HUMAN RIGHTS COUNCIL - 48ᵗʰ SESSION

Item 9: Interactive dialogue with the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance

04 October 2021

- *Racial and Xenophobic discrimination and the use of digital technologies in border and immigration enforcement – Annual Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/48/76)*

- *Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance – Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/48/77)*

Opening Statement

Ms. E. Tendayi Achiume, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance: **the thematic Report on Race, Tech, and Borders** continues the analysis of the prior report on "racial discrimination and emerging digital technologies"; some scholars coined the term "digital borders" to describe immigration enforcement schemes that depend on biometrics, GPS tracking, facial recognition, automated surveillance, algorithmic decision-making, and "Big Data". The application of these technologies to the border and immigration context poses unique risks because non-citizens lack the legal protections granted to citizens; private corporations have increasingly played an active role in developing border enforcement technologies, creating a "border industrial complex". The treatment of migrants and refugees led to the use of military and quasi-military technologies to combat migration. Even UN bodies risk the misuse of the vast amounts of data collected from refugees. Immediate ban on the procurement, sale, transfer and use of surveillance technology in the context of border enforcement, until robust human rights safeguards are in place, is recommended. **The report on Glorification of Nazism** illustrates several trends: (1) need for States to continue the collection of disaggregated data on hate crimes and hate speech and to expand their efforts in this area; (2) COVID-19 pandemic has continued to contribute to anti-Semitic, racist, and xenophobic hate speech; (3) the difficulty of combatting hate speech and incitement to racial hatred disseminated online, particularly on social media.

Interactive Dialogue

Delegations that took the floor during the Interactive Dialogue (39 statements):

European Union, Palestine, Israel, Australia, Ecuador, UNICEF, Senegal, Armenia, Bangladesh, Luxemburg, Iraq, Indonesia, South Africa, Venezuela, Kenya, Cuba, Paraguay, Russia, Belarus, Morocco, USA, India, Brazil, Namibia, China, Portugal, Pakistan *on behalf of the OIC,* United Kingdom, Azerbaijan, Botswana, Panama, UNHCR, Belgium, Lesotho, Egypt, Mauritania, Republic of Korea, Chad

EU: regretted that the report on digital technologies fails to acknowledge the extraordinary efforts made by the EU governments. **State of Palestine:** Israel uses ID cards as a system of control over the movement and rights of Palestinians in the OPT. Israeli companies such as Frontex have partnerships with EU border security agencies. **Israel:** policies to fight antisemism should be accompanied by educational campaigns to promote tolerance and memory of past atrocities. **Australia:** *what more can States do to stop the use of online platforms to spread racism and xenophobia?* **Ecuador:** the role of educational centres is essential. **UNICEF:** States should strengthen human and child rights-based legal and policy approaches to border and immigration administration. **Senegal:** *how to effectively combat the extremist and populist ideologies?* **Armenia:** Azerbaijan is inducing hatred and animosity towards Armenians, including in schools and kindergartens. **Bangladesh:** regrettable that report does not reflect the racial discrimination against the Rohingya in Myanmar, instead it referred to the situation of Rohingyas hosted by Bangladesh. **Luxemburg:** *how can the international community restore the confidence of the immigrant community in contact tracing technologies to avoid their exclusion from effective health policies?* **Iraq** prohibits political entities and parties that adopt, incite, or promote ideologies of racism, terrorism, infidelity or ethnic cleansing. **Indonesia:** *how can we ensure that the benefits of the new and emerging digital technology are non-*

GENEVA CENTRE
FOR HUMAN RIGHTS
ADVANCEMENT AND
GLOBAL DIALOGUE

Rue de Vermont 37-39
1211 Geneva
Tel: +41(0)22 748 27 80-88
info@gchragd.org
www.gchragd.org

discriminative and accessible, while at the same time also protect the privacy of all persons? **Venezuela:** reiterated the need for the elaboration of complementary norms to effectively confront contemporary forms of racism. **Cuba:** *is the situation is exacerbated when States leave these sensitive border actions in the hands of non-state actors, such as private military and security companies?* **Paraguay:** welcomes migrants with an explicit desire to reside in the country without discrimination. **Russia:** drew attention to the need to counter the spread of racist, Nazi ideologies, to suppress the activities of radical organizations. **Belarus:** *What measures the UN, including the HRC, should take to stop the practice of honoring the accomplices of the Nazis, the SS, in Latvia and Estonia? Does the SR plan to visit these countries to study this problem?* **Morocco:** *will inequalities linked to the introduction of new technologies in the health context decrease with the end of the current pandemic?* **USA:** *what methods could effectively eradicate systemic racism at its roots?* **India:** rejected references in the reports to India as baseless and unreliable.

Replies to questions and comments

Ms. E. Tendayi Achiume: *to the EU:* the tenor of the report is reflecting what is happening at the borders of the EU. *To Australia:* highlighted three measures: greater regulations of social media platforms; prioritizing equality and non-discrimination norms; breaking the connection between speech online and actual exclusionary policies in the real world. *To the UNICEF*: drew attention on the report that was submitted to General Assembly on nationalist populism. *To Bangladesh*: the report deals with migrants and refugees, people that are outside their countries. *To Luxemburg:* if you have exclusionary policies in general, it will be hard to establish trust in a narrow context. *To Indonesia*: the development of human rights systems even within the UN, and the development of the equality norms as well as privacy norms is essential.

Namibia: is currently drafting its cybercrime and cybersecurity legislation. **China:** concerned about the USA, UK Germany, Denmark, Norway and other countries use of digital technologies to infringe rights of refugees and other migrants. **Portugal:** *what is the key elements of a human rights-based approach to the use of digital technologies in border and immigration enforcement and administration?* **Pakistan on behalf of OIC:** *What are the SR's views on the applicability of Articles 19 and 20 of ICCPR with the documented instances of incitement to hatred and violence in digital era, given the anonymity, speed and virality?* **Azerbaijan:** concerned about the glorification of Nazism by Armenia. **Panama:** favours a global ban on autonomous weapons systems. **UNHCR:** adopted policies and guidance on registration and identity management on the protection of personal data and the use of biometrics. **Belgium:** factual accuracy of the report got lost when it stated that Belgium "practiced" extraction of private data. **Egypt:** emphasized the importance of ratifying ICERD. **Korea:** concerns about exclusion of Korean students from universities in Japan.

NHRIs and NGOs that took the floor during the Interactive Dialogue (10):

International Movement Against All Forms of Discrimination and Racism (IMADR), World Jewish Congress, American Civil Liberties Union, International Organization for the Elimination of All Forms of Racial Discrimination (IOERD), Advocates for Human Rights, China Society for Human Rights Studies (CSHRS), Meezaan Center for Human Rights, Indigenous People of Africa Coordinating Committee, Institute for NGO Research, Federatie van Nederlandse Verenigingen tot Integratie Van Homoseksualiteit - COC Nederland

IMADR: raised concerns regarding human rights of Afro-Brazilian population in Brazil. **World Jewish Congress:** h*ow the recommendations from the report on combating glorification of Nazism, neo-Nazism can be achieved?* **American Civil Liberties Union:** concerned by the border surveillance technologies use in the US. **CSHRS:** due to the pandemic in the US and some other countries more Asians are being attacked, hate crimes are on the rise. **Indigenous People of Africa Coordinating Committee:** drew attention on human rights violations of people in North-Eastern India. **Institute for NGO Research:** disappointed by three aspects of the report in the context of combating antisemitism. **COC Nederland:** in many countries in Africa homosexuality is seen as a Western concept and LGBTQI people face discrimination.

Final Remarks

Ms. Tendayi Achiume: *due to the technical reasons the meeting was closed, the Special Rapporteur was asked to send her final remarks to the Council to circulate them among the Delegations.*

Video recording of this meeting is available on the UN Web TV.