News
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STATEWATCH NEWS

1. **EU: Open letter to MEPs: oppose mandatory fingerprinting for national identity cards**

An open letter from five NGOs calls on MEPs in the European Parliament Civil Liberties Committee (LIBE) to oppose the introduction of mandatory fingerprinting for national identity cards, as required by the proposed Regulation on strengthening security standards for identity cards and residence documents.

See: **Open letter to the European Parliament Civil Liberties Committee: Oppose mandatory fingerprinting for national identity cards** (pdf)

2. EU: **Security Union: new measures agreed to introduce biometric identity cards and a new database for convicted non-EU nationals**

MEPs approved this week new measures that will introduce mandatory fingerprinting for national identity cards and a controversial new database to make it easier for the authorities to find information on any previous criminal convictions handed down against non-EU nationals. The Parliament also agreed its position for a revamped Visa Information System that will permit the profiling of all short-stay Schengen visa applicants.

3. ECHR: **Three judgments: detention of and lack of care for unaccompanied minors in Greece and France violated rights; UK terrorism powers lacked safeguards**

The European Court of Human Rights (ECtHR) recently handed down three important judgements concerning the unacceptable detention of unaccompanied foreign minors in Greek police stations; the failure of the authorities to provide care for an unaccompanied foreign minor living in a camp in Calais; and a lack of safeguards in UK legislation that gave "immigration officers the power to stop, search and question passengers at ports, airports and international rail terminals."

4. EU: **Biometrics, extended travel surveillance, internal-external "synergies": Presidency note outlines future counter-terrorism priorities**

A note produced by the Romanian Presidency of the Council sets out the EU's response to terrorism since 2015, highlights the main measures adopted and calls for a "reflection process on the way forward" in a number of areas including: "interoperability and extended use of biometrics"; implementing the EU Passenger Name Record (PNR) Directive and possibly extending its scope beyond air travel; and "synergies" between internal and external policies, amongst other things.

5. EU: **Saving lives in the Mediterranean: human rights organisations propose plan for "a fair and predictable rescue system"**

Amnesty International and *Human Rights Watch* have sent an action plan for "a fair and predictable rescue system in the Mediterranean Sea" to Carmen Daniela Dan, the internal affairs minister of Romania, which currently holds the Presidency of the Council of the EU.

6. **Refugee crisis: latest news from across Europe** (5-12.3.19) including:

- Council Presidency: "progress" in migration cooperation with Libya should be repeated across North Africa
- Criminal investigation against Spanish human rights activist Helena Maleno closed
- Bulldozers demolish migrant camp in Italy

7. SPAIN-MOROCCO: **Criminal investigation against Spanish human rights activist Helena Maleno closed**

The Moroccan criminal investigation into alleged human trafficking by Spanish human rights activist Helena Maleno has been closed. The Tangiers Court of Appeal last week confirmed that there is no evidence of criminal activity by Maleno, against whom the Moroccan authorities opened an investigation in December 2017. She was accused of trafficking in persons due to her alarm calls to the Spanish authorities concerning vessels in distress on the journey between Spain and Morocco.

8. UK: **Policing: use of force against children increases and disproportionately affects ethnic minorities**

The use of force by police officers against children has increased significantly in recent years and disproportionately affects those who are black or from other ethnic minority groups, according to a new report by the *Children's Rights Alliance for England* (CRAE).

9. EU: **Commission promises transparency for all groups influencing EU policy**

The European Commission has agreed to publish documents on the work of a high-level group that shaped the EU's military research programme and has said that any future such groups should be subject to the same transparency rules as other Commission-appointed expert bodies.

10. EU: **Identity cards: there is still time to oppose the EU's 'fingerprinting Regulation'**

On 11 March the European Parliament's civil liberties committee (LIBE) will vote on the proposed 'fingerprinting Regulation', which will make it mandatory for all national identity cards in the EU to include two fingerprints and a biometric photograph.

The full-text of the Regulation as agreed between the Parliament and the Council in secret trilogues: **Proposal for a Regulation of the European Parliament and of the Council on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement - Confirmation of the final compromise text with a view to agreement** (Council document 6402/19, LIMITE, 22 February 2019, pdf)

MEPs in the LIBE committee, who are due to vote on the text on the evening of 11 March, can be contacted **via the European Parliament website** (link).

11. EU: **NGOs, EU and international agencies sound the alarm over Frontex's respect for fundamental rights**

The Frontex Consultative Forum on Fundamental Rights has expressed "serious concerns about the effectiveness of Frontex's serious incident reporting mechanism," saying that it should be revised and

that the border agency must "take additional measures to set up an effective system to monitor respect for fundamental rights in the context of its activities."

The inadequacy of the serious incident reporting (SIR) mechanism is raised in the latest **annual report of the Consultative Forum** (pdf), which is made up of nine civil society organisations, two EU agencies and four UN agencies and other intergovernmental bodies. It was established in October 2012 to provide independent advice to the agency on fundamental rights

12. **Refugee crisis: latest news from across Europe** (26.2-4.3.19) including:

- Officials knew EU military mission made migration more dangerous
- Global Approach to Migration and Mobility (GAMM) update report
- Common European Asylum System legislation - still going nowhere fast

13. ITALY: **The measure of a minister: Salvini paints a racist death threat as a demand for security**

A racist death threat directed at a young Senegalese man has been described by the Italian interior minister Matteo Salvini as a request for "security and legality."

14. UK: **Right to Rent breaches human rights law and fuels racism, High Court rules**

"The Right to Rent scheme is a vehicle for racism and xenophobia, a High Court judge has ruled."

15. GREECE: **Athens: suspicious death of a Nigerian man in Omonia police station**

On Tuesday 26 February several anti-racist collectives and migrant associations organised a demonstration in downtown Athens to demand truth over the death of Ebuka Mamashoubek, a 34-year old Nigerian father-of-two, at the police station of Omonia.

NEWS

1. **States should enable NGOs to access funding foreign funding, say Venice Commission experts** (Link):

"In the wake of recent challenges to the independent functioning of associations and non-governmental organisations (NGOs), the Council of Europe's constitutional legal experts today adopted a report on standards with respect to foreign funding of non-governmental organisations (NGOs) in Council of Europe member states."

See **Press release**, link)

2. UK: **London: activists take action against former Italian Minister of Interior** (Freedom News, link):

"On the 12th March 2019 students, activists and academics have taken action against the visit of the former Italian Minister of Interior, Marco Minniti, the architect of Italy's policy to externalisation of the EU border to Libya and the sealing of the Mediterranean route.

During a scheduled talk at the London School of Economics (LSE) on "the situation of the Mediterranean Sea, migration and security" Marco Minniti largely praised himself for his diplomatic 'achievements' during his mandate, without mentioning the tragic and inhuman conditions faced by migrants and refugees trapped there. Students, activists and academics eventually challenged him on this point, by asking if the human rights of migrants were ever taken into account when it came to sign the Memorandum of Understanding with Libya, in February 2017."

3. **Western Mediterranean: Nearly Half of Recent Spain Migrant Arrivals Report Exploitation, Abuse** (IOM, link):

"*Madrid – According to an International Organization for Migration (IOM) flow monitoring survey of over 1,300 migrants and refugees in Spain last year, nearly half (48%) of those interviewed indicated having at least one direct experience related to human trafficking, exploitation or abuse while traveling on the Western Mediterranean Route. Men – who outnumber women nine to one among those surveyed – reported a higher percentage (49%) of incidents than women (40%).*

The survey findings are based on 1,341 interviews with migrants and refugees from 39 countries of origin who arrived in Spain in 2018. The surveys were conducted between July and October 2018 in transit and reception centres in more than 40 Spanish municipalities across four autonomous regions to shed more light on the profile and experiences of those who arrived in the country by sea and by land via the Western Mediterranean route."

4. EU: **Council Presidency: "progress" in migration cooperation with Libya should be repeated across North Africa**

The Romanian Presidency of the Council of the EU has called for increased cooperation with North African countries on migration control, arguing that the "progress achieved in Libya" means "the EU should provide - on a much larger scale and over a longer period - targeted assistance" to other countries in the region.

See: NOTE from: Presidency to: Permanent Representatives Committee/Council: **Migration: EU cooperation with third countries** (6599/19, LIMITE, 26 February 2019, pdf)

5. EU: **Commission's latest report on the Agenda on Migration praises "progress" and calls for further work**

Last week the European Commission published its latest report on the European Agenda on Migration, praising work that has "brought irregular arrivals to Europe down to the lowest level recorded in 5 years." At the same time, it highlights the need for further work as part of the EU's "comprehensive approach", putting particular emphasis on cooperation with Morocco.

See: European Commission report: **Report on the Implementation of the European Agenda on Migration** (COM(2019) 126 final, pdf)

6. UK: **Chagos Islanders treatment leads to fears of new Windrush scandal** (The Telegraph, link):

"*Chagos Islanders are at risk of becoming the next Windrush scandal, lawyers have warned after third generation families were threatened with deportation.*

Lawyers acting for the families say hundreds are being subjected to the Government's "hostile" environment policy and have accused the Home Office of unfairly deporting children, who have been educated and raised in Britain, once they turn 18.

Many of the families first moved to Britain in 1967, when they were forcibly removed from their Indian Ocean home by the British government.

However, although first and second generation Islanders are entitled to British citizenship, the problem arises for third generation children if they are born overseas."

7. **Racist crime up sharply in east Germany's Saxony state** (France 24, link):

"*Far-right and racist crime rose sharply last year in eastern Germany's ex-communist state of Saxony, new data showed on Thursday.*

Reported offences -- including mainly assaults but also threats and arson attacks -- increased by 38 percent to 317, with a total of 481 victims, said victim's support group RAA Sachsen.

Saxony is home to the city of Chemnitz where a German man's fatal stabbing, allegedly by asylum seekers, sparked mass protests in September which saw neo-Nazis rampaging through the streets targeting people of foreign appearance."

8. UK: **Ministers woo foreign cops accused of heavy-handed tactics at British arms fair** (Mirror, link):

"*Senior ministers have attended a British arms fair for foreign police forces, many of whom face criticism for human rights abuses and heavy-handed policing.*

Both Trade Secretary Liam Fox and Security Minister Ben Wallace spoke at the three-day Security and Policing fair in Farnborough.

Home Secretary Sajid Javid was scheduled to attend the Home Office-run event, but had to pull out of the event due to the escalating knife crime crisis.

British-made small arms, surveillance and border security equipment were on show for overseas governments."

9. **AI: Europe's shameful failure to end the torture and abuse of refugees and migrants in Libya** (link):

"*Catastrophic impact of Europe's migration policies*

Most of the people currently held in Libya's detention centres were intercepted at sea by the Libyan coastguard, which has enjoyed all kind of support from European governments in exchange for preventing refugees and migrants from reaching European shores.

Through the donation of ships, the setting up of a Libyan search and rescue zone, and the construction of coordination centres, among other measures, European taxpayers' money has been used to enhance the Libyan capacity to block people attempting to flee Libya and hold them in unlawful detention. And this was done with no conditions attached, even if such cooperation results in gross human rights violations like torture."

10. **No agreement on asylum possible before EU elections, EU member states admit** (euractiv, link):

"*EU interior ministers on Thursday (7 March) failed to conclude an overhaul of the bloc's migration policy, meaning that under the Juncker Commission, no further progress can be expected on a dossier expected to take centre stage at the European elections.*

After the proposal of a package of laws to overhaul the European asylum system, five of the seven laws have been agreed.

However, EU member states have been deadlocked for more than a year on the most important one: the planned harmonisation of the bloc's asylum procedures and the controversial question of relocation quotas for refugees across the bloc."

11. **A DE PROFUNDIS FOR THE ASYLUM REFORM** (Politico, link):

"*EU interior ministers gathering in Brussels today are expected to make it clear: The planned reform of the EU's asylum rules is dead. "It's the official day to conclude that there's no agreement on asylum," one EU diplomat told our own Jacopo Barigazzi. We're talking about seven items that compose the Common European Asylum System (CEAS), spanning from resettlement to taking (and*

exchanging among EU countries) fingerprints at borders, to new powers for the EU's asylum agency EASO."

12. Greece: **Three dead in migrant boat sinking off Samos** (ekathimerini.com, link):

"One man and two children died on Thursday after a boat they were on sank off the east coast of the Greek island of Samos, in the eastern Aegean, state-run news agency ANA-MPA reported."

13. **EU declares migration crisis over as it hits out at 'fake news' - European commission combats 'untruths' over issue after row with Hungary's Viktor Orbán** (Guardian, link):

"The European commission has declared the migration crisis over, as it sharpened its attack on "fake news" and "misinformation" about the issue.

Frans Timmermans, the European commission's first vice-president, said: "Europe is no longer experiencing the migration crisis we lived in 2015, but structural problems remain.""

14. **Bulldozers demolish migrant camp in Italy** (euobserver, link):

"Bulldozers and paramilitary police demolished a migrant camp near Gioia Tauro, in Calabria, in southern Italy, on Wednesday, putting at risk of homelessness the mostly African people who lived there and who worked on local farms for low wages, local charities warned."

15. **Border controls in Bavaria and Austria: Police to extract mobile phones** (Matthias Monroy, link):

"With the takeover of the sovereign border security, the Free State is also using new technology. The extraction of telephones is supposed to help in the detection of „smuggler networks". Another application is „contactless identity verification". The projects are perfecting the expansion of biometric EU databases."

16. **No choice: Migrants kidnapped for ransom** (Info Migrants, link):

"'Travel now, pay later' schemes offered by smugglers seem to be increasing the risks to migrants and refugees, especially in parts of Africa. One of the dangers is being kidnapped for ransom, a business that thrives in lawless regions and traps migrants with no way out."

17. **Hungary in Focus** (Green European Journal, link):

"The past decade has seen Hungary, with prime minister Viktor Orbán at the helm, on a steady course to become one of the most substantial threats to democracy and rule of law in the European Union today. While right-wing populists wax hysterical about immigration, fundamental European Union values are being corroded from within. In an increasingly polarised Hungary, political divisions have come to represent the gaping divide between open and closed society."

18. UK: **Macpherson, twenty years on: Diversifying the police won't end institutional racism** (Northern Police Monitoring Project, link):

"In this article, Remi Joseph-Salisbury and Laura Connelly of the Northern Police Monitoring Project discuss institutional racism and the limits of calls to diversify the police force (estimated read time: 6 minutes).

It's twenty years since the publication of the Macpherson report into the police handling of the murder of Stephen Lawrence. Macpherson's key finding was that the Metropolitan Police were 'institutionally racist', a charge that has been levelled at other forces, including Greater Manchester Police. Last month, the Mayor of London, Sadiq Khan, lauded the 'transformative effect' the report had on policing but lamented that 'we still have much more to do.' But the truth is, little has changed.

At every level of policing, racism endures as a problem. From stop and search and inclusion in 'gang' databases, to the use of tasers and deaths following police contact, Black people are disproportionately likely to be harmed by the police."

19. UK: **Secret document reveals police 'blacklisting'** (BBC News, link):

"*A secret police document has revealed how the Metropolitan Police's Special Branch helped the illegal blacklisting of trade unionists - preventing them from getting jobs because of their political views.*

In one case, detectives suggested one individual was a terrorist, despite the claim being wrong.

The illegal practice - exposed ten years ago - involved major construction firms accessing secret files on 3,000 workers and their union activities."

Background: **"Every Man a Capitalist": The long history of monitoring 'unsuitable' workers in the UK** (August 2013)

20. **Rethinking refugee support: Responding to the crisis in South Eastern Europe** (pressenza.com, llink):

"*The migration crisis that began in 2015 has had a major impact on countries in South Eastern Europe.*

Outlining findings and recommendations from a new project, Amanda Russell Beattie, Gemma Bird, Jelena Obradovic-Wochnik and Patrycja Rozbicka explain that the EU's response to the crisis has resulted in the outsourcing of refugee settlement and care to states such as Serbia, Greece and Bosnia which were previously described as 'transit' countries. This is leading to overcrowding in refugee camps and reception centres, as well as difficulty in ensuring adequate standards of care and accommodation."

21. EU-MED: **Sophia in limbo: political games limit sea rescues** (euobserver, link):

"*There are only few weeks left until the mandate of the EU's naval mission in the Mediterranean, EUNAVFOR Med [Operation Sophia], will expire on 31 March (...)*

And, indeed, the mission which has rescued about 49,000 people so far has picked up only 106 refugees since July 2018."

22. **Stop Soros Law Left on the Books – The Return of the "Red Tail"?** (verfassungsblog.de, link):

"*The Hungarian Constitutional Court ruled on 28 February 2019 that the criminalization of "facilitating illegal immigration" – introduced by the so-called Stop Soros legislative package targeting human rights NGOs – does not violate the Fundamental Law.*

Shocking as it may seem at first glance, the judgment seems to mitigate the effects of the law by giving it a specific interpretation largely compatible with international human rights standards. This case, however, reminds us again how difficult it is to evaluate the judgments of a constitutional court operating in an illiberal political regime."

23. UK: **Celebrities call for change to 'unjust' rules on asylum seekers working in UK** (Daily Echo, link):

"*A group of actors, authors, lawyers and film-makers have called on the Government to lift a ban on people seeking asylum in the UK taking on paid work.*

The joint letter, signed by 39 people including actor Jude Law, sculptor Antony Gormley, film-maker Ken Loach and former archbishop of Canterbury Dr Rowan Williams, said the issue is "urgent, so plainly unjust and so easy to reconcile that we have been compelled to speak out".

Under current Government rules, asylum seekers are not normally permitted to work while they are waiting for their application to be processed."

24. **After crackdown, what do people employed in migration market do?** (Aljazzera, link)

"*Thousands in Niger were employed as middlemen until the government, aided by the EU, targeted undocumented migration."*

25. Greece: **Moria 8 declared innocent** (aegean.bordermonitoring.eu, link):

"*After 11 months of unjust detention, the Moria 8 have finally been declared innocent and will be released. On the 22nd of February 2019, they were brought to the High Court in Chios where it took the three judges and the four person jury only an hour and a half to acquit them of all charges."*

26. **New Danish assessment makes future uncertain for Syrian asylum seekers** (The Local, link):

"*An assessment by the Immigration Service (Udlændingestyrelsen) of the security situation in Syria's Damascus province could affect refugees from that region who seek asylum in Denmark, and those already granted it.*

For the first time since 2013, the Danish immigration agency does not consider the situation across all of Syria to automatically qualify refugees from the Middle Eastern country for temporary asylum status.

Specifically, this could affect the cases of persons from the Damascus province, the Ministry of Immigration and Integration stated in a press statement Thursday evening."

27. UK: **Sean Rigg: Sister Marcia Rigg-Samuel vows to continue fight** (Sutton & Croydon Guardian, link):

" *The sister of Sean Rigg has vowed to continue her fight for justice after a police misconduct panel dismissed allegations against five officers involved in his fatal detention.*

Marcia Rigg-Samuel has fought an 11-year battle since her brother, a 40-year-old with schizophrenia, died after being restrained by Metropolitan Police officers.

But on Friday (March 1) a disciplinary panel dismissed all allegations against police constables Andrew Birks, Richard Glasson, Matthew Forward, Mark Harratt and Sergeant Paul White."

See: **Officers involved in Sean Rigg arrest and detention cleared of gross misconduct** (IOPC, link)

28. **Drone Surveillance Operations in the Mediterranean: The Central Role of the Portuguese Economy and State in EU Border Control** (Border Criminologies, link):

"*While the Portuguese government does not currently have a single helicopter operating in order to control and fight forest fires that have caused more than 100 deaths in the past two years, much EU and national public funding goes into technology aimed at the control of racialized bodies and the observation of earth from space. At the same time, there is considerable concern among experts that surveillance technology used for military means and border security will be rolled out over the entire population in the future for general policing purposes. For this reason, it remains important to keep an eye on which technologies are receiving large public funds and what are its possible uses.*"

DOCUMENTATION

1. EU: **CCBE recommendations on the establishment of international rules for cross-border access to electronic evidence** (link to pdf):

"*This paper is the CCBE's [Council of Bars and Law Societies of Europe] response to a number of recent developments concerning the establishment of international rules for cross-border access to electronic evidence for the purpose of criminal investigations, especially as regards so-called direct cooperation between law enforcement authorities and service providers.*

...The creation of mechanisms which no longer require an MLAT to enable law enforcement authorities to compel international data transfers has, as a consequence, the removal of the checks and balances that are built into MLATs regarding the exchange of data between the EU and the U.S. or the countries who are parties to the Budapest Convention.

In the context of the negotiation of the proposed EU-U.S agreement as well also as the negotiations concerning a Second Additional Protocol to the Council of Europe Convention on Cybercrime, the CCBE therefore strongly calls upon the EU institutions to adhere to the following principles so as to prevent any potential conflicts with European law, to create sufficient safeguards and legal remedies against third country surveillance measures and to ensure the protection of legal professional privilege and professional secrecy:"

2. EU: **Justice and Home Affairs Council, Brussels, 7-8 March - documentation**

Final press release (pdf) **Background Note** (pdf) **"B" Points agenda for discussion** (pdf) **"A" points:legislative** (adopted without discussion, pdf) an **"A" Points non-legislative** adopted without discussion, pdf)

3. European Parliament Study: **Understanding algorithmic decision-making: Opportunities and challenges** (pdf):

"*This study reviews the opportunities and risks related to the use of ADS. It presents policy options to reduce the risks and explain their limitations. We sketch some options to overcome these limitations to be able to benefit from the tremendous possibilities of ADS while limiting the risks related to their use.*"

4. European Parliament study: **Access to legal remedies for victims of corporate human rights abuses in third countries** (pdf):

"*European-based multinational corporations can cause or be complicit in human rights abuses in third countries. Victims of corporate human rights abuses frequently face many hurdles when attempting to hold corporations to account in their own country. Against this backdrop, judicial mechanisms have increasingly been relied on to bring legal proceedings in the home States of the corporations. This study attempts to map out all relevant cases (35 in total) filed in Member States of the European Union on the basis of alleged corporate human rights abuses in third countries. It also provides an in-depth analysis of 12 cases and identifies various obstacles (legal, procedural and practical) faced by claimants in accessing legal remedy. On the basis of these findings, it makes a number of recommendations to the EU institutions in order to improve access to legal remedies in the EU for victims of human rights abuses by European based companies in third countries.*"

5. **Diego Garcia, Chagos Islands – legacy of displacement and torture** (Cage, link):

"*The torturous history of some 2000 Chagossian people was finally recognised this week by the United Nations, who issued a statement insisting that the UK return the island territory to its residents, to enable them to go back home and administer the island as is their right.*

But what has been missed by mainstream media outlets, is how closely the shameful history of Chagos Island – renamed 'Diego Garcia' by the UK after early Spanish explorers, and as an echo of a

Catholic invocation – mirrors its current function as a US military base, administered by the UK, and leased to the US, to run operations as part of the 'War on Terror'."

See: ICJ Advisory Opinion of 25 February 2019: **Legal Consequences of the Separation of the Chagos Archipelago from Mauritius in 1965** (pdf)