Submission to the CERD and CMW on the obligations of State Parties on public policies for addressing and eradicating xenophobia and its impact on the rights of migrants, their families, and other non-citizens affected by racial discrimination.

Submitted by:

Border Violence Monitoring Network

31st March 2024

**I. Reporting Organisation**

1. Border Violence Monitoring Network[[1]](#footnote-1) (BVMN) is a coalition of organisations working to document illegal pushbacks, collective expulsions, and police violence along the EU’s external borders in the Western Balkans and Greece. The collection of data on illegal pushbacks and police violence is done by a consortium of independent field experts who are part of or cooperate with humanitarian support groups united through the Border Violence Monitoring Network.

**II. Pushbacks as a Systemic Xenophobic Practice**

2. Pushbacks is a term used to describe measures to forcibly deny migrants access to State territory and international protections. Pushbacks violate the principle of non-refoulement under international human rights law.[[2]](#footnote-2) The practice of illegal pushbacks bypass the international human rights framework regarding the use of excessive force, detention and expulsion and furthermore denies migrants international protection through access to asylum.

3. The UN Special Rapporteur on Migrants[[3]](#footnote-3) has recognised that the use of pushbacks by State security forces[[4]](#footnote-4) is so widespread that it exists along most migration routes and represents ‘*an entrenched prejudice against migrants’* The UN Committee on Enforced Disappearances affirm that the use of pushbacks is reflective of a ‘*dehumanising border governance’* practice that can directly contribute to the disappearance of migrants. The use of pushbacks has been confirmed by both the CMW[[5]](#footnote-5) and the CERD[[6]](#footnote-6), as well as a range of other Treaty Bodies and international human rights mechanisms.

4. To date, through our field-based member organisations, **BVMN has collected evidence of over 25,000 pushbacks from 14 countries across Europe.** We affirm that such practices are now so frequent they represent an unofficial strategy of European states’ border management. BVMN recognises pushbacks and all forms of border violence against migrants[[7]](#footnote-7) as inherently xenophobic bordering practices. These human rights abuses occur systematically at the hands of State officers who are not held accountable.

5. BVMN asserts that all pushbacks and incidents of border violence are an expression of xenophobic border policies, but since 2017, BVMN has recorded over 60 testimonies that clearly demonstrate direct and explicit incidents of overt xenophobia. This includes physical and verbal xenophobic violence, inhuman treatment such as forced undressing, excessive force and humiliation, abuse in detention, racial profiling, and other xenophobic biases in border technology.

Examples of xenophobic violence and inhuman treatment based on religion:

6. Between 2017 to 2023, BVMN has identified 31 incidents of direct and explicit Islamophobic violence perpetrated against Muslims and those who security forces perceive to be Muslim. This has included incidents of harassment, intimidation, and physical assault by beating, all justified in reference to religion and belief. Further highlighting the indiscriminate nature of the direct, explicit Islamophobic violence perpetrated during pushbacks, 14 testimonies include islamophobia against especially vulnerable groups such as children, women, and the elderly.

7. Highlighting the extraordinary levels of xenophobic cruelty carried out during pushbacks, testimonies have recalled multiple incidents[[8]](#footnote-8) in which security forces have torn up the Quran carried by migrants in transit, with one testimony describing security forces explicitly stating “no Muslims in Europe” whilst destroying the Quran.

8. Further to this, testimonies recorded by BVMN member organisations have also shown how security forces beat a man with a wooden stick for refusing to smoke a cigarette during the holy fasting month of Ramadan[[9]](#footnote-9), or incidents in which police tried to coerce a detained migrant into smoking a cigarette doused in pepper spray[[10]](#footnote-10). Further to this, other examples of extreme xenophobic cruelty designed to psychologically traumatise and humiliate religiously observant migrants, or those perceived to be Muslim, include incidents in which security forces have spray-painted crosses onto the heads of migrants[[11]](#footnote-11), or have poured alcohol over a respondent[[12]](#footnote-12).

Examples of xenophobic violence and inhuman treatment based on nationality and racism:

9. Furthermore, BVMN recognises how Islamophobic violence is often overlapping and intersecting with other forms of xenophobia. For example, a number of testimonies include insults and abuse justified with reference to nationality.[[13]](#footnote-13) In a testimony detailing a pushback from Greece to Turkey, the respondent from Morocco stated his nationality as Libyan when apprehended by the Greek police in the hopes to be ‘treated better’. The officer, however, proceeded to beat the respondent shouting ‘Moroccan’ and, later on, accusing the respondent to be a terrorist.[[14]](#footnote-14) Another case details the arbitrary denial of an asylum request based on Pakistani nationality and Islamic religion.[[15]](#footnote-15)

10. Furthermore, BVMN attests that the widespread, systematic, and deliberate practice in which migrants who are pushed back are denied their right to claim international protection through access to asylum is predicated on racism and racial profiling. For example, in one testimony, the respondent from Afghanistan describes stating his wish to claim asylum in Croatia in response to an officer’s question “*Why do you come to my country?”.* When the group, consisting of a woman, another man, and two children aged 11 and 11-months, got out of the police van they were told “*If you come back again I will kill you. Go!*”. Similar threats to life including threats that are accompanied by sustained violence and abuse, aimed at either deterring re-entry or to prevent migrants from attempting to claim asylum, have been well documented by BVMNs member organisations[[16]](#footnote-16).

11. Other human rights organisations, such as Amnesty International, have drawn the comparison and double standard[[17]](#footnote-17) between racist pushbacks of racialised migrants and safe routes to claim asylum for Ukrainian refugees.[[18]](#footnote-18) This indicates that safe routes are accessible for migrants seeking asylum in Europe, however pushbacks are used as a de facto xenophobic and racist practice to deny racialised migrants’ access to international rights and protections.

**III. Xenophobia and the Torture of Migrants During Pushbacks:**

12. BVMN affirm that the continuous abuse of refugees and migrants by security forces during the pushback process, including using excessive and disproportionate force, punitive forced undressing, and the use of firearms to threaten and injure, amounts to torture and inhuman treatment and places State parties in direct contradiction to both domestic and international human rights obligations.

13. We assert that the use of torture by security forces is not occurring fortuitously, but as demonstrated by the testimonies collected by BVMN’s member organisations, is now so pervasive that it could be viewed as an unofficial State policy enacted against migrants in transit.

14. An analysis of BVMN’s open-source database of pushback testimonies demonstrates that of the 1,833 testimonies documented, over 90.5% recall one or more forms of violence or ill-treatment that we assert amount to torture or inhuman treatment.

14.1. Further to this, in over 73% of testimonies the use of excessive and disproportionate force has been documented. This includes security forces carrying out violent assaults with police batons, improvised weapons such as metal poles or tree branches, or deliberate attacks by police dogs.

14.2. In addition, BVMN has also recorded the systematic use of other forms of violence, often carried out simultaneously to debase and inflict pain and suffering onto migrants during pushbacks. An examination of testimonies from Greece showed that since 2019, over 55% of testimonies also depicted the use of forced undressing, whilst over 21.5% also recorded the use of firearms to attack, threaten and injure.

15. BVMN maintains that the abuse and torture of migrants during pushbacks is a clear example of a systematised xenophobic policy, in which a direct anti-migrant and anti-Muslim narrative is used to justify or further exacerbate extreme levels of violence and cruelty.

15.1. In November 2023, BVMN documented a pushback testimony*[[19]](#footnote-19)* in which the respondents recalled *“we suffered an hour and a half of continuous beatings and torture while we were drowning in our own blood. Someone hit me several times on the head with a pistol grip. They also hit my friend in the mouth with a shoe and broke one or two of his teeth. I think they were drunk because they were hysterical and laughing.”* Similar incidents of extreme violence underpinned by xenophobia can also be demonstrated by a testimony collected in 2023 by No Name Kitchen[[20]](#footnote-20) describing how security forces used pepper spray and batons to beat the respondent and when asked to stop, the officer replied *“Are you Moroccan? Muslim? So, I will not stop.”*

16. Further highlighting the severity and cruelty of the extensive xenophobic violence carried out during pushbacks, testimonies collected from migrants by BVMN’s member organisations have repeatedly expressed how security forces ‘treated them like animals’[[21]](#footnote-21).

16.1. One testimony recounts a pushback of 12 Syrian people, including 4 minors aged 6 to 16 years old. The respondent described how the group were beaten by Croatian police *“with such rage, like they were about to kill some animals”.*[[22]](#footnote-22)

16.2. In a testimony recorded by BVMN member organisation, Collective Aid, the respondent from Afghanistan describes how Hungarian and Czech officers took all the food and drinks from his group of 20, including 3 women, and poured them over their heads to humiliate them[[23]](#footnote-23). The respondent recounts, *“we are being treated worse than animals”.* Similar dehumanising sentiment was also expressed in a testimony collected by No Name Kitchen[[24]](#footnote-24), in which the respondent asked the officers to be treated humanely, to which they were told *“they were not humans, but animals”*.

**IV. Xenophobia and the Inhuman and Degrading Treatment of Migrants During Pushbacks:**

17. In addition to anti-migrant and anti-Muslim narratives underpinning extreme levels of cruelty and brutality during pushbacks, BVMN has also observed a clear practice by which security forces enquire about the nationality or religion of migrants before subjecting them to psychologically harmful and deliberately dehumanising practices such as prolonged force nudity.

17.1. Testimonies recall incidents in which migrants were told “*I hate Palestine!”* before being forcibly stripped naked *en masse* with 120 other migrants[[25]](#footnote-25). Further to this, testimonies have shown security forces checking *“are you Muslim?”* before forcing migrants to take off their clothes, hitting them and targeting their genitalia[[26]](#footnote-26).

17.2. In two cases of forced undressing, the women’s headscarves were forcibly removed against their will.[[27]](#footnote-27) In both cases, there is explicit reference to xenophobia and Islamophobia towards the presence of Muslims in Europe; ‘*This the last time that you wore your scarf, here is not Afghanistan, here is Slovenia, here is no Islam!’*

**V. Inhuman and Arbitrary Detention of Migrants as an Example of a Xenophobic Practice:**

18. BVMN recognises the detention of migrants as a systemic practice taking place during pushbacks. BVMN’s member organisations have documented numerous testimonies that show how migrants have been deprived access to food, water, and health care whilst subjected to detention. BVMN recognises this as inhuman and in some cases would amount to torture.

19. Article 16 and 17 of the UN CMW outlines provisions on the right to liberty of migrants and their families, including establishing the principle of non-discrimination and the duty for State parties to respect and ensure rights provided for migrants. Further to this, ‘General Comment No.5’ outlined that, “torture or cruel, inhuman or degrading treatment may increase the risk of violations of other rights, including the right to health, food, adequate housing, safe water and sanitation”,[[28]](#footnote-28) and may occur if these are “intentionally imposed, encouraged or tolerated by the State on the basis of discrimination of any kind.”[[29]](#footnote-29)

20. BVMN has documented testimonies establishing the consistent practice of inhuman detention conditions imposed on migrants, which demonstrates the direct intention to dehumanise migrants linked to a form of systemic xenophobic practice. The testimonies show how detained migrants have been subjected to poor conditions or denied access to any food or water, health assistance, access to international protection proceedings, and overcrowding in detention spaces and sanitation. Multiple testimonies have reported on these inadequate conditions in detention centres and have recounted the physical and mental harm as a result.

20.1. Two testimonies recorded in 2023 document how Muslims were only given pork to consume in detention[[30]](#footnote-30), with one testimony recounting how they were only allowed to drink water from the toilet.[[31]](#footnote-31) Due to the consumption of pork being prohibited in Islam, some of the detained migrants “*did not eat for days, while others started to eat the pork after three days to avoid dying of hunger”* during their ten days held in detention.

20.2. Another testimony recounts how a group were detained in cramped conditions overnight, whilst police officers ate in front of them and ridiculed them because they could not eat pork due to being Muslim. The respondent recounts how the officers *“took the food from our own bags and fed it to the dogs”.[[32]](#footnote-32)*

**VI. The risk of Xenophobic Biases in Border Technologies:**

21. BVMN recognises the significant risk of surveillance and artificial intelligence technologies being used by State parties to perpetuate xenophobic border policies, including the apprehension and subsequent illegal pushbacks of asylum seekers and migrants.

22 In 2023, UN Working Group on Enforced Disappearances affirmed how technologies including artificial intelligence solutions, drones and thermal imaging sensors had increasingly been used at borders by States and regional agencies to automate processes of identifying and tracking the movement of migrants, refugees, and asylum seekers, including in pushback operations, leading – or in some instances amounting – to enforced disappearances.

23. Since 2017, BVMN’s member organisations have recorded 33 testimonies evidencing the use of drones to locate and apprehend migrants and asylum seekers during pushback operations affecting an estimated 1,004 persons. We affirm such examples highlight the risk of new technologies being used to facilitate pushbacks, a practice that as previously demonstrated is underpinned by xenophobia.

24. BVMN further emphasises the risks linked to xenophobic biases perpetuated through artificial intelligence technologies. BVMN also notes a trend towards increased funding and exploration of such technologies in the context of the EU ‘smart border’ infrastructure.

24.1. The project iBorderCtrl ran from 2016 and 2019 in Hungary, Latvia and Greece and represented an attempt to test automated ‘deception detection’ technology, which included the analysis of ‘micro-gestures’ to detect a potential lie.[[33]](#footnote-33) Recently, in 2021, a feasibility study conducted by the research institute RAND Europe, commissioned by Frontex, identified nine ‘technology areas’ where AI-based systems could be installed and highlighted various opportunities for adaptation.[[34]](#footnote-34)

24.2. Facial recognition tools as used in surveillance cameras and AI-based biometric analysis, run the risk of racial discrimination as they have been shown to have a lower accuracy rate for darker skin tones.[[35]](#footnote-35) Emotion detection algorithms have been shown to have an insufficient scientific basis and the reliability of the technology has been questioned, due to its inability to account for differences in context and cultural background. This has the potential to lead to inaccurate and unfair asylum decisions.[[36]](#footnote-36)

25. BVMN also wishes to highlight a lack of accountability and human rights mechanisms protecting people on the move from the perpetuating of xenophobic violence through the use of border technologies. For example, the recently passed AI ACT classifies technologies according to a risk-based tier system. Only systems classified as ‘high risk’ within the legislation are required to undergo a human rights impact assessment.[[37]](#footnote-37)

25.1. Alongside many other civil society organisations, BVMN has expressed concern with how limiting human rights assessment to technologies classified as ‘high risk’ provides insufficient safeguards. AI-Systems classified as ‘lower risk’ might also bear unknown risks of harm. A much criticised loophole in the text (Article 6(2a)) further allows for companies to opt-out of the high-risk classification and therefore the obligation to conduct a human rights impact assessment.

25.2. Another concerning development is the push of EU member States to implement a blanket exemption for Law enforcement within the AI ACT. This would mean that all AI systems developed for national security would be exempt from human rights safeguards established under the AI ACT.[[38]](#footnote-38) BVMN highlights that such an exemption would further risk the perpetuation of xenophobic biases and violence through the use of border technologies.

1. Border Violence Monitoring Network. n.d. *About Us.* Available from: [https://www.borderviolence.eu/about](https://www.borderviolence.eu/about/) [↑](#footnote-ref-1)
2. OHCHR. ‘The principle of non-refoulement under international human rights law’. Available at: <https://www.ohchr.org/sites/default/files/Documents/Issues/Migration/GlobalCompactMigration/ThePrincipleNon-RefoulementUnderInternationalHumanRightsLaw.pdf> [↑](#footnote-ref-2)
3. OHCHR. (2021). Report on Means to Address the Human Rights Impact of Pushbacks of Migrants on Land and at Sea: Report of the Special Rapporteur on the Human Rights of Migrants. *A/HRC/47/30.* [↑](#footnote-ref-3)
4. For the purpose of this submission, BVMN has used ‘security forces’ as an all encompassing term to refer to State representatives, including police, military and border security officials who have been identified by pushback survivors as having carried out the pushback. [↑](#footnote-ref-4)
5. Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, List of issues prior to submission of the second periodic report of Türkiye, CMW/C/TUR/QPR/2.

Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, Concluding observations on the combined second and third periodic reports of the Syrian Arab Republic, CMW/C/SYR/CO/2-3 [↑](#footnote-ref-5)
6. Committee on the Elimination of Racial Discrimination, Concluding observations on the twentieth to twenty-second periodic reports of Greece, CERD/C/GRC/CO/20-22. [↑](#footnote-ref-6)
7. For the purpose of this submission, BVMN has aligned its terminology with the General Comment/Recommendation Concept Note that states the term “migrants” includes “*every person which is not national of the country where he/she temporarily/permanently is, regardless the reason for leaving his/her country and also regardless of his/her migratory status. It includes asylum seekers, refugees, statelessness, victims of trafficking, and other people in the context of international migration*”. [↑](#footnote-ref-7)
8. Border Violence Monitoring Network. (2022). "They tore up my Quran and told us no Muslims in Europe.” Reported by: Collective Aid. Available at: <https://borderviolence.eu/testimonies/october-10-2022-0500-horgos-serbia/> [↑](#footnote-ref-8)
9. Border Violence Monitoring Network. (2021). "The policeman said: 'Morocco come here I give you a cigarette'. I said 'I cannot take the cigarette; I am doing Ramadan' - then they beat me", Reported by: No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/may-12-2021-0000-samobor-croatia/> [↑](#footnote-ref-9)
10. Border Violence Monitoring Network. (2021). "Twelve Men Apprehended by Hungarian Police, Beaten and Pushed Back to Serbia.” Reported by: No Name Kitchen. Available at:
<https://borderviolence.eu/testimonies/december-3-2021-0000-near-the-horgos-roeszke-border-crossing/> [↑](#footnote-ref-10)
11. The Guardian. (2020). ‘Croatian police accused of spray-painting heads of asylum seekers’. Available at:
<https://www.theguardian.com/global-development/2020/may/12/croatian-police-accused-of-shaving-and-spray-painting-heads-of-asylum-seekers> [↑](#footnote-ref-11)
12. Border Violence Monitoring Network. (2022). "After being kicked repeatedly, a Syrian man gets alcohol poured over his face and clothes.” Reported by: Collective Aid. Available at: <https://borderviolence.eu/testimonies/may-28-2022-2300-rabe-serbia/> [↑](#footnote-ref-12)
13. Border Violence Monitoring Network. (2022). "Our problem is with army, they want to kill us you know.”, Reported by: Collective Aid. Available at: <https://borderviolence.eu/testimonies/july-1-2022-0500-horgos-serbia/>,
Border Violence Monitoring Network. (2023). "We suffered an hour and a half of continuous beatings and torture while we were drowning in our own blood." Reported by: Anonymous. Available at:

<https://borderviolence.eu/testimonies/november-13-2023-maljevac-croatia/> [↑](#footnote-ref-13)
14. Border Violence Monitoring Network. (2021). "The respondent could not take the beating anymore and tried to get up, but another officer shot a second can of tear gas at him, this time on his face.” Reported by: Josoor. Available at: <https://borderviolence.eu/testimonies/july-13-2021-1100-tychero-balabancik/>. [↑](#footnote-ref-14)
15. Border Violence Monitoring Network. (2023). "We suffered an hour and a half of continuous beatings and torture while we were drowning in our own blood." Reported by: Anonymous. Available at:

<https://borderviolence.eu/testimonies/november-13-2023-maljevac-croatia/> [↑](#footnote-ref-15)
16. Border Violence Monitoring Network. (2022). "He pointed a gun at my head. I said we are not animals; we are good persons. We just need to cross. The policeman told us; you are all dogs, you are animals!" Reported by: Collective Aid. Available at: <https://borderviolence.eu/testimonies/november-26-2022-0000-beba-veche-romania/>, Border Violence Monitoring Network. (2020). "What is most strange to me, is that when they hit us they laugh, they have pleasure to see you suffer!" Reported by: No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/december-16-2020-0000-close-to-siljkovaca-croatia/> [↑](#footnote-ref-16)
17. Arab Centre Washington DC. (2022). ‘Racism and the Blocked Refuge of the Displaced of the Middle East.’ Available at: <https://arabcenterdc.org/resource/racism-and-the-blocked-refuge-of-the-displaced-of-the-middle-east/> [↑](#footnote-ref-17)
18. Amnesty International (2022). ‘Poland: Racist pushbacks at Belarus border are 'in stark contrast' to welcome for Ukrainian refugees - new evidence.’ Available at:

<https://www.amnesty.org.uk/press-releases/poland-racist-pushbacks-belarus-border-are-stark-contrast-welcome-ukrainian-refugees> [↑](#footnote-ref-18)
19. Border Violence Monitoring Network. (2023). "We suffered an hour and a half of continuous beatings and torture while we were drowning in our own blood.", Reported by: Anonymous. Available at:

<https://borderviolence.eu/testimonies/november-13-2023-maljevac-croatia/> [↑](#footnote-ref-19)
20. Border Violence Monitoring Network. (2023). "Please, please stop. They were laughing and insulting us while they were beating us." Reported by: No Name Kitchen. Available at: [*https://borderviolence.eu/testimonies/please-please-stop-they-were-laughing-and-insulting-us-while-they-were-beating-us/*](https://borderviolence.eu/testimonies/please-please-stop-they-were-laughing-and-insulting-us-while-they-were-beating-us/) [↑](#footnote-ref-20)
21. Border Violence Monitoring Network. (2023). "The authorities treated us worse than how you would treat animals." Reported by: No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/march-28-2023-gradiska-area/> [↑](#footnote-ref-21)
22. Border Violence Monitoring Network. (2023). "They beat us until we lost our breath and threw us on the Bosnian border." Reported by: No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/december-6-2023-around-cujica-krcevina-croatia/> [↑](#footnote-ref-22)
23. Border Violence Monitoring Network. (2022). “Just like the lives of animals.” Reported by: Collective Aid. Available at: <https://borderviolence.eu/testimonies/october-26-2022-0200-horgos-serbia/> [↑](#footnote-ref-23)
24. Border Violence Monitoring Network. (2022). “You are not humans, you are animals.” Reported by: No Name Kitchen. Available at:

<https://borderviolence.eu/testimonies/august-22-2022-1000-close-to-gradec-pokupski-after-crossing-the-river-kupa-between-the-counties-of-karlovac-and-zagreb-in-croatia/> [↑](#footnote-ref-24)
25. Border Violence Monitoring Network. (2020). “They were laughing while they were hitting us. Laughing so much. No normal person can do that.” Reported by: Josoor. Available at:

<https://borderviolence.eu/testimonies/september-2-2020-0700-30min-drive-outside-alexandropouli/> [↑](#footnote-ref-25)
26. Border Violence Monitoring Network. (2021). “I was bleeding so much in my nose and mouth - a testimony of severe violence.” Reported by: No Name Kitchen. Available at:

<https://borderviolence.eu/testimonies/march-6-2021-0000-nei-psathades-serem/>

 [↑](#footnote-ref-26)
27. # Border Violence Monitoring Network. (2018). “I said to the police that I was a Muslim and refused to take off my clothes. But they said, 'No problem' and took off all my clothes.” Reported by: No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/august-5-2018-0000-slovenian-inner-land-forest-close-to-ilirska-bistrica/> , Border Violence Monitoring Network. (2021). “We wished for rain so that we could at least drink something. We were so thirsty.” Reported by: Josoor. Available at: <https://borderviolence.eu/testimonies/july-18-2021-0000-elhovo-kucunlu/>

 [↑](#footnote-ref-27)
28. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, ‘General comment No.5 (2021) on migrants’ rights to liberty and freedom from arbitrary detention and their connection with other human rights’. Available at: <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-5-2021-migrants-rights-liberty> [↑](#footnote-ref-28)
29. Ibid [↑](#footnote-ref-29)
30. Border Violence Monitoring Network. (2023). “It was like they were playing football with me.” Reported by: Collective Aid. Available at: <https://borderviolence.eu/testimonies/january-2-2023-close-to-bacsborsod-hungary/> [↑](#footnote-ref-30)
31. Border Violence Monitoring Network. (2023). “I don’t know how I got through these ten days; these were the ten most difficult days of my life”. Reported by: No Name Kitchen. Available at: <https://borderviolence.eu/testimonies/february-28-2023-tovarnik/> [↑](#footnote-ref-31)
32. Border Violence Monitoring Network. (2022). “I told one of them that I was very thirsty but he kicked me in the face shouting that there was no water.” Reported by: No Name Kitchen, Available at: <https://borderviolence.eu/testimonies/october-28-2022-1700-in-the-proximity-of-subotica/> [↑](#footnote-ref-32)
33. European Commission. (2018). ‘Smart lie-detection system to tighten EU's busy borders.’ Available at: <https://projects.research-and-innovation.ec.europa.eu/en/projects/success-stories/all/smart-lie-detection-system-tighten-eus-busy-borders#:~:text=Smart%20>. [↑](#footnote-ref-33)
34. Frontex. (2021). ‘Artificial Intelligence- based capabilities for the European Border and Coast Guard.’ Available at: <https://www.frontex.europa.eu/assets/Publications/Research/Frontex_AI_Research_Study_2020_executive_summary.pdf> [↑](#footnote-ref-34)
35. Harvard University. (2020). ‘Racial Discrimination in Face Recognition Technology.’ Available at: <https://sitn.hms.harvard.edu/flash/2020/racial-discrimination-in-face-recognition-technology/>, University of Maryland (2018). ‘Racial Influence on Automated Perceptions of Emotions.’ Available at:

<https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3281765>. [↑](#footnote-ref-35)
36. European Parliament. (2021). ‘Artificial intelligence at EU borders – Publications Office of the EU.’ Available at: <https://op.europa.eu/en/publication-detail/-/publication/a4c1940f-ef4a-11eb-a71c-01aa75ed71a1/language-en/format-PDF/source280939188>. [↑](#footnote-ref-36)
37. Within the context of migration and border control, the following systems have been classified as ‘high-risk’ within the AI-ACT: lie detectors, AI systems used to assess a risk posed by a natural person, AI-systems used to determine the eligibility of a natural person for visa applications, as well as AI-systems used to detect, recognize or identify natural persons. [↑](#footnote-ref-37)
38. Amnesty International. (2024). ‘Defending the rights of migrants in the digital age.’ Available at: <https://www.amnesty.org/en/documents/pol40/7654/2024/en/>. [↑](#footnote-ref-38)