

On defending our fundamental rights in the face of biometric mass surveillance in public places in Europe

Throughout Europe, governments are experimenting with highly intrusive facial recognition systems and other biometric mass surveillance in public spaces. There is currently no European legislation that regulates the use of these technologies in public spaces.

Biometric data includes highly sensitive data about our body or behaviour: fingerprint, palm print, palm veins, face recognition, DNA, hand geometry, iris recognition, retina recognition, typing rhythm, walking manner, voice, and much more. Biometric mass surveillance is the monitoring, tracking, and otherwise processing of the biometric data of individuals or groups in an indiscriminate or arbitrarily targeted manner.

When used to scan everyone in public or publicly accessible spaces (a form of mass surveillance) biometric processing violates a wide range of fundamental rights.

The widespread use of biometric surveillance, profiling and prediction is a threat to the rule of law and our most basic freedoms. It can have a 'chilling effect' on basic freedoms such as expression and assembly. Surveillance methods based on the analysis of our individual body characteristics, such as facial features or movement patterns, turn us into walking barcodes that can be scanned anytime and anywhere. There is little to no escape from these forms of surveillance simply because these technologies use our physical traits as reference points. There is also limited scope for citizens to give consent to for their use. These technologies have the potential to fundamentally change our societies, for the worse. Also, there is an enormous risk of the data collected being misused by government or IT entities or hacked by criminals or malicious state actors.

The use of biometric mass surveillance technologies amplifies and codifies underlying inequalities and discrimination in our societies. These technologies are not unbiased or neutral. Studies have shown that people with darker skin tones, particularly non-white females, and gender diverse people are systematically misidentified by facial recognition technologies.

The use of facial recognition technologies and other forms of biometric surveillance is often justified with the aim of enhancing security in our public spaces. This means that communities that are already heavily monitored, such as migrant communities, will become subject to even greater surveillance.

Uses of biometric mass surveillance in Member States and by EU agencies have resulted in violations of EU data protection law and have restricted people's rights, including their privacy, right to free speech, right to protest, and right not to be discriminated against.

Under the pretext of the COVID restrictions, many governments have expanded their surveillance infrastructures and have covertly begun collecting sensitive data in unseen ways. We have observed the use of face surveillance to detect and report quarantine offenders in Poland and its use on public transportation to 'enforce' mask wearing in France. There are

many more examples of the use of biometric mass surveillance across Europe. Once this technology is established, its use can continuously be expanded. Ultimately, our every movement could be tracked. This is already fast becoming the reality in Belgrade, Serbia, which is on the way to becoming the first city in Europe to have almost all of its territory covered by mass surveillance technologies. Civil society in the city is rallying against the deployment of smart video surveillance, with thousands of cameras and facial recognition software already operational.^[1] Particularly as Serbia is an accession country, we should be concerned about their use of mass surveillance, and the impact on fundamental rights for citizens at the European Union's borders.

We need strong and binding European rules and cooperation on this matter.

We need to act now to prevent violations of our fundamental rights, as well as the false incrimination of individuals and the discrimination of certain groups of people.

Let's stand up for a society of trust, not of suspicion.

For these reasons, the European Green Party urgently calls on the European Commission to:

1. acknowledge the adverse effects of the use of biometric surveillance technologies on our fundamental rights;
2. recognise the ways through which these technologies amplify racial discrimination and exclusion in our societies;
3. impose a ban on biometric mass surveillance technologies in public spaces in the European Union.

And encourages member parties:

1. to strengthen their relations with local human rights and privacy actors working against biometric mass surveillance or related topics;
2. to join the #ReclaimYourFace campaign and sign the European Citizens' initiative;
3. to call for a ban on biometric mass surveillance technologies in upcoming local, regional and national electoral campaigns.

^[1] <https://www.sharefoundation.info/wp-content/uploads/Serbia-Video-Surveillance-Policy-brief-final.pdf> (sharefoundation.info)