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SUBMISSION PERTAINING TO HUMAN RIGHTS COUNCIL RESOLUTION 38/11

The Danish Institute for Human Rights (the Institute) welcomes the request for information in relation to the preparation of a thematic report on new technologies and their impact on the promotion and protection of human rights in the context of assemblies by the Office of the High Commissioner for Human Rights. Pursuant to the request the Institute would like to submit the following information on new technologies and their impact on the promotion and protection of human rights in the context of assemblies.

INFORMATION PERTAINING TO THE HUMAN RIGHTS CHALLENGES POSED BY THE USE OF NEW TECHNOLOGIES IN THE CONTEXT OF ASSEMBLIES:

In July 2019, the Danish football club Brøndby IF commenced the use of automated facial recognition (AFR) technology at Brøndby Stadium. AFR is used to identify persons that have been banned from attending the football club's matches for violations of the club's rules of conduct. The AFR system uses cameras that scan the public area in front of the stadium entrances, so that persons on the ban list can be singled out from the crowd before reaching the entrance.¹

The use of AFR technology at Brøndby Stadium has been approved, as required, by the Danish Data Protection Authority. The Authority deemed the AFR necessary for reasons of substantial public interest. Brøndby IF is the first private company to secure such an approval.²

¹ Danish Broadcasting Corporation, "Brøndby wants to capture troublemakers with facial recognition technology" (Brøndby vil fange ballademagere med teknologi, der genkender ansigter), 13 June 2019, available in Danish at: <https://www.dr.dk>.

² The Danish Data Protection Authority, "Permission to process biometric data using automated facial recognition at entrances at Brøndby Stadium" (Tilladelse til behandling af biometriske data ved brug af automatisk

From a human rights perspective, AFR is an intrusive surveillance technology as many persons can be identified by their facial images and automatically catalogued based on matches with predefined watch lists. The emerging use of this technology may normalise pervasive surveillance practices and, in doing so, undermine the right to privacy. AFR is suggested to be unreliable and inaccurate with known systematic biases in the form of higher error rates for certain ethnic minorities.³ Questions of proportionality has also been risen, as 14,000 fans on average attend one of Brøndby IF's football matches – the ban list contains between 50 and 100 persons.

In 2019 it was discovered, that the Danish National Police in 2016 had experimented with the use of AFR. The Danish National Police's National Cyber Crime Center (NC3) wanted to be granted access to the Danish police's national photo register, so they could use the AFR in "real time" with a bigger data pool. The Danish National Police inform that the NC3 was not granted access and that the technology is not being used at present.⁴

Yours sincerely,

Anncathrine Carl

ADVISER

ansigtsgenkendelse ved indgange på Brøndby Stadium), 24 May 2019, available in Danish at: <https://www.datatilsynet.dk/>; Daily newspaper Berlingske, "The Danish Data Protection Authority give Brøndby the green light to use disputed surveillance: "This is the first approval of its kind" (Datatilsynet giver Brøndby grønt lys til omstridt overvågning: "Dette er den første tilladelse af sin art"), 14 June 2019, available in Danish at: <https://www.berlingske.dk/>.

³ BBC News, Use of facial recognition tech "dangerously irresponsible", 13 May 2019, available at: <https://www.bbc.com/>; Facial Recognition Is Accurate, if You're a White Guy, 9 February 2018, available at: <https://www.ny-times.com/>.

⁴ Daily newspaper Berlingske, "The police wanted to link thousands of Danes' images to disputed technology: "Potentially, it is a great tool" (Politiet ville koble tusinder af danskeres billeder til omstridt teknologi: "Potentielt er det jo et fantastisk hjælpemiddel"), 3 August 2019, available in Danish at: <https://www.berlingske.dk/>.