**Human rights implications of the use of new and emerging digital technologies developed in the military domain used for law enforcement and security purposes**

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A. General approach

1. In recent decades, human rights bodies have had an increasing interest in regulating the use of new and emerging digital technologies developed for military purposes. It is essential to have a comprehensive understanding of the characteristics of such technologies if the above-mentioned bodies are to keep pace with current and expected developments affecting human rights.[[1]](#footnote-2)

2. Consequently, the legal and human rights implications of new and emerging digital technologies developed for military purposes and used in scenarios other than armed conflict should be investigated. To this purpose, it is important to analyze the legal bases for their use, in addition to identifying the mechanisms and institutions that should regulate them.

3. In many cases, these technologies are not illegal in themselves. In other cases, however, a careful analysis of applicable standards could actually lead to considering their prohibition.[[2]](#footnote-3) In all cases, a set of clear and public principles that frame their use, particularly in view of new developments and the multiplication of actors (including non-State actors) that acquire them, must be defined.[[3]](#footnote-4)

4. These technologies can facilitate activities that may involve human rights violations, and hinder proper investigation of situations as a result of being applied in settings which do not ensure transparency in their use.

5. In the framework of the present proposal, the regulatory implications of use of certain surveillance technologies and of the various remote-controlled weapons systems for military purposes (such as unmanned aircraft, armed drones, remote-operated semi-autonomous weapons, and fully autonomous weapons) would be studied.

6. These aspects related to the context of armed conflict have already been addressed in the work of the United Nations, the work of the open-ended Group of Governmental Experts related to emerging technologies in the field of lethal autonomous weapons systems is a good example of it.[[4]](#footnote-5) There are also some efforts to address the issue from the perspective of international human rights law, in particular in relation to the right to life, contemporary forms of racism, racial discrimination, xenophobia and related intolerance or counter-terrorism, among others.[[5]](#footnote-6) This study will consider these precedents and provide new knowledge as part of a comprehensive and practical approach.

7. The scenarios for the use of these new technologies to be considered will include law enforcement operations, monitoring and securing border spaces, and the fight against organized crime and terrorism. The possibility of employing such technologies in these scenarios may involve specific human rights risks that will be specifically addressed.

8. For example, the use of autonomous military technologies strengthens the connection between immigration, national security, and the increasing criminalization of migration. As documented by the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, the European Border and Coast Guard Agency (Frontex) has been testing unpiloted military-grade drones for surveillance and interdiction of boats with migrants and refugees waiting to reach European shores, which would have been used to promote the forcible return of refugees and migrants across a border without taking into account the circumstances of the individuals and without allowing them to apply for asylum or appeal (“pushbacks”).[[6]](#footnote-7) In addition, several studies and reports have highlighted the risks of the use of increasingly hard-line and intrusive technologies, such as drones and various border control mechanisms, such as remote sensors and autonomous surveillance towers.[[7]](#footnote-8)

B. Objective of the research proposal

9. The purpose of the study will be to examine the potential implications of new and emerging digital technologies developed for military purposes, that are used in settings other than armed conflict, and to outline the associated problems, as well as to discuss initiatives to monitor or regulate these technologies.

C. Timeline

10. The Human Rights Council could consider adopting a resolution on the present proposal at its … or … session. The Advisory Committee could therefore submit the report to the Council for consideration at its … or … session. The proposed timeline would allow the Committee to discuss the topic and prepare the report during its …, …, … and … sessions.

1. See A/HRC/44/38. [↑](#footnote-ref-2)
2. See A/71/372. [↑](#footnote-ref-3)
3. A/HRC/34/61 [↑](#footnote-ref-4)
4. Regarding the role of the United Nations in addressing emerging technologies in the area of lethal autonomous weapons systems, see <https://www.un.org/en/un-chronicle/role-united-nations-addressing-emerging-technologies-area-lethal-autonomous-weapons> [↑](#footnote-ref-5)
5. See A/65/321, A/68/382, A/68/389, A/71/372, A/75/590, A/HRC/23/47, A/HRC/25/59, A/HRC/26/36, A/HRC/28/38, A/HRC/34/61 and A/HRC/44/38. [↑](#footnote-ref-6)
6. See A/HRC/48/76, para. 14. [↑](#footnote-ref-7)
7. See A/HRC/48/76 para. 15. See also: Panagiotis Loukinas, *Drones for Border Surveillance: Multipurpose Use, Uncertainty and Challenges at EU Borders*, Geopolitics, 27:1 (2022), pp. 89-112; Bruno Oliveira Martins & Maria Gabrielsen Jumbert, *EU Border technologies and the co-production of security ‘problems’ and ‘solutions’*, Journal of Ethnic and Migration Studies, 48:6, (2022) pp. 1430-1447; Raluca Csernatoni, *Constructing the EU’s high-tech borders: Frontex and dual-use drones for border management*, European Security, vol. 27, No. 2 (2018), pp. 175–200; Human Rights Watch. (2021) “Frontex Failing to Protect People at EU Borders”. Available from: https://www.hrw.org/news/2021/06/23/frontex-failing-protect-people-eu-borders [Accessed: 10 Aug 2022]; Petra Molnar; EDRi; and the Refugee Law Lab: “Technological Testing Grounds: Migration Management Experiments and Reflections from the Ground Up”. Available from: <https://edri.org/wp-content/uploads/2020/11/Technological-Testing-Grounds.pdf> [Accessed: 10 Aug 2022]. [↑](#footnote-ref-8)