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Racism, racial discrimination, xenophobia and related forms of intolerance, follow-up to and implementation of the Durban Declaration and Programme of Action

Joint written statement* submitted by International Organization for the Elimination of All Forms of Racial Discrimination, Association Ma'onah for Human Rights and Immigration, International-Lawyers.Org, Meezaan Center for Human Rights, Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, Inc., World Peace Council, non-governmental organizations on the roster

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[20 August 2024]

* Issued as received, in the language of submission only.



The Rise of Artificial Intelligence is Exacerbating Intolerance

Introduction

Global elections are reshaping the political landscape in 2024 amidst a rise in far-right ideologies, furthering societal divisions, and a resurgence of racism, racial discrimination, xenophobia, and other forms of intolerance. These dynamics are further complicated by the rapid proliferation of artificial intelligence, which, though revolutionary, is a tool that can be used to exacerbate these issues, particularly for ethnic minorities. The advancements in artificial intelligence technology are outpacing the development of protective regulations, therefore allowing artificial intelligence to amplify misinformation, reinforce harmful biases, and deepen societal divides, heightening concerns about human rights and the safety of marginalized communities worldwide.

In this context, the Expert Mechanism to Advance Racial Justice and Equality in Law Enforcement plays a crucial role. Established to address and mitigate racial discrimination within law enforcement, this mechanism's relevance has grown due to the challenges posed by unchecked artificial intelligence technologies. As artificial intelligence continues to affect and influence law enforcement practices and public opinion, there is an urgent need for expert guidance to ensure that artificial intelligence does not perpetuate and exacerbate racial injustices.

Threat of Artificial Intelligence

Artificial Intelligence involves the development of computer systems or machines capable of carrying out tasks that would usually rely on human intelligence, such as problem-solving and decision-making. Regarding the expert mechanism, the primary area of focus should be generative artificial intelligence, which is a subset of artificial intelligence that creates outputs – such as text, images, or music – based on learned patterns from historical datasets. The recent advancements in generative artificial intelligence have improved various industries. However, these developments have also caused debate, as they raise concerns about human rights issues, particularly regarding racial discrimination and the potential for reinforcing harmful biases.

The use and development of generative artificial intelligence can be seen to be reshaping the world. However, the concern is in the technology's unmonitored growth and development, which could exacerbate existing issues if not properly monitored, managed, and regulated. It has already been noted that policy and legal measures to regulate artificial intelligence are struggling to keep pace with its rapid development. This means that the current efforts to govern and monitor artificial intelligence are insufficient, especially considering its potential to perpetuate and intensify systemic racial discrimination, racism, xenophobia, and other related intolerances.

There is an established assumption that artificial intelligence technology is objective and neutral, but this only serves to perpetuate racism, racial discrimination, xenophobia, and other related intolerances. It is vital to analyze the use of artificial intelligence within legal and policy discussions to ensure it is responsibly managed and regulated. This is because generative artificial intelligence systems and machine learning algorithms use data that often lacks representations from specific communities, leading to potential biases in the system. Overall, if the training data is inadequate, the algorithms may produce systematically discriminatory outcomes for underrepresented or unrepresented communities, further increasing existing inequalities.

Drawback: Automation Bias

Artificial intelligence is widely used by many European Member States, particularly in the immigration sector and border control.

Currently, there are four types of artificial intelligence applications used in immigration control within the European Union: biometric identification, emotion detection (which is still under development), algorithmic profiling, and specific tools for immigration monitoring, analysis, and forecasting. However, the use of artificial intelligence in immigration control comes with varied risks. One of which is automation bias, whereby humans tend to trust and prioritize the outcomes suggested by automated decision-making systems and disregard conflicting, non-automated information, even if it is correct. It is crucial to understand that automation bias is an issue because, like humans, machines can make errors. Therefore, their reliability should always be questioned.

Drawback: The Amplification of Racial and Discriminatory Biases

Generative artificial intelligence has the potential to perpetuate racism, racial discrimination, xenophobia, and other related intolerance biases. Since machine learning relies on past data to make predictions, it can inadvertently reinforce existing biases present in the data. This can lead to discriminatory outcomes, such as the use of artificial intelligence by law enforcement agencies to disproportionately over-police specific communities based on racial and ethnic lines. Moreover, intentional discrimination may arise when governments and other entities misuse artificial intelligence to monitor, profile, and target specific individuals or groups based on their racial or ethnic identities.

Drawback: Misidentification

Various law enforcement agencies use automated identification technology to link observations in an environment to matches in their databases. One type of automated identification technology is facial recognition, which takes videos or photos of a person and then processes them using algorithms. The algorithms will then compare the images against a database of police photographs, driver's license photographs, or other images to identify the person. To train the system, the machine is exposed to facial images, aiming to teach it to identify the unique features of human faces. However, the datasets that train these systems do not always represent all demographics. There have been reports that have indicated that the misidentification of faces by these technologies has resulted in a higher number of arrests of individuals of African descent.

Drawback: Disinformation and Manipulation

The dissemination of false information is another way artificial intelligence can be exploited for racism and discriminatory objectives. It is crucial to recognize that political actors can use artificial intelligence to generate misleading written content, images, and videos in order to manipulate public opinion and the political processes, which often undermines people's trust in institutions. Additionally, there have been reports of governments using artificial intelligence to incite discord and facilitate prejudice and animosity, further exacerbating the impact of disinformation.

Country Example

On 29 July 2024, in the United Kingdom of Great Britain and Northern Ireland, three young girls were killed in a stabbing by a 17-year-old suspect, whose identity was protected by news outlets in compliance with the laws of the United Kingdom of Great Britain and Northern Ireland. Subsequently, a significant amount of misinformation spread across social media, falsely identifying the suspect as a Muslim immigrant or an asylum seeker who had arrived in the United Kingdom of Great Britain and Northern Ireland by boat in 2023.

This led to violent protests on 30 July 2024, during which protesters expressed intense animosity and prejudice towards asylum seekers and migrants while showcasing clear xenophobia. As they set fire to hotels housing asylum seekers and vandalized or destroyed mosques across the country.

These targeted violent attacks have heightened fear among ethnic communities in the United Kingdom of Great Britain and Northern Ireland and globally, considering that many of these protesters are active both in-person and online.

These violent protests occurred just after recent re-elections in the United Kingdom of Great Britain and Northern Ireland. In response to these violent actions, the United Kingdom of Great Britain and Northern Ireland's government condemned the behaviour of people they labelled as far-right groups while acknowledging that several far-right figures on social media platforms propagated the misinformation and animosity surrounding the truth of the incident. Within the United Kingdom of Great Britain and Northern Ireland, such violent protests are not unprecedented, as racially and religiously motivated hate crimes have been escalating since 2011. Additionally, there have been numerous instances on social media where influential figures within far-right circles have encouraged the coordination of anti-migrant protests using anti-Muslim or anti-immigrant rhetoric. The political rise of the far-right has exacerbated racism, racial discrimination, xenophobia, and related intolerance on a global scale.

Recommendations

The growing influence of far-right ideologies, coupled with the rapid proliferation of artificial intelligence, is contributing to an alarming increase in societal divisions and human rights violations. This dangerous combination is especially harmful to ethnic communities, as the resurgence of racism, racial discrimination, xenophobia, and other forms of intolerance, particularly in the aftermath of recent elections, exacerbates already fragile human rights situations globally. If artificial intelligence continues to have unmonitored advancements without aligning with proper regulation, inequality will deepen, and new and dangerous forms of discrimination that disproportionately already affect minority communities will only increase.

In light of these pressing concerns, we recommend the following to the International Independent Mechanism to Advance Racial Justice and Equality in Law Enforcement and the Human Rights Council as a whole:

- To urge governments and international bodies to consider artificial intelligence when implementing anti-discrimination policies to strengthen and enforce laws that protect individuals from racism, racial discrimination, xenophobia, and other forms of intolerance.
- To urge governments and international bodies to regulate for the prevention of biased artificial intelligence technologies by developing and enforcing comprehensive regulations.
- To urge governments and international bodies to combat misinformation by establishing mechanisms to identify, counter, and prevent the spread of misinformation.
- To urge governments and international bodies to promote inclusivity and tolerance by supporting educational and public awareness campaigns, both online and offline.
- To urge governments and international bodies to enhance transparency and accountability in artificial intelligence development by requiring organizations and companies to disclose information about the data used to train their systems.

Geneva International Centre for Justice (GICJ), Arab Lawyers Association-UK, Human Rights Defenders (HRD), Brussels Tribunal, Iraqi Committee for Human Rights (ICHR), Association of Humanitarian Lawyers (AHL), Association of Human Rights Defenders in Iraq (AHRD), Organization for Justice & Democracy in Iraq (OJDI), and Iraqi Centre for Human Rights, NGO(s) without consultative status, also share the views expressed in this statement.