

Data and Racial Justice

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**24th Session Working Group of experts on People of African Descent
UN Office of the High Commissioner for Human Rights
Geneva, Switzerland
March 28, 2019**

Distinguished representatives,

Ladies and Gentlemen

Racism, racial discrimination, Afrophobia, xenophobia, marginalization and related intolerance against people of African descent remain widespread and continue to undermine many societies' social fabric. In many countries, racial barriers remain fortified thus leaving people of African behind in development processes.

The Durban Declaration and Programme of Action (DDPA), notes that “people of African descent face barriers as a result of social biases and discrimination prevailing in public and private institutions.”¹

The Working Group of Experts on People of African Descent (Working Group), has consistently argued that multiple and intersecting forms of discrimination faced by people of African descent should be acknowledged and combatted through the framework of the 2030 Agenda for Sustainable Development. It has further urged all relevant stakeholders to make an effort to implement the DDPA and the programme of activities of the International Decade for People of African Descent. The three pillars of the Decade, recognition, justice and development presents important tools for the betterment of the lives of people of African descent.

Among other things, removing barriers resulting from racial injustices against people of African descent requires the use of sophisticated tools in order to incorporate race equity and inclusion at every stage for social change. Lest we forget, race continues to hold a central place in our society's deepest and most persistent patterns of social inequities, exclusion and division. The topic of data and racial justice could not have come at a better time. According to Jim Bergeson, “Data will talk to you if you're willing to listen to it.” For data to make sense and advance racial justice, we must be willing to understand it. We must push the boundaries of innovation.

The concept of racial justice means different things to different people. According to the Race Forward, racial justice is “the systematic fair treatment of people of all races that results in equitable opportunities and outcomes for everyone”.² Among other things, racial justice guarantees the people of African descent, are able to achieve their full potential in life, regardless of their race, ethnicity or the society in which they live. Racial justice ensures the full enjoyment of all human rights and freedoms by everyone, without distinction of any kind.

Racial justice is sometimes referred to as race equity. Blackwell *et al* define racial equity “as a just and fair inclusion into a society in which all people, immaterial of their race or ethnicity, can participate, prosper, and reach their full potential”.³ In a racially equitable society, people of African descent cannot encounter racial disparities in health, education, wealth, and other areas. Racial equity underscores the foundational principle which is found in the Universal Declaration for Human Rights that “all human rights are born free and equal

¹ Para 35, DDPA.

² Retrieved 20 March 2019, from <https://www.raceforward.org/about>

³ See Angela Glover Blackwell, Mark Kramer, Lalitha Vaidyanathan, Lakshmi Iyer, and Josh Kirschenbaum, *The Competitive Advantage of Racial Equity*, FSG and PolicyLink, October 2017.

in dignity and rights.” Structural racism, which largely perpetrates racial inequity, does not and should not exist in a racially equitable society. Such a society, however, is so far proving to be a pie in the sky.

Achieving racial justice requires drastic measures. These measures include the use of tools for incorporating race equity and inclusion, which should be informed by statistical data. Such tools include the application of new technologies. The DDPA provides that “new technologies can assist the promotion of tolerance and respect for human dignity, and principles of equality and non-discrimination.”⁴ It further encourages States to “identify factors which prevent equal access to, and the equitable presence of, people of African descent at all levels of the public sector, including the public service, and in particular the administration of justice, and to take appropriate measures to remove the obstacles identified and also to encourage the private sector to promote equal access to, and the equitable presence of, people of African descent at all levels within their organizations.”

Edwards Deming once said, “Without data you are just another person with an opinion.” Underscoring the importance of data in addressing racial injustice, the DDPA urges States to collect, compile, analyse, disseminate and publish reliable statistical data at the national and local levels and undertake all other related measures which are necessary to assess regularly situations of individuals and groups of individuals who are victims of racism, racial discrimination, xenophobia and related intolerance.⁵

The call by the DDPA for collecting, compiling, disseminating and publishing reliable statistical data is founded upon the idea that it is possible for data science to create concrete, measurable change in the lives of people of African descent. Data science can also bring positive spinoffs for racial justice. When correctly used and applied, data science guaranteed the systemic fair treatment of all people, including people of African descent, that results in equal opportunities and outcomes for everyone in society.

The importance of information gathering is also addressed in the International Decade for People of African Descent, as part of the programme of activities which States should undertake.

For racial justice to be realized, States must, therefore, humanize data. Part of the process of humanizing data is ensuring that people of African descent have a say in when and where data is collected, and when and where public policy decisions are made based upon it. People of African descent should be represented in data offices and other State agencies where data plays a significant role. People of African descent who are staff members in these offices should be allowed to bring their unique perspectives to the work, which staff members of other races would not necessarily have. This means that more perspectives should come from people of African descent, who are more often than not, underrepresented in these positions.

In many datasets, the so-called “inherent machine bias” exists. For instance, many softwares used to predict future criminals is biased against people of African descent. Companies such as Facebook, Google, and Twitter have been criticized for a variety of bias-laden algorithms. Most criminal justice systems use these softwares to make decisions. For instance, COMPAS is an algorithm widely used in the US to guide sentencing by predicting the likelihood of a

⁴ Para 92, DDPA.

⁵ Para 92, DDPA.

criminal reoffending. This is prejudicial to people of African descent. PredPol is an algorithm designed to predict when and where crimes will take place, with the aim of helping to reduce human bias in policing. This software was found to lead police to unfairly target certain neighbourhoods.

While data can be prejudicial to people of African descent, it can also be beneficial, if used correctly. For example, open data plays an important role in understanding inequality. Open data can be used to solve challenges faced by people of African descent. It can address racial injustice. Authorities must open up data in order to address racial injustices against people of African descent. The OpenDataPolicing.com, for instance, is one important site which aggregates and presents open data about police stops, including demographic differences. It is important to also note that the development of the website was inspired by recommendations from former US President of African descent, President Obama's Task force on 21st Century Policing. Among other things, the Task Force on 21st Century Policing encouraged local law enforcement to "embrace a culture of transparency".

The DDPA mentions three cardinal points, with respect to the collection, compilation, analysis, dissemination, and publication of statistical data.

First, it states that such statistical data should be disaggregated in accordance with national legislation. This includes the protection of the right to privacy.;

Second, the statistical data and information should be collected with the objective of monitoring the situation of people of African descent and the development and evaluation of legislation, policies, practices and other measures aimed at preventing and combating racism, racial discrimination, xenophobia and related intolerance;

Third, the information should take into account economic and social indicators, including health, employment, housing, land ownership, poverty and average disposable income.

The DDPA warns that the information must not be misused. It further recommends that voluntary, consensual and participatory strategies must be developed in the process of collecting, designing and using the information. It further also underscores the fact that the information collected must inform the elaboration of social and economic development policies with a view of closing the existing gaps in social and economic conditions.

In order to address racial justice the Working Group has since developed draft Operational Guidelines for the Implementation of the Sustainable Development Goals (SDGs), which call for action by all countries to promote prosperity while protecting the planet. The implementation of SDG 16, is of particular importance in the provision of access to justice for all, among other things. Underscoring that people of African descent must not be left behind, the Working Group's guidance note on SDG 16 provides the following:

One, that before any programme is implemented, disaggregated data must be collected on people of African descent in order to address their invisibility and vulnerability;

Two, that for purposes of keeping track on violence against people of African descent, it is important to document this data and publicize it. This includes police brutality and excessive use of lethal force by law enforcement officials against people of African descent;

Three, that States must put in place national systems that track killings committed by law enforcement officials against people of African descent; and

Four, that States must prevent, investigate and punish all violence, acts or torture and other cruel, inhuman or degrading treatment or punishment against people of African descent by law enforcement officials or other persons.

Addressing racial justice also requires developing effective institutions for people of African descent. To this end the Working Group's Operational Guidelines make the following recommendations:

One, that States must ensure that public institutions are effective, accountable and inclusive, and deliver services to people of African descent;

Two, that States must ensure that public institutions provide people of African descent with opportunities to participate in shaping public policy;

Three, that States must address all barriers faced by people of African descent which result from social biases and discrimination prevailing in public and private institutions; and

Four, that public institutions must develop programmes aimed at effectively uplifting people of African descent.

Racial disparities remain pervasive and create burdens for people of African descent. Addressing racial disparities requires States to focus on race. It also requires States to address institutional racism. While data can be used to perpetrate racial stereotypes against people of African descent, it can also be used to address racial injustice. The correct use and application of data must be for the benefit of people of African descent who are rendered "invisible" in many societies.

I wish to conclude by quoting Martin Luther King, Jr, who said, "Now is the time to rise from the dark and desolate valley of segregation to the sunlit path of racial justice". Data is an important tool for us to rise from the dark and desolate valley of segregation to the sunlit path of racial justice. If correctly used, and infused with a human rights approach, data is key to racial justice.