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STATEWATCH ANALYSES

[1. EU aid and development funding has provided €215 million for border security in Morocco since 2001](#)

Since 2001, almost €215 million has been provided to Morocco by the EU to finance border security projects. Human rights abuses against migrants and refugees committed by Moroccan authorities call into question whether financial support from the EU to Moroccan border security should continue.

See Statewatch Analysis: [Aid, border security and EU-Morocco cooperation on migration control](#) (pdf)

2. EU: [New report: Data Protection, Immigration Enforcement and Fundamental Rights: What the EU's Regulations on Interoperability Mean for People with Irregular Status](#)

A new report published by *Statewatch* and the *Platform for International Cooperation on Undocumented Migrants (PICUM)* explains the EU's new rules on interoperable information systems and databases and examines the potential implications for people in an irregular migration situation.

STATEWATCH NEWS

1. [Refugee crisis: latest news from across Europe](#) (19-25.11.19) including:

- EU aid and development funding has provided €215 million for border security in Morocco since 2001
- New Detention Centres Planned on Greek Islands Despite Ruling Against Island Conditions
- EU countries warned of 'lost generation' of young refugees
- Deportations: Council Presidency proposes systematic monitoring of readmission cooperation and sanctions for non-compliance

2. EU: ['Roadmap' for implementing new Frontex Regulation: full steam ahead](#)

A 'roadmap' sets out the actions needed for "rapid and full operationalisation of the European Border and Coast Guard (EBCG) 2.0 Regulation," described as a "top priority for the EU."

3. [EU-USA talks on the exchange of e-evidence reveals major differences - USA-UK deal muddies the water](#)

The Commission has produced a report on the second round of talks on the EU-USA exchange of electronic evidence held in Washington on 6 November 2019. It shows that many differences need to be sorted out and reveals that a UK-USA bilateral agreement in the US legislative pipeline takes a contradictory line to that of the Commission. See:

[Report of the Commission services on the second round of negotiations in view of an agreement between the European Union and the United States of America on cross-border access to electronic evidence for judicial cooperation in criminal matters, 6 November 2019](#) (Council Restricted doc no: 13713-19, pdf).

4. EU: [UK to join police fingerprint database network, but other member states want broader data access](#)

EU member states have recommended that the UK join the 'Prüm' network of police fingerprint databases, but they are also demanding that the country "review its policy of excluding suspects' profiles from automated dactyloscopic [fingerprint] data exchange".

5. EU: [Deportations: Council Presidency proposes systematic monitoring of readmission cooperation and sanctions for non-compliance](#)

The Finnish Council Presidency wants EU member states to consider new methods for encouraging 'third countries' to accept their own nationals deported from the EU, according to a [note](#) (pdf) sent to the High-Level Working Group on Asylum and Migration and the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA).

NOTE from: Presidency: [Policies and tools to enhance readmission cooperation - Presidency discussion paper](#) (LIMITE document 13190/19, 8 November 2019, pdf)

6. [Refugee crisis: latest news from across Europe](#) (29.10-18.11.19) including:

- New report: What the EU's Regulations on Interoperability Mean for People with Irregular Status
- Refugee chaperones are accessories to traffickers, German court rules
- New Greek deportation law approved; Italy renews cooperation with Libya
- Croatia: violence at the border no barrier to Schengen accession
- Exposed: Malta's secret migrant deal with Libya

7. [Asylum-seekers in Greece, Italy hotspots face 'years of limbo'](#)

"Asylum-seekers crowded into "hotspots" in Greece and Italy face limbo that can drag on for years because of legal bottlenecks and poorly performing EU schemes, a report said Wednesday.

The document, by the EU's European Court of Auditors, also found that two agencies meant to assist the two countries with their overflowing camps and caseloads were failing in their missions, partly because of insufficient support from member states."

8. [New report examines the brutal human costs of 'necroborders'](#)

"Over 1,000 people died or went missing whilst attempting to reach Spanish soil between January 2018 and April 2019, the result of 70 shipwrecks and 12 missing boats on routes crossing the Strait of Gibraltar, traversing the Alboran Sea and travelling to the Canary Islands.

*The figures - and the human stories behind them - are recounted in the report *Vida en la Necrofrontera* (Life on the Necroborder), which was published by the collective *Caminando Fronteras* (Walking Borders) in June this year ([Caminando Fronteras](#), link)"*

9. EU: [Croatia: violence at the border no barrier to Schengen accession](#)

The European Commission's decision to give the green light to Croatia's membership of the Schengen area has been condemned by human rights groups who say that it ignores "illegal and violent push-backs of migrants" at Croatia's borders that violate EU and international law.

10. EU: [Creation of centralised Justice and Home Affairs database key aim in security plans](#)

The European Commission has published its: [Twentieth Progress Report towards an effective and genuine Security Union](#) (COM 552, 2019, pdf).

One of the key sections concerns "*Stronger and smarter information systems for **security, border and migration management.***" [emphasis added]

This covers: "*The EU has stepped up information exchange, making it easier to tackle identity fraud, strengthening border checks, modernising Europe-wide law enforcement databases, closing information gaps and reinforcing the EU law enforcement agency Europol. Central to this is **the interoperability of EU information systems.***" [emphasis in original]

11. EU-USA: [Meeting on 6 November 2019 discussed agreement on exchange of electronic evidence](#) -- including life imprisonment without review, death penalty and freedom of speech

The European Commission produced: [Note ahead of the second negotiating round for an EU-US Agreement on cross-border access to electronic evidence, 6 November 2019](#) (Restricted document 13369-19, pdf):

The key issues discussed included the "categories of data" to be covered including "both content and non-content data" and the "types of offences and criminal proceedings, including both pre-trial and trial state"

NEWS

1. EU-AFRICA: [Eurafrica: History of European Integration, “Compromise” of Decolonization](#) (EuropeNow, link):

"After the war, European states actually scrambled to preserve their empires and use them to claim geopolitical leverage vis-à-vis the dominant superpowers to the east and the west, the Soviet Union and the US. In fact, rather than a postcolonial project, the EU (or the European Economic Community, EEC, as it was called at its foundation) was from the outset designed, among other things, to enable a rational, co-European colonial management of the African continent.

The relationship between the history of European integration and the history of colonialism is best understood through a compelling geopolitical entity once known as Eurafrica. As we have shown in a recent book by that title, most efforts to unify Europe from 1920 to 1960 systematically coincided with efforts to develop and stabilize the colonial system in Africa."

2. [Western intelligence services tracked Russian spy in Catalonia](#) (El País, link):

"General Denis Sergeev, the Russian spy who traveled to Barcelona in 2017 on the eve of the October 1 illegal referendum in Catalonia, carried out subversive operations in a dozen or so countries in Europe and Asia. Using the false name Sergey Fedotov, this agent linked to so-called “Unit 29155” was detected in the United Kingdom and Bulgaria, where Western Intelligence services have linked him with a number of assassination attempts. The Spanish High Court is currently investigating him, as EL PAÍS revealed on Thursday.

Denis Vyacheslavovich Sergeev is a veteran of the Main Intelligence Directorate (GRU, as it is known in Russian by its initials), Russia’s largest foreign intelligence agency. With the rank of general, the agent operated for at least a decade in different countries. At the start he did so with his true identity, and later as Sergey Fedotov. Using this name, he was detected in Bulgaria and the United Kingdom. Now, Spain’s High Court is investigating this agent – who has been classed as “dangerous” – and his alleged relationship with events in Catalonia, within the framework of Russian attempts to destabilize other countries.

3. GREECE: [Deportation of Legal Centre Lesvos client halted by intervention of the European Court of Human Rights](#) (Legal Centre Lesvos, link):

"On 21 November 2019, in the case of Z.B. vs. Greece, ECHR?LE2.2bR, the European Court of Human Rights granted an interim application preventing the Greek authorities from deporting an Afghan man, ‘Z.B’, to Turkey from Lesvos. Z.B, who is represented by Legal Centre Lesvos, was due to be deported the next morning had it not been for the intervention of the Court. Amongst the various arguments raised in the application to the ECHR, was the concern that Z.B would be subjected to various serious violations of his human rights, including the very real possibility that he be subjected to inhumane or degrading treatment in Turkey.

The Court agreed to further examine Z.B.’s case, requesting further information regarding Z.B’s claim that the Greek State’s failed to consider the risk of treatment contrary to Article 3 prior to his scheduled deportation."

4. [Italian coast guard: migrant bodies washed ashore or in sea](#) (AP, link):

"The bodies of five migrant women, two of them washed ashore, were recovered Sunday, the Italian coast guard said, as search efforts continued in rough seas near the tiny island of Lampedusa for around another dozen people feared missing in the capsizing of a fishing boat.

Three of the bodies were retrieved from the sea, where waves as high as three meters (10 feet) complicated the coast guard search by boat and helicopter.

The Italian news agency ANSA, reporting from the Italian Mediterranean island, had said that a total of seven bodies had been brought ashore by mid-day. Later, ANSA said the number of recovered corpses had been confirmed at five."

5. UK: [Doctors tell UK authorities Julian Assange 'could die' in jail](#) (Al Jazeera, link):

"More than 60 doctors have written an open letter saying they feared Julian Assange's health was so bad that the WikiLeaks founder could die inside a top-security British prison.

The 48-year-old, who spent seven years holed up in Ecuador's embassy in London before he was dragged out in April, is wanted in the United States to face 18 counts including conspiring to hack government computers and violating an espionage law. He could spend decades in prison if convicted.

The 16-page letter, published by WikiLeaks on Monday, said Assange suffers from psychological problems including depression as well as dental issues and a serious shoulder ailment."

See also: [UN expert on torture sounds alarm again that Julian Assange's life may be at risk](#) (UN, link)

6. [New Detention Centres Planned on Greek Islands Despite Ruling Against Island Conditions](#) (Are You Syrious, link):

"While the European Court of Human Rights has informed the Greek Government that they are in breach of the Human Rights Act and that the hotspot of Samos poses an "imminent risk of irreparable harm" to pregnant people, they have decided to further contain people seeking asylum within closed detention facilities.

The Greek government announced to replace the camps on Lesbos, Chios, Samos, Kos and Leros in July 2020. The new so-called "pre-departure centres", in fact once again closed detention centres, will be designed for at least 5000 people on Lesbos, Chios and Samos, 2000 on Kos and 1000 on Leros, local [media reports](#). Presented pictures showed container villages instead of tents.

These will likely be isolated spots, far from media and NGO attention. [Aegean Boat Report](#) states that one may be placed on the uninhabited island of Levitha south west of Leros another will be in an isolated region of Chios."

7. EDRI: [ePrivacy: EU Member States push crucial reform on privacy norms close to a dead end](#) (link):

"The ePrivacy Regulation aims to strengthen users' right to privacy and create protective measures against online tracking. Instead, EU states turned it into a surveillance toolkit," said Estelle Massé, Senior Policy Analyst at EDRI member's Access Now. "Today's rejection should not be a signal that the reform cannot happen. Instead, it should be a signal that states must go back to the negotiating table and deliver what was promised to EU citizens: stronger privacy protections."

8. Croatia: [Border Violence Monitoring Network](#) (pdf):

"On Saturday 16th November 2019, a group of people-in-transit were fired upon by Croatian police with live rounds. The shooting occurred on Tuhobiæ mountain, Gorski Kotar (HR), an area close to the Slovenian border. One man was shot in the stomach and chest area and remains in a critical condition in a hospital in Rijeka (HR). The Croatian Ministry of Interior have stated this potentially fatal shooting to be an accidental outcome of regular border protection work. However, The Border Violence Monitoring Network are sharing their dataset of firearms incidents, proving the regular and systematic use of guns by the Croatian police during pushback operations. The statistics, drawn from the [common database](#)."

9. [#PrivacyWins: EU Border Guards Cancel Plans to Spy on Social Media \(for now\)](#) (PI, link):

"As any data protection lawyer and privacy activist will attest, there's nothing like a well-designed and enforced data protection law to keep the totalitarian tendencies of modern Big Brother in check.

While the EU's data protection rules aren't perfect, they at least provide some limits over how far EU bodies, governments and corporations can go when they decide to spy on people.

This is something the bloc's border control agency, Frontex, learned recently after coming up with a plan to monitor the internet use of migrants and civil society. After publishing a tender inviting surveillance companies to bid for the project, they mysteriously cancelled it less than a month later while facing questions as to whether such spying was even allowed under data protection regulations."

10. CoE: [Commissioner publishes observations on alleged human rights violations of migrants returned from Italy to Libya](#) (link):

"Today, the Commissioner published her written observations submitted to the European Court of Human Rights in connection with the case of S.S. and others v. Italy. This case concerns the interception and rescue operation of a boat in distress in the Mediterranean Sea, carrying around 150 persons who had left Libya, and the alleged human rights violations resulting from this operation.

The Commissioner underscores that changes adopted in member states' migration practices in the Central Mediterranean, in particular certain types of assistance provided to the Libyan Coast Guard, have resulted in increased returns of migrants, asylum seekers and refugees to Libya, despite the fact that member states knew, or should have known, about the risk of serious human rights violations they would face in the country."

See: Third party intervention by the Council of Europe Commissioner for Human Rights: [S.S and others v Italy](#) (pdf)

11. [Greece migrant crisis: 'Horrible' camps to shut amid influx](#) (BBC News, link):

"Overcrowded, open camps that have become home to 33,000 asylum seekers on five Aegean islands are to be shut down and replaced with closed centres.

Four or five new sites will be set up to house 1,000 to 5,000 people. (...)

The proposed sites are being described as "closed pre-departure centres"

See also: [Migration plan foresees new restrictive facilities on islands, closure of Moria camp](#) (ekathimerini.com, link)

Comment: It appears that the current free movement of refugees on the islands after registration will end and they will be locked in the new detention centres until their return to Turkey has been agreed.

12. Greece: [Turkey needs to end 'blackmail' for migrant aid](#) (euractiv, link):

"Greece's migration minister said that Turkey needs to stop "blackmail" if it wants more EU aid, saying its loaded language had prompted a spike in movement toward Greek shores.

Speaking to AFP on a visit to Washington, Giorgos Koumoutsakos voiced alarm over threats by President Recep Tayyip Erdogan and other Turkish officials to "open the gates" to Europe if it does not provide more support.

When Turkey “keeps repeating that we’re going to open the floodgates, what they (migrants) do is they move closer to the floodgates waiting for them to open,” said Koumoutsakos, citing a 240% increase in migrant arrivals on Greek shores since May.”

13. [Italian Air Force MQ-9A Predator B Drone Allegedly Shot Down In Libya. Images Surface on Social Media](#) (The Aviationist, link):

“One of the Italian UAS (Unmanned Aerial Systems) has crashed in Libya. It’s not clear whether it was shot down (as claimed by some Libyan reports) or crashed for other reasons.

Images showing the wreckage of an Italian Air Force Predator drone have started circulating on the social media networks in the afternoon on Nov. 20.

While showing an Italian Air Force drone, the photographs don’t show an MQ-1 as some sources have reported: they actually show what remains of an MQ-9A Predator B, operated by the 32° Stormo (Wing) of the Aeronautica Militare (Italian Air Force), based at Amendola Air Base, in southeastern Italy.”

14 [The hostile environment confuses unlawful with undocumented, with disastrous consequences](#) (Migration Mobilities Bristol, link):

“If a policy that deprives residents of jobs, homes and money is going to be introduced, one would hope it would be targeted using the best available data with strong failsafe mechanisms in place to reverse any errors. It would, you would have thought, be a disaster if innocent individuals ended up being forced into penury and out of the country as a result of incorrect information.”

15. European Parliament: [Rule of Law in Hungary: Council to update the Civil Liberties Committee](#) (link):

“MEPs will discuss the Article 7(1) process, initiated by Parliament due to concerns about the rule of law in Hungary, on Thursday with the Council.

This is the first substantial discussion on the subject in the current legislative term. The Finnish Presidency of the Council will report to the Civil Liberties Committee on how the first hearing in the General Affairs Council of 16 September went.”

16. EU: Brussels, 3 December 2019: [Workshop on defence and security: How to forge a peace and rights-based EU answer to security threats](#) (pdf):

“This workshop will present the conclusions of three recent reports of the Centre for Peace Studies J.M. Delàs, addressing in particular EU funding for the defence sector, external borders control, and European arms exports; altogether these reports showcase the current trends of EU defence and security policies.

The reports’ outcomes and other experts’ contributions will be the basis for a discussion between civil society and political representatives on how to influence the current EU defence, security and migration policies and what an alternative peace and rights-based approach could be.”

17. [Sea rescue NGOs : a pull factor of irregular migration?](#) (European University Institute, link):

“The argument that maritime Search and Rescue (SAR) operations act as a ‘pull factor’ of irregular seaborne migration has become commonplace during the Mediterranean ‘refugee crisis’. This claim has frequently been used to criticize humanitarian non-governmental organizations (NGOs) conducting SAR off the coast of Libya, which are considered to provide “an incentive for human smugglers to arrange departures” (Italian Senate 2017: 9). In this policy brief, we scrutinise this argument by examining monthly migratory flows from Libya to Italy between 2014 and October 2019. We find no relationship between the presence of NGOs at sea and the number of migrants leaving

Libyan shores. Although more data and further research are needed, the results of our analysis call into question the claim that non-governmental SAR operations are a pull factor of irregular migration across the Mediterranean sea."

18. [Emerging Technologies and International Security in the Mediterranean Region](#) (PRIO, link):

"The third TRANSAD workshop will focus on the topic Emerging Technologies and International Security in the Mediterranean Region. Co-organised by PRIO, the Institut Barcelona d'Estudis Internacionals (IBEI), the Center for the Study of the Drone at Bard College, and the Nordic Centre of Excellence for Security Technologies and Societal Values (NordSTEVA), the workshop will take place in Barcelona on 21 and 22 November 2019."

19. [International Criminal Court may investigate UK 'war crimes cover-up'](#) (BBC News, link):

"The International Criminal Court could open its first investigation into the British military following a BBC programme about alleged war crimes.

Panorama found evidence the state had covered up killings of civilians by UK troops in Iraq and Afghanistan. The ICC said it took the findings very seriously. The MoD has said the allegations are unsubstantiated."

20. [All but last resort: The last reform of detention of asylum seekers in Greece](#) (<http://eumigrationlawblog.eu>, link):

"The Commission has directly encouraged Member States to widely resort to detention to effect returns by laying down lengthy detention periods in domestic law and by bringing "detention capacity in line with actual needs". There is thus little reason to believe that (the continuation of) Greek efforts to increase returns through more coercion will be met with anxious scrutiny, at least not without sufficient pressure on the Commission from accountability mechanisms in Greece and elsewhere."

21. Balkan Region - [Report October 2019](#) (pdf, link) :

"The Border Violence Monitoring Network just published its October report, covering pushbacks and police violence from Croatia (and Slovenia), into Bosnia-Herzegovina and Serbia. Highlighted by the trend analysis of this."

22. GREECE: [Aegean Boat Report 10-17 November 2019](#) (pdf):

"A total of 164 boats started their trip towards the Greek Islands, carrying a total of 6097 people. However, 91 boats were stopped by TCG/police, and 2444 people arrived on the Greek Islands.

So far this year 2849 boats have been stopped by The Turkish Coast Guard and Police, 95244 people. 50194 people have arrived on the Greek islands on 1523 boats, so far in 2019."

23. [World stumbling zombie-like into a digital welfare dystopia, warns UN human rights expert](#) (UN Human Rights, link):

"A UN human rights expert has expressed concerns about the emergence of the "digital welfare state", saying that all too often the real motives behind such programs are to slash welfare spending, set up intrusive government surveillance systems and generate profits for private corporate interests.

"As humankind moves, perhaps inexorably, towards the digital welfare future it needs to alter course significantly and rapidly to avoid stumbling zombie-like into a digital welfare dystopia," the Special Rapporteur on extreme poverty and human rights, Philip Alston, says in a report to be presented to the General Assembly on Friday."

See: [Report of the Special Rapporteur on extreme poverty and human rights](#) (pdf)

24. [Berlin wall's 30th anniversary: the businesses booming from Europe's new walls](#) (TNI, link):

"On the 30th anniversary of the fall of the Berlin wall, a new report reveals the European businesses profiting from the construction of new walls across Europe. It identifies three key players – the arms firms Thales, Airbus and Leonardo – as well as a whole host of construction, shipping, technology and security firms from across Europe winning border militarisation contracts.

The report, '[The Business of Building Walls](#)', examines the industry involved in building the many different kinds of walls constructed - especially since 2015 - to keep refugees and migrants out of Europe. It looks at those involved in the construction of the walls and fences and the technology that accompanies them, as well as the 'maritime wall' built across the Mediterranean and the 'virtual' walls of surveillance and biometrics that extend across Europe. It argues that these are all walls as their primary objective is to keep people out, with often deadly consequences."

25. [Greek protesters mark 1973 student uprising](#) (DW, link):

"Some 20,000 people marched under heavy police guard through the capital, Athens, on Sunday, commemorating 46 years since the student-led uprising against the junta.

Around 5,000 police were deployed to prevent clashes with anarchists and other extreme leftist groups, but the march remained mostly peaceful.

It was the first major protest under the conservative administration of Prime Minister Kyriakos Mitsotakis, who was elected in July after pledging to strengthen law and order."

26. EU: [The Atlas of Migration in Europe: A Critical Geography of Migration Policies](#)

*The Migreurop network, of which Statewatch is a member, has published a new edition of *The Atlas of Migration in Europe*, a book which "follows the journeys of those fleeing war, poverty or political crises, risking their lives as they attempt to find sanctuary in Europe."*

27. UK: [Here to fight: building communities of resistance](#) (IRR News, link):

*"Two new anthologies of pieces from the magazines *Race Today* and *Race & Class* recall important struggles on the streets, the factory floors and in communities, linking them to both class and global internationalism.*

*It is salutary that at a time when racism is getting redefined in some sectors and official investigations as identity loss, unconscious bias and microaggression, we are reminded just how connected the struggle against racism was in the 1970s and '80s to class, to exploitation, state power and to liberation movements. It is significant that two new collections, A. Sivanandan's *Communities of Resistance: writings on Black Struggles for Socialism* (Verso, 2019) and the new *Race Today* anthology, *Here to Stay, Here to fight* (Pluto press, 2019), come from magazines that were radicalised into political tools during the heydays of the 1970s."*

28. [Greece illegally deported 60,000 migrants to Turkey: report](#) (DW, link)

"Greece illegally deported 60,000 migrants to Turkey, documents released by Turkey reportedly show. The process involves returning asylum seekers without assessing their status."

29. EPRS: [Situation of migrants in Bosnia and Herzegovina](#) (pdf):

"Recently, local authorities in the Una-Sana Canton (Bihać), which have been shouldering most of the burden of migration management, have resorted to action such as restricting movement and

forcibly transferring migrants to the Vuèjak site, which is unsuitable for human occupation on account of severe health and safety risks for its residents. The government of Croatia has meanwhile been accused by some non-governmental organisations (NGOs) and international organisations of pushing migrants back into BiH, in violation of international norms on non-refoulement."

30. ECHR: [Finnish decision to deport an Iraqi man who was killed when he arrived back in his country of origin violated the Convention](#) (Press release, pdf):

"In today's Chamber judgment in the case of *N.A. v. Finland* (application no. 25244/18) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 2 (right to life) and Article 3 (prohibition of torture and inhuman and degrading treatment) of the European Convention on Human Rights owing to decisions to deport the applicant's father to his country of origin, Iraq, where he was subsequently killed."

See: [Judgment](#) (pdf)

31. [ICJ and others intervene in Mediterranean Sea search and rescue case before European Court](#) (link):

"Today, the ICJ, the AIRE Centre, ECRE and DCR have submitted a third party intervention before the European Court of Human Rights in the case of a 2017 rescue operation of migrants, including refugees, in the Mediterranean Sea that involved the SeaWatch rescue vessel.

The case, [S.S. and Others v. Italy](#), concerns the facts occurred during a rescue operation coordinated by the Maritime Research and Rescue Centre of Italy in Rome in the middle of the Mediterranean Sea."

32. European Court of Auditors: [Special report No 20/2019: EU information systems supporting border control - a strong tool, but more focus needed on timely and complete data](#) (ECA, link)

"The abolishment of border checks at the internal Schengen borders reinforced the importance of effective control and surveillance of the Schengen area external borders. To help border guards control these, the EU has set up a number of information systems. Our audit examined whether the main EU information systems for internal security support border controls efficiently. We found that border guards are increasingly using and relying on the systems when performing border checks. However, some data is currently not included in the systems, while other data is either not complete or not entered in a timely manner."

See: [Press release](#) (pdf) and: [Report](#) (pdf)

33. [Rule of Law in the EU: lost and found?](#) (verfassungsblog.de, link):

"Ursula von der Leyen's promotional tour before her election did not turn out well. She failed to point to substantive rule of law issues, rather she traced back the division between Eastern and Western European state to emotional components. This text takes a look beyond the political rhetoric and explores what the new Commission might entail for the rule of law in the EU."

34. [AYS Digest 9–10/11/19: Bosnian police now beats and robs people, too](#) (link):

"FEATURED

- 10 000 border guards
- Meter-high fences
- Border fortifications, 1000 kilometres long
- The deadly moat of the Mediterranean Sea
- Thousands dead

30 years ago, the fall of the Berlin Wall raised hopes for an open Europe; today we are surrounded by more walls than ever before."

35. [News highlights: Italy and Libya prolong coast guard arrangement; Eritrea accuses CIA of plot against government; Greece formalises new law on deportation](#) (EEPA, link):

"In this week's news highlights: Eritrea claims CIA has plot to overthrow the government; Eritreans protest against the regime in London; UN official allegedly spreads propaganda; South Sudan calls state of emergency; New measures for protection Kenyan domestic workers questioned; Greece formalises new law on deportation of rejected asylum seekers;

Report urges the UK to change its migration policies; EU funds €663 million to support refugees in Turkey; Czech Republic, Hungary and Poland accused of breaking EU law in 2015; Refugees and migrants participate in local entrepreneurship;

Deal between Libyan Coastguard and Italy continues; People from Libyan detention centre are released but left outside of rescue centre overnight; And Spain's Prime Minister praises the efforts made by Morocco to lower number of illegal migrants."

36. [Exposed: Malta's secret migrant deal with Libya - Office of the Prime Minister official Neville Gafà acted as intermediary in deal](#) (Times of Malta, link):

"Malta has secretly negotiated an agreement with Libya that sees the Armed Forces of Malta coordinating with the Libyan coastguard to intercept migrants headed towards the island and returned to the war-torn North African country.

The agreement for "mutual cooperation" was struck between members of the AFM and the Libyan coastguard, with government official Neville Gafà acting as an intermediary.

Mr Gafà, who works out of the OPM in an undisclosed position, has faced repeated allegations of bribery linked to the issuing of medical visas to Libyan nationals, claims he denies."

37. [Migrations in Latin America and the Mediterranean compared: Violence, State cruelty and \(Un-\)Institutional Resistance](#) (pdf):including: Presentation of the English version of the Atlas of Migration 2019.

Convened by Véronique Beneï (IIAC Paris), Thomas Lacroix (MFO) and Eduardo Posado-Carlo (Latin American Centre Oxford):

Tuesday 12 November, 2.45pm, Latin American Centre, Oxford and Wednesday 13 November, 9.15am, Maison Française d'Oxford.

38. [Shots fired at sea rescuers: EU supports competing militias in Libya](#) (link):

"A German public prosecutor's office is investigating the shooting of the ship "Alan Kurdi". Its crew could be caught between the fronts of two coastguards equipped and trained by different EU missions.

With the General Administration for Coastal Security (GACS) and the Libyan Coast Guard and Port Security (LCGPS), two authorities with overlapping functions exist in Libya. The Ministry of Interior Coast Guard is a law enforcement agency operating within the 12-mile zone and along the coast, while the Ministry of Defence Coast Guard is responsible for territorial waters."

39. [Human Rights Watch letter to Frontex](#) (HRW, link):

"I am writing in relation to a July 9 statement made by Croatian President Gabar-Kitarovic during an interview with Swiss channel SRF, where she admitted knowledge of pushbacks of migrants by

Croatian border officials from Croatia to Bosnia Herzegovina and that sometimes force is used. The president's acknowledgement is consistent with findings by Human Rights Watch, UNHCR, and other organizations.

It calls into question the effectiveness of European Border and Coast Guard Agency operations on the Croatia-Bosnia borders, and in particular European Border and Coast Guard Agency's mandate to ensure the protection of human rights through detection activities."

40. [According to the European Court of Human Rights, all is well in the Greek hotspots: Joint Press Release](#) (migreurop.org, link)

"The European Court of Human Rights has rejected for the most part the request made on 16 June 2016 by 51 persons (including many minors) from Afghanistan, Syria and Palestine, who were forcibly maintained in a situation of extreme distress in the hotspot of Chios, Greece [1].

The 51 applicants, supported by our organisations, were identified during an observation mission led by the Gisti in the Greek hotspots in May 2016 [2]. These persons were deprived of their freedom and detained on the island of Chios, which had become an open prison since the implementation of the EU-Turkey Statement of 20 March 2016, just like the neighbouring islands of Lesbos, Leros, Samos and Kos. The requestees invoked the violation of several provisions of the European Convention on Human Rights [3]."

See ECHR: [Judgment](#) (French, pdf)

41. European Parliament: Civil Liberties Committee (LIBE): E-evidence: [DRAFT REPORT on the proposal for a regulation of the European Parliament and of the Council on European Production and Preservation Orders for electronic evidence in criminal matters \(COM\(2018\)0225 – C8-0155/2018 – 2018/0108\(COD\)\) Committee on Civil Liberties, Justice and Home Affairs Rapporteur: Birgit Sippel](#) (148 pages, pdf)

42. UK: [Information Commissioner's Opinion: The use of live facial recognition technology by law enforcement in public places](#) (pdf):

The main outcome was to assert that existing data protection laws not only already apply to live facial recognition, but that as facial data is "sensitive" data.

43. [Data-driven policing: The hardwiring of discriminatory policing practices across Europe](#) (European Network Against Racism, pdf):

"We, as activists, as anti-racist organisations, and as racialised communities in Europe, know too well what it means to be over-policed and under-protected. Still, in 2019, we feel the need to evidence racial profiling, to contest narratives placing us as a threat to 'security' and essentially to unsettle presumptions as to our criminality.

We are still mastering the techniques with which we contest over-policing, brutality and racial profiling. We must now contend with another challenge. When law enforcement resorts to new technology to aid their practice, we find ourselves at further risk. Not only must we consider our physical safety in our relations with the authorities, we also need to be informed about the security of our data."

44. [EU governments ignore Greek request to help 4,000 child refugees](#) (euractiv, link):

"Greece's migration minister Michalis Chrisochoidis sent a letter to his EU counterparts asking them to help share the burden of 4,000 unaccompanied minor refugees on Greek islands, but just one responded.

Speaking today (6 November) at the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE), the Greek minister said they are 4,000 unaccompanied minors on Greek islands who live in conditions that "do not honour the EU".

45. EU: [Commission hosted a High-Level International Conference on countering the threats posed by drones](#) (link):

"On 17 October 2019, Commissioners Dimitris Avramopoulos, Violeta Bulc and Sir Julian King spoke during a High-level International Conference on countering the threats posed by unmanned aircraft systems (UAS), more commonly referred to as drones. The conference, which was co-organised by DG Migration and Home Affairs (HOME) and DG Mobility and Transport (MOVE), brought together a wide range of stakeholders from EU Member States, third countries, international organisations, industry, academia and civil society."

See: [Chair's Statement on the outcome of the High-Level International Conference and subsequent EU-internal meeting on countering the threats posed by unmanned aircraft systems](#) (pdf)

46. EU: PNR: [The Belgian Constitutional Court refers ten preliminary questions to the Court of Justice concerning the obligation to transfer passenger information](#) (pdf)

"The Belgian Constitutional Court refers ten preliminary questions to the Court of Justice of the European Union in light of the review of the law requiring transportation providers and travel operators to communicate passenger information.

The Court inquires whether the system of the PNR Directive, transposed by the contested law, is compatible with the right to respect for private life and the protection of personal data. In addition, the Court asks several questions regarding the interpretation of the Directive.

Lastly, the Court refers a question to the Court of Justice on the applicability of the API Directive, also transposed in Belgian law, that requires air carriers to communicate certain passenger data to combat illegal immigration and to improve border control. With respect to flights within the European Union, the question arises as to its compatibility with the free movement of persons."

47. [Migrants, the Libyan government issues a decree to neutralize NGOs](#) (news1.news, link):

"The decree, issued by the Presidential Council of the Libyan national agreement, bears the date of September 14 and has as its object "the special treatment of international and non-governmental organizations in the Libyan area of ??maritime search and rescue".

He has also been sent to Italy and is a grotesque and dangerous attempt to hinder even more the work of humanitarian ships but above all to attack them with police operations with the threat of leading them and seizing them in Libyan ports."

48. EU: Meijers Committee: [Opinion of the Meijers Committee on interstate procedures and the rule of law](#) (pdf):

"The Meijers Committee hopes that the newly installed Commission and Parliament will pursue the protection of the rule of law in the EU with equal rigor. Our Committee also calls on the Member States, however, to take serious their own responsibility to protect human rights and democracy in fellow Member States. Crucially, all EU Member States are empowered to bring interstate complaints under both the European Convention on Human Rights (Art. 33 ECHR) and the EU Treaties (Art. 259 TFEU). Although interstate procedures before both the European Court of Human Rights and the Court of Justice of the EU are rare, they deserve serious consideration in the current political context for the following reasons (...)"

49. [Number of unaccompanied refugee minors in Greece rises to 4,800](#) (Keep Talking Greece, link):

"They are the most vulnerable group among the refugees: unaccompanied minors in Greece. 4,800 children, aged 2 -17. A real challenge for those in and outside Greece dealing with their protection.

30 percent of them are orphans. Seven out of ten have families in Europe and need to be reunited.

The protection of unaccompanied minors is a major issue for the government, the creation of appropriate accommodation structures is imminent, their transfer from the overcrowded islands an urgent necessity.

The number of unaccompanied children in Greece is increasing: while they are approximately 2,500 unaccompanied children in 2017, their number has reached 4,800 in 2019, according to data released by the National Center for Social Solidarity on October 15."

50. European Court of Justice: [Polish rules relating to the retirement age of judges and public prosecutors, adopted in July 2017, are contrary to EU law](#) (pdf):

"In today's judgment the Court, upholds the action for failure to fulfil obligations brought by the Commission against the Republic of Poland and held that that Member State had failed to fulfil its obligations under EU law, first, by establishing a different retirement age for men and women who were judges or public prosecutors in Poland and, second, by lowering the retirement age of judges of the ordinary courts while conferring on the Minister for Justice the power to extend the period of active service of those judges."

And see: [European Commission statement on the judgment of the European Court of Justice on Poland's Ordinary Courts law](#) (Commission press release, pdf)

51. [European Parliament: Refugees in Turkey: MEPs to assess use of EU funds and cooperation with Ankara](#) (European Parliament, link):

"MEPs will assess on Wednesday the situation of Syrian refugees in Turkey and the results of the budgetary support provided by the EU to the Turkish government."

52. [Briefing: How will Greece's new asylum law affect refugees? 'There's no justification for what we're seeing.'](#) (The New Humanitarian, link):

"Nearly 44,000 asylum seekers have crossed the Aegean Sea from Turkey to the Greek islands so far this year, compared to fewer than 32,500 in all of 2018 – an annual increase of more than 30 percent, but still far below 2015 and 2016 levels.

In response, the Greek government passed a new asylum law on Thursday, 31 October aimed at speeding up procedures and facilitating the return of more people to Turkey under the terms of the EU-Turkey deal signed in March 2016 to curb migration across the Aegean."

53. [Land migration in Africa twice as deadly as Mediterranean, says UNHCR](#) (DW, link):

"Even as a migrant rescue ship disembarks 88 asylum-seekers in an Italian port, a UN official says the Mediterranean isn't the most dangerous place for migrants. Many more die trying to reach the coast than in the sea.

While the Mediterranean Sea remains a deadly route for migrants attempting to reach the European Union, the United Nations Refugee Agency (UNHCR) has warned that the African land journey to reach the Mediterranean coast remains far more lethal.

Vincent Cochetel, the UNHCR's special envoy for the central Mediterranean, said in an interview with the German newspaper Welt am Sonntag that around twice as many migrants die crossing Africa as crossing the Mediterranean."

54. [Call for Croatia to Be Kept out of Schengen Until it Improves Asylum Practices](#) (liberties.eu, link):

"Croatia has received the green light from the European Commission to enter the border-free Schengen Area, but nine organisations and initiatives working with the victims of border violence have made their objections clear."

55. [AYS Weekend Digest 02–03/11/2019: Italy-Libya deal renewed without changes](#) (link)

Feature Story: Italy-Libya deal renewed without changes

"On Saturday 2nd of November the agreement between Italy and Libya which regulates the ["cooperation in the fields of development, the fight against illegal immigration, human trafficking and fuel smuggling and on reinforcing the security of borders"](#), will be automatically renewed. Saturday was the deadline for proposing an annulment or any changes to the deal, but despite a lot of talk in the media, no official proposal was advanced. The deal is now valid for three more years."

GREECE: Arrivals

"Aegean Boat Report state that from Saturday to Sunday 8 boats arrived on the Greek Aegean islands, carrying 263 people, 7 of the boats arrive on Lesbos and the remaining one to Chios. However, in the last 3 days, a total of 97 boats carrying 3,519 people began the journey towards the Islands from Turkey, but only 28 % arrived — 27 boats carrying 1,098 people. 72 % were stopped."

[Full breakdown of arrivals and more detailed statistics here](#) (link)

56. [European Parliament must push for safeguards for journalists in 'e-evidence' proposal](#) (cpj.org, link):

"The Committee to Protect Journalists expressed concern today that a proposed European Union regulation on law enforcement access to electronic data lacks sufficient safeguards for journalists. The [Regulation on European Production and Preservation Orders](#) is known as the "e-evidence proposal."

Under the proposal, prosecutors from one EU member state could order internet service providers in another EU state to store or produce data without oversight from a judge in the target country, and a short timeframe for compliance, according to German news website [netzpolitik.org](#)."

57. GREECE: [Residents of Chios block access to migrant camp in symbolic protest](#) (ekathimerini.com, link):

"Residents of Chios early on Monday blocked the road leading to the island's Vial reception facility in a protest against the camp's growing migrant population.

The residents have said that they will scale up their protests if central government authorities do not extend an operation to decongest the camps on Lesbos and Samos to their island too.

Some 5,000 migrants are currently being hosted at the camp which is several times above its maximum capacity."

58. [Germany: Vigilante patrols pose far-right 'terror threat'](#) (DW, link):

"Right-wing vigilante patrols claiming to fill gaps in state security have popped up in several German states. The government has warned there's not a big leap between these groups and far-right terrorism.

Self-proclaimed citizen militias patrolling German towns are the "beginnings of right-wing terrorist potential," according to the German Interior Ministry."

59. [Outrage in Calais over death of Nigerian man in tent - Man tried to light a fire to keep warm and died from smoke inhalation](#) (Guardian, link):

"Aid groups have protested over "inhuman" conditions for migrants and refugees sleeping rough in Calais after a 25-year-old Nigerian man died from smoke inhalation in his tent. He had tried to light a fire in a tin to keep warm and prepare food.

Police in Pas-de-Calais confirmed that a man had died from intoxication from smoke fumes at the end of last week and said an autopsy would take place. The man was the third migrant or refugee to die in Calais this year."

60. [Dresden: The German city that declared a 'Nazi emergency'](#) (BBC News, link):

"A city in eastern Germany has declared a "Nazi emergency", saying it has a serious problem with the far-right.

Dresden, the capital of Saxony, has long been viewed as a bastion of the far-right and is the birthplace of the anti-Islam Pegida movement.

Councillors in the city - a contender for the 2025 European Capital of Culture - have now approved a resolution saying more needs to be done to tackle the issue."

See also: [Counter-Terrorism Coordinator wants EU to target right-wing extremism and terrorism](#) (Statewatch News)

61. UK: Joint Committee on Human Rights: [Right to privacy "may exist on paper" – but not in online "Wild West", says JCHR](#) (press release, pdf):

"- Individuals are giving away "vast amounts of data" and are expected to be risk-aware when using web based services

"The consent model is broken": Committee calls for robust regulation to govern how personal data is used and stringent enforcement of the rules

- "Deeply troubling" evidence that data being used to discriminate in job and housing ads online

The Committee today reports serious grounds for concern about the nature of the "consent" people provide when giving over an extraordinary range of information about themselves, to be used for commercial gain by private companies."

See: [Report](#) (pdf)

62. [MP calls for review into police handling of journalists' data as Northern Ireland pair continue battle](#) (Press Gazette, link):

"A Conservative MP has urged the Government to review police handling of journalists' data as two investigative journalists in Northern Ireland fight to have their seized material deleted from police databases.

Trevor Birney (pictured left) and Barry McCaffrey (pictured centre) were arrested and had their homes raided last year over an allegation that they had stolen confidential material used in their 2017 film No Stone Unturned."

63. [The FBI Spends a Lot of Time Spying on Black Americans](#) (The Intercept, link):

"The FBI has come under intense criticism after a 2017 leak exposed that its counterterrorism division had invented a new, unfounded domestic terrorism category it called "black identity extremism." Since then, legislators have pressured the bureau's leadership to be more transparent about its investigation of black activists, and a number of civil rights groups have filed public records requests to try to better understand who exactly the FBI is investigating under that designation."

64. GREECE: AEGEAN BOAT REPORT: [October 2019](#) (link to pdf):

"In 2019, people arriving is up 66%, compared to 2018. In October 270 boats made it to the Greek islands, carrying a total of 9251 people. Arrivals has decreased 13.8% compared to September, boats arriving is down 12.6%. Demographics on the islands: Men 44%, Women 21% and Children 35%."

65. CJEU: [Advocate General Sharpston: the Court should rule that, by refusing to comply with the provisional and time-limited mechanism for the mandatory relocation of applicants for international protection, Poland, Hungary and the Czech Republic have failed to fulfil their obligations under EU law](#) (pdf)

"These Member States cannot invoke their responsibilities with regard to the maintenance of law and order and the safeguarding of internal security in order to disapply a valid EU measure with which they disagree."

See also: [Czech Republic, Hungary and Poland 'breached EU law' by refusing refugees](#) (euractiv, link)

65. [AYS Daily Digest 31/10/19: Ventimiglia, illegal pushbacks as a daily reality at the French-Italian border](#) (Medium, link):

"Illegal pushbacks at the French-Italian border are happening on a daily basis since few years, with an alarming increase in the past months, reaching a total number of 1.855 (sometimes the same person is counted multiple times) just in the month of October. More and more unaccompanied minors are being pushed-back by French authorities, in addition to adults, who are forced to spend the night imprisoned in containers and held in inhumane conditions. People are being denied any legal support and advice."

66. [Trustworthy AI requires solid Cybersecurity](#) (ENISA, link):

"At the third annual ENISA-Europol Internet of Things (IoT) Security Conference, it was Artificial Intelligence (AI) that was the newcomer on the scene. The rise of AI technologies requires a new dialogue and awareness of the related cybersecurity challenges."