![statewatch logo]

News

24 August (10/20)

NEW PUBLICATIONS

[Deportation Union: Rights, accountability and the EU's push to increase forced removals](#)

Plans to increase the number of deportations from the EU will cost hundreds of millions of euros, create giant, opaque and unaccountable agencies and further undermine claims that the EU occupies the moral high ground in its treatment of migrants, argues a new report by the civil liberties organisation Statewatch.

Press release: [EU's planned 'deportation machine': expensive, dangerous and lacking in transparency and accountability measures](#)

[Automated suspicion: The EU's new travel surveillance initiatives](#)

This report examines how the EU is using new technologies to screen, profile and risk-assess travellers to the Schengen area, and the risks this poses to civil liberties and fundamental rights.

By developing 'interoperable' biometric databases, introducing untested profiling tools, and using new 'pre-crime' watchlists, people visiting the EU from all over the world are being placed under a veil of suspicion in the name of enhancing security.

Press release: [EU to deploy controversial technologies on holidaymakers and business travellers](#)

ANALYSIS

1. Viewpoint: COVID-19: from "smart" to "smarter" borders?

STATEWATCH NEWS

1. 'Schrems II' fallout: talks begin on "an enhanced EU-U.S. Privacy Shield framework"
2. Appeal for the respect of the fundamental rights of exiles at the Franco-Italian and other borders
3. UK: Lawyers and legal academics call on UK government to drop extradition case against Julian Assange
4. UK: New powers for police to stop suspected foreign agents at UK ports
5. Belarus: Heavy repression of post-election protests
6. Spain introduces new Guardia Civil unit, reinforcing the militarisation of the southern border
7. UK: Government takes a hard line on 'small boat' arrivals
8. The legal battle to hold the EU to account for Libya migrant abuses
9. UK: Legal challenge seeks to halt export of 'less-lethal' weapons to US police forces

NEWS

STATEWATCH NEWS

1. **'Schrems II' fallout: talks begin on "an enhanced EU-U.S. Privacy Shield framework"**

Will the EU and USA find a new way to permit the transatlantic commercial transfer of personal data? On 10 August talks took place between the European Commission and the US Department of Commerce "to evaluate the potential for an enhanced EU-U.S. Privacy Shield framework" following the invalidation of the former Privacy Shield by the Court of Justice (CJEU) in the 'Schrems II' case. Observers believe that a replacement is likely, but would also be struck down by the courts without significant reforms to the US legal system

2. **Appeal for the respect of the fundamental rights of exiles at the Franco-Italian and other borders**

Translation of an appeal circulated by Roya Citoyenne on 17 August 2020, concerning the violation of peoples' rights at the Franco-Italian border through denial of access to the asylum procedure, refoulements, lack of proper accommodation and no access to health care.

3. **UK: Lawyers and legal academics call on UK government to drop extradition case against Julian Assange**

Hundreds of lawyers, legal associations and legal academics have signed an open letter to the UK government calling on it to drop the extradition case against Julian Assange, while lawyers for the Wikileaks founder have condemned the decision of US prosecutors to file new charges against him.

4. **UK: New powers for police to stop suspected foreign agents at UK ports**

The UK has further beefed up its counter-terrorism regime with the introduction new powers of detention and questioning at ports of entry when officials believe they are dealing with people "involved in hostile state activity."

5. **Belarus: Heavy repression of post-election protests**

Two people have died and over 250 have been injured during protests against the regime of Alexander Lukashenko, the long-standing dictator of Belarus who declared victory in recent elections after winning 80% of the vote.

Statewatch News, 24 August (10/20)
www.statewatch.org
Registered UK charity no. 1154784 | Company no. 08480724
3

6. **Spain introduces new Guardia Civil unit, reinforcing the militarisation of the southern border**

The Spanish interior ministry has made a major change in the structure of the Guardia Civil, merging existing units in charge of operations against irregular migration via the Atlantic, the Strait of Gibraltar and the Alboran Sea in a newly established 'Borders and Maritime Police Command' (Mando de Fronteras y Policía Marítima), a move that will further militarise Spain's border control operations.

7. **UK: Government takes a hard line on 'small boat' arrivals**

The number of people arriving irregularly on British shores has increased in recent weeks, bringing the total for the year to around 4,000. With a number of media outlets treating the issue as an emergency, the government has decided to follow suit and has now appointed a former marine and senior Home Official to "a new role leading the UK's response to tackling illegal attempts to reach the UK.

8. **The legal battle to hold the EU to account for Libya migrant abuses**

An article in The New Humanitarian examines some of the ways in which civil rights activists have sought to hold the EU to account for its role in the abuse of migrants 'pulled back' or held in detention in Libya. A number of other cases, not mentioned in the article, are also ongoing.

9. **UK: Legal challenge seeks to halt export of 'less-lethal' weapons to US police forces**

A group of young people are bringing a legal challenge that aims to halt the UK government's exports of 'less-lethal' weaponry to the US, such as tear gas and rubber bullets, due to the ongoing repression of protests across the country.

10. **UK: Despite the pandemic, Home Office restarts 'Dublin' removals of asylum seekers to EU countries**

The UK Home Office is set to deport up to 20 asylum-seekers to France and Germany this week, despite concerns that it may contribute to the spread of coronavirus. Campaigners suspect that the rush to restart removals under the EU's 'Dublin' system relates to the UK's final departure from the EU at the end of this year, with no replacement agreement on asylum matters in sight.

11. **After six long years, no justice for border deaths and pushbacks to Morocco from Spain**

Sixteen Guardia Civil officers have walked free from court in Cádiz following a ruling that there is insufficient evidence to prosecute them for their involvement in the deaths of 15 people who tried to reach Spanish territory by sea, and the 'hot return' (summary expulsion) of 23 other people to Morocco, in February 2014.

12. **EU: New Europol Regulation: what the agency wants, the agency gets?**

Europol, the EU's policing agency, has circulated a document to member state delegations in the Council's Law Enforcement Working Party (LEWP) setting out what it sees as the shortcomings in its current legal basis. The document is intended to inform discussion on a forthcoming legal proposal that will give Europol more extensive powers.

13. **UK: Threat of legal challenge forces Home Office to abandon "racist visa algorithm"**

The UK Home Office has said that it will get rid of the "streaming algorithm" used to classify visa applications and will launch a review of the system, following an application for judicial review brought by the civil society organisations Foxglove and the Joint Council for the Welfare of Immigrants (JCWI).

14. **Refugee crisis: latest news from across Europe (14 July-3 August 2020)**

Statewatch News, 24 August (10/20)
www.statewatch.org
Registered UK charity no. 1154784 | Company no. 08480724
4

Including:

- Court judgment confirms that Slovenia and Croatia committed "chain pushbacks"
- Pull-backs by the Libyan Coast Guard: complaint filed with UN Human Rights Committee
- Borders, budgets and beyond: LIBE report sheds light on Frontex's priorities for implementing its new mandate
- EU support for "migration management" in the Western Balkans squarely focused on control measures
- Greece: New Legal Centre Lesvos report details collective expulsions in the Aegean Sea

15. **Ireland: Data protection watchdog questions airport checks over Pandemic Unemployment Payment**

The Irish Department of Social Protection has been questioning passengers at airports to see whether they may have been contravening the terms of the Pandemic Unemployment Payment. Their approach has raised eyebrows at the country's data protection authority, which argues they may have been ignoring the legal requirement for reasonable suspicion as the basis for questioning.

16. **Spain: Huge funding increase for migration control in Africa challenged in court**

Spain's government has massively stepped up funding for African states for migration control purposes in recent years. €30 million provided to Morocco is being challenged in court.

17. **Ireland: 'Reunited refugees at risk of being homeless'**

A new report by Nasc, a migrant and refugee rights organisation, explains "the many challenges faced by reunified [refugee] families, including significant barriers to accessing housing and a high risk of homelessness, as well as difficulties accessing other essential services. It highlights significant unmet support needs which are likely to hinder integration into Irish society."

18. **EU: New 'Security Union Strategy' - all the documents**

The European Commission has published a new 'Security Union Strategy' for the 2021-25 period, replacing the previous 'European Agenda on Security' (2015-20) and further extending the scope of EU action on security issues.

19. **Masks cause "great difficulty" for pre-pandemic facial recognition algorithms**

A study by the US National Institute of Standards and Technology (NIST) has found that facial recognition algorithms developed before the emergence of the COVID-19 pandemic have "great difficulty" in accurately identifying people.

20. **UK: Policing the pandemic: figures show ongoing racial discrimination**

A series of reports in The Guardian show how the policing of the pandemic has further exacerbated racial inequalities in law enforcement.

21. **Pull-backs by the Libyan Coast Guard: complaint filed with UN Human Rights Committee**

A press release from the Association for Juridical Studies on Migration (ASGI, Italy) and the Cairo Institute for Human Rights, published on 24 July in advance of a press conference on 28 July.

22. **Montenegro: Frontex launches second operation on non-EU territory**

Frontex has launched its second executive operation in a state outside the EU, deploying officers in Montenegro on 15 July.

23. **Borders, budgets and beyond: LIBE report sheds light on Frontex's priorities for implementing its new mandate**

In February, three MEPs visited the Warsaw headquarters of Frontex, the EU's border agency, to assess implementation of its new mandate, which entered into force in December last year. A report on their mission presents a snapshot of Frontex's current operations, work on deportations and relations with non-EU states, research activities and fundamental rights issues.

24. **EU support for "migration management" in the Western Balkans squarely focused on control measures**

An internal Council survey of EU member states' assistance for Western Balkans countries shows that the emphasis is very clearly on migration control measures, with "the majority of bilateral support... provided in two areas, namely border management and combating the smuggling of migrants (over 50% of all MS activities)".

25. **Forced returns and fundamental rights? FRA releases 2020 report on national 'state of play'**

On 3 July the EU Agency for Fundamental Rights (FRA) released a 'state of play' document examining the deportation ("forced return") monitoring systems of the 27 member states in 2020.

26. **Border surveillance and deaths at sea: Frontex's invisible flights come under scrutiny**

Interest in Frontex's "Multipurpose Aerial Surveillance" activities picked up in April this year, when journalist Sergio Scandura documented the presence of Frontex-operated aircraft above the Mediterranean over the Easter weekend. Four migrant boats with approximately 280 people on board were left in distress situations for days, despite repeated calls for intervention, leading directly to "pull-backs" to Libya and deaths at sea.

27. **Council of the EU: Impact of the COVID-19 pandemic on the EU's migration partnership with African countries**

On 2 June, the Croatian Presidency circulated to member state delegations a document intended for discussion at an "informal videoconference" of the secretive High-Level Working Group on Asylum and Migration on 12 June.

28. **EU: German Council Presidency paper on "rethinking media pluralism"**

The Germany Presidency of the Council of the EU (July-December 2020) has put the issue of media pluralism high on its agenda. An internal Council document sets out some of the thinking going on behind the scenes.

29. **UK: Democracy under threat from 'pandemic of misinformation' online, say Lords Committee**

Report of the House of Lords Select Committee on Democracy and Digital Technologies, plus the Committee's press release and press coverage.

30. **Brexit: Commission prepares for the end of the transition period; concerns over citizens' rights**

The European Commission has published a Communication setting out the changes that will take place when the Brexit "transition period" comes to an end on 1 January 2021, no matter what the outcome of negotiations between Britain and the EU. Citizens' rights groups are concerned that many EU member states do not yet have legislation in place to ensure British citizens with the right to stay can do so.

31. **The 'Easter Massacre' in the Mediterranean: Human rights groups submit criminal complaint**

Over the Easter weekend, 12 people died and 51 were 'pulled back' to Libya in a case where a vessel in distress lay within the Maltese SAR zone and on the fringe of Italy's territorial waters for hours, but no action was taken by Maltese or Italian authorities to conduct a rescue. Human rights group

Statewatch News, 24 August (10/20)
www.statewatch.org
Registered UK charity no. 1154784 | Company no. 08480724
6

submitted a criminal complaint earlier this month, demanding that the possible complicity of the Italian authorities be investigated.

32. **[Northern Ireland: Arrest warrants for investigative journalists overturned](#)**

The High Court in Belfast has quashed the arrest warrants issued for investigative journalists Trevor Birney and Barry McCaffrey. The two were subject to police investigation and arrest for their work on a documentary on the 1994 Loughinisland massacre, in which members of the loyalist Ulster Volunteer Force paramilitary killed six people and wounded five.

Statewatch News, 24 August (10/20)
www.statewatch.org
Registered UK charity no. 1154784 | Company no. 08480724
7

NEWS

1. **The Global Internet Forum to Counter Terrorism: regulating expression online, without accountability?**

An article in Slate looks at the workings of the Global Internet Forum to Counter Terrorism (GIFCT), a global, informal body set up in 2017 by Facebook, Microsoft, Twitter and YouTube in response to government pressure to 'do something' about hate speech and extremist content online. Are its methods for regulating online speech transparent, accountable and under democratic control?

2. **Hungary: New emergency powers provide "a carte blanche mandate to rule by decree"**

Changes to the legal framework governing states of emergency in Hungary, introduced with regard "states of danger" and "states of medical crisis", give the government wide-ranging powers but have "significantly weakened constitutional safeguards," warns a briefing by Amnesty International Hungary, the Eötvös Károly Institute, the Hungarian Civil Liberties Union and the Hungarian Helsinki Committee.

3. **UK: Loving a lie: The woman who found her fiance was an undercover police officer**

One of the women deceived into a long-term relationship by an undercover police officer has waived her anonymity and, in an interview with The Scotsman, has revealed her experiences with a 'spycop' who went by the cover name Carlo Neri.

4. **Turkey: More than 1500 lawyers prosecuted and 605 held in pretrial detention since 2016 coup attempt**

The Arrested Lawyers Initiative has published an update to its report on the situation following the 2016 attempted coup in Turkey, following which the government unleashed a wave of repression.

5. **Border externalisation: Tunisia deploys "naval units, surveillance devices and search teams" to stop migrant departures**

The Italian government claims to have successfully pressured the Tunisian authorities to take renewed action against migrant departures from the coasts of the North African country, according to a report in InfoMigrants.

6. **UK: Police use of facial recognition technology unlawful, says Court of Appeal**

The UK Court of Appeal has ruled that South Wales Police's "use of Live Automated Facial Recognition technology on 21 December 2017 and 27 March 2018 and on an ongoing basis, which engaged Article 8(1) of the European Convention on Human Rights [the right to a private and family life], was not in accordance with the law".

7. **UK: "It is a fiction. There is no refugee crisis."**

Ian Dunt, the editor of politics.co.uk, makes clear the problems with the approach of the British political and media establishment to the arrival of people who have travelled across the Channel in small, unseaworthy vessels.

8. **UK: Legal action threatened over algorithm used to grade teenagers' exams**

Digital rights organisation Foxglove is threatening to take legal action against Ofqual - the government body that regulates qualifications, exams and tests in England - on the grounds that the algorithm

Statewatch News, 24 August (10/20)
www.statewatch.org
Registered UK charity no. 1154784 | Company no. 08480724
8

being used to determine students' estimated A-Level results potentially violates the Data Protection Act. Due to the pandemic, students' final exam results are being estimated based on previous grades, but Foglove argue that schools, rather than individuals students, are being assessed.

9. **[UK: Channel crossings - 100 groups demand safe and legal routes now](#)**

Civil society organisations, Windrush survivors, religious organisations and others are calling on the UK government to provide safe and legal routes to access the country as a way to halt the ongoing crossings of the Channel by people travelling in small boats. The death of 16-year-old boy, who drowned after trying to reach the UK, underscores the importance of the letter

10. **[UK: Government takes a hard line on 'small boat' arrivals](#)**

The number of people arriving irregularly on British shores has increased in recent weeks, bringing the total for the year to around 4,000. With a number of media outlets treating the issue as an emergency, the government has decided to follow suit and has now appointed a former marine and senior Home Official to "a new role leading the UK's response to tackling illegal attempts to reach the UK."

11. **[Romania, Poland and Czech Republic acquiring drones for border surveillance, military purposes](#)**

A number of NATO member states in Eastern Europe - namely Romania, Poland and the Czech Republic - are acquiring a variety of drones with the aim of stepping up border surveillance activities, amongst other things.

12. **[Germany: Belated and limited investigations into far-right death plots](#)**

The far-right Nordkreuz group, which was made up of some 30 members including officials from law enforcement authorities and the military, came under investigation from prosecutors in 2017. Despite alleged plans for a 'Day X', involving plots to round up and kill politicians and migrants, only two members of the group currently face terrorism charges.

13. **[Libya: "They were shot and killed as they fled arbitrary detention"](#)**

Three people who were pulled back to Libya after trying to flee the country have been shot and killed and two others have been injured. According to MSF, they were part of a group of 73 people whose attempt at escaping Libya by sea was thwarted by the Libyan Coast Guard. All those killed or injured are between the ages of 15 and 18.

14. **[Greece: EU to provide €130 million for detention centres on Aegean islands](#)**

Three new detention centres will be constructed with EU funds on the Aegean islands of Samos, Leros and Kos.

15. **[Serbia: Documentary exposes the dangers of mass biometric surveillance](#)**

A new documentary sets out the dangers posed by the Serbian government's drive to blanket Belgrade with facial recognition cameras.

16. **[Court judgment confirms that Slovenia and Croatia committed "chain pushbacks"](#)**

The latest newsletter from Inicijativa Dobrodošli!/Welcome! Initiative reports on a Slovenian court judgment confirming that both Slovenia and Croatia participated in the "chain pushback" of a man identified as J.D., who was illegally expelled to Bosnia and Herzegovina.

17. **[UK: Local authorities must probe police use of data analytics to map communities](#)**

The Institute of Race Relations (IRR) calls on local authorities to probe how the police are using data analytics software, following the news that London's Metropolitan Police have used software that its makers claim can be used "to profile perpetrators and victims", raising concerns over the potential for unwarranted discrimination.

18. **Nigerians returned from Europe face stigma and growing hardship**

The EU is aiming to prevent Nigerians from arriving in EU, and to deport many of those who have been living there irregularly. On their arrival back in Nigeria, those who are removed - whether by forced expulsion or through 'voluntary return' programmes - receive differing levels of support, but both face challenges that may lead them to re-emigrate.

19. **Serbia: Targeting of journalists and NGOs a blatant act of intimidation**

Amnesty International condemns investigations launched by the Serbian state into the activities of NGOs and journalists. The investigations come in the wake of anti-government protests.

20. **UK: Former equalities chiefs: we were not reappointed because we were "too loud and vocal" on racism**

A report in Newsweek publishes claims by two former members of the UK's Equality and Human Rights Commission (EHRC) that they were not reappointed to their roles, despite being recommended to do so, because they were too vocal on issues of racism.

21. **New world disorder: digital attacks on freedom of assembly**

A new report from Access Now examines how digital infrastructure can be blocked, shut down, or monitored to prevent people exercising their right to freedom of assembly.

22. **UK: Increasing police use of Tasers poses "threat to life"**

A new report aims "to inform members of the public of the threat to life posed by the increasing adoption of Tasers by police forces across England and Wales," and in particular by Greater Manchester Police, who have taken up use of the 'less-lethal' weapons with gusto.

23. **UK: MI6 apologise for asking court staff to withhold evidence from Judges**

The UK's foreign intelligence agency, MI6, has apologised to human rights groups after pressuring court staff to withold evidence in a case concerning a policy that allows state agents to commit serious crimes.

24. **Mediterranean: Almost 100 people left adrift for 33 hours: non-assistance policies continue to put lives at risk**

The New York Times reports on the latest case of non-assistance to people in distress in the Mediterranean, this time involving almost 100 people in a rubber dinghy who were only rescued by the Armed Forces of Malta following intense pressure from activists and civil society groups.

25. **Counter-terrorism and the Arts: How counter-terrorism policies restrict the right to freedom of expression**

A new paper from TNI examines how counter-terrorism law and policy can impinge upon freedom of expression in the arts.

26. **UK: Borders after Brexit: government consultation launched**

The UK government has launched a '2025 UK Border Strategy Public Consultation', which seeks to "ensure that the government and industry are able to work in partnership together to deliver a world class border." According to the government, its ambition is to "create the world's most effective border by 2025, to ensure the UK becomes an even more attractive place to travel to and do business with. It will ensure the UK is better protected against crime, terrorism and environmental and biosecurity threats."

Statewatch News, 24 August (10/20)
www.statewatch.org
Registered UK charity no. 1154784 | Company no. 08480724
10

27. **UK: Hear Us: the experiences of refugee and asylum-seeking women during the pandemic**

A new report by the Sisters Not Strangers coalition examines the experiences of refugee and asylum-seeking women in the UK during the COVID-19 lockdown. The authors argue that their findings confirm what they already knew - that refugee and asylum-seeking women have been some of those hardest hit by the pandemic and the measures introduced to contain it. Existing inequalities and disadvantages have been exacerbated, and those interviewed for the report "have experienced hunger, homelessness, mental health has deteriorated and women with pre-existing health conditions have struggled to access healthcare."

28. **Surveillance and data-driven discrimination: 10 threats to migrants and refugees**

Privacy International set out ten threats to the rights of migrants and refugees stemming from "surveillance practices and data-driven immigration policies".

29. **Netherlands: Police and refugee agency accused of breaching asylum seekers' privacy**

Dutch authorities have been accused of breaking the law by sharing refugees' personal data without their consent in the name of detecting "offences such as visa fraud, human trafficking and terrorism."

30. **UK selling spyware and wiretaps to 17 repressive regimes including Saudi Arabia and China**

The Independent has revealed the UK has been exporting surveillance equipment to dictatorships and other repressive regimes.

31. **Poland: Andzrej Duda wins five more years as president**

Poland's conservative president, Andzrej Duda, who is a strong backer of the governing Law and Justice Party, has won another five years in power.

32. **Greece: New Legal Centre Lesvos report details collective expulsions in the Aegean Sea**

Press release from Legal Centre Lesvos on their new report documenting a series of collective expulsions in the Aegean.

Statewatch News, 24 August (10/20)
www.statewatch.org
Registered UK charity no. 1154784 | Company no. 08480724
11