George Floyd at the UN: Whiteness, International Law, and Police Violence

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This article applies discursive analysis of the UN Human Rights Council debate after the killing of George Floyd in June 2020. It assesses state members' speeches delivered during the UN session convened in June 2020, as well as the ensuing landmark report by the UN Human Commissioner for Human Rights on police violence and racism released one year later, in June 2021. Through its analysis of the current global debate on police violence against black people at the United Nations, it shows how racialized violence is and is not considered in international law. The underlying task is to unmask whiteness-coping mechanisms used in international law when issues of racism arise, as well as to light fire on the disruptive nature of black movements' engagement with the UN to dismantle racism in a structural manner. This article is particularly interested in international law as legal imaginations shared, colliding, and contested in multiple fora, among them the United Nations. Using this case study of the debate on racism and police violence at the United Nations in 2020, the article examines how different views of racism and international human rights law come into play on the global stage of the United Nations. It thereby highlights what those differing views reveal about international law in relation to racism.

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INTRODUCTION

Is racial violence visible to international law? A general criticism of international law focuses on the *politics of erasure*: international law erases the structural aspect of racism beyond individual acts of racial discrimination. Since international law often overlooks racist structures, the underlying global constructions that allow structural racism to endure remain opaque in international legal debates—economically,[1] legally,[2] culturally,[3] politically,[4] and geographically.[5] When we use the expression "structural racism," we ask questions about the relationship between episodes of racial violence and larger structures of inequality along racial lines—for example, what are the connections between the use of police violence against black people today and the colonial roots of policing? What is the connection between capitalism, inequality, and the control of black bodies by force? What does the dehumanization of black lives have to do with the European project of colonialism and international law? What is the relationship between political elites and racism even in countries with a large Black population? Questions such as these are often silenced in international law debates at the United Nations.

Erasure comes in many forms. It means *overlooking* the issue of racism (for instance, none of the seventeen Sustainable Development Goals, adopted in 2015, or the accompanying Agenda 2030 mention racism). The Office of the High Commissioner for Human Rights (OHCHR) recognizes that "there is no specific reference to people of African descent in the 2030 Agenda," yet it argues that "the three pillars of the Decade—recognition, justice, and development—all have strong

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1.   *See generally* Chantal Thomas, *Race as a Technology of Global Economic Governance*, 67 UCLA L. REV. 1860 (2021).

2.   *See generally* Anna Spain Bradley, *Human Rights Racism*, 32 HARV. HUM. RTS. J. 1 (2019); *see generally* Martti Koskenniemi, *Race, Hierarchy and International Law: Lorimer's Legal Science*, 27 EUR. J. INT'L L. 415 (2016).

3.   *See generally* Makau Mutua, *Savages, Victims, and Saviors: The Metaphor of Human Rights*, 42 HARVARD INT'L L. J. 201 (2001).

4.   *See generally* DENISE FERREIRA DA SILVA, TOWARD A GLOBAL IDEA OF RACE (2007).

5.   *See generally* INSTITUTO TOMIE OHTAKE & MUSEU DE ARTE DE SÃO PAULO ASSIS CHATEAUBRIAND, 1 HISTÓRIAS AFRO-ATLÂNTICAS 1-39 (Adriano Pedrosa, Ayrson Heráclito, Hélio Menezes, Lilia Moritz Schwarcz, & Tomás Toledo eds., 2018).

links to the Declaration on the Right to Development." A strong yet silent link, at best. Of course, there has been increasing attention to racial equality, with important developments such as the Durban Declaration and Programme of Action (2001) and the International Decade for People of African Descent (2015-2024). Yet the impact of such endeavors on national policies and international law (both the law on the books and the law as applied by international bodies) remains underdeveloped, apart from events such as regional meetings and international celebrations.

In part, this is what the current rapporteur on the subject at the United Nations, Tendayi Achiume, warns us about: "Although influential actors within the global human rights system have sounded the alarm against visceral expressions or acts of racism and xenophobia, they do not seriously combat the structures historically rooted in racial oppression, exploitation, and exclusion that violate the human rights of many people, but are invisible even in the global discourse on human rights."[6] In international law, the gap would then run deep: the racial hierarchy would manifest itself in the downplaying of the debate about racist structures while addressing primarily individual acts. Of course, this was not always the case: the history of anti-colonial movements in the mid-twentieth century can also be framed, with certain limitations, as a way to address racism in a structural way, using limitedly the existing human rights framework.

More subtly, erasure also means *downplaying* the importance of race in international law. Downplaying can occur through what Darryl Li calls "flattening race,"[7] during which international law and international bodies treat race, national origin, and ethnic origin together, without conceptualizing more precisely what race means, either as a basis for prohibited discrimination or as a category based on which the crime of apartheid might occur. Also, downplaying can occur through *focusing on individual acts rather than structures*. The critique of the politics of erasure recognizes that international law at the global level prohibits racial discrimination[8] expressed in individual acts; yet international law, the critique goes on, does not link those acts to structural roots, such as colonialism. Colonialism is even mentioned in the UN Convention on the Elimination of Racial Discrimination (ICERD), but these provisions are read entirely by considering the pre-colonization period and

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6. E. Tendayi Achiume, *Putting Racial Equality onto the Global Human Rights Agenda,* 28 SUR-INT'L HUM. RTS. J. 141 (2018).

7. Darryl Li, *Genres of Universalism: Reading Race into International Law, with Help from Sylvia Wynter*, 67 UCLA L. REV. 1686, 1698-1702 (2021).

8. According to the International Convention on the Elimination of All Forms of Racial Discrimination art. 1(1), "the term 'racial discrimination' shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."

not as applied to contemporary forms of neocolonialism or other practices involving color lines.[9]

Erasure also means *hiding* the bridges between race and other intersections, such as class and gender. The fact that the mobilization around George Floyd's case was the key motivator for the UN Urgent Debate, while the killing of Breanna Taylor by Louisville police agents during a police raid in her apartment in March 2020, months before Floyd's killing, speaks volumes about the invisibility at the international stage of police violence against black women.[10] Erasure also means *forgetting* the long history of black activism at the United Nations, dating back to the organization's foundation.[11]

Erasure comes as no surprise, after all. Modern international law itself is a late nineteenth-century product of whiteness.[12] As Christopher Gevers puts it nicely:

> [W]ith the "reinvention" of international law in the late nineteenth century, the term international came to incorporate elements of both the terms world and global: as a sociopolitical imaginary and an "instituted perspective," a *world* international lawyers lived inside (and produced), and a *global* perspective they took of (and used to take from) its Others. . . . "[I]nternational" was a racial imaginary—a White International (or "White World" in Du Bois's terms)—that emerged from and reinforced Global White Supremacy.[13]

International law in the nineteenth century is born in part out of racist ideas about non-Europeans—such as the views of James Lorimer (1818-1890).[14] It inherits a "legal imagination"[15] dating back to the twelfth century connected to

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9.   Li, *supra* note 7 ("ICERD does not ignore the transnational dimensions of race entirely. Its preamble included a condemnation of colonialism, and article 15 authorized the UN Committee on the Elimination of Racial Discrimination (CERD) to consider petitions submitted by formally colonized peoples, as understood within the framework of the UN Declaration on the Granting of Independence to Colonial Countries and Peoples. Formal decolonization, however, has largely rendered this provision irrelevant.").

10.   ANDREA J. RITCHIE, INVISIBLE NO MORE: POLICE VIOLENCE AGAINST BLACK WOMEN AND WOMEN OF COLOR (2017).

11.   CAROL ANDERSON, EYES OFF THE PRIZE: THE UNITED NATIONS AND THE AFRICAN AMERICAN STRUGGLE FOR HUMAN RIGHTS, 1944-1955 (2003).

12.   MARTTI KOSKENNIEMI, THE GENTLE CIVILIZER OF NATIONS: THE RISE AND FALL OF INTERNATIONAL LAW 1870-1960 (2001); Koskenniemi, *supra* note 2.

13.   Christopher Gevers, *"Unwhitening the World": Rethinking Race and International Law*, 67 UCLA L. REV. 1652 (2021).

14.   Koskenniemi, *supra* note 2.

15.   Jaime Amparo Alves, *From Necropolis to Blackpolis: Necropolitical Governance and Black Spatial Praxis in São Paulo, Brazil*, 46 ANTIPODE 323 (2014); MARTTI KOSKENNIEMI, TO THE UTTERMOST PARTS OF THE EARTH: LEGAL IMAGINATION AND INTERNATIONAL POWER 1300-1870, at 1-2 (2021).

views on the place of racialized "others" in the world amid the European colonial project, which prompts questions such as "who were the inhabitants of the New World whose existence had not previously been known—were they human at all, or humans of a different species?"[16]

Human rights are not excused from this worldview. Erasure is not an accident but a political project: erasure serves as a way of maintaining human rights talk as a project of a world of savior-savages-victims,[17] a profoundly racialized metaphor. If international human rights law does not address upfront the dehumanized nature of racism, its universalism of subjects of rights as "nakedness of being human and nothing but human"[18] will not be able to include black people who are often deemed to be socially dead, as afro-pessimist theories[19] have more recently pointed out. It is striking that even Hannah Arendt, a critic of universalism detached from a state or a community to protect one's rights, has affirmed quite explicitly that "even slaves still belonged to some sort of human community; their labor was needed, used, and exploited, and this kept them within the pale of humanity. To be a slave was after all to have a distinctive character, a place in society."[20] This is a mistake. The place of the enslaved person was of one less than human; this is enough of a warning for us today to reconstruct international human rights law "until we are first recognized as humans."[21]

Nor should we forget that the founding element of international relations is the colonial project. As the editors of the compendium *Race and Racism in International Relations* express: "International Relations was founded, in large part, as a political science designed to solve the dilemmas posed by empire building and colonial administration faced by the expanding white Western powers and occupy the so-called "desolate places on 'earth', as the Global South was commonly referred to by contemporaries."[22] When race is seen as a proxy for understanding geographical inequalities in the world's stage, however imperfect such proxy might be, studies—such as this one—have the power of enriching a Third World Approach to International Law, in which "international law" means not only the West view of others but rather a conflation of legal imaginations. As said by Pahuja in relation to Jawaharlal Nehru, the first prime-minister in India (1947-1964), and the Bandung Conference (Asian-African Conference) of 1955, the "role imagined for international law in this Third World is not to effect the transformation of the

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16. *Id.* at 2.
17. *See* Mutua, *supra* note 3.
18. HANNAH ARENDT, THE ORIGINS OF TOTALITARIANISM 297 (1973).
19. *See generally* FRANK B. WILDERSON, AFROPESSIMISM (2020).
20. ARENDT, *supra* note 18.
21. Balthazar I. Beckett & Salimah K. Hankins, *"Until We Are First Recognized as Humans": The Killing of George Floyd and the Case for Black Life at the United Nations*, 5 INT'L J. OF HUM. RTS. EDUC. 1 (2021).
22. Alexander Anievas, Nivi Manchanda, & Robbie Shilliam, Race and Racism in International Relations 2 (2014).

others in the name of an idealized version of one way of life, but to allow different peoples and nations, with different laws, to meet with dignity."[23]

As concerns the Bandung Conference, it matters what choices scholars make when they decide to tell the stories of international law. Race is particularly interesting as a rich lens through which one can look at international law because, at the same time, race stresses, on the one hand, the history of the colonial project led by the West and its legacies (when legal imaginations about the West and the others such as Mutua's savage-victim-saviors come into play), as well as race, when viewed as a border in itself (as put by Tendayi Achiume),[24] dividing who is subject to violence and who is not, complexifies how international human rights law fails, on the other hand, to protect non-white citizens across racial borders even in a given state, and how Western states in general and the United States in particular build racial borders internally, making Mutua's metaphor an important, yet incomplete, description of how race, state, and international law intertwine in policing. The task in this Article is not to get away with international law or with a universalist ideal of human rights. The task is to unmask whiteness coping mechanisms used by international law when confronted with racism, and light fire on the disruptive nature of black movements' engagement with the United Nations to dismantle racism in a structural manner. In this Article, we are particularly interested in international law as legal imaginations share, collide, and contest in multiple fora, among them the United Nations. By using the case of the debate on racism and police violence at the United Nations in 2020, this Article looks at how different views of racism and international human rights law come into play on the world stage of the United Nations, as well as highlights what those different views reveal about a critical view of international law relating to racism.

The Article is structured in two parts, followed by a conclusion. As a starting point for the discussion, we present a discursive analysis of the UN debate after the killing of George Floyd. With the use of algorithms, this Article scrutinizes the speeches delivered during the UN session convened in June 2020, as well as in the resulting landmark report[25] by the UN High Commissioner for Human Rights on police violence and racism released a year after, in June 2021, the so-called UN

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23.   Sundhya Pahuja, *Letters from Bandung, in* BANDUNG, GLOB. HIST., & INT'L L. 552, 555 (Luis Eslava, Michael Fakhri, & Vasuki Nesiah eds., 2017).

24.   E. Tendayi Achiume*, Racial Borders,* THE OTHER SIDE OF THE WATER: IMMIGRATION AND THE   PROMISE   OF   RACIAL   JUSTICE   (Oct.   30,   2020), https://open.spotify.com/show/4YeVeZKRhlYdxzRsKrJTTj.

25.   U.N. Hum. Rts. Office of High Comm'r, Seminal UN Report Offers an Agenda to Dismantle   Systemic   Racism   (June   29,   2021), https://www.ohchr.org/EN/NewsEvents/Pages/systemic_racism.aspx.

Human Rights Chief Michelle Bachelet's Agenda towards transformative change for racial justice and equality.[26] The Article provides an overview of the current global debate on police violence against black people at the United Nations to show how racialized violence is or is not considered by international law.

The second part is used for analysis. In this Article, we argue that the narrative of erasure is correct in its diagnosis but shortsighted. We defend that two movements are underway underneath the erasure of racism talk at the UN level. First, the politics of erasure hides a deeper phenomenon: *a politics of performative denial*. The UN Urgent Debate offered a communicative platform for the states to perform: as argued elsewhere concerning the Universal Period Review, the UN Urgent Debate can be seen as "a multi-level ritual, in which states are communicating—to each other, to human rights actors, to donors, and to their domestic constituencies—their support or resistance for domestic legal change."[27] By talking about structural racism but not facing one's desire to keep racist structures—such as global inequality and immigration policies—in place, states are employing ritualistic affirmations on police violence without addressing its roots. The concept of denial, here, is taken from Brazilian black feminist Lelila Gonzaléz, as explained later.

Second, there is currently at the United Nations a push for *disruption of denial*, through various means—including new approaches on the racial question by UN mandate-holders (e.g., the 2019 reparation report[28] by the Special Rapporteur on contemporary forms of racism is a milestone into this direction)—and for the opening of the UN Human Rights Council to black movements after the death of George Floyd. We will also explain which coping mechanisms are used to deal with such emerging yet powerful disruption of denial.

By connecting the disruption of denial to whiteness, the Article concludes by stating that racialized police violence is the intersection where colonialist history, racialized nationalism, and international law meet. Finally, the Article connects police violence and whiteness to a project of authoritarian international law, reconstructing how in particular Western countries use white nationalism as a strategy to avoid international criticism.

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26.   *See generally* Rep. of the U.N. High Comm'r for Hum. Rts., *Promotion and Protection of the Human Rights and Fundamental Freedoms of Africans and of People of African Descent Against Excessive Use of Force and Other Human rights Violations by Law Enforcement Officers*, U.N. Doc. A/HRC/47/53 (June 1, 2021).

27.   Ron Levi & Ioana Sendroiu, *Performance, Power and Transnational Legal Ordering: Addressing Sexual Violence as a Human Rights Concern, in* Transnational Legal Ordering of Criminal Justice 333, 335 (Gregory Shaffer & Ely Aaronson eds., 2020).

28.   *See generally* Tendayi Achiume (Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance), *Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance: Note by the Secretary-General*, U.N. Doc. A/74/321 (Aug. 21, 2019).

I. GEORGE FLOYD AT THE UNITED NATIONS: A DISCURSIVE ANALYSIS

What happens to the international debate at the United Nations (UN) when the brutal images of George Floyd, a black man in Minneapolis (U.S.), are displayed at the UN Human Rights Council being asphyxiated—or lynched, one should say[29]—by the white policeman Derek Chauvin when the officer kneeled on Floyd's neck for several minutes? Mr. Floyd was murdered on 25 May 2020 following an accusation of paying in a store with false bills. In June 2020, the UN Human Rights Council convened an urgent debate on the matter. It was not by chance. As pointed out by Sejal Parmar, "More than 660 human rights organizations and the relatives of George Floyd, Breonna Taylor, Philando Castile and Michael Brown had previously jointly written[30] to Council members calling for the debate 'with the aim of mandating an independent inquiry into' racist policing and allegations of excessive use of force in the US."[31]

Thus, the Urgent Debate resulted from social mobilization by civil society organizations and movements, the families of people killed by the police in the United States—such as George Floyd's, Michael Brown's, and Breonna Taylor's families—and African nations primarily. As Beckett and Hankins argue:

> The urgent debate held at the United Nations in Geneva in June 2020 marked an unprecedented moment in the institution's long history. This was the first time that a Western country had been held accountable, at this level, for flagrant human rights violations occurring within their borders and at the hands of their government.[32]

Among scholars and activists, there are mixed feelings about the outcomes of the Urgent Debate. On the one hand, the Urgent Debate had its successes: it put the issue of police violence on the UN agenda quite explicitly, it channeled the existing mobilizations by activists around racialized police violence into a UN platform, and it mandated the UN High Commissioner for Human Rights (UNHRCR) to conduct a report on the topic (published in June 2021).[33] It also

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29.   *See generally* Marguerite Hattouni Spencer, *The Lynching of George Floyd: Black Theology, Protest, and Racial Justice*, 47 MITCHELL HAMLINE L. REV. 930 (2021).

30.   American Civil Liberties Union, *Coalition Letter – Request for U.N. Independent Inquiry into Escalating Situation of Police Violence and Repression of Protests in the United States*, ACLU (June 8, 2020), https://www.aclu.org/letter/coalition-letter-request-un-independent-inquiry-escalating-situation-police-violence-and?redirect=letter/coalition-letter-request-un-investigation-escalating-situation-police-violence-and-repression.

31.   Sejal Parmar, *The Internationalisation of Black Lives Matter at the Human Rights Council*, EJIL: TALK! BLOG OF THE EUR. JOUR. INT'L L. (Jun. 26, 2020), https://www.ejiltalk.org/the-internationalisation-of-black-lives-matter-at-the-human-rights-council/.

32.   Beckett & Hankins, *supra* note 21.

33.   H.R.C., *supra* note 26.

resulted in a 2021 resolution by the UN Human Rights Council mandating, after the UNHCHR report, the establishment of an international independent expert mechanism on law enforcement and racial justice.[34] This mechanism is not country-specific but rather thematic.

On the other hand, as chronicled by the UN Special Rapporteur on Racism, Tendayi Achiume, by diluting the original proposal on the table focused on the situation in the United States into a consensus resolution which calls "all States and all relevant stakeholders to cooperate," the result of the Urgent Debate was partly disappointing, as described by Achiume:

> Eventually, the consensus resolution eliminated the reference to persecutors, focusing only on depersonalized accountability and redress for victims. This change conceptualizes accountability as an abstract goal with no connection to individual violations or systemic actions. The Council's final resolution was stripped of the institutional resources, symbolic weight, and investigatory authority that would have accompanied a commission of inquiry. It was, as I and the U.N. Working Group of Experts on People of African Descent highlighted at the time, a "diluted consensus resolution that . . . amount[ed] to lip service in the face of the urgency of [the] moment."[35]

In analyzing the post-George Floyd debate at the United Nations about police violence, Elina Castillo Jiménez has pointed out that,

> the existence of systemic racism (as a root cause of racial discrimination) has not yet been found as a breach of an international obligation, in this case, a duty to prevent discrimination based on race, derived from the prohibition of racial discrimination. Making this link can be crucial to find state responsibility for systemic racism and its impact on people of African descent.[36]

The link between structural racism and racial discrimination is often blurred at the United Nations, and "if racism is not named as the outrageous dehumanizing phenomenon that it is, bringing forward the prohibition of racial discrimination is harder."[37] Thus, it is crucial to look at how the language of structural racism was incorporated into the UN Urgent Debate session in order to see the extent to which this link between racism and discrimination is developed in international law and politics.

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34.   *See generally* Human Rights Council Res. 47/21, U.N. Doc. A/HRC/RES/47/21 (July 26, 2021).

35.   E. Tendayi Achiume, *Transnational Racial (In) Justice in Liberal Democratic Empire*, 134 HARV. L. REV. F. 378 (2020).

36.   Elina Castillo Jiménez, *Racial Justice to the Forefront: Do Black Lives Matter in International Law?*, *in* COVID-19 AND HUMAN RIGHTS 82, 89-90. (Morten Kjaerum, Martha F. Davis & Amanda Lyons, eds., 2021).

37.   *Id.* at 90.

Uncovering the links between racism and racial discrimination in international law in the context of police violence is exactly what this Article seeks to do. As a *research question*, the discursive analysis conducted in this Article about the UN session in June 2020 aims at assessing to what extent the language of structural racism is embedded in the UN debate on police violence after George Floyd's assassination and analyzing the discursive tactics used by states to tackle, or to bypass, the question of racism and international law. The *hypothesis* is two-fold: First, evidence shows that, at least rhetorically, structural racism is increasingly becoming a part of the international language largely due to the pressure by black movements and civil society organizations, which makes the politics of erasure an insufficient explanation for the current stage of international law. Second, states (in particular, Western states) have developed sophisticated and subtle coping mechanisms to bypass the call for disrupting international law as we know it today, which would otherwise be necessary to face the question of structural racism, thus making what we call in this Article the politics of denial a better explanation for the current stage of international law as opposed to the politics of erasure. The evidence has shown the correctness of the hypothesis mentioned.

Methodology

The focus of this Article is on the Urgent Debate on the "current racially inspired human rights violations, systemic racism, police brutality and the violence against peaceful protest," held at the UN Human Rights Council (UNHRC) in Geneva (in a hybrid online and in person manner), on 17 June 2020 (Urgent Debate). On this occasion, state members of the UN top human rights body presented their views on racism, police violence, and international law, considering George Floyd's murder in the United States a month before.

While several civil society organizations also spoke at the United Nations on that day, in this Article we have chosen to concentrate the analysis on the speeches by UN state members (fifty-two in total) delivered at the UN Human Rights Council. Of course, this does not amount to reducing the importance of civil society participation, which will be mentioned in more detail in the section on disrupting international law below; quite the contrary, we will show how social pressure by black movements and civil society organizations have managed to start a disruption of international law. Also, focusing on a single UN session is inevitably limiting. Additional analyses could be developed if the scope of this Article was expanded, which is not possible due to length limitations. However, the present work is an invitation for other researchers to look more closely at how international debate presents a rich discursive material and, as such, can be analyzed with its impact on international law.

Frequency. In this Article, we have used the transcripts of the UNHRC members' speeches available in their original language at the UN human rights portal.[38] For the analysis of the speeches delivered by the UN Human Rights Council member states during the Urgent Debate, the first step was the translation of the UN Human Rights Council members' speeches whose transcripts were written in Spanish (Costa Rica, Uruguay, and the group of Latin countries[39]), French (Cameroon and Switzerland) and Arabic (Bahrain, Qatar, Iraq, Lebanon, and Sudan) into English. This translation was done automatically through the Google Translator tool. Inevitably, by translating this way, the analysis conducted here probably misses some of the language-specific or culturally related preferences for certain word usages, such as "afro-descendent" or "black".

Then, the texts were analyzed with the help of spaCy (https://spacy.io/), a library for linguistic analysis available in Python language. With spaCy, the texts were divided into sentences, and from an automatic analysis, the keywords contained in each of them were extracted. These keywords can be made up of a single noun, for example, "racism," a nominal expression such as "racial discrimination," or a proper name such as "George Floyd." For the keywords, a text-specific search for all nouns or substantive expressions (such as "racial discrimination," "police brutality") was conducted in the text; the keywords were not given a priori, but they derived directly from a targeted search in the transcript of the speeches themselves.

The algorithm extracted all the sentences that discussed racism in the texts for the discursive analysis. Furthermore, it was verified which other categories frequently occurred when the racism category appeared, that is, if a sentence contained the keyword "racism," for example, which other keywords occurred in the same sentence. These keywords were ordered by frequency in the analysis. For instance, the category "discrimination" was the one that most occurred with "racism," followed by "violence" and "debate."

Categorization. Furthermore, the keywords were grouped around a *category* given by the nucleus of the nominal expression. For example, the keywords "systemic racism" and "structural racism" have the noun "racism" at their core, so they are grouped by the category "racism." Thus, when searching for phrases referring to racism, the algorithm would perform a search from the phrases containing the keywords within that category. The categories used were *police, racism, impunity, discrimination, Floyd, community, protest, states, violence, violation, right, authority, Africa, body, brutality, challenge, commitment, crime, death, democracy, inequality, injustice, killing, oppression, people, policy.* From these categories, subcategories were also created, formed by

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38.   U.N. Human Rights Committee, Statements dated May 17, 2020, H.R.C. Meetings, https://hrcmeetings.ohchr.org/HRCSessions/RegularSessions/43session/Pages/Statements.aspx?SessionId=33&MeetingDate=17/06/2020%2000:00:00.

39.   By "group of Latin American countries," I refer to Argentina, Costa Rica, Chile, Colombia, Guatemala, Panamá, Peru, Honduras, Paraguay, Uruguay, and México.

words or expressions derived from these categories. For example, in "brutality," there are subcategories such as "police brutality."

Correlation and similarity of speeches. After developing keywords from the texts, measuring the frequency of the use of keywords, and then organizing keywords into categories, it was possible to develop further the analysis and establish the correlations between words. By correlation, we mean how many times words occurred in the same sentence—for example, how many times "racism" and "brutality" appeared within the same sentence of the text. In other words, this association measures how much these words tend to appear in the same context, that is, when it comes to racism, what other words co-occur with it. The correlation provides important insights into how UNHRC members see the connections between racism, police brutality, and racial discrimination beyond the analysis on the frequency.

To assess the similarity between the texts of the speeches, it was necessary to get the so-called "word embeddings" of the texts—vectors that represent the words. An algorithm called k-means clustering was used to calculate the similarity between these vectors, available in the scikit-learn library.[40] The algorithm generates clustering based on the proximity of the vectors; the texts with the most similar words are placed in the same group. This analysis provided an estimation of how close the UNHRC members' speeches between themselves are.

Findings

Without the intention of exhausting all possible inferences from the data collected (see the annexes for a detailed overview of the findings of the discourse analysis), several trends can be drawn from the analysis of the UN state members' speeches during the session on racism and police violence. *In terms of frequency, it is clear from the analysis that racism is a word used repeatedly by the UNHRC members*, despite the politics of erasure in international law. In fact, "racism" was the word that most frequently came out of the mouths of the states' representatives during the Urgent Debate after George Floyd's assassination, even more than the expression "racial discrimination," placed in second.

Several findings can be made from these analyses, without exhausting other possible conclusions. First, the analysis suggests the *interconnectedness between racism and racial discrimination*: for the UNHRC member states, *racism and racial discrimination are indeed connected.* This finding challenges, at least in part, the thesis of erasure and signals at least some development made possible only because of social movements

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40.   SCIKIT-LEARN,   https://scikit-learn.org/stable/modules/generated/sklearn.cluster.KMeans.html (last visited Sep. 2, 2022).

in the Human Rights Council concerning police violence and racism. However, it is also key to highlight the *downplaying of "systematic racism" as a discursive category*: while racism and racial discrimination are seen to be connected, "systematic racism" is mentioned to a lesser extent than the two previous categories. The discursive analysis also clarifies that the subcategory "systematic racism" is mostly associated by the UNHRC member states with the brutality of police violence in general and less associated with the case of George Floyd specifically or with racial discrimination more generally.

Second, the analysis suggests a *tendency to dissolve the brutality of police violence in the United States by universalizing the issue of racism in policing*; that is to say, the United States is rarely mentioned nominally by the other UNHRC members. This indicates that, while the Urgent Debate is often praised for putting a spotlight on a human rights violation in the most powerful nation on earth, the very same Urgent Debate—at least through the words of the states themselves—sought to evade the focus on the United States itself. Israel, for instance, made that point quite clear:

> If this Council has a role to play in defeating racism, it should refrain from singling out one specific country, let alone a strong democracy, where transparency, the rule of law and accountability mechanisms are in place, and public opinion has the tools to exercise public scrutiny over the authorities.[41]

The result was disappointing for those seeking international accountability in relation to the United States. As Parmar puts it, "the result of the urgent debate was profoundly disappointing; the adoption by consensus of a 'very weak' resolution that fails to set up a commission of inquiry and strips any mention of the US in its operative paragraphs." (PARMAR, 2020)

Third, it is important to highlight that—while the locality of the perpetuators of police violence remains largely unnamed by the UNHRC member states—there is a *tendency to geographically locate the victims of racism by their ancestry or place of origin*. Thus, it is quite interesting to notice that *"black" and "black people" do not appear as categories associated with racism at all*; instead the expression "African descent," is used a significant number of times (fifty-four instances). Nevertheless, "African descent" appears associated with "injustice" rather than with "racism" per se, which points to a difficulty of accepting that what states might call "injustice" is technically a human rights violation under international law. Looking at the global lines of color, it is also remarkable that *racial discrimination is often conflated with the issue of xenophobia*. From a legal perspective, this suggests a profound misunderstanding regarding differences between race, color, ethnicity, and national origin as prohibited grounds of discrimination. Additionally, a political perspective indicates a *construction of "otherness" typical of colonial readings of international law*: perpetrators are

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41.   H.R.C. Statements, *supra* note 38.

universal, raceless, and unnamed, while victims are racialized others from far away countries where the rule of law and democracy do not exist. For example, Armenia's speech reads: *"People who went out to protest racism and violence in expressing their solidarity with the people of African descent were not driven by the color of skin, but rather with compassion, acute need to overcome injustice and acknowledge the suffering of people."* This excerpt clearly makes a division between white people ("people who went out to protest racism") and black people ("people of African descent"). The excerpt goes in the direction of the discourse that "all people are equal," pointing out that the motivation for the protests is not skin color but "solidarity," "compassion," and "injustice."

Fourth, the discursive analysis points to the *ritualization of George Floyd's lynching*. When "Floyd" appeared in the sentence, the speeches also frequently cited expressions such as "tragic death" (or similar expressions used by Malta, Denmark, Israel, Netherlands, Nigeria, and Australia), virtually associating his death with an accident and not with "racism" or "police brutality." The exceptions were Global South countries critical of U.S. policies such as Iran (which calls Floyd's death a "public execution") and Sierra Leone (which refers to the "brutal and unjustified killing by police of George Floyd"). Treating Floyd as a tragedy could be read as using Floyd's case as a ritual to express condolences, without serving the justice needed in these cases and similar others. Consequently, there was the *tendency of vagueness in the speeches as far as concrete proposals were concerned*. The discourse analysis revealed that UNHRC member states, while expressing condolences and using the language of racism, did not consider explicitly what kind of measures international law could provide to remedy racial violence by the police. In this sense, the erasure was not of the issue of racism itself, but rather the *erasure of meaningful remedies* for racism as a violation of international law while still offering a ritual of mourning.

Fifth, although speeches were generally similarly vague in terms of actual policies to combat racism, it is possible to determine similarities between the speeches and group together those states with more similar language. Most of the countries offer a middle-ground approach to the question of racism in policing (which meant providing vague condemnation of discrimination at large, mentioning racism briefly and then omitting recommendations to deal with racism in policies), while Bolsonaro's Brazil, on the one hand, and Iran and Palestine, on the other hand, offer more radical views. For example, Brazil's discourse, in addition to not presenting effective measures to combat racism, promotes a discourse in defense of the police and the "all lives matter" speech. Speaking about the fight against racism, the speech points out, *"I hope we can do it in a way that unites us rather than further divides our already polarized world"*—that is, it criticizes groups that fight for specific causes, such as racism, LGBTQIA+, feminism, etc. In another excerpt, the speech

says, *"Raising awareness is just as important as acknowledging the indispensable role of police forces in ensuring public safety and protecting the right to peaceful and safe existence, the right to life itself."* The speech does not mention, for example, that many of the deaths of blacks are due to police actions in favelas and that the "protection" and "safe existence" offered are only for a few groups, which do not include the black and poor populations.

II. DISCUSSION: ERASURE, DENIAL, AND COPING

It is inevitably frustrating, albeit not entirely hopeless, to expect that international law could ever address the structural racism in which international law itself was forged. International law, as a colonial project, serves to conquer and domesticate "others;" "others" are essentially non-white people. Slavery, for instance, was a transnational apparatus, including a legal one, for the construction of the idea of global in the service of whiteness, built on black transatlantic lines of otherness (GILROY, 1993). In this sense, it does not come as a surprise when one notices the difficulty of addressing structural racism in international law; it is partly because international law itself was founded on racial lines.

Yet looking at international law through the lenses of the literature on critical race theory and the third-world approach to international law[42] calls for a critical perspective that does not fall into nihilism. By recognizing the role racism and colonialism play in international law and international relations,[43] one can strive for a counter-hegemonic legal imagination and practice. After all, as mentioned by Pahuja, "although international law is susceptible to power, it also maintains an oppositional relation to power. This irresolution can be understood as symptomatic of the 'postcoloniality' of international law."[44] In this push to move international law, even all of its inherent limitations, towards addressing structural racism, it is necessary to counterstrike the politics of erasure and the politics of denial, as described in this Article.

Of course, there is much polishing to be done regarding all the 'structural' talk on racism,[45] at least at the international level. While it is urgent that the international arena addresses directly structural racism beyond individual acts, there is still more in-depth theoretical work to be done among legal scholars to connect these two dots: individual acts of racial discrimination and structural racism. Several gaps can be mentioned here. How can we conceptualize structural racism in international law as more than a magic word that simply dilutes, rather than foster legal accountability? In what way could legal remedies be designed to tackle individual

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42.   James Thuo Gathii, *Writing Race and Identity in a Global Context: What CRT and TWAIL Can Learn from Each Other*, 67 UCLA L. REV. 1610 (2021).

43.   *See generally* NAEEM INAYATULLAH & DAVID L. BLANEY, INTERNATIONAL RELATIONS AND THE PROBLEM OF DIFFERENCE (2004).

44.   Sundhya Pahuja, *The Postcoloniality of International Law in* INT'L L.: CONTEMPORARY ISSUES & FUTURE DEV. 553, 559 (Sanford R. Silverburg, ed., 2011).

45.   *See generally* SILVIO ALMEIDA, O QUE É RACISMO ESTRUTURAL? (2018).

acts of racial discrimination while also contributing to the dismantling of the structures that allow for such acts not only to happen but also to be legally legitimized? What kind of reforms do we need to see implemented in international arenas such as the United Nations to recognize the colonial roots of racism in international law?

There is no intention here of addressing any of those hard questions. However, this Article *does* assess the politics of racism erasure in international law as a political project carried out primarily by Western countries, which consists of denying that whiteness is a basis of international law while at the same time employing a series of *coping mechanisms* to deal with the raw brutality of police violence in the only Western superpower. As a side note, we tend to forget that police forces in Brazil kill per year six times more than in the United States, which speaks volumes about the selectivity of international debate. It is simplistic to say that the debate on George Floyd revealed the need to move the discussion within international law away from individual acts of discrimination and towards structural racism. Anyone listening to black movements worldwide has known that for a long time (e.g., consider the vast documentation on Brazil's participation in the Durban conference and how structural racism was at the top of the agenda then).

George Floyd's debate at the United Nations does more than move the conversation from individual to structural. We argue that the debate on police violence after George Floyd's assassination was not a transformative moment per se but rather a *disrupting moment*. It disrupted the whiteness of the international law project by forcing UNHRC member states to face the brutality of police violence, the failure of international law in addressing it, the mobilization around the case and its notoriety on social media,[46] and the sheer brutality of the event caught on camera. Until Floyd and the mobilization around it, states could easily get away with discussing structural racism and policing, or in other words: erasing the issue altogether. With the post-Floyd mobilization, the erasure was disrupted.

Disrupting, here, does not mean changing international law, only shaking it by forcing the states to look in the mirror for its flaws. The mobilization for the Urgent Debate disrupted the status quo by shaking while leaving in place the racial contract—in certain occasions explicit in international law such as the case of Haiti and foreign debt[47]—according to which whiteness is the norm in human rights

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46.   *See generally* Michael Thelwall & Saheeda Thelwall, TWITTER DURING COVID-19: GEORGE FLOYD OPENING A SPACE TO ADDRESS SYSTEMATIC AND INSTITUTIONALIZED RACISM? (Jan. 15, 2021), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3764867.

47.   *See generally* Liliana Obregón, *Empire, Racial Capitalism and International Law: The Case of Manumitted Haiti and the Recognition Debt,* 31 LEIDEN J. INT'L L. 597 (2018).

talks. Whiteness is a place of material and symbolic power,[48] based on a historically established ideology of white superiority. As an ideology, whiteness keeps its strength through a tacit agreement among white people according to which their silence "protect[s] them and exempt[s] them from any responsibility," as racism is portrayed as a "black issue."[49] The penetration of the language on racism into the international vocabulary at the UNHRC is a sign of such disruption, even though the debate on *structural* racism is still underdeveloped among states. Also, the existence of the Urgent Debate itself is a disrupting moment for those seeking to foster racial justice into the international arena.

Of course, even so, the Urgent Debate did not transform international law, or even the way states talk about the law; instead, it made explicit that the politics of erasure is, in fact, a *politics of denial*. Discussing George Floyd's lynching disrupts the whiteness of international law by forcing states to deal with the brutality of the case. Nevertheless, as the analysis presented above shows, states employ coping mechanisms to deal with the issue of racial violence by the police, which serves not to dismantle the politics of denial but to reinforce it.

When we say politics of denial, we use the concept of denial from Freudian theory as a coping mechanism[50] the same way that Brazil's leading black feminist thinker, Lelia González, has employed it in her writing.[51] Gonzalez used the concept of racism by denial (*Verneinung*) to refer to the coping mechanism of denying one's desire (in this case, desire of racial violence)—often repressed in international law with the erasure of the issue—while at the same time preserving such desire and the brutal practices that come with it such as police violence, xenophobic immigration policies, and so on. What some would call erasure of racism in international law, we prefer to call repression of the desire for racial violence, used to maintain the colonial project of international law, while at the same time perpetuating structural racism as a normalized business as usual.

The discursive analysis presented in the previous section reveals some of the states' *coping mechanisms*. One of these coping mechanisms is *generalization*: by largely ignoring in which country the violation happened, UNHRC states dilute the mobilization and the anger about the specific killing of George Floyd and the local context of the United States. This dilution serves not simply to erase the issue of structural racism in policing in the United States, but also to deny the historical specificities of the country in which policing was born out of slave patrols. Without

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48.   *See generally* ROBIN DIANGELO, WHITE FRAGILITY: WHY IT'S SO HARD FOR WHITE PEOPLE TO TALK ABOUT RACISM (2018).

49.   Maria Aparecida Silva Bento, Pactos Narcísicos No Racismo: Branquitude e Poder Nas Organizações Empresariais e No Poder Público (2002) (unpublished Ph.D. thesis, Universidade de São Paulo) (on file with author).

50.   *See generally* ANNA FREUD, THE EGO AND THE MECHANISMS OF DEFENCE (Routledge ed., 2018).

51.   *See generally* LÉLIA GONZALEZ, POR UM FEMINISMO AFRO-LATINO-AMERICANO (2020).

properly putting a spotlight on the United States' history of racism and its connection to policing, states managed to talk about racism (not erasing it) while denying its historical foundations in the context of policing in the United States.

Another coping mechanism is the *mourning*: the UNHRC Urgent Debate session also served as a platform for states to express their condolences of the "tragic death," while not feeling obliged to go deeper into structural questions such as historical injustices against the families of such victims, the normalization of black deaths, the militarization of police forces, and so on. The processing of the issue as a tragedy rather than a political project makes it easier for UNHRC member states to deliver speeches condemning racism while at the same time treating it almost like an accident rather than a result of policies and behaviors.

A third coping mechanism is *vagueness*: not diving into the specifics of how international law should push for an agenda against racism and police violence allows states to address the issue at the United Nations without addressing it. Vagueness also allows states to recognize structural racism, which is an advancement from the focus primarily on racial discrimination, without unpacking what the structure in racism means and how to tackle it. Additionally, as a coping mechanism, one could say the *construction of racialized others*—associating racism with something that happens in non-democratic places to African descendants, rather than accepting that depriving black people of their basic rights happens quite often even in democratic regimes.

We also argue that denial is evidenced in the vagueness with which racism is addressed in the discourses. Most of the speeches talk about fighting racism but in a vague way, using positive words to create an ideal scenario without presenting explicit measures that are being adopted to deal with systemic racism. An example, Australia's speech says, *"Australia rejects racism and xenophobia in all its forms, and we are proud of our diverse and cohesive society."* They talk about diversity as if it were synonymous with equality, which is far from the truth, and much more is needed to end racism.

We tried to assess whether the speeches mentioned certain important themes in the racism debate. For this, we selected keywords related to structural roots of racism,[52] mention of fundamental rights and system reforms,[53] and some ideals for a better society.[54] Analyzing Table 2 (see annex below), only the speeches of eight

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52.   Apartheid, slave, slavery, colonialism, colonization, colonial, colonized, imperialism, and racial superiority.

53.   Education, healthcare, housing, security, employment, criminal justice, police reform, fundamental human rights, policing reform, protection, and Durban.

54.   Inclusive, equal, equality, peace, dignity, tolerance, equity, and fairness.

countries (Belgium, Palestine, Philippines, Sri Lanka, Iran, India, Lebanon, and Marshall Islands), most of them non-Western, and the speeches of Michelle Bachelet (OTH-1097) and Tendayi Achiume (OTH-1098) mention "colonialism" or "colonization." Therefore, there is an attempt to erase the colonial roots of racism, related to the denial of structural racism often perpetuated in Western societies. The same can be said of terms like "slavery" and "racial superiority."

Furthermore, the words "security" and "protection" do not appear as much as one would expect, given that one of the main reasons for these debates was the murder of George Floyd by the police. This indicates that there is no in-depth discussion about the security of the black population. Just a few countries have talked about implementing security measures. For example, the Philippines has a real-time monitoring program for its officers to analyze cases of police abuse and violence.

Finally, "equality" appears in several speeches, but this is not the same as "equity" (only mentioned by Bangladesh), which is the way to build a just society. It is necessary to adopt remedial measures to provide opportunities for black people to occupy spaces they were denied. Quoting the speech of Tendayi Achiume, "a reflective and reasoned discourse on the matter of reparations should form an essential part of the processes underway for finding solutions."

III. UN REPORT: AN EMERGING TRANSFORMATIVE POLITICS?

The UN report, published in June 2021, contributes to a longer, deeper, and more impactful discussion on systematic racism. It is worth noting that in the UN report the language shifts from what we saw in the UN member states' speeches: "African descent" appears frequently, in what seems to be a clearer focus on people who are victims of racism, and not racism as an abstract violence without victims. Also, unlike in the speeches, "colonialism" and "enslavement" appear prominently in the UN report.

It is possible to identify several individual thematic topics regarding the correlations between the categories. As one of the central categories, racism is related to "African descent" and "Africans," bringing to the center of the discussion people who are the targets of racism. However, instead of using the term "black people," the text makes this association based on local ancestry. While this is an important factor to be recognized, it creates a disconnection from the country of origin of the victims.

At the center of another topic, "colonialism" is linked to "enslavement," but there is no connection between "racism" and "colonialism." These words do not occur in the same context in the report presented by the United Nations. The absence of this connection is noteworthy since the discussion of racism permeates its colonial roots and the colonialist policies maintained in the present. Another interesting point, unlike in the UNHRC member states' speeches, in the UN report George Floyd's death is associated with "murder," so there is a change in the

language adopted in the report that does not try to soften what really happened to him.

The report also addresses an important issue: the criminalization of black bodies that leads to the persecution and assassination of thousands of black people. Citing an excerpt from the UN report: *"Systemic racism and enduring harmful and degrading associations of Blackness with criminality and delinquency also shape interactions of people of African descent with law enforcement officials and the criminal justice system."* Analyzing the graph, we see the correlation between criminalization and African descent, which in turn is associated with violation, leading to the category "law enforcement officials."

CONCLUSION

The way we talk about racism matters because it shapes our understanding of international law. Before a human rights body such as the UN Human Rights Council, bringing George Floyd to the United Nations was like putting a black body right at the center of the room: a massive and thus inescapable material body of structural racism made real in a clear-cut human rights violation caught on camera, and perpetuated in the Global North by a white member of an institution with colonial roots. This Article aimed to analyze this body through the lens of how states talk about it—that is, how they talk about the ways in which structural racism in international law underlies the debate on racially motivated police violence. While it is notable that, due to the pressure of organized movements, the UN Human Rights Council even addressed the issue, a closer look at the way through which state members conducted this conversation tells us about the coping mechanisms used in international law and international fora to deal with the uncomfortable materiality of the lynching in the present times of a black body in bright daylight.

Also, in assessing the conversation at the United Nations about Floyd's case and about racial violence by the police more generally, it is important to highlight that several issues are still waiting to be seriously considered by the international community: issues such as the normalization of police violence against black people, whose names often remain unspoken; the need to move beyond the technicalities of minimum standard of the use of force to start a conversation on why the police apply different rules of engagement in primarily black and poor areas; and the illegitimacy of a state's use and monopoly of violence against its own people in supposed times of peace.

Beyond erasure and a politics of performative coping mechanisms, there is room for a politics of transformation in international law. To go towards this direction, one must first move beyond a paradigm in which the struggle lies solely on securing the rights of non-white people internationally. Although the recognition

of rights is itself important, this Article reveals that to not be fooled by a performative talk about racism, one needs to move way beyond a left legalism, a term coined by Wendy Brown and Janet Halley to refer to "projects of the left that invoke the liberal state's promise to make justice happen by means of law." No one can be legally lynched as Floyd was. This is already legally guaranteed. The question is how one can change the social, political, legal, and economic conditions that render the right to not be executed or tortured less meaningful in the case of black folks.

Second, one must recognize the relationship between policing as an intrinsic exercise of the state's alleged monopoly of violence, and international law, also an expression of states' power. Why are racial constructions essential to policing as much as to international law? What are the ways through which one can dismantle the power of the state to exercise violence internally against black bodies as it pleases and the power of the same state to avoid criticism on the exercise of such violence in the international arena?

Third, one must stress the relationship between international law and racial capitalism. Floyd was accused of and lynched for allegedly committing a financial crime—using a fake bill. Breonna Taylor was murdered while sleeping in her home due to the permission given to the police to control territories and buildings in primarily black neighborhoods. How can one talk about racism at the international level, highlighting how capitalism creates spheres of "subaltern humanity"[55] despite international human rights law's promise of universal equality; how mass incarceration has created a state of carceral capitalism[56] where criminal law is weaponized to control the poor despite international human rights law's promise of freedom; and how economic relations of subordination can still exploit black bodies despite international human rights law's absolute prohibition of slavery?[57] These questions are only some of the issues that must be addressed if we are to move towards a politics of transformation. They were far from being addressed when the United Nations discussed George Floyd in June 2020.

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55.   ACHILLE MBEMBE, CRITIQUE OF BLACK REASON 4-5 (Laurent Dubois trans., 2017).

56.   *See generally* Jackie Wang, *Carceral Capitalism*, in SEMIOTEXT(E) / INTERVENTION SERIES (2018), https://mitpress.mit.edu/books/carceral-capitalism.

57.   *See generally* Michael Ralph & Maya Singhal, *Racial Capitalism*, 48 THEORY & SOC'Y 851 (2019).

ANNEX 1: THE RESULTS OF THE UN URGENT DEBATE

In this Annex, we will summarize the main findings from the discourse analysis of the 2020 UN Urgent Debate. While racism is the most used word (it appears 146 times), "systematic racism" is a term used less than half of the time (sixty-eight times). Furthermore, George Floyd was mentioned in only twenty-three of the fifty-two UN speeches analyzed, occurring thirty-one times.

Graph 1: frequency of keywords in the UHRC member states' speeches
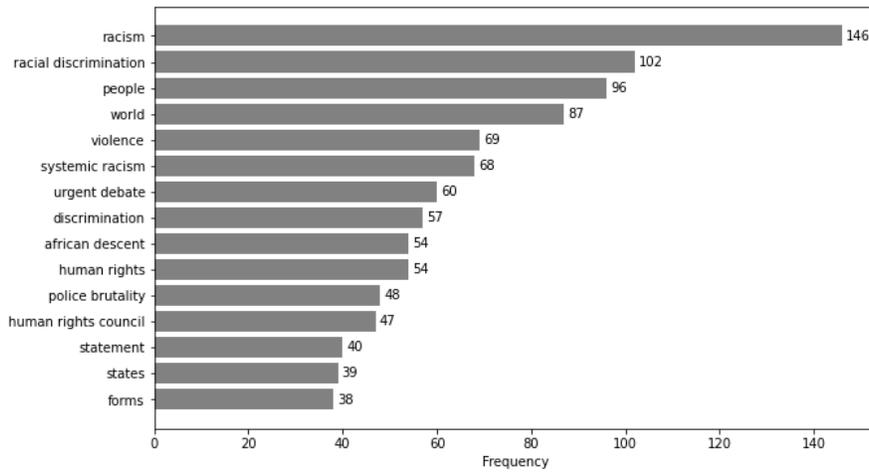
In terms of correlations between different discursive categories, the table below shows, in order of importance, which words tend to be used within the same context in the speeches delivered by the UNHRC member states.

Table 1: Associations of Categories in the UHRC Member States' Speeches

Categories	Associations
police	racism, protests, protestors, violence, current human rights violations, peaceful protests, death
racism	racial discrimination, violence, police brutality, urgent debate, xenophobia, world, current racially inspired human rights violations
impunity	George Floyd, world, people, United States, too many perpetrators, many parts, near possibility
discrimination	racism, xenophobia, forms, world, people, related intolerance, African descent
Floyd	United States, tragic death, killing, world, family, systemic racism, death

community	racial discrimination, racism, forms, world, xenophobia, violations, elimination
protest	violence, systemic racism, police brutality, current racially inspired human rights violations, urgent debate, people, world
states	racial discrimination, people, systemic racism, racism, African descent, law enforcement, human rights
violence	systemic racism, police brutality, current racially inspired human rights violations, urgent debate, peaceful protest, racial discrimination, racism
violation	violence, systemic racism, police brutality, urgent debate, peaceful protest, human rights, peaceful protests
right	racism, dignity, discrimination, states, world, people, protection
authority	human rights, council, many countries, states, steps, circumstances, role
Africa	other emerging nations, struggle, scourges, times, world conference, racism, Durban
body	council, United Nations, amnesty international, decisions, HRC member Armenia, such situations, due response
brutality	systemic racism, violence, urgent debate, current racially inspired human rights violations, peaceful protest, people, African descent
challenge	racism, view, racial discrimination, world, law enforcement injustice, republic, Korea
commitment	racial discrimination, racism, human rights, discrimination, human beings, equality, forms
crime	racism, xenophobia, discrimination, violence, related intolerance, resurgence, world
death	George Floyd, police, police custody, racism, family, officers, United States
democracy	rule, law, societies, United States, confidence, transparent justice system, issues
inequality	racism, people, international community, states, George Floyd, discrimination, world
injustice	people, African descent, discrimination, racism, violence, world, systemic racism
killing	George Floyd, United States, world, police, protests, police brutality, excessive use
measure	racial discrimination, racism, states, forms, order, human rights, violations
oppression	tribute, discrimination, injustice, brutal images, United States, other parts, world
people	African descent, world, racial discrimination, systemic racism, racism, United States, violence

policy	racial discrimination, racism, discrimination, states, practices, actions, action

To better visualize the several associations that can be drawn from the language used in the speeches, the graph below shows the most relevant associations between categories. The graph represents the association between only the most relevant categories, based on the co-occurrence of these categories within the text. The width of the connection lines indicates the degree of association between the categories.

Graph 2: Visualization of Associations Between Categories in the UHRC Member States' Speeches
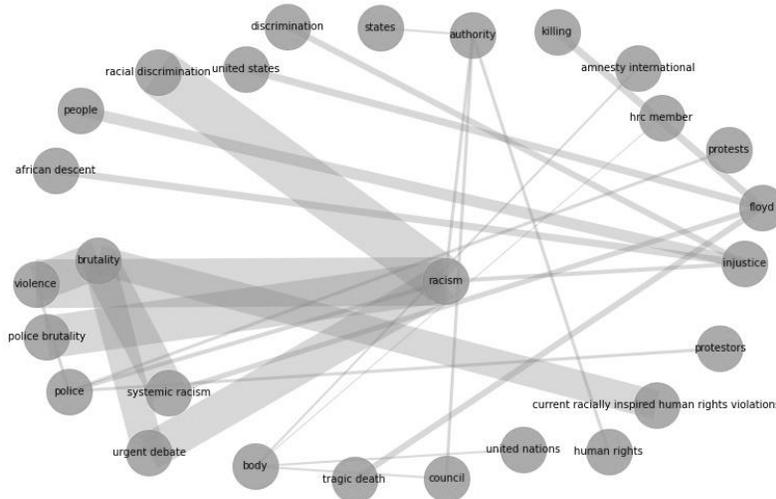
This graph shows that the *way of talking about racism in policing does not differ from state to another as much as one might think it would*.

Graph 3: Similarities in the UHRC Member States' Speeches
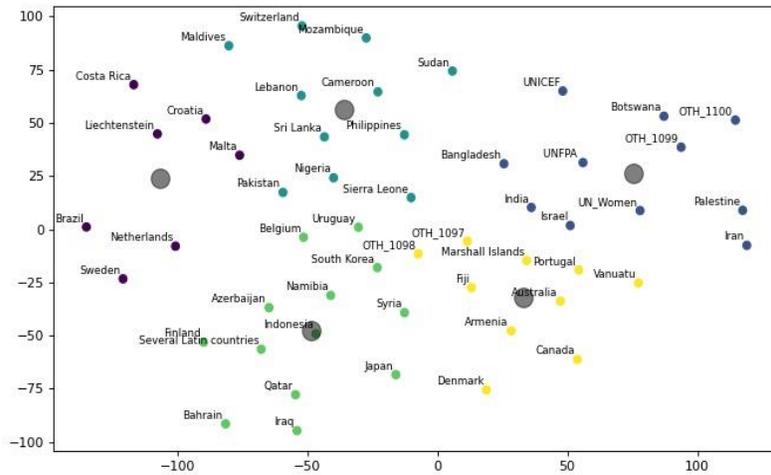
Table 2: Themes Across Speeches

Country	Roots of racism	Basic Rights	Ideal society
Armenia	No mention	education, healthcare, housing, employment	No mention
Australia	No mention	police reform	No mention
Azerbaijan	No mention	educational programs, Durban declaration, Durban review conference	equal opportunities, tolerance
Bahrain	No mention	protection	equal free rights, equality, dignity, tolerance

Bangladesh	apartheid	education	just and inclusive societies, dignity, equality, tolerance, equity
Belgium	Belgian colonization	education, housing, employment, Durban	fundamental equality
Botswana	No mention	fundamental human rights, protection, Durban declaration	dignity
Brazil	No mention	protection	equality
Cameroon	No mention	No mention	No mention
Canada	No mention	education, criminal justice, health	inclusive country, truly inclusive society, dignity
Costa Rica	No mention	unemployment rates	inclusive honest and self critical dialogue
Croatia	No mention	No mention	dignity, tolerance
Denmark	No mention	No mention	inclusive and tolerant societies
Fiji	No mention	No mention	substantive equality, equality
Finland	No mention	No mention	No mention
Pakistan	No mention	Durban declaration	No mention
Palestine	apartheid, slavery, colonialism	No mention	No mention
Philippines	colonialism	security authorities	zero tolerance policy
Portugal	No mention	No mention	better more equal world
Qatar	No mention	security, military and security institutes police institutes	equality, tolerance

| Several Latin countries	No mention	Durban declaration	inclusive dialogue, substantive equality, human dignity, equality
Sierra Leone	No mention	Durban declaration, Durban review conference	No mention
South Korea	No mention	Durban declaration	No mention
Sri Lanka	colonialism	Durban review conference	perceived equality, equality, equal opportunity
Sudan	No mention	security forces, Durban declaration, Durban program	dignity, tolerance
Sweden	No mention	No mention	No mention
Switzerland	No mention	security services, protection, fair and effective protection	equality
Syria	No mention	Durban declaration, Durban review conference outcome document	No mention
UNFPA	No mention	No mention	just peaceful and inclusive societies, equal society
UNICEF	No mention	protection	No mention
UN_Women	apartheid	No mention	No mention
Uruguay	slavery, racial superiority	protection	equality
Vanuatu	No mention	fundamental human rights	No mention
Indonesia	racial superiority ideologies	human rights education, security	dignity, tolerance, equality
Iran	slavery, colonial era, racial	No mention	inherent equality

	superiority, racial superiority mindset		
Iraq	No mention	Durban action program	humanitarian dignity
Israel	No mention	No mention	equality, tolerance
Japan	No mention	No mention	No mention
Lebanon	colonial policies	No mention	equality, tolerance
Liechtenstein	No mention	Durban declaration	No mention
Maldives	No mention	protection	equal human rights, equality, human dignity, tolerance
Marshall Islands	colonial past	No mention	No mention
Malta	No mention	economic and unemployment challenges	equality
Mozambique	No mention	No mention	inclusive fashion
Namibia	No mention	education, Durban declaration	dignity
Netherlands	No mention	No mention	No mention
Nigeria	racial superiority	protection, Durban declaration	inclusive societies, racial equality, equality, equal opportunities, dignity
OTH_1097	slavery, slave trade, colonialism	inadequate education, housing and mortgage loans, security forces, poor health care, Durban declaration	equality, full and equal rights, truly equal opportunities, dignity, fairness
OTH_1098	apartheid police, apartheid,	fundamental human rights	equal worth

	transatlantic enslavement, enslavement, enslaved Africans, slave patrols, transatlantic slavery, colonialism	protections, policing reform, global health pandemic, protection, real and meaningful protection, Durban	
OTH_1099	apartheid, transatlantic slave trade	unjustifiable housing and employment practises	equality, equal rights, dignity
India	apartheid, colonialism, imperalism	Durban review conference, Durban	equality, zero tolerance
OTH_1100	No mention	No mention	No mention

ANNEX 2: THE RESULTS ABOUT THE UN REPORT

Here, we will focus on a quantitative analysis of the text, following the same methodology adopted in the speeches of the UNHRC member states. In terms of frequency, Graph 4 shows a shift in the UN report in relation to the speeches of the countries in the urgent debate (Graph 1). First, "African descent" appears as the most frequent category, rather than racism and racial discrimination. This may indicate a focus on people who are victims of racism, rather than racism as an abstract concept. Second, the report provides a deeper discussion of the roots of racism, which is evident in the words "colonialism" and "enslavement" appearing among the most frequent.

Graph 4: Frequency of Keywords in the UN Report
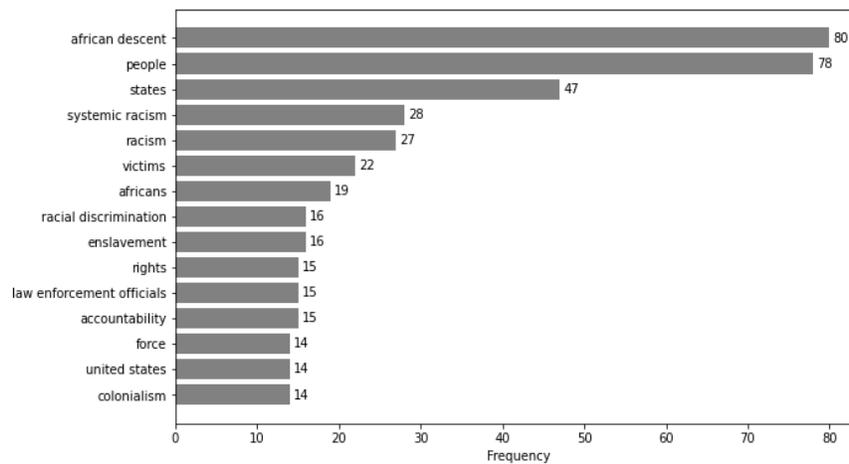
The graph on the following page shows a strong correlation between equality and racial justice, while inequality is connected to racial discrimination and African descent. Therefore, there is an association between inequality and racism and, in turn, the implementation of an anti-racist justice system presents itself as a way to create a more egalitarian society. The idea of the police as an example to be followed, also brought up in the graph, indicates that part of this transformation must take place in police approaches and in the retraining of officers so that they are allies in the fight against racism and not perpetuators, which is one of the objectives proposed in the UN report Agenda.

Graph 5: Visualization of Associations Between Categories in the UN Report

For a better visualization, we bring the word cloud of the categories contained in the UN report, in which larger words are the most frequent (Graph 6).

Graph 6: Word Cloud