

Building  
the biometric  
state:

Police powers  
and  
discrimination



1.

## Introduction 2

2.

## Biometric identification: a European priority 4

Asylum-seekers: the first target group 5

From asylum-seekers to citizens and residents 6

Onwards to interoperability 6

3.

## Funding for biometric technologies 10

Biometrics and security research 11

Advancing state and industrial interests 16

4.

## Police technology networks 20

5.

## Advanced technology, regressive practices 24

Ethnic profiling by police 25

Interoperability for identity checks 27

6.

## Conclusion 30

1.

# Introduction

The use by states of biometric technology for identifying individuals has proceeded apace over the last three decades. Initially reserved for use in fixed locations such as police stations, consulates (for example, for visa processing) or detention centres, it was subsequently extended to borders, with fingerprints and facial images now captured and verified at border crossing points in multiple countries around the globe. Some states have also sought to equip police officers and immigration officials with mobile biometric identification devices that make it possible to scan fingerprints or faces in the street to verify an individual's identity. Under the aegis of the EU's 'interoperability' initiative, which will interconnect a host of different personal data, these efforts at mobile biometric identification are due to expand significantly.

This report examines the development of laws, projects and policies designed to advance the development and deployment of biometric technologies for the purposes of individual identification in the European Union over the last two decades. Following the establishment of separate systems for the collection and storage of biometric data on different categories of foreign nationals – from asylum-seekers to visa-holders and others – that data is now being made 'interoperable' through consolidation in a single, overarching database. This will provide the technical foundation for policies aimed at stepping up identity checks, with the primary aims of combating identity fraud and increasing the number of deportations.

This poses significant risks for the rights of citizens and non-citizens alike. In a context of entrenched ethnic profiling by law enforcement officials, the provision of new technological means for carrying out identity checks is likely to exacerbate existing discriminatory practices. This calls for renewed efforts by campaigners, activists, lawyers and researchers to investigate, analyse and challenge both the development and acquisition of new policing technologies, and the laws and policies underpinning their use.

The first section of the report examines the gradual development of an overarching biometric identity system at EU level, starting from the establishment of Eurodac (a database for storing asylum-seekers' fingerprints) at the turn of the century, to the ongoing construction of the Common Identity Repository (CIR), which will integrate biometric and alphanumeric data from five different large-scale databases. It appears that national authorities have so far made little progress in acquiring the technology needed to conduct identity checks using the CIR, indicating the possibility for interventions to ensure that – at the very least – meaningful equality and data protection impact assessments are carried out prior to its introduction.

The following section examines how public funding from the EU's research and innovation programmes has contributed to the development of biometric identification technologies, in particular those that have later been incorporated into initiatives such as 'smart borders'. The EU has awarded some €290 million in public funding to the development of biometric technology since 1998. Over the last 15 years, propelled by the war on terror and the search for technological 'solutions' to issues such as crime, terrorism and irregular migration, the majority of this funding has gone towards research projects focusing on public security applications for biometrics. EU agencies such as Europol and Frontex are now being given roles in determining research priorities, with the aim of ensuring that the needs of police and border agencies are taken into account. In response, increased public and democratic scrutiny of the programme is required.

The report subsequently elucidates the secretive networks of policing and technology specialists that have sought to refine the policies and practices needed to put these technologies into use, before going on to examine the context into which those technologies are being deployed: one of long-standing ethnic profiling by law enforcement authorities. The introduction of new technologies into this context, with the explicit aim of easing identity checks, is likely to see an increasing number of unwarranted checks against ethnic minority citizens and non-citizens, given the way in which skin colour is all-too-often treated as a proxy for immigration status.

The report includes a number of case studies that seek to illustrate ways in which states have sought to collect and use biometric data in recent years, and to highlight some of the important challenges from civil society actors in response. There are a growing number of initiatives that seek to make connections between anti-racist campaigns, migrants' rights organisations and technology specialists. This will prove vital in the years to come as states increasingly seek to use new technologies to enforce divisive and exclusionary laws and policies.

In a world in which biometric identification systems are increasingly-present in technologically-advanced societies, it is no surprise that state authorities also seek to make use of them. The introduction of these schemes is generally justified on the grounds that they aid in regulating international mobility, fighting crime and terrorism, and combating 'illegal' immigration. This may, in part, be true – but they also grant the state historically unprecedented powers vis-à-vis the individual. In a context of systemic racism and discrimination and a continued drive by both national governments and EU institutions to identify increasing numbers of foreign nationals in order to deport and/or exclude them from their territory, the attempt to extend and entrench the deployment and use of biometric technologies must be interrogated and challenged, as part of the broader fight against state racism and ethnic profiling, and for racial equality and social justice.

2.

**Biometric  
identification:  
a European  
priority**

Although EU citizens are subject to certain biometric identity obligations, the principal targets of the EU’s biometric identity project so far have been foreign nationals. Biometric identity requirements were initially applied to asylum-seekers and individuals irregularly crossing the EU’s borders, but states expanded their use following the advent of the ‘war on terror’. Two decades later, almost every category of ‘third-country national’ seeking to enter or already present in the EU must have their biometric data captured and recorded in one or another large-scale database.

### Asylum-seekers: the first target group

In December 2000, legislation establishing the Eurodac database was adopted.<sup>1</sup> The system was primarily set up to hold the fingerprints of asylum applicants, although from the start it was also used to store the fingerprints of “aliens apprehended in connection with the irregular crossing of an external border.”<sup>2</sup> In 2020, national authorities transmitted almost 645,000 sets of fingerprints to the Eurodac Central System, some for long-term storage and some for comparison to data already held in the system.<sup>3</sup>

From 2015 onwards, with an increasing number of people arriving in the EU to seek asylum, the European Commission began providing additional funds so that ‘frontline’ states, in particular Greece and Italy, could purchase the equipment necessary to ensure biometric enrolment in Eurodac.<sup>4</sup> This was part of the “hotspot approach”, introduced in 2015 as an experimental method for addressing the ‘migration crisis’. The objectives of this included achieving a “100% fingerprinting rate” to feed the Eurodac database that Italy and Greece had, at the time, not been using systematically, with the aim

of halting so-called “secondary movements” to the EU’s northern member states. So far, it has not worked, and secondary movements remain high on the EU’s agenda – yet there was a high human cost. In the hotspots, human rights were subordinated to the registration of biometrics and control mechanisms in an uncompromising fashion.<sup>5</sup>

In 2016, the Commission published proposals to expand the system.<sup>6</sup> Under these plans, the age limit for data collection would be lowered from 14 to six years old and, alongside fingerprints, Eurodac would store biographic information and facial images – the latter to “prime the system for searches to be made with facial recognition software in the future,” according to the European Commission.<sup>7</sup> Data would also be stored, for five years, on “third-country nationals or stateless persons found illegally staying in a member state”. The aim is to transform Eurodac into a database “for wider migration purposes,”<sup>8</sup> with a key goal being to increase the number of deportations.<sup>9</sup>

1 Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of “Eurodac” for the comparison of fingerprints for the effective application of the Dublin Convention, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32000R2725>

2 Ibid.

3 eu-LISA, ‘Consolidated Annual Activity Report 2020’, <https://www.eulisa.europa.eu/Publications/Corporate/eu-LISA%20Annual%20Activity%20Report%202020.pdf>. The data does not state how many sets of fingerprints are stored in the Central System.

4 European Commission, ‘EU Financial Support to Greece’, 26 January 2017, [https://ec.europa.eu/home-affairs/system/files/2017-02/20170126\\_fact-sheet\\_managing\\_refugee\\_crisis\\_eu\\_financial\\_support\\_greece\\_-\\_update\\_en.pdf](https://ec.europa.eu/home-affairs/system/files/2017-02/20170126_fact-sheet_managing_refugee_crisis_eu_financial_support_greece_-_update_en.pdf), European Commission, ‘EU Financial Support to Italy’, May 2021, [https://ec.europa.eu/home-affairs/system/files/2021-05/202105\\_managing-migration-eu-financial-support-to-italy\\_en.pdf](https://ec.europa.eu/home-affairs/system/files/2021-05/202105_managing-migration-eu-financial-support-to-italy_en.pdf)

5 See the section ‘Ill-treated and arbitrarily detained for a fingerprint’ in ‘Hotspot Italy: How EU’s flagship approach leads to violations of refugee and migrant rights’, *Amnesty International*, 2016, <https://www.statewatch.org/media/documents/news/2016/nov/ai-hotspot-italy.pdf>

6 European Commission, Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the establishment of ‘Eurodac’, COM(2016) 272 final, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52016PC0272>

7 Ibid.

8 Ibid.

9 ‘Deportation Union’, *Statewatch*, August 2020, <https://www.statewatch.org/deportation-union-rights-accountability-and-the-eu-s-push-to-increase-forced-removals/deportations-at-the-heart-of-eu-migration-policy/databases-for-deportations/>

Year	Initiative
2000	Adoption of Eurodac legislation requiring biometric registration of asylum-seekers
2004	Legislation introducing biometric passports for EU citizens approved; nationals of countries that do not require a visa to enter the EU must also have a biometric passport meeting the same standards
2006	Second-generation Schengen Information System introduces biometric alerts on refusal of entry or stay in the Schengen area
2008	Legislation on biometric residence permits for foreign nationals approved
2008	Legislation on biometric visa applications approved
2017	Legislation on Entry/Exit System, a biometric border crossing registration database, approved
2018	New Schengen Information System legislation mandates the inclusion of deportation orders in the database, which may include fingerprints and photographs
2019	‘Interoperability’ legislation approved

**Table 1:** Timeline of EU biometric identification legislation

Less than a year after the original Eurodac legislation was adopted, the EU approved new security standards for residence permits<sup>10</sup> and visas,<sup>11</sup> with the aim of preventing identity and document fraud. However, by this point the political context had shifted significantly, following the 11 September 2001 attacks in the USA and the advent of the ‘war on terror’. The 2004 standards only included ‘traditional’ security features – watermarks, holograms and so on – and governments “made it clear that they [were] in favour of including biometric identifiers in the visa and the residence permit for third country nationals in order to establish a more reliable link between holder, passport and visa.”<sup>12</sup>

The Commission responded with a plan that also covered EU citizens’ passports: on the one hand, to meet US requirements for “biometric elements in passports of citizens of countries granted a visa waiver as from 26 October 2004,” and on the other to meet the joint US-EU goal of “world-wide interoperability” in the use of biometrics “to combat terrorism and illegal immigration.”<sup>13</sup> At the same time, the EU funded a research project aimed at supporting “the consistent implementation of next generation European digital passport.”<sup>14</sup>

Legislation requiring the addition of biometrics to EU citizens’ passports (a photograph and two fingerprints) was approved in 2004;<sup>15</sup> to residence permits (two fingerprints and a photograph) in April 2008,<sup>16</sup> and to short-stay visas (ten fingerprints and a photograph) in July 2008.<sup>17</sup> By the end of 2019 the Visa Information System, a database containing data on short-stay Schengen visa applications, was able to hold up to 100 million visa files, although the actual number held in the system is not published.<sup>18</sup> At the same time, almost 20 million valid residence permits were in circulation. Data on the number of EU member state biometric passports in circulation is not available.

The push for the biometric registration of foreign nationals did not end there. In 2006, legislation upgrading the Schengen Information System (SIS) was approved. This ensured that alerts in the database “issued in respect of third-country nationals for the purpose of refusing entry and stay” could contain both fingerprints and photographs, alongside a wealth of other information.<sup>19</sup> In 2018 the system was further extended, and member states are now obliged to add removal (i.e. deportation) orders to the database. As with alerts on refusal of entry or stay, these may contain fingerprints and photographs, alongside other personal data.<sup>20</sup>

Following the 2006 upgrade of the SIS, politicians, officials and industry representatives began extolling the virtue of “smart borders”. In 2008, the European Commission published proposals aimed at digitising EU border controls. These were subsequently withdrawn, before being updated and re-introduced in 2013. Amongst them was a proposal for an Entry/Exit System (EES), for which legislation was approved in 2017.<sup>21</sup> The EES will be used to capture a photograph, four fingerprints and other data from foreign nationals who do not require a visa to enter the EU, with the aim of automatically generating lists of those who stay longer than permitted. This is intended to better assist the authorities in tracking down and expelling ‘overstayers’.

By the mid-2010s the EU was either operating, or had mandated the construction of, an array of databases containing biometric data that could be used to verify the identity of foreign nationals in a wide range of different administrative situations – from asylum-seekers to foreign residents, visa-holders and migrants from non-visa obliged states. Nevertheless, officials had a more ambitious plan in the works – to transform the data ‘siloes’ holding this information into an interconnected system, under the moniker of ‘interoperability’.

Announcing the legal proposals in December 2017, the European Commission said:

*“Over the past three years, threats to internal security have evolved and are still very much in evidence, as demonstrated by the series of terrorist attacks in several Member States and the increase in irregular crossings of the EU’s external borders. These challenges have brought into sharper focus the urgent need to strengthen the EU’s information tools for security, border and migration management.”<sup>22</sup>*

Statewatch Director Emeritus, Tony Bunyan, highlighted the problem with this justification in 2018:

*“The Commission’s proposal for interoperable centralised EU databases is justified on the threat posed to internal security by migration and terrorism. This conflation of threats based on fear of the “other” is a classic case of institutionalised state racism.”<sup>23</sup>*

10 Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32002R1030>

11 Council Regulation (EC) No 334/2002 of 18 February 2002 amending Regulation (EC) No 1683/95 laying down a uniform format for visas, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32002R0334>

12 European Commission, ‘Proposal for a COUNCIL REGULATION amending Regulation (EC) 1683/95 laying down a uniform format for visas’, 24 September 2003, <https://www.statewatch.org/media/documents/news/2003/sep/combiometrics.pdf>

13 US Embassy Brussels, ‘BIOMETRICS: EU ON PARALLEL TRACK WITH U.S.AND MOVING FORWARD’, 10 November 2004, [https://search.wikileaks.org/plusd/cables/04BRUSSELS4844\\_a.html](https://search.wikileaks.org/plusd/cables/04BRUSSELS4844_a.html)

14 <https://cordis.europa.eu/project/id/507974>

15 Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32004R2252>

16 Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals, <https://eur-lex.europa.eu/legal-content/EN/TX-T/?uri=celex:32008R0380>

17 Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on

short-stay visas (VIS Regulation), <https://eur-lex.europa.eu/legal-content/EN/TX-T/?uri=CELEX:32008R0767>

18 eu-Lisa, ‘Report on the technical functioning of the Visa Information System’, August 2020, <https://www.eulisa.europa.eu/Publications/Reports/2019%20VIS%20Report.pdf>

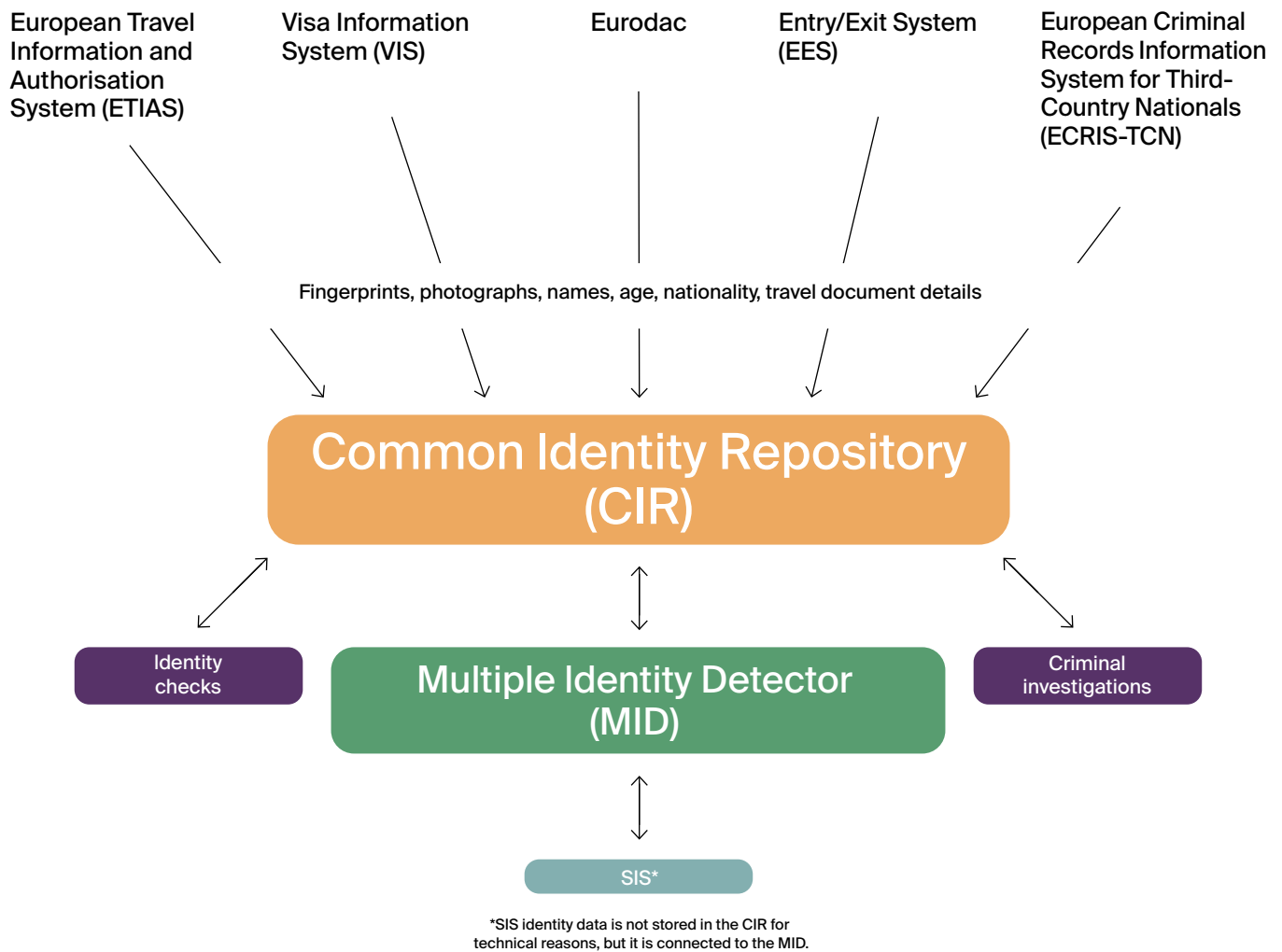
19 Chapter IV, Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II), <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32006R1987#d1e1242-4-1>

20 Article 4, ‘Categories of data’, Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32018R1860#d1e783-1-1>

21 Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32017R2226>

22 European Commission, ‘Frequently asked questions - Interoperability of EU information systems for security, border and migration management’, 12 December 2017, [https://ec.europa.eu/commission/presscorner/detail/de/MEMO\\_17\\_5241](https://ec.europa.eu/commission/presscorner/detail/de/MEMO_17_5241)

23 Tony Bunyan, “The point of no return”, July 2018, p.14, <https://www.statewatch.org/media/documents/analyses/no-332-eu-interop-morphs-into-central-database-revised.pdf>



**Figure 1:** Access to and interactions between interoperable databases

The fact that terrorism and migration have little, if anything at all, to do with one another, has not deterred the proponents of interoperability from pressing ahead. Nor is there any demonstration that foreign nationals pose more of a security threat than EU citizens, raising the question of whether the push for ‘interoperability’ is taking place because it is objectively necessary, or simply because it is now technically possible.

The initial push for the plan came from Germany, where the authorities established a Central Register on Foreigners (*Ausländerzentralregister*) following the ‘migration crisis’ of 2015. It stores wide ranging information and access is expanding to an ever longer list of authorities. The EU’s plan involves centralising “identity data” – photos, fingerprints, names, nationalities and information on travel documents – taken from five different large-scale EU databases.<sup>24</sup> This data is to be placed in a system called the Common Identity Repository (CIR), able to hold up to 300 million records.<sup>25</sup> It is formally due to come into use next year, although the ambitious project has been beset by delays.<sup>26,27</sup> (See Figure 1)

One aim of this initiative is to facilitate identity checks by law enforcement authorities, as part of a drive to tackle identity fraud and to increase the number of deportations.<sup>28</sup> Access to the system will be permitted under Article 20 of the interoperability rules, which allows for searches by “a police

authority” using “the biometric data of that person taken live during an identity check, provided that the procedure was initiated in the presence of that person.”<sup>29</sup> The CIR will also be connected to an automated Multiple-Identity Detector, which will run cross-checks looking for matching data any time a new file is created in an EU database.

24 Eurodac, the Entry/Exit System, the European Criminal Records Information System for Third-Country Nationals, the European Travel Information and Authorisation System and the Visa Information System.

25 Daniel Trilling, ‘Scaled up surveillance: the EU builds a massive biometric database’, Coda, 9 June 2020, <https://www.codastory.com/authoritarian-tech/eu-border-patrol-technology/>

26 ‘EU: States slow to introduce legal changes easing biometric identity checks by police’, *Statewatch*, 18 June 2021, <https://www.statewatch.org/news/2021/june/eu-states-slow-to-introduce-legal-changes-easing-biometric-identity-checks-by-police/>

27 Regulation (EU) 2019/818 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of police and judicial cooperation, asylum and migration, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32019R0818#d1e197-85-1>

[eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32019R0818](https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32019R0818); Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019 on establishing a framework for interoperability between EU information systems in the field of borders and visa, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32019R0817>

28 Council of the EU, ‘Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area: – State of play of its implementation’, 8 November 2016, <https://www.statewatch.org/media/documents/news/2016/dec/eu-council-info-exchang-interop-sop-13554-REV-1-16.pdf>

29 Article 20, ‘Access to the common identity repository for identification’, Regulation 2019/818, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:32019R0818#d1e197-85-1>



The CIR will be accessible via fixed access points at border crossings, police stations and consulates, amongst other places, but the intention is also for officials to make use of the system via mobile biometric identification technologies. These are typically handheld devices that can capture biometric data from an individual (typically, their fingerprint or face, although other means of biometric identification exist) and automatically compare it against a database or watchlist.

There is a substantial market for these devices, with companies large and small<sup>30</sup> keen to provide state authorities with the latest tools for individual identification. “More than 20 countries in Europe” use hardware produced by Germany company DERMALOG, “for government applications such as National Registration, Border Control and Refugee Registration.”<sup>31</sup> Thales boasts of “more than 200 biometric deployments in 80 countries, leveraging strong biometric authentication and identification worldwide for customers at all government levels.”<sup>32</sup> NEC claims to be “the world’s leading supplier of fingerprint biometrics for both law enforcement and identity management applications,” having spent “about half a century in developing the most efficient and accurate fingerprint identification technology.”<sup>33</sup>

Nevertheless, the acquisition and use of mobile biometric technologies is considered by the European Commission to be one of the more difficult aspects of the interoperability project: “The expected complexity lies with the Member States needing to purchase and customise handheld biometric terminals and connect them to their national police systems,”<sup>34</sup> a process that requires substantial organisational and procedural changes (see section Police technology networks of this report). Legal changes may also be required, in order to adapt national law with the requirements of Article 20, although as of summer last year only 13 of the states participating in the interoperability initiative (less than half of the total) had finished assessing whether any changes were necessary.<sup>35</sup>

As for acquiring the technology needed to step up biometric identity checks, the situation differs widely from one state to another. Freedom of information requests filed by *Statewatch* for this report sought to establish the state of play in France, Italy and Spain, but they remained unanswered by the time of publication. Among civil society experts and researchers questioned by *Statewatch*, there was limited knowledge of current plans, specifically with regard to the implementation of the interoperability initiative.<sup>36</sup>

Despite the lack of comprehensive and accessible public information on implementation, records indicate that states are taking steps in this direction. In 2019 the French police were granted the power to check, “on the basis of the fingerprints of a foreigner without a document, whether or not he or she has a permit registered in AGDREF [the file of foreign nationals present in France].”<sup>37</sup> The administration has spent €7.5 million on equipment for the AGDREF database and various types of fingerprint readers since 2017,<sup>38</sup> and in February last year, the interior ministry published a call for information seeking an “AI-based solution” allowing the cross-matching of identity across multiple databases on the basis of a fingerprint. It also sought “biometric sensor solutions” that would allow the authorities to “meet new needs,” including “mobile fingerprint capture... preferably via a smartphone/tablet... or even more preferably from the camera of a smartphone/tablet.”<sup>39</sup>

This is already happening in Germany: in Hamburg, a mobile app lets police scan fingerprints using a smartphone.<sup>40</sup> The Dutch police, meanwhile, appear to be pioneers in this field. In 2011, the authorities began providing mobile fingerprint scanning technology to the police, a move “primarily intended for more intensive checks on illegal aliens,” according to the newspaper *Trouw*.<sup>41</sup> An EU-funded programme in Greece seeks to equip hundreds of officers with handheld fingerprint and facial scanners with the aim of targeting irregular migrants.<sup>42</sup>

In 2014, the Spanish authorities used over €300,000 from the EU’s Internal Security Fund to equip officers of the *Guardia Civil* with “portable data terminals, with which the databases can be accessed remotely and in real time,” to be deployed “in areas of a high risk of irregular immigration.”<sup>43</sup> The Danish<sup>44</sup> and Swedish<sup>45</sup> authorities have also used the Internal Security Fund to purchase mobile identification devices to aid in the implementation of the Entry/Exit System, while the Romanian authorities have purchased “mobile control devices” to ease access to the Schengen Information System.<sup>46</sup>

30 Alongside DERMALOG, Thales and NEC there are, amongst others, Bayometric, <https://www.bayometric.com/>; M2Sys, <https://www.m2sys.com/>; Idemia, <https://www.idemia.com/morphoident>; HID Global, <https://www.hidglobal.com/crossmatch>; and Coppernic, <https://www.coppernic.fr/en>.

31 ‘DERMALOG Fingerprint Scanners’, DERMALOG, undated, <https://www.dermalog.com/products/hardware/fingerprint-scanners>

32 ‘Biometrics’, Thales, undated, <https://www.thalesgroup.com/en/markets/digital-identity-and-security/government/biometrics>

33 ‘Fingerprint Identification’, NEC, undated, <https://www.nec.com/en/global/solutions/biometrics/fingerprint/index.html>

34 European Commission, ‘Impact assessment’, SWD(2017) 473 final Part 2/2, p.51, <https://www.statewatch.org/media/documents/news/2018/jan/eu-com-in-teroperability-swd-473-pt-2-17.pdf>

35 ‘EU: States slow to introduce legal changes easing biometric identity checks by police’, *Statewatch*, 18 June 2021, <https://www.statewatch.org/news/2021/june/eu-states-slow-to-introduce-legal-changes-easing-biometric-identity-checks-by-police/>

36 Workshops, ‘State databases, biometrics, policing and migration control’, *Statewatch*, 7 and 14 October 2021, <https://www.statewatch.org/projects/biometric-europe-civil-society-workshops/>

37 ‘Interconnectivité des données biométriques entre les services de police’, written question of 6 July 2017 and response of 28 March 2019, *Senat*, <https://www.senat.fr/questions/base/2017/qSEQ170700052.html>

38 ‘Capteurs biométriques de lecteurs de documents d’identité et de voyage’, TED, 10 April 2019, <https://ted.europa.eu/udl?uri=TED:NOTICE:170278-2019:TEXT:EN:HTML&src=0>; ‘Fourniture de capteurs d’empreintes digitales et de lecteurs de cartes et prestation associée’, TED, 26 September 2017, <https://ted.europa.eu/udl?uri=TED:NOTICE:380656-2017:TEXT:EN:HTML&src=0>; ‘Fourniture de capteurs d’empreintes digitales et de lecteurs de cartes et prestation associée’, TED, 7 June 2017, <https://ted.europa.eu/udl?uri=TED:NOTICE:219264-2017:TEXT:EN:HTML&src=0>

39 ‘Solutions de capteurs biométriques’, TED, 26 February 2021, <https://ted.europa.eu/udl?uri=TED:NOTICE:106736-2021:TEXT:EN:HTML&src=0>

40 Franziska Rau, ‘Polizei Hamburg scannt Fingerabdrücke jetzt auch per Handy’, *Netzpolitik*, 5 November 2021, <https://netzpolitik.org/2021/mobipol-polizei-hamburg-scannt-fingerabdrucke-jetzt-auch-per-handy/>

41 ‘Politie neemt vingerafdruk af op straat’, *Trouw*, 20 July 2011, <https://www.trouw.nl/nieuws/politie-neemt-vingerafdruk-af-op-straat--bee8d48a/>

42 ‘Greece: New Biometrics Policing Program Undermines Rights’, *Human Rights Watch*, 18 January 2022, <https://www.hrw.org/news/2022/01/18/greece-new-biometrics-policing-program-undermines-rights>

43 ‘Adquisición de equipamiento ámbito del programa de movilidad en lucha inmigración ilegal’, *Open Security Data Europe*, <https://opensecuritydata.eu/projects/Acquisition-of-equipment-within-the-scope-of-the-mobility-program-in-the-fight-against-illegal-immig--106>

44 ‘Acquisition of hardware/equipment for implementation of the regulation for a entry and exit system (ESS) in the police’, *Open Security Data Europe*, [https://opensecuritydata.eu/projects/Acquisition-of-hardware-equipment-for-implementation-of-the-regulation-for-a-entry-and-exit-system-\(E--119](https://opensecuritydata.eu/projects/Acquisition-of-hardware-equipment-for-implementation-of-the-regulation-for-a-entry-and-exit-system-(E--119)

45 ‘Upphandling av mobil fingeravtrycks läsare för gränskontroll’, *Open Security Data Europe*, <https://opensecuritydata.eu/projects/Procurement-of-mobile-fingerprint-reader-for-border-control>

46 ‘Modernizare SIS recast PFR’, *Open Security Data Europe*, <https://opensecuritydata.eu/projects/Modernization-of-SIS-recast-PFR>

There thus appears to be a patchwork of different national initiatives on mobile identification, some of which are related to the implementation and use of EU databases, and others which are not. Once mobile biometric identification devices are in use, however, they can then be connected to further systems and data sources. There are undoubtedly further projects and deployments beyond those uncovered during the research for this report; and there will likely be many more to come as the implementation of the interoperability initiative, and national plans seeking to increase mobile biometric controls, continue. There is a need for increased investigation into and scrutiny of these projects, to ensure that – at the very least – the authorities meet their obligations to carry out meaningful equality and data protection impact assessments, and put adequate safeguards in place around identity checks by police and immigration authorities.

### Asylum-seekers: test subjects for ‘interoperability’

The Spanish state has substantially developed its biometric systems in recent years. Upon arrival at Spain’s borders, people claiming asylum have their information recorded in an “integral system for the management of applications under international protection,” or SIGESPI. This is managed by the company GMV.<sup>47</sup> Ironically, the company is also responsible for management of the European Border Surveillance System, EUROSUR,<sup>48</sup> designed in part to try to keep asylum-seekers away from EU territory.<sup>49</sup>

Demonstrating the trend towards ‘interoperability’ at national level, the system is connected to a multitude of other databases including police, criminal records, civil registration and visa systems, for the purpose of conducting background checks on asylum-seekers. Human rights organisation *Novact* have noted that “the centralisation and interoperability between databases poses grave risks for people’s privacy.”<sup>50</sup> Whether at local, national, regional or international level, the more data that is interconnected and the greater the number of access points, the more likely it is that data will be accessed and used illegally, particularly if the data protection authorities responsible for supervision and inspection do not have the resources needed to carry out their tasks.

Indeed, Spain’s *gendarmerie* force, the *Guardia Civil*, were systematically (and illegally) accessing SIGESPI between 2013 and 2014 for the purpose of criminal investigations, logging some 1.5 million searches in that period. The practice was denounced in 2015 by the *Policía Nacional*, who control the system.<sup>51</sup> Granting police forces access to systems holding data on asylum-seekers and other foreign nationals for the purpose of criminal investigations is now standard practice at EU level, following the adoption of controversial changes to Eurodac in 2013.<sup>52</sup> In practice, this has the effect of criminalising these groups: if similar databases storing information gathered from citizens do not exist, there is no way they can be subject to the same level of police scrutiny.

Furthermore, the growing number of authorities granted access to both national and EU systems increases the possibilities for illegal access to data, whether on an individual or institutional level. While legislation generally contains safeguards requiring controls on and the logging of access to data, ensuring compliance implies a substantially increased workload for national data protection authorities, many of whom are already short on resources and personnel. The legal and practical complexity of interoperable systems further compounds the problem.

47 ‘Vulneraciones de derechos humanos en las deportaciones’, *Iridial Novact*. 2020, p.118, <https://novact.org/wp-content/uploads/2020/10/Deportaciones2.pdf>

48 Poland-Warsaw: Single Framework Contract for the provision of ICT products and services for Eurosur, <https://ted.europa.eu/udl?uri=TED:NOTICE:391665-2018:TEXT:HTML&src=0>

49 Charles Heller and Chris Jones, ‘Eurosur: saving lives or reinforcing deadly borders?’, *Statewatch*, 1 February 2014, <https://www.statewatch.org/statewatch-database/eurosur-saving-lives-or-reinforcing-deadly-borders-by-charles-heller-and-chris-jones/>

50 ‘Vulneraciones de derechos humanos en las deportaciones’, *Iridial Novact*. 2020, p.118, <https://novact.org/wp-content/uploads/2020/10/Deportaciones2.pdf>

51 Luíís Durán, ‘Guerra de agentes por un millón de datos’, *El Mundo*, 22 June 2015, <https://www.elmundo.es/espana/2015/06/22/5585b6a-fe2704ef8328b4575.html>

52 ‘Common European Asylum System: Council adopts the Eurodac regulation’, *Statewatch*, 21 June 2013, <https://www.statewatch.org/news/2013/june/eu-eurodac-council-of-the-european-union-common-european-asylum-system-council-adopts-the-eurodac-regulation/>

3.

# Funding for biometric technologies

The EU is one of the largest providers of public funding for “research and innovation” in the world, and substantial amounts of money have gone into developing the technologies needed to implement its biometric identity programme. The current EU research programme, Horizon Europe, runs from 2021 until 2027 and has a total budget of some €95 billion.<sup>53</sup> This will provide funding for projects and activities on medical research, the environment, climate change and transport, amongst other things. One segment of the programme, worth €1.6 billion, is directed towards security, under the heading ‘Civil Security for Society’.

### Biometrics and security research

The Civil Security for Society theme is the latest iteration of the long-standing European security research programme, which has been in place since 2004 and was formally integrated into the broader research agenda from 2007 onwards. It is geared towards developing new technologies and techniques for dealing with issues such as crime, terrorism, border control, disaster management and response, and cybersecurity. It primarily does so by funding the activities of consortia – made up of private companies, public bodies, research institutes or higher education institutions – that are formed to carry out particular research projects.

Under the security heading these have looked at, for example, the development of new video surveillance techniques,<sup>54</sup> networks of different sensors that can be mounted on drones and used for border control,<sup>55</sup> or communications tools for emergency services.<sup>56</sup> National authorities often also have their own security research programmes – for example, the German government has funded research aiming to develop “a technical solution that enables identity authentication for mobile use by police and relevant authorities.”<sup>57</sup>

Biometric technology has long been a focal point of the security research programme, although EU research funding

for biometrics goes back some way further. During the late 1990s and early 2000s, biometrics funding largely came from the IT theme of the fifth and sixth research framework programmes (1998-2002 and 2002-2006, respectively) and was directed towards potential commercial or healthcare applications.

From 2007 onwards, however, the security theme became by far the most significant source of such funding, and the number of projects funded skyrocketed – a clear demonstration of the central role granted to biometric identity in the EU’s security agenda. In total, the EU has awarded over €290 million in public funding to biometric research and development projects since 1998, with almost 40% of those projects primarily concerned with issues of ‘public security’ – law enforcement, border control and other such topics.<sup>58</sup> Projects have examined generic uses of the technology (for example, “innovative technology to take fingerprint images” or systems for testing and certifying different biometric systems) as well as applied uses of biometrics, in particular in the field of border control.

Of the 27 biometric research projects funded between 2007 and 2013, 11 (41%) were part of the security research programme. The proportion grew under Horizon 2020, in which 27 of the 57 biometrics research projects (47%) came under the security banner (see Chart 3). Security-focused projects also received more funding than those researching ways to deploy biometrics in other fields: during FP7, security projects received 62% of the funds directed towards biometrics, an amount that decreased to 60% in Horizon 2020, as shown in Table 2.

53 European Commission, ‘What is Horizon Europe?’, [https://ec.europa.eu/info/research-and-innovation/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe\\_en](https://ec.europa.eu/info/research-and-innovation/funding/funding-opportunities/funding-programmes-and-open-calls/horizon-europe_en)

54 ‘P-REACT’, *CORDIS*, <https://cordis.europa.eu/project/id/607881>

55 ‘High-tech sensors to streamline EU border surveillance’, *CORDIS*, <https://cordis.europa.eu/article/id/175094-hightech-sensors-to-streamline-eu-border-surveillance>

56 ‘Towards next-generation emergency communication networks’, *CORDIS*, <https://cordis.europa.eu/article/id/147267-towards-nextgeneration-emergency-communication-networks>

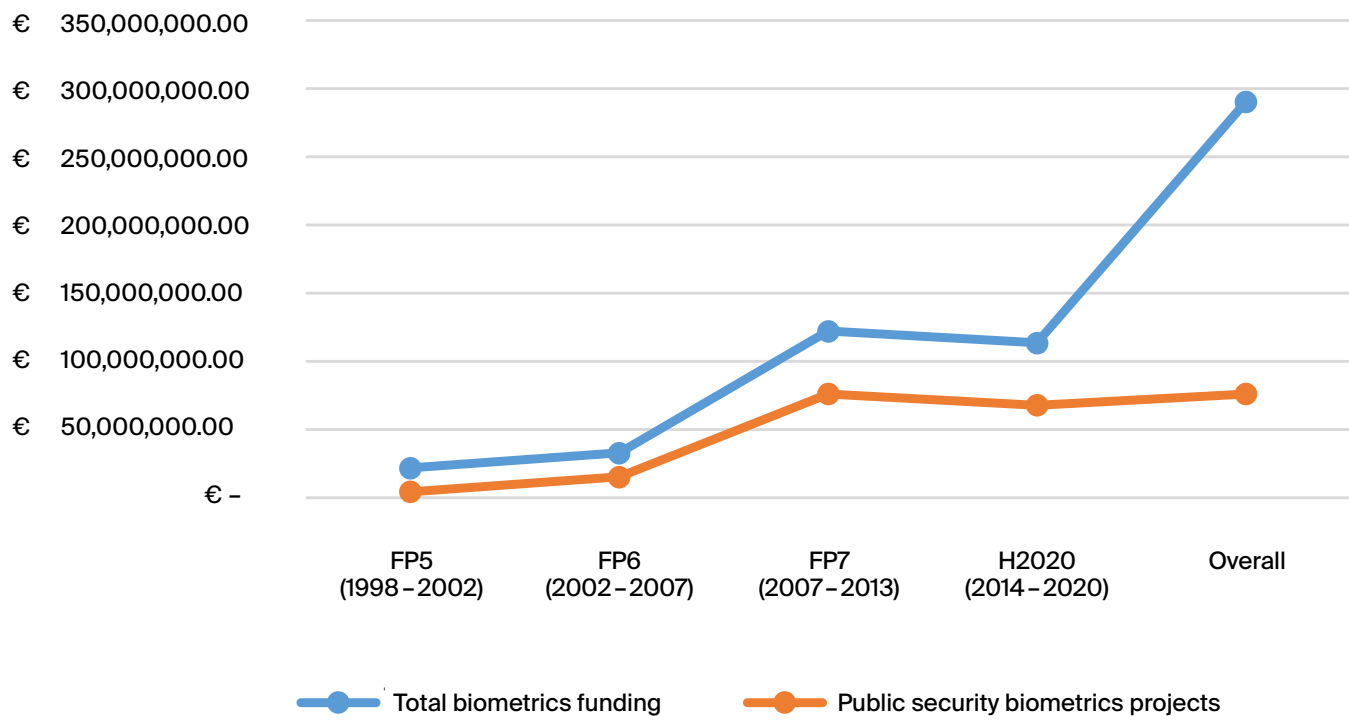
57 ‘Mobile Contactless Identity Verification in the Application Field of Migration’, *MEDIAN*, <https://blog.hwr-berlin.de/MEDIAN/en/about-median/>

58 All the figures provided in this section are based on an analysis of *CORDIS* data available on the EU’s Open Data Portal, <https://data.europa.eu/euodp/en/data/>

	Total biometrics funding	Total no. of projects	Security biometrics funding	No. of security projects	Security spending, % of total
Horizon 2020 (2014-20)	€113,547,610	57	€67,810,015	27	60%
FP7 (2007-13)	€122,127,732	27	€76,108,539	11	62%
FP6 (2002-06)	€32,843,791	13	€15,249,995	4	46%
FP5 (1998-2002)	€21,828,594	16	€4,295,966	4	20%
<b>Total</b>	<b>€290,347,73</b>	<b>113</b>	<b>€163,464,515</b>	<b>46</b>	<b>56%</b>

**Table 2:** Biometric funding in EU research programmes, 1998-2020

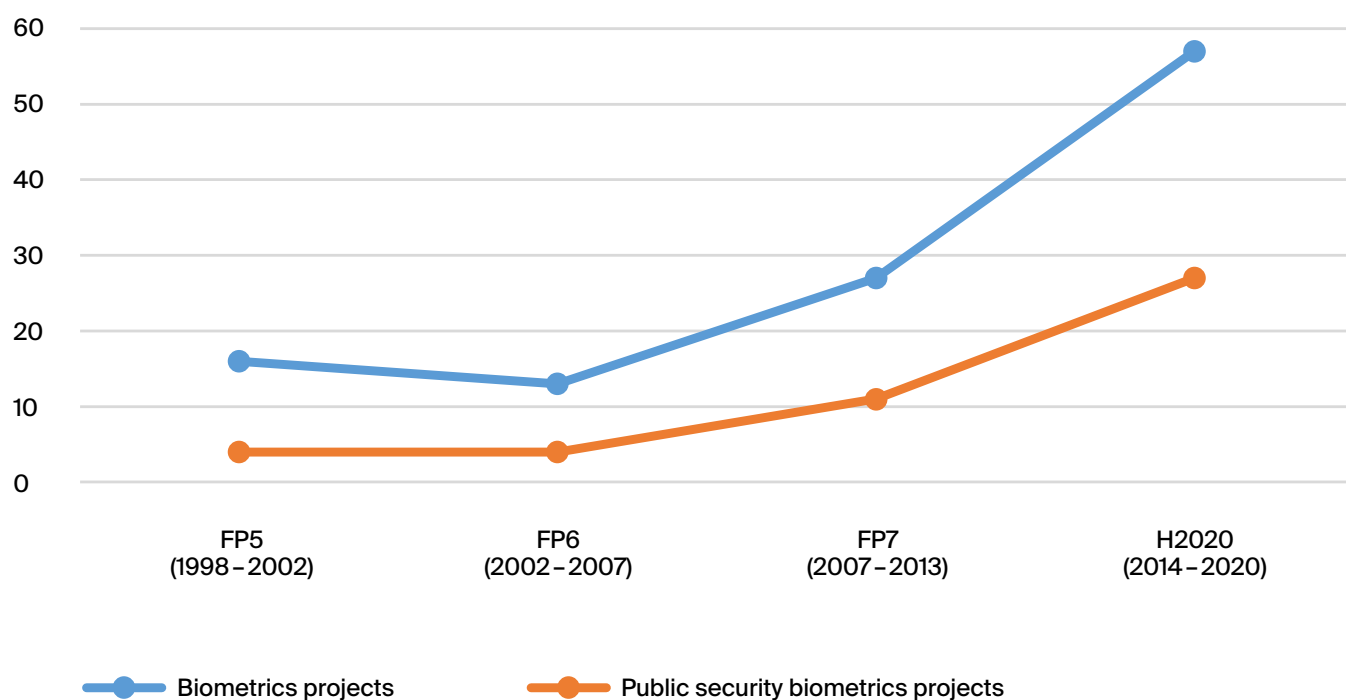
## EU funding for biometric research, 1998 – 2020



**Chart 1: EU funding for biometric research, 1998-2020.**

This chart shows the amount of research funding dedicated to biometric research overall, and the amount dedicated to public security research projects.

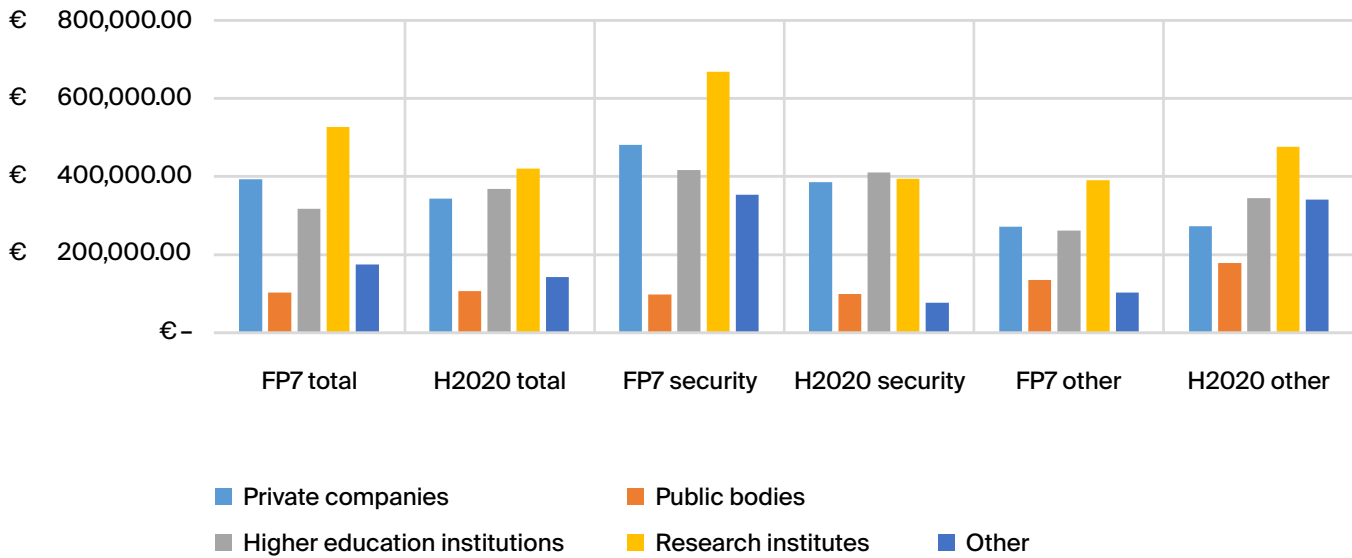
## Number of EU-funded biometric research projects, 1998 – 2020



**Chart 2: Number of EU-funded biometric research projects, 1998-2020.**

This chart shows the number of projects dedicated to research on biometrics overall, and the number of projects related to public security.

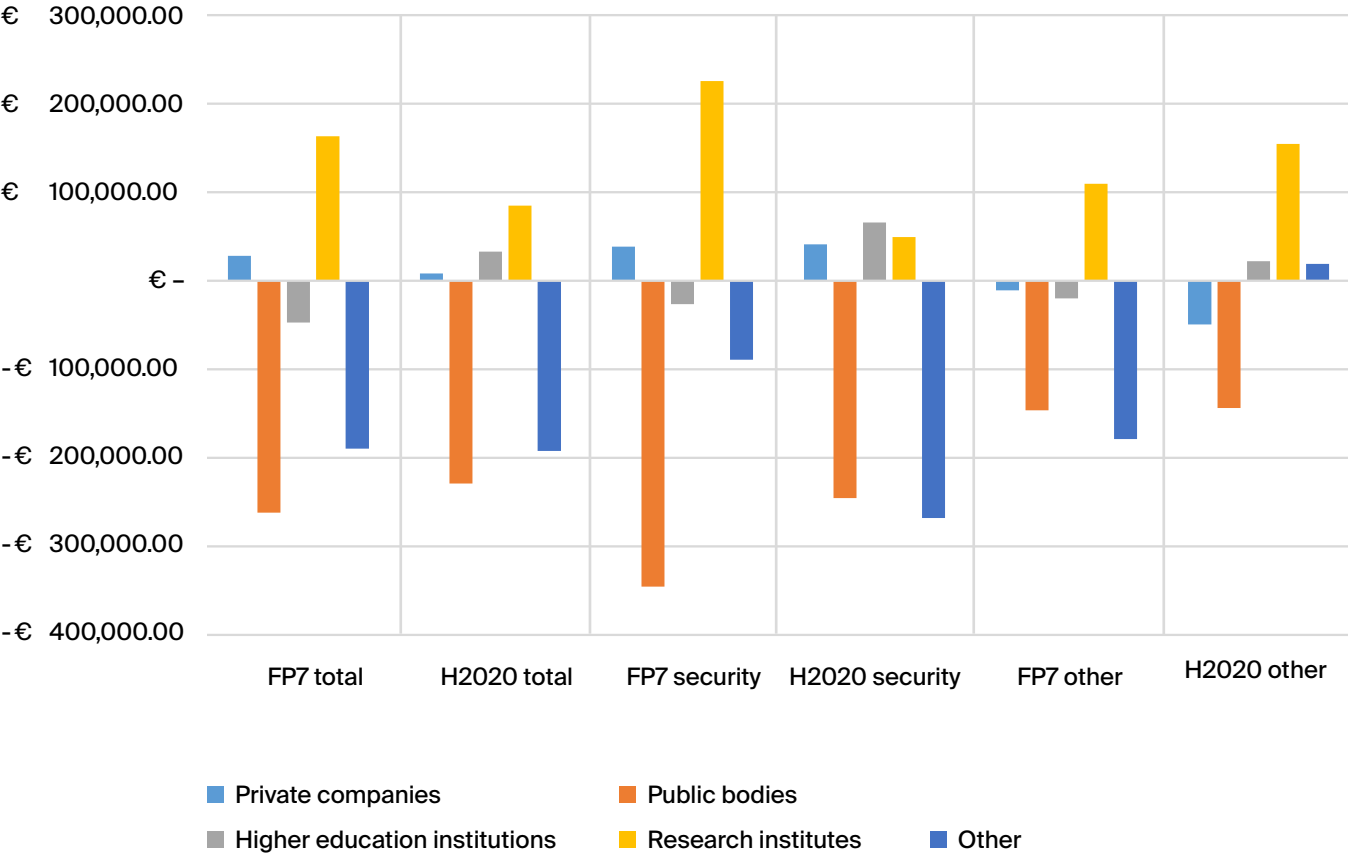
## Average funding per biometric research project by type of institution, FP7 and H2020



**Chart 3: Average funding per biometric research project by type of institution, FP7 and H2020.**

This chart shows that the average amount of funding received by private companies, higher education institutions and research institutes has consistently been higher for public security projects than for other types of biometric research projects.

Difference between average received per project, compared to overall average funding per project



**Chart 4: Difference between average received per project, compared to overall average funding per project.** This chart shows whether funding different types of institutions received more or less funding from the FP7 and H2020 research programmes than the average amount provided (the average is represented by the central line, marked €-). For example, public bodies always received significantly less than the average, and private companies always received more than the average for participating in public security projects.



## Advancing state and industrial interests

Private companies, along with state-backed research institutes and higher education institutions, have been the most significant financial beneficiaries of research into biometrics, a fact that is particularly pronounced in the security research programme. Private companies received almost €53 million (43%) of the total biometric research funding in FP7, but this increased to 49% of the funding awarded as part of the security theme (€37.5 million). In contrast, they received only 34% of the funding (€15.4 million) awarded to biometrics research under other themes. In Horizon 2020 the picture was similar: private companies received 49% of all biometric research funding (€55.6 million). This amount increased to 57% (€38.9 million) under the security theme; but dropped to 36% of funding awarded (€16.6 million) under other research themes (as shown in Table 5). The security theme has also generally provided a greater average amount of funding under the security heading than the programme overall, with regard to private companies, higher education institutions and research institutes (see Charts 3 and 4).

A small number of these research projects have sought to examine the ethical and legal implications of biometric technologies for policing and border control.<sup>59</sup> However, the vast majority have aimed to find new means and

modes of biometric identification and authentication (including gait recognition<sup>60</sup> and speech analysis<sup>61</sup> alongside the more ‘traditional’ facial and fingerprint recognition), and more efficient ways for the authorities to make use of them. It must also be noted that even if a research project is ostensibly geared towards the use of biometrics for commercial, health, or otherwise more ‘benign’ purposes than for policing or immigration, it is still designed to further the use of advanced techniques of data processing and surveillance, and the basic technology itself may very well be adapted for other purposes.

59 ‘Privacy, ethical, regulatory and social no-gate crossing point solutions acceptance’, *CORDIS*, <https://cordis.europa.eu/project/id/787123>; ‘Rising pan-European and International Awareness of Biometrics and Security Ethics’, *CORDIS*, <https://cordis.europa.eu/project/id/230389>; ‘Biometric identification technology ethics promoting research and public debate on bioethical implications of emerging biometric identification technologies’, *CORDIS*, <https://cordis.europa.eu/project/id/6093>

60 ‘Gait Biometrics 3’, *CORDIS*, <https://cordis.europa.eu/project/id/662784>

61 ‘LipVerify’, *CORDIS*, <https://cordis.europa.eu/project/id/728649>

Country	H2020	FP7	Total
UK	€17,249,314	€ 9,326,356	€26,575,671
Spain	€15,536,605	€10,556,553	€26,093,158
Germany	€12,833,926	€12,863,261	€ 25,697,187
France	€9,307,630	€12,834,126	€22,141,755
Italy	€7,668,215	€11,691,939	€19,360,154
Greece	€8,120,425	€5,774,133	€13,894,558
Netherlands	€4,074,005	€5,316,198	€9,390,204
Belgium	€5,061,878	€3,785,362	€8,847,240
Austria	€4,513,025	€3,477,791	€7,990,816
Finland	€1,137,943	€6,734,474	€7,872,416
Norway	€4,782,978	€2,497,570	€7,280,548
Switzerland	€2,025,986	€4,981,970	€7,007,956
Portugal	€3,322,625	€2,767,006	€6,089,631
Romania	€2,003,408	€3,245,933	€5,249,341
Poland	€2,438,817	€2,418,245	€4,857,063
Sweden	€979,958	€3,555,097	€4,535,055
Denmark	€2,690,857	€ -	€2,690,857
Ireland	€1,580,126	€1,078,372	€2,658,498
Iceland	€1,405,750	€1,164,620	€2,570,370
USA	€ -	€2,321,915	€2,321,915

**Table 3:** Distribution of biometric research funding by state (top 20)

The extent to which the security research programme itself is a success is, however, open to question. The programme is ultimately meant to contribute to the development, testing, acquisition and sharing of technologies, techniques, knowledge and products, with the aim of boosting the European security industry and ultimately providing “increased security of European citizens.” However, official evaluations of both FP7 and H2020 have reported low numbers of intellectual property registrations and academic publications; and the interim evaluation of H2020 noted “consortium members can be reluctant to release their [intellectual property] to enable the commercialization of the final product.”<sup>62</sup> The report went on to cite an example:

*“End-users [i.e. border guards] explain that European tax-payers pay but only get a demonstration product or prototype at the end of the project, with limited, if any, take-up. In one project, FRONTEX and national border agencies would have liked to use the technology, but were asked for €150,000 to use the platform.”<sup>63</sup>*

Nevertheless, the EU has clearly played a role in establishing and maintaining collaborative networks of small and large companies, research and educational

institutions and public authorities working to develop and deploy new biometric identification and verification technologies. This is set to continue in the latest iteration of the security research programme: the 2021-22 work programme includes topics on “modern biometrics used in forensic science and by police”; “improved border checks for travel facilitation across external borders and improved experiences”; and “enhanced security of, and combating the frauds on, [sic] identity management and identity and travel documents.”<sup>64</sup>

Closer links are also being forged with the intended “end-users” of new technologies. EU border agency Frontex has taken on an increased role in the programme following the entry into force of its 2019 mandate,<sup>65</sup> and

62 European Commission, ‘Interim Evaluation of the Activities under the Secure Societies Challenge under Horizon 2020’, July 2017, <https://op.europa.eu/en/publication-detail/-/publication/b8d4d47e-9db0-11e7-b92d-01aa75ed71a1/language-en/format-PDF/source-42979546>, p.54

<https://www.statewatch.org/news/2021/august/eu-5-million-for-new-wiretapping-technologies/>

65 Frontex, ‘Frontex to provide border security expertise to European Commission’s research projects’, 6 February 2020, <https://frontex.europa.eu/media-centre/news/news-release/frontex-to-provide-border-security-expertise-to-european-commission-s-research-projects-ZrCB0M>

63 Ibid.

64 The work programme is available here: ‘EU: €5 million for new wiretapping technologies’, *Statewatch*, 25 August 2021,

Institution	FP7 funding	H2020 funding	Total funding
Idemia Identity & Security (France)	€7,194,528	€2,259,944	€9,454,471
Fraunhofer Institute (Germany)	€5,502,548	€2,683,323	€8,185,870
Austrian Institute of Technology	€4,332,493	€666,919	€4,999,412
Vision Box (Portugal)	€2,552,437	€2,093,700	€4,646,137
Catholic University of Leuven (Belgium)	€3,091,779	€1,329,280	€4,421,059
University of Reading (UK)	€1,430,943	€2,515,304	€3,946,247
Information Technologies Institute (Greece)	€3,032,426	€818,871	€3,851,297
Idiap Research Institute (Switzerland)	€2,859,079	€562,553	€3,421,632
University of Lancaster (UK)	€376,276.91	€2,953,573.15	€3,329,850.06
Atos (Spain)	€1,932,744.18	€1,194,166.88	€3,126,911.06
Defence Research Institute (Sweden)	€2,933,183.50	€-	€2,933,183.50
Veridos (Germany)	€417,705.50	€2,324,075.00	€2,741,780.50
Alternative Energies and Atomic Energy Commission (France)	€1,443,370.00	€1,223,807.50	€2,667,177.50
Thales (France)	€2,097,342.70	€474,936.25	€2,572,278.95
Gjøvik University College (Norway)	€2,396,193.00	€-	€2,396,193.00
EURECOM (France)	€646,175.00	€1,717,632.83	€2,363,807.83
Autonomous University of Madrid (Spain)	€1,314,584.00	€1,003,619.52	€2,318,203.52
Zwipe (Norway)	€-	€2,297,400.00	€2,297,400.00
Indra (Spain)	€1,991,201.37	€222,250.00	€2,213,451.37

**Table 4:** Top 20 recipients of biometric research funding, FP7 (2007-13) and H2020 (2014-20)

last year commissioned a study on “biometrics for the future of travel,” intended to help set research priorities.<sup>66</sup> A renewed mandate for policing agency Europol is also in the works, which will allow it to “assist the Commission in identifying key research themes, drawing up and implementing the Union framework programmes for research and innovation that are relevant to Europol’s objectives.”<sup>67</sup> Greater public and democratic scrutiny of the research programme, which has long-sought to propel the interests of state agencies and corporations,<sup>68</sup> is required as a counterbalance.

66 Frontex, ‘New Research Study: Technology Foresight on Biometrics for the Future of Travel’, 18 February 2021, <https://frontex.europa.eu/media-centre/news/news-release/new-research-study-technology-foresight-on-biometrics-for-the-future-of-travel-ugObk>

68 See ‘Market Forces’ (<https://state-watch.org/marketforces>) and ‘Neo-ConOpticon’ (<https://www.statewatch.org/publications/reports-and-books/neoconopticon-the-eu-security-industrial-complex>), *Statewatch/Transnational Institute*

67 Recital 11, Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2016/794, as regards Europol’s cooperation with private parties, the processing of personal data by Europol in support of criminal investigations, and Europol’s role on research and innovation, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020PC0796>

	Private companies		Public bodies		Higher education institutions		Research institutes		Other		Total in €
	Amount in €	% of total	Amount in €	% of total	Amount in €	% of total	Amount in €	% of total	Amount in €	% of total	
<b>FP7 total</b>	52,966,852	43	€2,968,732	2	32,665,983	27	32,150,973	26	1,220,495	1	<b>121,973,034</b>
<b>H2020 total</b>	55,573,383	49	3,397,837	3	36,787,747	32	17,217,923	15	570,730	1	<b>113,547,619</b>
<b>FP7 security</b>	37,534,411	49	2,428,208	3	15,400,855	20	20,038,662	26	706,403	1	<b>76,108,539</b>
<b>H2020 security</b>	38,928,437	57	2,862,799	4	14,767,350	22	11,021,949	16	229,480	0	<b>67,810,015</b>
<b>FP7 other</b>	15,432,441	34	540,524	1	17,265,128	38	12,112,311	26	514,092	1	<b>45,864,495</b>
<b>H2020 other</b>	16,644,945	36	535,038	1	22,020,397	48	6,195,974	14	341,250	1	<b>45,737,604</b>

**Table 5:** Funding distribution by institution type for biometric research in FP7 (2007-13) and H2020 (2014-20)

## Funding 'smart borders'

It was through the FP7 research and development programme that the EU sought to develop the technology needed for its 'smart borders' initiative: projects such as ABC4EU,<sup>69</sup> FASTPASS,<sup>70</sup> FIDELITY<sup>71</sup> and MOBILEPASS<sup>72</sup> worked on the development of automated border control gates and swift, reliable, mobile biometric acquisition and verification technologies. The most recent overall evaluation of the research programme highlighted the MOBILEPASS project as a success story:

“The equipment developed enables authorities to perform contactless fingerprint acquisition, encompassing the whole chain from fingerprint data obtained from passports up to contactless verification. This innovative solution also has significant added value, as the border checks can be executed in a more comfortable, fast and secure way.”<sup>73</sup>

The Spanish state has been an enthusiastic adopter of new biometric border technologies, with funds drawn from a variety of EU and national budgets.<sup>74</sup> The country has shown particular interest in the “smart borders” that will underpin the Entry/Exit System, in which all businesspeople, holidaymakers and other visitors to the EU will have their biometrics stored and border crossings recorded. The €18 million ABC4EU (automated border control) project was coordinated by Spanish security company *Indra*, and five of the project's 18 participants were based in Spain.<sup>75</sup> ABC gates can use facial recognition, iris recognition, fingerprints or other biometric traits to match information from an individual either to their travel document, to data registered in a central database, or to both.

Ironically, despite claims from proponents that ABC systems will ensure convenience and speed at border crossings, an initial 2015 pilot project at the Spain-Gibraltar frontier led to queues so large that it was halted after two hours.<sup>76</sup> The gates will, however, provide a key site for the collection and verification of biometric and other data. The same border recently played host to a Frontex-supported trial of the EES, with the agency announcing the system will “change the way we cross borders and help protect the security of European citizens centralising [sic] the information on border crossings.”<sup>77</sup> The company *Everis* will receive almost €6.4 million to construct the Spanish national system and connect it with the central EES database;<sup>78</sup> and a €20 million tender to supply equipment for Spanish border crossing points closed to bids at the end of last year.<sup>79</sup>

69 'ABC Gates 4 Europe', *CORDIS*, <https://cordis.europa.eu/project/id/312797>

70 'A harmonized, modular reference system for all European automated border crossing points', *CORDIS*, <https://cordis.europa.eu/project/id/312583>

71 'Fast and trustworthy Identity Delivery and check with ePassports leveraging Traveler privacy', *CORDIS*, <https://cordis.europa.eu/project/id/284862>

72 'A secure, modular and distributed mobile border control solution for European land border crossing points', *CORDIS*, <https://cordis.europa.eu/project/id/608016>

73 European Commission, 'Interim evaluation of Horizon 2020 – Annex 2', 29 May 2017, [https://ec.europa.eu/info/publications/annexes-1-and-2-interim-evaluation-horizon-2020\\_en](https://ec.europa.eu/info/publications/annexes-1-and-2-interim-evaluation-horizon-2020_en)

74 'Vulneraciones de derechos humanos en las deportaciones', *Iridial Novact*, 2020, pp.112-3 <https://novact.org/wp-content/uploads/2020/10/Deportaciones2.pdf>

75 'ABC Gates 4 Europe', *CORDIS*, <https://cordis.europa.eu/project/id/312797>

76 'Gibraltar culpa a la frontera inteligente de provocar colas', *EuropaSur*, 28 July 2015, [https://www.europasur.es/gibraltar/Gibraltar-frontera-inteligente-provocar-colas\\_0\\_938906484.html](https://www.europasur.es/gibraltar/Gibraltar-frontera-inteligente-provocar-colas_0_938906484.html)

77 'Frontex Entry Exit System Pilot Project', 5 November 2021, <https://frontex.europa.eu/media-centre/news/news-release/frontex-entry-exit-system-pilot-project-6FimQn>

78 'Contratación de un sistema completo, software, hardware y los desarrollos necesarios para su explotación, con la finalidad de proceder a la implementación del nuevo sistema de registro electrónico de entradas y salidas y su conexión al sistema central del EES (proyecto entry / exit system, EES)', *Plataforma del Contractación del Sector Público*, [https://contrataciondelestado.es/wps/wcm/connect/1defb279-5e6f-4db8-bec6-dafa82c4d645/DOC\\_FORM2021-688548.html?MOD=AJPERES](https://contrataciondelestado.es/wps/wcm/connect/1defb279-5e6f-4db8-bec6-dafa82c4d645/DOC_FORM2021-688548.html?MOD=AJPERES)

79 'Adquisición y puesta en marcha de equipamiento para control manual en puestos fronterizos en el marco del sistema de entradas y salidas (ENTRY EXIT SYSTEM/EES)', *Plataforma del Contractación del Sector Público*, [https://contrataciondelestado.es/wps/wcm/connect/f3cb2800-421f-4c30-955e-09a1909f6c67/DOC\\_CD2021-403985.html?MOD=AJPERES](https://contrataciondelestado.es/wps/wcm/connect/f3cb2800-421f-4c30-955e-09a1909f6c67/DOC_CD2021-403985.html?MOD=AJPERES)

4.

Police  
technology  
networks

Beyond the security research programme, an array of different actors has used EU funding and fora to advance plans for increased mobile biometric identity controls. In 2008, the EU's Joint Research Centre hosted a conference that brought together some 70 police and immigration officials to discuss "their views and experiences based upon initial trials on the use of mobile devices for identification and authentication of individuals." The aim was to launch "a discussion on mobile identification which would address important issues such as best practices in processes and procedures, technical standards, their evaluation in a pan-European harmonised way and interoperability among the different solutions available or adopted."<sup>80</sup>

This led to the establishment of the European Mobile Identification Interoperability Group (e-MOBidIG), which was led by Frank Smith, a UK Border Agency official. By 2011, it had five sub-groups and industry representatives were regularly invited to its meetings. In March 2010, responses to a questionnaire circulated amongst the group's members showed that eight EU member states (of those that responded) were using or testing mobile ID devices, and that six were using such devices for border control purposes.<sup>81</sup> The group was eventually subsumed into a more extensive entity – the European Network of Law Enforcement Technology Services (ENLETS).

ENLETS also began life in 2008, on the back of an idea put forward by the French delegation to the Council of the EU's Police Cooperation Working Party for "an informal network of heads of departments responsible for implementing new technologies in police departments." It took some time for the network to gain momentum,<sup>82</sup> but by 2012 a "core group" had been established and had agreed upon a number of priority areas, including various surveillance technologies (automatic number plate recognition, covert listening and drones) and non-lethal weapons, amongst other things.<sup>83</sup> In 2013 ENLETS received high-level political approval from the Justice and Home Affairs Council and the European Commission began to provide funding,<sup>84</sup> which has continued ever since.<sup>85</sup>

When e-MOBidIG became part of ENLETS, it was transformed into a sub-group known as the 'ENLETS mobile group'. In 2017, the mobile group produced a report that declared a "turning point" had been reached in terms of the possibilities offered to police by new technologies. "Mobile technology is now a disruptive force for reform," said the document, which would make it possible for officers to have instant, 24/7 access to data, profiles, images, videos and biometrics on everybody stopped, checked or under surveillance.<sup>86</sup>

This would primarily be through mobile access to EU databases, said the report, requiring "new rules for the way national and European systems function" – precisely the type of rules introduced by the 'interoperability' initiative, the proposals for which were published the month prior to the ENLETS report.<sup>87</sup> The report also highlighted the importance of "thorough ID checks as a mandatory first step in any process," although it underscored that major, complex organisational and procedural changes would be required to implement its vision of 'mobile policing':

*"Implementing mobile solutions in policing on a large scale is a major undertaking... it involves an integral change process on most aspects of the organization and as such strategic level priority is called for."*<sup>88</sup>

Whether any immediate action was taken to encourage the "integral change process" is unknown. However, some years later, in November 2020, a note to the Council's Working Party on Information Exchange from the German Presidency of the Council demanded a "paradigm shift" that would introduce:

*"...a need for a new integrated information architecture for internal security, border management and migration. It should consolidate the capabilities of digital technologies and available information and provide an extended and powerful tool for practitioners, increasing the efficiency of their daily work."*

This, the Presidency noted, was being dealt with through the construction and interconnection of new and existing large-scale databases via the interoperability initiative. However, the Presidency also highlighted that for interoperability to achieve "maximum effect," the data entered into those systems needed to be "of very high quality," and users of the systems needed "timely, secure and comprehensive access" to it. This would require:

*"...a new eco system of devices and solutions for the acquisition of raw data and access to information for the purposes of internal security, border management and migration as well as the further strengthening of cybersecurity."*<sup>89</sup>

The adoption of common technical standards and procedures across the member states was identified as the best way of ensuring that data of sufficient quality was entered into the systems, and then made available and accessed in a uniform way. The Working Party on Information Exchange

80 EU: Europe's police and immigration "mobile identification" enthusiasts prepare to regroup during Irish Presidency of the EU, *Statewatch* news online, 28 March 2012, <https://www.statewatch.org/news/2013/january/statewatch-news-online-eu-europe-s-police-and-immigration-quot-mobile-identification-quot-enthusiasts-prepare-to-regroup-during-irish-presidency-of-the-eu/>

81 Ibid.

82 Eric Töpfer, 'A new player in Security Research: the European Network of Law Enforcement Technology Services (ENLETS)', 1 April 2011, <https://www.statewatch.org/statewatch-database/eu-a-new-player-in-security-research-the-european-network-of-law-enforcement-technology-services-enlets-by-eric-topfer/>

83 'EU: European police step up cooperation on technological research and development', *Statewatch*, 26 November 2012, <https://www.statewatch.org/news/2012/november/eu-european-police-step-up-cooperation-on-technological-research-and-development/>

84 'EU: New police cooperation plan includes surveillance, intelligence-gathering and remote vehicle stopping technology', *Statewatch*, 23 January 2014, <https://www.statewatch.org/news/2014/january/eu-new-police-cooperation-plan-includes-surveillance-intelligence-gathering-and-remote-vehicle-stopping-technology/>

85 'EU funding for network developing surveillance, intelligence-gathering and remote vehicle stopping tools', *Statewatch*, 15 January 2015, <https://www.statewatch.org/news/2015/january/eu-funding-for-network-developing-surveillance-intelligence-gathering-and-remote-vehicle-stopping-tools/>

[eu-funding-for-network-developing-surveillance-intelligence-gathering-and-remote-vehicle-stopping-tools/](https://www.statewatch.org/news/2015/january/eu-funding-for-network-developing-surveillance-intelligence-gathering-and-remote-vehicle-stopping-tools/)

86 "Total information awareness for law enforcement: "turning point" reached, says EU police technology network', *Statewatch*, 4 July 2017, <https://www.statewatch.org/news/2017/july/total-information-awareness-for-law-enforcement-turning-point-reached-says-eu-police-technology-network/>

87 European Commission, 'Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration)', 12 December 2017, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52017PC0794>

88 "Total information awareness for law enforcement: "turning point" reached, says EU police technology network', *Statewatch*, 4 July 2017, <https://www.statewatch.org/news/2017/july/total-information-awareness-for-law-enforcement-turning-point-reached-says-eu-police-technology-network/>

89 The document is available here: 'EU: Beefing up police databases: plans for increased input, data quality roadmap, automation', *Statewatch*, 24 November 2020, <https://www.statewatch.org/news/2020/november/eu-beefing-up-police-databases-plans-for-increased-input-data-quality-roadmap-automation/>

thus adopted a “roadmap”,<sup>90</sup> intended to guide the adoption of standards for:

- biometric data quality;
- alphanumeric data quality;
- devices for the acquisition of raw biometric data; and
- mobile devices and solutions.

The Portuguese Presidency followed up with an ‘Action Plan for the implementation of the Roadmap’.<sup>91</sup> A panoply of agencies, working parties and institutions are involved, with the EU’s agency for justice and home affairs databases, eu-Lisa,<sup>92</sup> coordinating the work. Activities include attempts to shape international technical standards to encourage companies to develop products compliant with the EU’s requirements;<sup>93</sup> for EU agencies to develop training curricula on the acquisition and use of biometrics; and the creation of a “reference catalogue of devices and solutions for the acquisition of data and access to information in the central systems (SIS, VIS, EES, ECRIS-TCN, EURODAC).”

This catalogue will inform national authorities of relevant equipment available for police officers, border guards and others seeking to enter or access data in EU information systems, and will cover:

- fixed and hand-held facial image scanners;
- fixed and hand-held fingerprint and palm scanners;
- “other biometric identification solutions that may become relevant in the future”;
- document readers and scanners;
- “mobile solutions for access to information (e.g. hand-held devices used by border guards and law enforcement authorities)”.<sup>94</sup>

Frontex, Europol, the European Agency for Asylum, national authorities, the Commission’s DG HOME and the EU Joint Research Centre are to support the creation of the catalogue by providing information to eu-Lisa. They are also tasked with carrying out surveys, studies and analyses on “business and operational requirements,” the “impact and outcomes of the ongoing initiatives concerning the future of travel,”<sup>95</sup> and turning “business requirements” on the “strategic, tactical and operational level into solution-based requirements for new systems, initiatives and recasts [legal reforms].”<sup>96</sup>

Underneath the jargon, this last point demonstrates that this is not merely a technical exercise to aid the implementation of legal and policy measures that have been agreed by EU institutions – it is also intended to create a way for the “requirements” of state agencies and institutions to feed back into new policies and laws. In this regard, it should be underscored that while “roadmaps” and “action plans” may be useful ways for a diverse array of actors and organisations to coordinate their activities, the fact that they tend to be kept hidden from public view and intended only for discussion amongst a limited set of officials does not provide much room for democratic scrutiny or deliberation.

90 Council of the EU, ‘Roadmap for standardisation for data quality purposes’, 11 November 2020, pdf, available here: <https://www.statewatch.org/news/2020/november/eu-beefing-up-police-databases-plans-for-increased-input-data-quality-roadmap-automation/>. This followed a previous ‘Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area’, 6 June 2016, <https://www.statewatch.org/media/documents/news/2016/jun/eu-council-info-exchange-interoperability-roadmap-9368-rev1-6-6-16.pdf>

91 Council of the EU, ‘Action Plan for the implementation of the Roadmap for standardisation’, Council document 9105/21, 16 June 2021 (not currently public)

92 The European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice.

93 The report notes: “As suggested above, the alignment with the international standards of biometric systems developed and operated by eu-LISA, as well as those used by the Member State authorities, will be essential to ensure high quality of biometric data. Since 2021, along with representatives of several EU Member States, eu-LISA has been involved in the development of the ISO [International Standards Organisation] family of standards on biometrics, by means of a liaison with the ISO standardisation sub-committee ISO/IEC/JTC1/SC37. Although expert representatives of

a number of EU Member State authorities are already involved in the standardisation work of the aforementioned sub-committee, strengthening the engagement of EU Member States in the standardisation work will help steer the development of international standards in the area of biometrics and on-board specific requirements relevant within the EU context. Elevating EU requirements to the status of international standards could provide additional impetus for the industry to develop technologies and solutions meeting these specific requirements, therefore potentially enhancing competition in the market.”

94 “Creation of a Reference Catalogue of Devices and Solutions for the Acquisition of Data and Access to Information in the Central Systems”, in The eu-LISA Bits & Bytes Digital Newsletter, December 2020, <https://eulisa.europa.eu/SiteAssets/Bits-and-Bytes/002.aspx>

95 This includes a study commissioned by Frontex in early 2021 and due to be published this year. See: ‘Technology Foresight on Biometrics for the Future of Travel’, 18 February 2021, <https://frontex.europa.eu/media-centre/news/news-release/new-research-study-technology-foresight-on-biometrics-for-the-future-of-travel-ugObkJ>

96 Council of the EU, ‘Action Plan for the implementation of the Roadmap for standardisation’, Council document 9105/21, 16 June 2021 (not currently public)

## Right data, wrong identity

When it comes to the identification and verification of individuals, the collection of biometric data such as facial images and fingerprint scans is supposed to help deal with the problem of incorrect or incomplete data – by using digitised measurement of physical traits, information can be ‘fixed’ to an individual. However, the fact that vast numbers of people need to use false identities to cross borders and reach safety can lead to them getting ‘stuck’ with that identity.

Since 2019, unaccompanied migrant children in France have been obliged to have biometric and other data registered in a centralised file in order to receive assistance: an instance of what the European Commission once referred to as the “no registration no rights” principle.<sup>97</sup> The official purpose of the system is to “better guarantee the protection of children” and to “fight against the illegal entry and residence of foreigners in France”.<sup>98</sup> However, children who travelled to the EU on a false (adult) passport have been treated as if they were that person, meaning they have not had access to the services and care required for children. Equally, children who refuse to give their fingerprints are, by default, treated as adults.<sup>99</sup>

A number of regional authorities refused to participate in a system they considered as running counter to the best interests of children.<sup>100</sup> The state then cut funding to them. In response, a group of human rights organisations demanded that the government abolish the entire biometric registration system for children, which they argue rests upon a “confusion between child protection and the fight against irregular immigration.”<sup>101</sup>

Thus, data that is erroneously entered (for example, misspelt names or other details), as well as data that is false or misleading (but necessary for the individual concerned to reach safety) are both capable of having negative effects for individuals. This is particularly so given the official deference to data that has been formally registered in one system or another: “There is high trust in information provided in an IT-system, according to public officials, lawyers and experts” a report by the EU’s Fundamental Rights Agency noted.<sup>102</sup> As Nicholas Chevreux, an asylum lawyer in Germany, told *State-watch*: “we can only explain why the registration is wrong, why the data in the database is wrong. But it is extremely difficult, and it’s almost impossible to convince [anyone] that the computer is wrong”.

Moreover, despite the ongoing increase in data collection, individuals rarely exercise their rights to access it to check its veracity and lawfulness.<sup>103</sup> With so many other problems to deal with, individuals in the asylum system are unlikely to seek to correct data held on them, particularly for details like spelling of name, despite the centrality of accurate information to legitimate decision-making. There is of course a tension here: while there is a general legal obligation for personal data processed by public authorities to be accurate and up-to-date,<sup>104</sup> taking this as a starting point in the analysis of a given project or initiative sidesteps questions over the legitimacy of that data-gathering in the first place.

97 European Commission non-paper, ‘No registration no rights’, 2015, <https://www.statewatch.org/media/documents/news/2015/dec/eu-com-No-registration-no-rights.pdf>

98 ‘Le fichier censé mieux prendre en charge les mineurs isolés a été créé’, *Le Monde*, 31 January 2019, [https://www.lemonde.fr/societe/article/2019/01/31/un-fichier-controverse-des-mineurs-isoles-etrangers-va-voir-le-jour\\_5417343\\_3224.html](https://www.lemonde.fr/societe/article/2019/01/31/un-fichier-controverse-des-mineurs-isoles-etrangers-va-voir-le-jour_5417343_3224.html)

99 Maïa Courtois, ‘Comment le fichage biométrique renforce l’errance des mineurs isolés’, *Numerama*, 8 November 2020, <https://www.numerama.com/politique/663357-comment-le-fichage-biometrique-renforce-l-errance-des-mineurs-isoles.html>

100 Maïa Courtois, ‘Comment le fichage biométrique renforce l’errance des mineurs isolés’, *Numerama*, 8 November 2020, <https://www.numerama.com/politique/663357-comment-le-fichage-biometrique-renforce-l-errance-des-mineurs-isoles.html>

101 L’État décide de frapper au porte-monnaie les départements qui résistent au fichage des enfants’, *Gisti*, 7 July 2020, <https://www.gisti.org/spip.php?article6438>

102 Fundamental Rights Agency, ‘Fundamental rights and the interoperability of EU information systems: borders and security’, May 2017, p.33, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-interoperability-eu-information-systems\\_en-1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-interoperability-eu-information-systems_en-1.pdf)

103 “The great majority of Member States informed that they have not recorded any request for access since July 2016. One Member State informed that they have records of 6 requests end 2016, 55 requests in 2017 and 20 requests early 2018. Several Member States informed that they have records of two requests and one has reported less than 5.” See: Eurodac SCG, ‘Report on the exercise of data subjects’ rights in relation to Eurodac’, November 2019, p.p.9, [https://edps.europa.eu/sites/edp/files/publication/2019\\_11\\_eurodac\\_report\\_data\\_subjects\\_rights\\_en.pdf](https://edps.europa.eu/sites/edp/files/publication/2019_11_eurodac_report_data_subjects_rights_en.pdf)

104 Article 5, ‘Principles relating to processing of personal data’, General Data Protection Regulation, [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679\\_s](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016R0679_s)



5.

Advanced  
technology,  
regressive  
practices

The technologies, policies and laws that underpin the EU's biometric identity initiatives are being implemented in societies rife with racism and discrimination. It is well-established that racial and ethnic profiling is endemic in police and border forces across Europe and beyond. A December 2020 Council of Europe report described racial and ethnic profiling in police work as "a matter of great concern",<sup>105</sup> while a 2017 survey by the EU's Fundamental Rights Agency identified ethnic profiling as "part of the police toolbox".<sup>106</sup>

Adding a new technological component to identity checks will do little to rectify this problem. Quite the contrary: it is likely exacerbate it. With authorities seeking to increase the number of deportations,<sup>107</sup> and skin colour treated as a proxy for an individual's immigration status, any attempt to increase the number of identity checks has serious implications for ethnic minority EU and non-EU citizens alike. While there may be safeguards in place – for example, in the EU's data protection laws or in the interoperability legislation itself – these may simply be ignored<sup>108</sup> or insufficient.<sup>109</sup>

## Ethnic profiling by police

A 2018 survey of over 5,800 people of African descent in 12 EU member states, carried out by the EU Fundamental Rights Agency (FRA), showed that 24 % of respondents had been stopped by the police in the five years before the survey; and 11 % in the 12 months before the survey.<sup>110</sup> Of those stopped in the last 12 months, 44 % considered that "the last stop they experienced was racially motivated," although this perception differed widely between people living in different states,<sup>111</sup> and between men and women.<sup>112</sup>

Beyond individual perceptions, other data demonstrates the racial disproportionality of police checks. In Spain, the FRA identified in a 2008 survey that 42% of police stops targeted North African people, with 81% of these taking place in the street or on public transport.<sup>113</sup> Further research undertaken in 2016 by the *Asociación Pro Derechos Humanos de Andalucía* and the University of Granada found that African people were 42 times more likely to be asked for identification than white people, while Roma people were 12 times more likely, North African people 10 times more likely, and Latin American people seven times more likely. In all cases, young men were the most likely to be stopped.<sup>114</sup> Equally striking disproportionalities have been identified in Catalonia,<sup>115</sup> and in 2018 a UN group of experts described ethnic profiling of people of African descent as "endemic" in Spain.<sup>116</sup> The use of the police and military to enforce the state of emergency put in place by the government in March 2020 in response to the spread of coronavirus offered a clear demonstration of the

trend, with at least 30 instances of racial profiling reported by anti-racist organisations in the first three weeks of the emergency measures in Madrid.<sup>117</sup>

There have been challenges to these practices, but outcomes have been mixed. In the 2001 case *Rosalind Williams*, the country's constitutional court sanctioned the assumption that Spanish nationals could only be white, by ruling that the use of ethnic characteristics as the basis of police stops was not discriminatory in the context of immigration control. Williams was subjected to an identity check on the grounds that her skin colour meant she may have been an "illegal immigrant." After multiple defeats before the Spanish courts, she took the case to the UN Human Rights Committee, which "concluded that the law should be changed, that the Spanish government should issue a public apology to Rosalind Williams, and that Spain must 'take all necessary measures to prevent its officials from committing acts as in the present case.'"<sup>118</sup>

Nevertheless, the Constitutional Court's ruling in the Williams case "has yet to be overturned," noted that *Open Society Justice Initiative* in 2016.<sup>119</sup> A case pending before the

105 Council of Europe, Committee on Equality and non-Discrimination. 'Ethnic profiling in Europe: a matter of great concern', 14 December 2020, <https://assembly.coe.int/nw/xml/XRef/Xref-XML-2HTML-en.asp?fleid=28889&lang=en>

106 FRA, 'Second European Union Minorities and Discrimination Survey. Main results', 2017, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2017-eu-midis-ii-main-results\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2017-eu-midis-ii-main-results_en.pdf)

107 *Statewatch*, "Deportation Union: Rights, accountability and the EU's push to increase forced removals" 19 August 2020, <https://www.statewatch.org/deportation-union-rights-accountability-and-the-eu-s-push-to-increase-forced-removals/>

108 *Human Rights Watch* note with regard to the mobile biometric identification programme being rolled out by the Greek police: "In its current form, the new program would not comply with Greek and European law." The Greek data protection authority is undertaking an investigation. See: 'Greece: New Biometrics Policing Program Undermines Rights', *Human Rights Watch*, 18 January 2022, <https://www.hrw.org/news/2022/01/18/greece-new-biometrics-policing-program-undermines-rights>

109 A previous *Statewatch* report on the interoperability initiative underscored that "while the legislation contains anti-discrimination safeguards, they are extremely weak." See: Data Protection, Immigration Enforcement and Fundamental Rights: What the EU's Regulations on Interoperability Mean for People with Irregular Status, *Statewatch/PICUM*, 18 November 2019, <https://www.statewatch.org/publications/reports-and-books/data-protection-immigration-enforcement-and-fundamental-rights-what-the-eu-s-regulations-on-interoperability-mean-for-people-with-irregular-status/>

110 Fundamental Rights Agency, 'Being Black in the EU', 2018, p.30, [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-being-black-in-the-eu\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-being-black-in-the-eu_en.pdf)

111 For example: "in Austria, the rate at which the latest police stop was perceived as ethnic profiling is almost eight times higher than that in Finland (31 % vs. 4 %), when looking at the 12-month period before the survey."

112 "Men are three times more likely to be stopped than women (22 % vs. 7 %) and four times more likely to perceive the most recent stop as racial profiling (men: 17 %, women: 4 %)."

113 Fundamental Rights Agency, 'Police Stops and Minorities', 2010, <https://fra.europa.eu/fraWebsite/attachments/EU-MIDIS-police.pdf>

114 'Identificaciones basadas en perfil étnico en Granada', *APDHA/Instituto de la paz y los conflictos*, 2016, [https://www.pareudeparame.org/uploads/2016\\_Granada\\_APDHA\\_identificaciones-etnicas.pdf](https://www.pareudeparame.org/uploads/2016_Granada_APDHA_identificaciones-etnicas.pdf)

115 SOS Racisme Catalunya I plataforma d'entitats Pareu de Parar-me, 'L'aparença no es motiu; indetificacions policials per perfil ètnica Catalunya. Informe 2018', 2018, <https://www.pareudeparame.org/informe-ca/>; Ethnic profiling in Catalonia: for every police identity check on a Spanish national, there are seven checks on foreigners, *Statewatch*, 10 April 2019, <https://www.statewatch.org/news/2019/april/spain-ethnic-profiling-in-catalonia-for-every-police-identity-check-on-a-spanish-national-there-are-seven-checks-on-foreigners>

116 'Statement to the media by the United Nations Working Group of Experts on People of African Descent, on the conclusion of its official visit to Spain, 19-26 February 2018', 26 February 2018, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22705>

117 Yassine Bouhout and Sara Ignat, 'Who protects us from the Police? Structural Racism in Law Enforcement in the European Union', *Equinox Initiative for Racial Justice*, June 2021, <https://www.equinox-eu.com/wp-content/uploads/2021/10/Equinox-Who-Protects-Us-from-the-Police.pdf>; 'Policing the pandemic. Human rights violations in the enforcement of Covid 19 measures in Europe', *Amnesty International*, 2020, <https://www.amnesty.eu/wp-content/uploads/2020/06/Report-Policing-the-pandemic-FINAL-.pdf>; 'Crisis sanitaria COVID-19: Racismo y xenofobia durante el estado de alarma en España', *Rights International Spain*, 2020, <https://rightsinternationalspain.org/uploads/publicacion/d0b782ac0452e9052241b17a646df19ad-4edf12c.pdf>

118 'Williams v. Spain', *Open Society Justice Initiative*, undated, <https://www.justiceinitiative.org/litigation/williams-v-spain>

119 'Police Ethnic Profiling Challenge Goes Before Spain's Constitutional Court', *Open Society Foundations*, 29 June 2016, <https://www.opensocietyfoundations.org/newsroom/police-ethnic-profiling-challenge-goes-spains-constitutional-court>

European Court of Human Rights,<sup>120</sup> concerning a Pakistani national and Spanish resident, Zeshan Muhammad, may remedy this. Muhammad was stopped with a friend by police in Barcelona in 2013 under suspicion of being in Spain irregularly.<sup>121</sup> The officer in question used “racially charged language” to explain that the colour of Muhammad’s skin was the reason for the apprehension.<sup>122</sup> Muhammad filed a complaint that such ethnic profiling violates Spain’s constitution and international treaties. The case was dismissed by both Spain’s high court and the constitutional court, and is now awaiting a hearing in Strasbourg.

The Williams case was followed by some changes in practices. National police in Spain committed to define and prohibit ethnic profiling in identity checks, including measures to record all instances and log the perceived ethnicity of those apprehended.<sup>123</sup> Other initiatives have also sought to improve the situation. A pilot project undertaken by the Platform for Police Diversity Management (*Plataforma por la Gestión policial de la Diversidad*) brought together police associations and anti-discrimination organisations to promote best practices for police in the realm of non-discrimination.<sup>124</sup> Under this pilot, “stop forms” were adopted. Records of stops across five Spanish police departments demonstrated that the act of recording stop and search activities led to fewer discriminatory checks.<sup>125</sup> However, the national police body has shown little interest in following suit.<sup>126</sup> In localities where the model has been introduced, lack of feedback from senior officials has contributed to lower rates of improvement, while in Girona, police officers even increased apprehensions of non-white people out of frustration with the new policy.<sup>127</sup>

In France, as in Spain, there is no official collection of data on the ethnicity of people stopped for identity checks. An *Open Society Initiative* study conducted in 2009 identified that people were six times more likely to be stopped if they were black, and almost eight times more likely if they appeared to be Arab.<sup>128</sup> A former French ombudsman has said that “compared to the general population and all other things being equal, young men in France, who are perceived as Arab/Maghrebin or Black, are 20 times more likely to be subjected to identity checks than others”.<sup>129</sup> The UN High Commissioner for Human Rights singled out France in relation to discriminatory police stops in June 2021.<sup>130</sup>

The following month, six civil society organisations filed a class action lawsuit demanding structural reforms and measures to end discrimination in police practices, including tighter regulation, improved police training and reporting around identity checks and their impact.<sup>131</sup> Previously, in a 2016 case, the Court of Cassation recognised state responsibility for a case involving discriminatory identity checks of three people, treatment that amounted to “gross misconduct”.<sup>132</sup> The court underlined the fact that checks were undertaken for one and a half hours, targeted members of “visible minorities”, and the state failed to show that there were objective reasons to justify the checks.

In Italy, ethnographic studies indicate similar problems. The academic Martina Tazzioli has undertaken extensive fieldwork in the border region between Italy and France – an internal border between two EU member states at which there is now a push to increase identity checks (an issue explained further below). When the Arab Spring uprisings resulted in a spike in irregular departures of people across the Mediterranean, Tazzioli found that:

“Ventimiglia [a town on the border between Italy and France] turned out to be a racialized intermittent frontier: in both 2011 and 2015 Schengen was in fact suspended only for third-country nationals and so identity checks were made by French authorities on the train connecting Milan to Marseille, essentially on the basis of people’s skin colour.”<sup>133</sup>

A similar situation has been documented at the Spanish-French border. Iker Barbero has analysed the situation in Irun/Hendaye, concluding that the internal border supposedly removed by the Schengen agreement remains very much in place, with discriminatory controls based on suspicion of irregular migration status frequently taking place.<sup>134</sup>

While in some instances these practices may be the result of individually prejudiced police officers, there is also ample evidence to suggest that the problem also comes from the top.<sup>135</sup> The Spanish legal organisation *Iridia* has reported that, in response to false media reports that asylum-seekers were being transferred *en masse* from the Canary Islands to the Spanish peninsula, the ministry of interior sanctioned the introduction of identity checks at ports and airports based on ethnic-racial criteria,<sup>136</sup> in contravention of national legal provisions that allow freedom of movement in the whole of Spanish territory for asylum-seekers.<sup>137</sup> An

120 ‘Muhammad v. Spain’, *European Court of Human Rights*, <https://hudoc.echr.coe.int/eng?i=001-179961>

121 ‘Police Ethnic Profiling Challenge Goes Before Spain’s Constitutional Court’, *Open Society Foundations*, 29 June 2016, <https://www.opensocietyfoundations.org/newsroom/police-ethnic-profiling-challenge-goes-spains-constitutional-court>

122 ‘Muhammad v. Spain’, *European Court of Human Rights*, <https://hudoc.echr.coe.int/eng?i=001-179961>

123 Ministerio del Interior, ‘Circular núm. 2/2012 de la Dirección General de la Policía sobre identificación de ciudadanos’, 16 May 2012, [https://www.sup.es/sites/default/files/pdf/circular\\_identificaciones.pdf](https://www.sup.es/sites/default/files/pdf/circular_identificaciones.pdf)

124 ‘Chapter 7: Engaging with the police’ in *Open Society Initiative for Europe, ‘Challenging Ethnic Profiling in Europe: A guide for campaigners and organisers’*, 2021, <https://www.justiceinitiative.org/uploads/78315b73-df6d-427a-a230-6c14c4a72876/challenging-ethnic-profiling-in-europe-april-2021.pdf>.

125 Ibid.

126 Ibid.

127 Ibid.

128 Open Society Justice Initiative, ‘Profiling Minorities: A Study of Stop-and-Search Practices in Paris’, 2009, <https://www.justiceinitiative.org/publications/profiling-minorities-study-stop-and-search-practices-paris>

129 See point 40 in ‘Ethnic profiling in Europe: a matter of great concern’, 14 December 2020, <https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=28889&lang=en>

130 UN High Commissioner for Human Rights, ‘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’, 1 June 2021, <https://undocs.org/A/HRC/47/53>

131 ‘France: Class action lawsuit against ethnic profiling filed over systemic racial discrimination’, *Amnesty International*,

22 July 2021, <https://www.amnesty.org/en/latest/news/2021/07/france-class-action-lawsuit-against-ethnic-profiling-filed-over-systemic-racial-discrimination-2/>

132 ‘Jurisprudence on ethnic profiling in police stops’, GISTI, <http://www.gisti.org/spip.php?article5872#vi>; ‘France: End Systemic Police Discrimination. Civil Society Organizations File Class Action Challenging Ethnic Profiling’, *Human Rights Watch*, 27 January 2021 <https://www.hrw.org/news/2021/01/27/france-end-systemic-police-discrimination>

133 Martina Tazzioli, ‘Governing migrant mobility through mobility: Containment and dispersal at the internal frontiers of Europe’, *Environment and Planning C: Politics and Space*, 38(1), 10 April 2019, <https://journals.sagepub.com/doi/10.1177/2399654419839065>

134 Iker Barbero González, ‘La readmisión de extranjeros en situación irregular entre Estados miembros: consecuencias empírico-jurídicas de la gestión policial de las fronteras internas’, *Cuadernos Electrónicos de Filosofía del Derecho*, 2017, <https://ojs.uv.es/index.php/CEFD/article/view/10640>

135 “Institutional racism” was defined by the Macpherson Report into the murder of Stephen Lawrence as: “The collective failure of an organisation to provide an appropriate and professional service to people because of their colour, culture or ethnic origin. It can be seen or detected in processes, attitudes and behaviour which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racial stereotyping.” See: ‘The Stephen Lawrence Inquiry’, February 1999, [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/277111/4262.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/277111/4262.pdf)

136 ‘Vulneración de derechos humanos en la Frontera Sur: Canarias y Melilla’, *Iridia*, pp.57-9, <https://iridia.cat/es/publicaciones/vulneracions-de-drets-humans-a-la-frontera-sud-canaries-i-melilla/>

137 Defensor del pueblo, ‘El defensor reclama que se agilicen los traslados de personas migrantes a la península’, 3 March 2021, <https://www.defensordelpueblo.es/noticias/migracion-en-canarias/>

estimated 5,000 people have been prevented from leaving the islands since December 2020.<sup>138</sup>

In Italy, identity checks were stepped up from 2015 as part of efforts to track down irregular migrants. In January 2017, a circular from the interior ministry sent to all police headquarters said that in the context of cooperation with the Nigerian embassy in Rome, 95 places in immigration detention centres had been reserved to facilitate the deportation of Nigerian citizens. Police headquarters were thus “invited to carry out targeted services for the purpose of tracking down Nigerian citizens in an irregular situation in the national territory.”<sup>139</sup> Similar activities have long been reported in Spain for the purpose of filling deportation flights.<sup>140</sup> In France, the long-standing state of emergency (introduced following terrorist attacks in 2015) has provided justification for an increase in identity checks at the borders and elsewhere, despite criticisms that the legal basis cited by the government provides insufficient justification for doing so.<sup>141</sup>

## Interoperability for identity checks

Despite these well-documented and long-standing issues with police identity checks, the EU is set to provide new technical and legal means for increasing the frequency with which they are carried out. As noted in section Biometric identification: a European priority, a key aim of the interoperability project is to establish a vast, centralised pool of identity data, through the construction of the Common Identity Repository, to “make it easier for authorised officers to reliably identify third-country nationals who are entering, or who are already on, the territory of the Schengen area.”<sup>142</sup>

While the CIR will provide the technical backbone, the drive to step up identity checks is being reinforced by legal and policy initiatives. In May 2017, the European Commission published a ‘Recommendation on proportionate police checks’.<sup>143</sup> The document said that due to terrorism, cross-border crime and irregular migration:

*“...the intensification of police checks in the entire territory of Member States, including in border areas and the carrying-out of police checks along the main transport routes such as motorways and railways, may be considered necessary and justified.”*

The possibility of enhanced surveillance and checks at the internal borders of the Schengen area is now likely to be enshrined in law, under proposals published in December 2021.<sup>144</sup> These would permit increased patrols at the EU’s internal borders in order to prevent “secondary movements” – that is, the unauthorised movement of individuals, in particular asylum-seekers and refugees, from one member state to another. The Commission has acknowledged that the new measures could “increase the risk” of “racial profiling and discriminatory selection of the persons being checked with the border areas,”<sup>145</sup> but has offered no specific safeguards against this possibility, beyond those that already exist (for example, in the EU Charter of Fundamental Rights).

Research in the UK by the *Racial Justice Network*, *Yorkshire Resists* and Queen Mary University has shown “systematic racial bias” in the use of mobile fingerprint scanners for police identity checks. The research, based on data gathered

138 ‘Vulneración de derechos humanos en la Frontera Sur: Canarias y Melilla’, *Iridia*, <https://iridia.cat/es/publicaciones/vulneracions-de-drets-humans-a-la-frontera-sud-canaries-i-melilla>; ‘Informe 2020 Frontera Sur’, *Servicio Jesuita a Migrantes*, 18 December 2020, <https://sime.org/docs/informe-2020-frontera-sur>; Gabriela Sánchez, ‘El Gobierno ahora sí impide la salida de migrantes de Canarias por su cuenta: “Todo está cerrado”’, *El Diario*, 19 December 2020, <https://www.eldiario.es/desalambre/gobierno-ahora-si-impide-salida-migrantes-canarias-cuenta-cerrado.1.6517256.html>

139 ‘Italy: Police instructed to target Nigerians’, *Statewatch*, 2 January 2017, <https://www.statewatch.org/news/2017/january/italy-police-instructed-to-target-nigerians/>

140 ‘Vulneraciones de derechos en la frontera sur: Gran Canaria y Melilla’, *Iridia*, January 2021, <https://iridia.cat/wp-content/uploads/2021/01/INFORME-DDHH-FRONTERA-SUR-2021.pdf>

141 Gisti noted in its examination of jurisprudence that mere reference to the ‘Vigipirate’ security alert system do not suffice to justify identity checks, which are governed by Article 78-2 of the penal procedure code.

142 European Commission, ‘Frequently asked questions - Interoperability of EU information systems for security, border and migration management’, 12 December 2017, [https://ec.europa.eu/commission/presscorner/detail/de/MEMO\\_17\\_5241](https://ec.europa.eu/commission/presscorner/detail/de/MEMO_17_5241)

143 European Commission, ‘COMMISSION RECOMMENDATION (EU) 2017/820 of 12 May 2017 on proportionate police checks and police cooperation in the Schengen area’, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32017H0820>

144 ‘EU: Asylum and borders proposals: the only attack taking place is the attack on peoples’ rights’, *Statewatch*, 16 December 2021, <https://www.statewatch.org/news/2021/december/eu-asylum-and-borders-proposals-the-only-attack-taking-place-is-the-attack-on-peoples-rights/>

145 European Commission, ‘Impact assessment report accompanying the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders’, 14 December 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021SC0462&from=EN>

from UK police forces covering the period from March 2019 to June 2020, found that:

*“For every White North European person stopped and scanned in every 10,000 people, 48 Arabic people are scanned on average across the police jurisdictions. 14 Black residents are scanned for every White North European, 14 Asian people, almost 4 Chinese people or 2 South East Asian people for every White North European.”*<sup>146</sup>

The groups recommended that the use of mobile fingerprint scanners “should immediately cease until equality impact assessments have been completed with rigour,” and their use should be closely monitored if they are reintroduced. More fundamentally, the report called on police forces and the Home Office to address institutional racism; for a “fire-wall” between policing and immigration services; and for an end to the UK’s “hostile environment” policies, which the authorities are currently seeking to digitise.<sup>147</sup>

The Greek authorities are seeking to implement a similar programme. Backed by EU funding, the police are acquiring portable facial, fingerprint and vehicle number plate recognition devices that will allow officers to instantly run checks against “data already stored in 20 databases held by national and international authorities.”<sup>148</sup> Following a complaint from the human rights organisation *Homo Digitalis*, the data protection authority launched an investigation into the legality of the program, but this has not yet concluded. The programme is explicitly designed to increase the number of identity checks, and *Human Rights Watch* has highlighted that the use of biometric technologies in this context “could exacerbate... abusive police tactics, which constitute racial and other forms of profiling and harassment”.<sup>149</sup>

Unwarranted discrimination is prohibited in both the EU and the Council of Europe, under the EU’s Charter of Fundamental Rights and the European Convention on Human Rights. Nevertheless, it is evident that the reality diverges significantly from what is prescribed on paper. Notwithstanding obligations on the authorities to carry out data protection impact assessments and equality impact assessments, the push to bring these technologies into the street is likely to exacerbate existing problems with racial and ethnic profiling, calling for renewed responses from community groups, civil society organisations and all those seeking a more just society.

146 ‘STOP THE SCAN: Police use of mobile fingerprinting technology for immigration enforcement’, *Racial Justice Network*, 6 March 2021, <https://racialjusticenetwork.co.uk/2021/06/03/police-scanning-report/>

148 ‘Greece: New Biometrics Policing Program Undermines Rights’, *Human Rights Watch*, <https://www.hrw.org/news/2022/01/18/greece-new-biometrics-policing-program-undermines-rights>

149 *Ibid.*

147 ‘Briefing: Resisting the Digital Hostile Environment’, *JCWI, Foxglove and Liberty*, August 2021, <https://www.jcwi.org.uk/briefing-resisting-the-digital-hostile-environment>

## Mass biometric surveillance in Italy: on hold, for now

The increasing collection and centralisation of biometric data has primarily been criticised for the potential it offers for the introduction of mass surveillance, in particular through the use of facial recognition technology. The Italian authorities have enthusiastically sought to adopt such systems. The SARI (*Sistema Automatico Riconoscimento Immagini*) system was acquired by the police's *Direzione Centrale Anticrimine* in 2017 with money from the EU's Internal Security Fund.<sup>150</sup>

*SARI Enterprise* would be used to check the authenticity of document photos and conduct automatic checks matching facial images with images from the country's automated fingerprint identification system, which also stores photos. It was authorised by the ombudsman in July 2018 to speed up procedures already undertaken using less efficient means (checking details like eye colour or tattoos) to identify wanted people.

In the same year, plans to use *SARI Real-Time* as a "tactical system to monitor disembarkation operations and the various types of related illegal activities, filming them and identifying the people involved" were stalled.<sup>151</sup> A 2017 tender mentioned "support for territorial control operations during events and/or demonstrations,"<sup>152</sup> making clear that these technologies can be used not just to target non-citizens and racialized minorities, but protesters and dissidents as well.

The Italian system was to rely on a network of video-cameras to provide real-time comparison with a watchlist containing up to 10,000 facial images, with alerts issued to police officers in case of a match. The privacy ombudsman did not authorise deployment of *SARI Real-Time* and in 2021 ruled that the system lacked a legal basis for automatic processing of facial images, and was planned as a form of indiscriminate, mass surveillance.<sup>153</sup> The ombudsman drew on Council of Europe guidelines to highlight the sensitivity of this matter, noting that the deployment of *SARI Real Time* would amount to large-scale automated processing of data that may affect participants in social and political demonstrations who are not subject to police "attention".

The case of *SARI Real Time* has been highlighted by campaigners calling for a ban on biometric mass surveillance in the EU. The current stage for this struggle is the proposed Artificial Intelligence Act, which in its current form prohibits "real-time biometric identification" in public spaces in principle, but in practice provides multiple carve-outs for law enforcement authorities to deploy such systems.

The campaign *Reclaim Your Face* is calling for an outright ban, in order to prevent the unwarranted tracking, categorisation and monitoring of individuals. The campaign warns that this form of surveillance "threatens everyone's rights and freedoms to participate in public and political life." However, it must be noted that given the amount of biometric data stored by EU states on foreign nationals, it is likely to disproportionately affect non-citizens. For example, in the case of *SARI Real Time*, the database underpinning the system contains data on two million Italian citizens, and seven million foreigners.<sup>154</sup>

150 Riccardo Coluccini, 'Lo scontro Viminale-Garante della privacy sul riconoscimento facciale in tempo reale', *Investigative Reporting Project Italy*, 13 January 2021, <https://irpimedial.irpi.eu/viminale-garante-privacy-riconoscimento-facciale-in-tempo-reale>

151 'Italy: Interior ministry's facial recognition system is unlawful', *Statewatch*, 21 April 2021, <https://www.statewatch.org/news/2021/april/italy-interior-ministry-s-facial-recognition-system-is-unlawful/>; Garante per la Protezione dei Dati Personali, 'Riconoscimento facciale: Sari Real Time non è conforme alla normativa sulla privacy', 16 April 2021, <https://www.statewatch.org/media/2311/it-garante-privacy-sari-real-time-decision-4-21.pdf>

152 Riccardo Coluccini, 'Lo scontro Viminale-Garante della privacy sul riconoscimento facciale in tempo reale', *Investigative Reporting Project Italy*, 13 January 2021, <https://irpimedial.irpi.eu/viminale-garante-privacy-riconoscimento-facciale-in-tempo-reale>

153 Garante per la Protezione dei Dati Personali, 'Riconoscimento facciale: Sari Real Time non è conforme alla normativa sulla privacy', 16 April 2021, <https://www.statewatch.org/media/2311/it-garante-privacy-sari-real-time-decision-4-21.pdf>

154 Riccardo Coluccini and Laura Carrer, 'Tecnologie per il controllo delle frontiere in Italia', December 2021, p.28, <https://www.documentcloud.org/documents/21128523-tecnologie-per-il-controllo-delle-frontiere-in-italia-identificazione-riconoscimento-facciale-e-finanziamenti-europei>

6.

# Conclusion

The biometric registration of all foreign nationals present in the EU is a long-standing EU policy objective, and one that is coming increasingly close to being achieved. While many would argue that this is unproblematic provided that the necessary privacy and data protection safeguards are applied and adhered to, this view ignores two issues. Firstly, such systems are designed to make it easier to exclude certain categories of people from EU territory and participation in society, raising the need to question their premises and the laws and policies that underpin them. Secondly, like any other technology, these systems are introduced into a particular social context that will shape the ways in which they are used.

As this report has argued, the introduction of new technologies to increase the number of identity checks by police and immigration authorities is likely to see ethnic minority citizens and non-citizens subjected to a growing number of unwarranted intrusions into their everyday activities, given the treatment of skin colour as a proxy for immigration status. In particular, the existence of a huge database holding data solely on foreign nationals and explicit policy instructions to step up identity checks means that the introduction of the Common Identity Repository and the mobile biometric technology required to access it is likely to exacerbate the racist policing and ethnic profiling that already exist across the EU.

The growing number of initiatives that seek to make connections between anti-racist campaigns, migrants' rights organisations, privacy and data protection advocates and technology specialists will play an important role in challenging these developments in the years to come.<sup>155</sup> The broader social concern with issues of racism and racial equality that has been propelled by the global eruption of anti-racist protests in response to the killing of George Floyd by a police officer in the USA in June 2020, and the broader societal fascination with new technologies, may provide fertile ground for these initiatives to expand. At the same time, it is crucial that a focus on technology itself does not draw attention away from the structures lying behind it: new technologies may increase the capacity for harm, but are not necessarily the underlying driving force.

It must be recognised that the broader political climate of xenophobia and nationalism is not particularly favourable to these efforts. Attempts to prevent the use of new technologies from entrenching racist and discriminatory practices will need to work on a variety of fronts: know your rights campaigns and community organising; administrative and legal complaints to uphold privacy and data protection rights; demands for adequate funding and resources for the data protection authorities responsible for overseeing the work of the police and immigration authorities, and for 'firewalls' between policing and public services; critical research and investigative journalism to inform campaigns and complaints; calls for public funds not to be used in research likely to help entrench discrimination; and efforts to ensure transparency in law, policy-making and enforcement. All of these are vital for ensuring that state authorities are held politically and publicly accountable, and for developing more equal and just alternatives.

155 For example: the work of *Decolonising Digital Rights* and the Digital Freedom Fund (<https://digitalfreedomfund.org/decolonising/>); the *Migration Technology Monitor* (<https://www.migrationtechmonitor.com/>); European Digital Rights (<https://edri.org/>); work in the UK on 'Resisting the Digital Hostile Environment', <https://www.icwi.org.uk/briefing-resisting-the-digital-hos->

<https://www.enar-eu.org/Data-driven-policing-is-leading-to-racial-profiling/>); and countless other campaigns, projects, initiatives and movements across Europe and beyond.



## Authors

Chris Jones, Jane Kilpatrick, Yasha Maccanico

## Acknowledgements

The authors wish to thank all those who gave their time to be interviewed as part of the research for this report, and all those who participated in the workshops hosted by *Statewatch* on the issue of biometric identification technologies and racism and discrimination in October 2021.

## Methodology

This report is based on desk research into open and closed sources, individual interviews, and the insights generated during the workshops noted above. It was produced as part of the project ‘Protecting migrant communities by future-proofing the immigration data system’, supported by *Privacy International*.

## About Statewatch

*Statewatch* produces and promotes critical research, policy analysis and investigative journalism to inform debates, movements and campaigns on civil liberties, human rights and democratic standards. We began operating in 1991 and are based in London.

[statewatch.org](http://statewatch.org)

Support our work by making a donation: visit [statewatch.org/donate](https://statewatch.org/donate) or scan the QR code below.

Sign up to our mailing list:

<https://www.statewatch.org/about/mailing-list/>



Registered UK charity number: 1154784. Registered UK company number: 08480724. Registered company name: The Libertarian Research & Education Trust. Registered office: c/o MDR, 88 Fleet Street, London EC4Y 1DH, UK.

© Statewatch 2022. Personal usage as private individuals “fair dealing” is allowed. We also welcome links to material on our site. Usage by those working for organisations is allowed only if the organisation holds an appropriate licence from the relevant reprographic rights organisation (e.g. Copyright Licensing Agency in the UK) with such usage being subject to the terms and conditions of that licence and to local copyright law

