Eyes on the Watchers: Challenging the Rise of Police Facial Recognition

Principles to reduce the human rights harms of FRT

This project by the International Network of Civil Liberties Organizations (INCLO) examines the use of facial recognition technology (FRT) by police. As this multibillion-dollar industry continues to expand—projected to grow from US$5 billion to US$50 billion by 2030—our network of 15 human rights organizations from the global north and south sees an urgent need to highlight the risks FRT poses to civil liberties and human rights.

Eyes on the Watchers: Challenging the Rise of Police Facial Recognition calls for a thorough re-evaluation of FRT use in law enforcement. The increasing integration of state surveillance systems, the potential for misuse, and the ongoing impact on individual freedoms demand critical scrutiny. To support this effort, we have developed a set of principles based on a documented analysis of the technology, its applications, risks, and harms, alongside human rights standards and legal frameworks.

The risks of FRT in a policing context cannot currently be safeguarded by legislation and the technology cannot be safely deployed; therefore, police should be banned from using FRT. ***Our principles do not promote the use of policing***

FRT, but rather map existing minimum accountability and harm-mitigation standards. They serve as a tool to build consensus around the significant problems posed by FRT and the need for significant restrictions and bans.

Focused specifically on police use of FRT for identification, these principles provide a foundation for assessing risks and advancing advocacy efforts. We believe they will be valuable to policymakers, civil society, legislators, the public, media, courts, and law enforcement.

Overview of the content

Eyes on the Watchers: Challenging the Rise of Police Facial Recognition builds on the 2021 INCLO report *In Focus: Facial Recognition Stories and Rights Harms From Around the World*. That report was a compilation of stories demonstrating the then-emerging harmful effects of FRT. It looked at how FRT poses risks by enabling surveillance that can track individuals during protests, religious events, medical visits and everyday activities, and how FRT can misidentify people – especially people of colour – for crimes they did not commit.

Three years later, the use of this transformative technology is increasingly normalized and ubiquitous. A growing number of state and private actors across the globe are moving to introduce or expand the use of FRT. Legislators are passing laws for FRT use with inadequate guardrails for fundamental rights, and courts are

increasingly tasked with understanding and adjudicating on the risks. This is the context within which we return to this subject with urgency and have decided to provide base knowledge on what FRT is, how it works, the different types of facial recognition technology, its risks and harms and a set of principles to reduce the human rights harms produced by these systems.

These principles were developed by human rights specialists from the fields of sociology, communication, law and technology from 15 different countries during 2023 and 2024.

THESE GUIDELINES ARE DESIGNED TO ADDRESS:

- direct law enforcement use of Facial Recognition Technology (FRT);

- any law enforcement use of FRT carried out by a law enforcement authority in a separate jurisdiction;

- or any law enforcement use of FRT carried out by a third party.

INCLO principles on law enforcement use of FRT

1. Law enforcement authorities must not use FRT without a specific legal basis.

2. Mandatory fundamental rights impact assessments.

3. Fundamental rights impact assessment must be independent of vendor assessment.

4. No acquisition or deployment of any new FRT without a guarantee of future independence from the vendor.

5. All versions of all assessments must be made public before the FRT deployment.

6. Obligation of public consultation

7. Authorities must inform the public how probe images are used in an FRT operation.

8. The technical specifications of any FRT system must be made public before deployment.

9. Live FRT is prohibited.

10. Mandatory prior judicial authorization

11. Authorities must document each retrospective or operator-initiated FRT search.

12. An FRT result alone is not a sufficient basis for questioning, arrest or detention.

13. Mandatory disclosure of the details of the FRT operation applied against individuals.

14. Any FRT misidentification of a person must be reported.

15. Mandatory annual reporting by authorities of misidentifications

16. An independent FRT oversight body must be established before any deployment of FRT.

17. Independent FRT oversight body must publish annual reports.

18. Impact assessments must be made available to the oversight body before the system is deployed.

About INCLO

INCLO is a network of 15 independent national human rights and civil liberties organizations working to promote fundamental rights and freedoms. We support and reinforce our member organizations' work in their respective countries and foster bilateral and multilateral collaborations within the network. INCLO is composed of multi-issue multi-constituency human rights organizations that are domestic in focus and independent of their governments. These organizations defend the rights of all persons on their national soil through a mix of litigation, legislative campaigning, public education and grassroots advocacy.

INCLO's 15 member organizations are the American Civil Liberties Union (ACLU); the Association for Civil Rights in Israel (ACRI); the Canadian Civil Liberties Association (CCLA); the Centro de Estudios Legales y Sociales (CELS) in Argentina; Dejusticia in Colombia; the Egyptian Initiative for Personal Rights (EIPR); the Human Rights Law Network (HRLN) in India; Human Rights Law Centre (HRLC) in Australia, the Hungarian Civil Liberties Union (HCLU); the International Human Rights Group Agora (Agora) in Russia; the Irish Council for Civil Liberties (ICCL); the Kenya Human Rights Commission (KHRC); KontraS in Indonesia, the Legal Resources Centre (LRC) in South Africa; and Liberty in the United Kingdom.

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