

Task Force 01

FIGHTING INEQUALITIES, POVERTY, AND HUNGER

Unveiling Statistical Invisibility: The Structural Racism of the War on Drugs, its Impact on Social Inequalities, and the Need for Citizen Data Empowerment in Latin America

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Abstract

There is no way to address social inequalities in Latin America (LA) without discussing the region's longstanding security policy: the War on Drugs, characterized by criminalization of historical cultural practices of Black and indigenous communities, the militarization of public security and mass incarceration. It contributes to the region being a leader in global homicides and exacerbates the unequal inclusion of non-white populations.

While researchers recognize this reality, scientifically proving it and establishing evidence-based policies to address its effects is nearly impossible. This is because most States do not produce essential information on security policies. Examples of missing information are abundant and prevail, particularly when ethnicity and race are under consideration.

We define this situation as "statistical invisibility", the unavailability of disaggregated data that would make it possible to recognize situations experienced by groups that have been historically marginalized. In this paper, we discuss the State's responsibility and failure to collect essential data to face racist policing policies. And recommend courses of action to address this situation based on "citizen data generation" methodologies and new computer and statistical modeling methods that can be applied to understand the true magnitude and patterns of violence, even in contexts of underreporting.

Keywords: Statistical invisibility; Racism; Drug policies; Police violence; Citizen data generation.

Diagnosis of the Issue

This policy brief addresses the critical issue of statistical invisibility of the Afro-descendant population in the context of criminal and drug policies, particularly prevalent in LA countries. The perpetuation of conditions of inequality disproportionately affecting this population is largely allowed and reinforced by the absence of data that disaggregates the ethnic-racial variable in measurements of quality of life, demographics, access to services, goods, and guarantees of rights. This lack of data not only obstructs the identification of discriminatory patterns but also hinders the implementation of effective public policies aimed at combating racism and inequality.

In LA, the persistent statistical invisibility of Afro-descendant people is a manifestation of structural racism. The absence of racially disaggregated data on several aspects of public policies makes it challenging to design, implement, and monitor measures aimed at fighting inequalities in general, and racism in particular. This situation is particularly acute in the criminal justice system, where data on arrests, police violence, incarceration, drug and related crimes often are missing or ignore the ethnically-racial differences. Making it easier for governments to deny what qualitative and citizen-led researches show¹: that Afro-descendant individuals are disproportionately affected by practices of racial discrimination, criminalization, and racial profiling.

¹ Examples include CESeC's study on racist police encounters and IPEA's study on drug arrests

In Colombia and Brazil, serious issues with vertically and horizontally missing data² exist. In Colombia, horizontal missing data has been exposed by ILEX's research on the collection of justice data regarding defendants and plaintiffs that found an omission of more than 80% of the records in the variable of ethno-racial self-recognition. Regarding vertical missing data, organizations from both Colombia and Brazil denounce the lack of law enforcement administrative reports, specially when it comes to disaggregated data on ethno-racial variables that would allow understanding if police actions affect ethnic groups in disproportionate ways.

Those omissions make it difficult to identify possible discriminatory patterns, criminalization scenarios and profiling in law enforcement and the criminal justice system. By allowing the confusion between cause and consequence, statistical invisibility helps to perpetuate racially biased policies that, in turn, greatly impact the perpetuation of inequalities in Brazil. This panorama has contributed to the maintenance of a denialist stance towards practices of racial discrimination and the lack of implementation of adequate public policies. Likewise, it shows the prevailing need to reformulate drug policy from an ethnic-racial perspective that effectively addresses structural inequalities.

² Horizontal missing data refers to incomplete information in a specific record. On the other hand, vertical missing data describes entire records that were not collected, sometimes called “underregistration.” There are statistical methods to address both kinds of missing data.

Recommendations

Considering that inequality is one of the central themes of the G20 agenda, in order for this fight to be effective, we need to ensure we provide data that measures it, especially in historically marginalized populations and their relationship with criminal and drug policies in LA countries. As recognized by CEPAL (2020, pg.6) "data and information are presented as fundamental instruments to design, implement and monitor measures aimed at guaranteeing the rights of people of African descent. Data and information are also powerful catalysts for progress and are essential to building just and equal societies". With that framework in mind, the organizations signing this policy brief propose the following courses of action.

(i) G20 countries should invest in strengthening civil society's role as a producer of reliable missing data on public security and as a mechanism to advocate for human rights abiding public policies.

Experiences in Brazil and Colombia underscore the potential of civil societies' role in highlighting chronic and persistent issues like police violence and structural racism. In just over a year of operation in Bahia (Brazil), the Fogo Cruzado Institute, alongside the Black Initiative for a New Drug Policy, quantified police violence in the metropolitan region of Salvador. With unprecedented information generated through citizen-led methodologies, these organizations revealed that 36% of armed violence incidents were caused by the police, and police violence concentrated in black majority neighborhoods (88%). The existence of this data, in turn, pressured the Bahia state government to establish a Working Group between the government and civil society to rethink the

production and transparency of indicators and the development and monitoring of public security policies.

In Colombia, it was civil society organizations such as ILEX, CODHES, among others, who had to make efforts to collect data on human rights violations against people of African descent within the framework of the 2021 National Strike. This information was reported during the IACHR's working visit to Colombia as part of its observation of human rights violations within the framework of the National Strike and thereby promoted the recognition from IACHR of the existence of violence against an ethnically and racially differentiated population and the inclusion of specific recommendations to the State to counteract violence based on ethnic-racial discrimination in the framework of the protests³.

In the same sense, the omission of 30% of the population in the National Population Census of Colombia motivated the presentation of a tutela action against the State by Afro-Colombian organizations such as ILEX, PCN, AFRODES among others to guarantee the right to information, equality, the cultural diversity of this population and in 2022 the Constitutional Court, through Sentence T-276 of 2022, ruled in favor of the Afro-Colombian population, ordering the National Administrative Department of Statistics to prepare a diagnosis that would explain the causes of the omission among other orders that we hope will help improve future census exercises. The document that studies the reasons for the omission recognizes the effects of racism and discrimination in censuses and administrative databases. Currently, civil society organizations are in a judicial battle with DANE to guarantee correct compliance with the orders with the active

³ ICHR, 2021. Observaciones y recomendaciones. Visita de trabajo a Colombia

participation of Afro-Colombian organizations. This strategic litigation exercise and the results of the post-ruling can be a reference for the region on national census issues and the inclusion of the ethnic-racial variable.

(ii) G20 countries should establish a policy to fight statistical invisibility, using governmental and citizen produced data as inputs for enhancing social diagnosis and consequently fostering evidence-based public policies able to fight racism and inequalities.

The absence of quality government databases cannot continue to act as a barrier to the implementation of evidence-based public policies that combat inequalities and racism. The current scientific context, marked by the development of citizen-driven data collection methodologies and advances in statistical inference techniques, provides more than enough resources to offer alternatives to overcome the statistical invisibility of racial inequalities. As an example, we will explore the case of statistical homicide victim indicator to demonstrate how progress can be made in this area.

Data about the race and ethnicity of a victim of homicide may be missing in several different ways. The organizations recording homicide data might not have considered race relevant, and so their forms and databases might not include a field for race. Or, if the field is available, the person inputting data in the government's databases might skip this information because of an honest mistake, because it was impossible to determine the victim's race, or even by choice. For any or all of these reasons, information about the race of victims is frequently missing.

In other cases, the entire record of the event may not have been recorded. That is, the homicide occurred, but the homicide is not recorded as such in databases of criminal events. There are many reasons that these records are forgotten. In some cases, the victim's family may fear retribution by the perpetrator, and therefore they decline to report the killing. In other cases, the institutions documenting the homicide may record the death by some other means, such as accident. Finally, some homicides occur in regions where there is no state official who could record the event.

Data in official records tends to omit information about the poorest and most vulnerable people in each society. Victims from marginalized communities tend to receive less attention from police, and their communities often have less trust in police than middle class communities. Consequently, even when events in marginalized communities are documented, aspects of the crime --- such as the victim's race --- may be omitted, particularly in those cases where the victim's race is most important.

When government agencies publish statistics about homicide, they may publish a proportion of victims from each of the categories for race used in that country. At the bottom of the table, there is probably a category called "no race reported" or "missing." Most readers will ignore this row, and focus instead on the proportions of victims with a documented race. Analyzing the proportions in this way is strictly assuming that the victims with missing race are divided in the same proportions as those with known race. However, this assumption is likely to be incorrect for the reasons argued before. The records of victims from races that are marginalized tend to be missing data for race more frequently than records of victims from the majority race. The proportions of victims with known race are therefore unlikely to be correct, and a naive analysis that uses the observed proportions without taking the missing data into consideration will likely be wrong.

Statistics offers methods to correct for the bias introduced by missing fields or missing records. These methods are probabilistic, which means they do not yield exact answers. Instead, the methods give a likely interval of values. For missing values, the leading method is multiple imputation (van Buuren, 2018), which uses all the information in a record to predict the probability that the missing value is in each of the possible categories (for example, a victim might be 20% possibly white, 40% possibly Black, 40% possibly multiple races). Combining all the records, including those with known race and those with probabilities of different races, enables the analyst to create an interval (e.g., "including victims with known race, the observed proportion of victims who are Black is 40%; however, including the missing data, the likely proportion Black is 50-70%"). The methods to account for records that are entirely missing are varied, and the choice of which method is most appropriate depends on how the original data was collected, whether there are other independently-collected databases also about homicides, and the analytic objectives of the study (see, for example, Ball and Price 2019).

Based on the two above-mentioned recommendations, we suggest that investments from G20 countries should encompass:

- **Support for Data Citizen Production Initiatives:** providing financial and technical support to initiatives which empower communities to collect and disseminate data based on people's experiences. These initiatives help to shed light on serious problems not addressed by governments and, in doing so, provide crucial insights for policymakers and the general public. Investments should prioritize knowledge developed by public universities and/or by recognized research institutes composed of qualified personnel and that publicly disclose methodologies to its pairs following basic rules of scientific production.

- **Capacity Building (civil society):** establishing capacity-building programs led by universities to enhance data collection and analysis capabilities of civil society organizations. Training in methodologies for data collection, analysis, and advocacy will enable these organizations to produce high-quality, evidence-based research on public security issues.

- **Capacity Building (governments):** establishing capacity-building programs to enhance the data collection and analysis capabilities of public officials. They might learn techniques to reduce missing data from civil society experiences. And also, partnerships with universities can help public officials to apply state of the art scientific methodologies, with all available data (governmental or not), to better understand the social problems they face and, therefore, to come up with better suited policies to face and monitor them.

- **Promoting Data Transparency and Access:** fostering policies that promote governmental transparency and access to data on public security. This includes supporting initiatives to strengthen freedom of information laws and ensure that government agencies comply with data disclosure requirements.

- **International Collaboration:** promoting international collaboration and knowledge exchange among civil society organizations working on public security issues, as well as among governments with successful examples to share. By sharing best practices and lessons learned, these organizations can enhance their effectiveness and impact.

- **Advocacy for Policy Reform:** supporting civil society organizations in their advocacy efforts to push for policy reforms that prioritize human rights and social justice.



This includes advocating for reforms to policing practices, drug policies, and criminal justice systems that address the root causes of violence and promote accountability.



Scenario Of Outcomes

Producing data that allows us to understand social issues faced by citizens and monitoring how the State's actions are impacting them is a crucial responsibility of all modern, democratic and accountable governments. Therefore, the signing civil society organizations insist that the lack of action by States regarding the collection of ethno-racial variables in administrative databases and censuses – despite the constant calls out from international mechanisms and national organizations – cannot still be considered an accident or the result of technical incapacity.

Statistical invisibility has become a convenient omission that operates as an instrument to maintain historical inequality and violence perpetrated against marginalized populations. The lack of data hinders the confirmation of the structural racial discrimination complaints we have raised. Clearly, in countries like Colombia and Brazil, the lack of specific data on human rights violations committed by the police against Afro-descendants not only facilitates the impunity of these crimes and State accountability - both in terms of Institutions and its agents – as well as blocks the full understanding of how police violence also translate in further unequal opportunities amongst citizens from different ethno-racial backgrounds.

The ideal scenario, within the framework of compliance with States obligations regarding data collection, is the availability of administrative records with universal and periodic statistical information that ensures better decision-making and measurable outcomes for the management of programs, public policies, and public budget planning for the satisfaction of human rights. For example, having statistical data that includes the ethno-racial variable would allow us to measure the real impact of drug and criminal policies on the increase or decrease of the prison population belonging to the Black

community or how many Black individuals, compared to those with no ethnic affiliation, are subjected to police encounters or are incarcerated for drug-related offenses. We could also measure the indicators of access to justice for this population and the levels of violence they face in their interactions with law enforcement. This information would provide valuable insights for decision-making in the design of state public policies related to the criminal justice system, drug control, and programs aimed at overcoming the inequality that facilitates the reproduction of such violence.

We believe that by embracing the recommendations outlined in this policy brief and also by fulfilling the international obligations that States have regarding this issue, the following will be achieved:

- Progress towards the fulfillment of the international obligations of States regarding the disaggregated collection of the ethno-racial variable.
- Availability of conditions – information, documentation and diagnosis – to implement effective targeted public policies designed to overcome impacts of racist public security and drug related policies on patterns of inequality.
- Enrichment of the debate about the gaps in inequality faced by Afro-descendant populations in their interactions with law enforcement and the impact of drug policies, specially in countries most affected by racism and its violent effects.
- Deepening democratic practices by encouraging social participation and mechanisms for external control of the state. The availability and accessibility of information are not only achieved through the isolated exercise of the State in data collection but also require active participation of society in the design and understanding of collection methodologies and their dissemination. Likewise, it is necessary for States to recognize the work of civil society organizations in data collection and the qualitative



methodologies developed by them for better collection, coherence, and accessibility of information. Articulating both efforts, state and civil society, will promote greater civil society participation and elevate the conversation about racism and discrimination facilitated by criminal and drug policies towards the Afro-descendant population, with disaggregated data.



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