manifestations of racial discrimination and rejected the erroneous assumption of technological neutrality. While stressing the urgent need to address the global scourge of racism in all spheres of life, many countries concurred on the imperative of **ethically responsible and human rights-compliant development of AI**, whose use should be reined in by appropriate legal frameworks and guardrails. In this connection, stakeholders from marginalized groups, policy-makers, and developers should be consulted in a meaningful and effective way all along the development, use, and governance of AI. The latter should be used as a tool to advance justice and equity, rather than perpetuating existing discrimination and bias. The **European Union** shared the Rapporteur's views that AI must be properly managed and regulated through its entire life cycle to balance its benefits and risks, so as to avoid AI's dangerous contribution to manifestations of racial discrimination. For these reasons, the EU recently adopted the AI Act aimed at promoting trustworthy, human-centric, and human rights-compliant AI.

**Pakistan, on behalf of the Organization of Islamic Cooperation**, agreed with the Rapporteur that AI could be selectively deployed with explicitly racist purposes against targeted groups. Businesses should undertake human rights due diligence at all stages of AI design, development, and deployment, by ensuring meaningful and effective consultations with marginalized racial and ethnic groups. **Brazil, taking the floor on behalf of a group of Caribbean and Latin American countries**, shared the concerns voiced by the Rapporteur over the challenges relating to the use of AI and structural racism, by recognizing difficulties in identifying public and private agents affected by this phenomenon. Given the considerable implications on human rights, the regulation of technology should not depend

exclusively on voluntary standards. Fostering investment in disaggregated data was crucial to legitimize the use of AI, combat systemic racism, and enhance surveillance.

**South Africa** concurred with the Rapporteur that technology was never objective, nor neutral. It reflected the values and interests of those who influenced its design and use and was fundamentally shaped by the same structures of inequality that operated in societies. Without effective regulatory frameworks and accountability mechanisms, the rapid spread of emerging technologies had a significant capacity to perpetuate systemic racism. **Egypt, speaking on behalf of the Arab Group**, reasserted the Group's constant position as to the need to counter the scourge of racial discrimination in all its forms while expressing concern at the persistence and the worsening of practices of racial discrimination and intolerance. By evoking the suffering of the Palestinian people, the Arab Group called on the international community to counteract attempts by the occupying forces to entrench racial discrimination against Palestinians.

**UNICEF** was already using AI to map the digital connectivity of schools, predict the spread of diseases, and improve poverty estimations. While acknowledging the opportunities offered by AI to improve the well-being of children, AI technologies also carried the risk of reproducing racial biases implicitly within the dataset on which they trained. To mitigate these risks, inclusive, responsible, and ethical data practices and rigorous oversight were an urgent priority. UNICEF further voiced concern over the use of AI to monitor students' emotions in educational settings, notably AI's increased tendency to attribute negative feelings to students of African descent. **UNFPA** pointed out that the lack of racial diversity in training data meant that minorities were most likely to be targeted in algorithms, thereby undermining their access to education and healthcare. Women and children of African descent were especially affected due to intersectional discrimination.

**NGOs** echoed the risks posed by AI as described in the Rapporteur's thematic report. Moreover, they stressed the relevance of effective and meaningful participation of marginalized groups in the design of such technologies as well as in the adoption of regulatory frameworks governing AI. **Minority Rights Group (MRG)** voiced alarm over the fact that for many marginalized groups, AI often meant the replication of existing patterns of exclusion in new forms. MRG called for a more holistic approach to AI, with an emphasis on inclusive design. **Geledés Institute of Black Women** pointed out that the rise in racism, Neo Nazism, and racist ideologies was a facet of the extreme right. **International Youth and Students' Movement for the United Nations** invited the Rapporteur to continue to play an active role in the renewed global mobilization to counter the disinformation campaign regarding the true content of the Durban Declaration and Programme of Action.

Delegations that took the floor during the Interactive dialogue (73 country delegations):

*United States of America, Iran, Venezuela (on behalf of the Group of Friends in Defence of the Charter), the European Union, Egypt (on behalf of the Arab Group), Pakistan (on behalf of the OIC), Brazil (on behalf of a group of Caribbean and Latin American countries), Iceland (on behalf of the Nordic-Baltic countries), Uganda (on behalf of the Non-Aligned Movement), the Gambia, Australia, Türkiye, Israel, Portugal, Mexico, Sierra Leone, Kuwait, Morocco, Honduras, the Maldives, Armenia, Greece, Belgium, Saudi Arabia, Luxembourg, Costa Rica, Egypt, Ethiopia, Djibouti, the Netherlands, Bangladesh, Iraq, Algeria, Malaysia, China, Albania, Tunisia, Brazil, Belarus, Senegal, Russian Federation, Democratic People's Republic of Korea, Panama, Togo, Cuba, South Africa, Paraguay, Zimbabwe, United States, Afghanistan, Libya, Venezuela, Zambia, State of Palestine, Marshall Islands, Malawi, Bolivia, Azerbaijan, Botswana, Namibia, Oman, Lebanon, Republic of Korea, Spain, Nigeria, Qatar, India, Ukraine, Iran, France, Benin, the European Union (on behalf of its 27 member states plus another group of countries), Indonesia.*

NHRIs and NGOs that took the floor during the Interactive dialogue (10):

Minority Rights Group, Geneva for Human Rights, International Service for Human Rights, Asociación Cubana de las Naciones Unidas, Geledés Institute of Black Women, Christian Solidarity International, World Jewish Congress, Al-Haq Law in the Service of Men, International Youth and Students' Movement for the United Nations, Youth Parliament for SDGs.

International organization (4): UN Women, UNICEF, UNESCO, UNFPA.

To watch the full meeting refer to [UN WEB TV](#).