



News

6 November (Issue 14/20)

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Webinar: Deportation Union: databases for expulsions

The EU is expanding a host of databases used for migration and border control. New systems are being developed to ensure the biometric registration of almost all non-EU nationals in the Schengen area. Under the moniker of “interoperability”, the data held in these systems is being interconnected and used in new and controversial ways. Frontex has been given an increasing role in the design and operation of databases used to facilitate expulsions.

If you missed our recent webinar examining these developments, you can now watch a recording [here](#). View the first webinar in the series [here](#), and read the report *Deportation Union* [here](#).

News

Our reports

1. EU: Tracking the Pact: Presidency placing heavy emphasis on externalisation, deportations, border controls
2. Pullback to Turkey organised by Greek official on German boat as part of Frontex operation
3. EU seeking to simplify cross-border use of police drones
4. Policing: three undercover networks merge in step towards "a single pan-European surveillance network"
5. EU: Exports of "dual-use" technology: Council's updated negotiating position
6. EU: Policing: member states get ready for the first "European Data Quality Day"
7. EU: German Presidency: Documents on the future of legal migration and COVID-19: lessons learned regarding legal migration
8. EU: Study demands new ways for Europol to access personal data from private parties
9. Council of the EU: Germany proposes "joining forces with the tech industry" to undermine encryption
10. EU: Frontex signs contract for "human intelligence training" with private security company
11. Frontex to carry out "internal inquiry" into allegations of direct involvement in pushbacks
12. EU: European Public Prosecutor's Office and the processing of personal data
13. EU: German Presidency seeks common approach for data-sharing on "potential terrorists"
14. EU: Greece draws up requirements for member state militaries' role in border control
15. EU: Wiretapping: New high-level police working group to formulate "a joint response to the impending massive impacts of 5G"

Other reports

1. When a Temporary State of Emergency becomes Permanent: France as a Case Study
2. France: Dissolving the CCIF: the shift from the rule of law to arbitrariness
3. ECHR-Poland: Admission of evidence obtained through ill-treatment was in breach of the European Convention
4. European Commission plans to visit Croatia in light of human rights violations – looking to clear their conscience or in increasingly hot water
5. Deal between Council and Parliament on rule of law and EU budget payments
6. France: Increasing numbers of Chechens have their refugee status revoked
7. EU: Unprecedented, far-reaching EU regulation on preventing terrorist content online endangers freedom of speech and of the media as well as the online community
8. EU: Suspension of extradition to Poland: legal experts call for political intervention to protect rule of law
9. CEPS report: "Cross-border data access in criminal proceedings and the future of digital

justice"

10. UK: Shielding the armed forces from prosecution: Bill passes through House of Commons
11. Greece: Eviction of the Pikpa camp: statement from Lesvos Solidarity
12. UK: New report documents "insulting and degrading" financial support for asylum seekers
13. UK: Protest exemption set to be removed from England lockdown rules
14. Drone video shows scale of Poland's abortion protests
15. UK: Cash refusal threatens people's ability to pay for food and medicine
16. UAE police chief would be a disastrous choice to lead Interpol
17. Germany: More than 2,000 new authorities to gain access to the revamped Schengen Information System
18. Recovering antiracism: Reflections on collectivity and solidarity in antiracist organising
19. Deadliest Shipwreck of the Year Claims at Least 140 Lives
20. BLM UK gains legal status and renames as Black Liberation Movement UK
21. EU: Tracking the Pact: The "full grotesquerie of Europe's approach to forced migration is on display", say ECRE
22. Who gets most of EU funding for military research and development?
23. ECHR-Belgium: Deportation of applicant to Sudan: violation of Convention
24. UK: Channel migrants: Deaths should be 'a wake-up call' for those in power
25. Europol report: The challenges of countering human trafficking in the digital era
26. EU: Tracking the Pact: UNHCR "considerations for fair and fast border procedures and solidarity"
27. Italy: Government reverses some of Salvini's anti-asylum policies
28. Bulk data interception/retention judgments of the CJEU – A victory and a defeat for privacy
29. Italy and Frontex now monitor the Mediterranean Sea with large drones
30. UK: West Midlands Police to stop prosecuting hundreds of drug users and offer help instead
31. EU: Bulgaria blocks North Macedonia Frontex agreement
32. Travel surveillance: Croatia and USA sign PNR agreement
33. Greece: Golden Dawn deputy leader evades arrest as others head to prison
34. Deaths during or following police contact: Statistics for England and Wales 2019/20
35. Greece: Defending human rights in times of border militarization
36. ECHR-Germany: Random strip searches of prisoners constitute degrading treatment
37. UK: Channel asylum seekers face "a Dover to Deportation pipeline" with no legal advice or support
38. EU: Tracking the Pact: A "Fresh Start" or One More Clunker? Dublin and Solidarity in the New Pact
39. UK: Court of Appeal reject police attempts to weaken accountability for use of force

40. EU: Who will watch the watchmen on Europe's borders?
41. "Crime of solidarity": Annulment of the sentence of a solidarity activist at the French-Italian border
42. Artists force us to confront the rise in citizen surveillance

Our reports

1. **6 November:** [EU: Tracking the Pact: Presidency placing heavy emphasis on externalisation, deportations, border controls](#)

Discussions in the Council on the measures proposed as part of the EU's new 'Pact on Migration and Asylum' are ongoing. The aim is to find consensus on key points prior to Justice and Home Affairs Council meetings in November and December. The German Presidency set out its thinking on the proposals in a discussion paper circulated on 28 October, and published here. Externalisation, deportations, operations against migrant smuggling and tougher border controls are high on the Presidency's agenda.

2. **5 November:** [Pullback to Turkey organised by Greek official on German boat as part of Frontex operation](#)

In response to a question in the Bundestag, the German interior ministry's parliamentary secretary has said that a Greek official deployed on a German boat as part of Frontex's 'Operation Poseidon' "arranged for the Turkish Coast Guard to take over the persons" on board a boat spotted in Turkish waters, and return them to Turkey.

3. **5 November:** [EU seeking to simplify cross-border use of police drones](#)

As part of the German Presidency's plan to establish a 'European Police Partnership', extending and simplifying the legal framework is high on the agenda, including for the use of drones in cross-border surveillance operations. Drones are also cited in a Commission consultation on an 'EU police cooperation code'. Although the documents contains generic references to fundamental rights and data protection, there are no details on how to improve means for legal or political accountability.

4. **4 November:** [Policing: three undercover networks merge in step towards "a single pan-European surveillance network"](#)

Three police networks focused on covert surveillance activities are to merge and start reporting to the Council of the EU's Law Enforcement Working Party (LEWP). The group will include representatives of every EU and Schengen member state and - at least for the time being - the UK. Operational cooperation and training on issues such as "Non-Police Behaviour, Low-Light Capacity, Rural Surveillance and Counter Surveillance" will be extended through the move.

5. **2 November:** [EU: Exports of "dual-use" technology: Council's updated negotiating position](#)

The Council's latest negotiating position on the proposed Regulation on "dual-use" exports.

6. **2 November:** [EU: Policing: member states get ready for the first "European Data Quality Day"](#)

With the forthcoming interconnection of a host of EU databases for policing and migration, a lot more data on a lot more people will be available to a far greater number of authorities and officials than at present. However, EU databases are riddled with errors. As part of its proposal for a "European Police Partnership", the German Presidency is planning a "European Data Quality Day" which will aim to improve "the quantity and quality of data" held in the Europol Information System and the Schengen Information System.

7. **29 October:** [EU: German Presidency: Documents on the future of legal migration and COVID-19: lessons learned regarding legal migration](#)

Two discussion papers recently circulated by the German Presidency of the Council, on the future of legal migration to the EU and lessons learned for legal migration policy from the COVID-19 pandemic.

8. **29 October:** [EU: Study demands new ways for Europol to access personal data from private parties](#)

Current rules are "perceived to be insufficient by both Europol and the OSPs [online service providers]."

9. **29 October:** [Council of the EU: Germany proposes "joining forces with the tech industry" to undermine encryption](#)

The German Presidency of the Council is pressing ahead with its efforts to undermine encryption in the name of law enforcement. Close cooperation with industry is the preferred means, but "there should be no single prescribed technical solution to provide access to the encrypted data." However, as experts have long pointed out, there is no way to give law enforcement agencies routine access to encrypted data without fundamentally undermining the security of all users of a given service or technology.

10. **27 October:** [EU: Frontex signs contract for "human intelligence training" with private security company](#)

EU border agency Frontex has signed a €15,000 contract with a private security company based in Northern Ireland for the provision of "human intelligence training".

11. **27 October:** [Frontex to carry out "internal inquiry" into allegations of direct involvement in pushbacks](#)

EU border agency Frontex has been accused of direct involvement in at least two pushback operations in the Aegean Sea, and of being in close proximity to four others, following an investigation by a number of media outlets.

12. **21 October:** [EU: European Public Prosecutor's Office and the processing of personal data](#)

The European Commission has recently decided on the categories of data subjects and of personal data that may be processed by the European Public Prosecutor's Office (EPPO) in the course of its investigations.

13. **20 October:** [EU: German Presidency seeks common approach for data-sharing on "potential terrorists"](#)

The German Presidency of the Council has drafted a set of conclusions on the topic of "potential terrorists" ("Gefährder"), setting out ways for the member states to improve information-sharing and coordinate risk assessment and analysis. With increased political pressure to share information on "potential" threats, who will be caught up in the net that shouldn't be?

14. **20 October:** [EU: Greece draws up requirements for member state militaries' role in border control](#)

The Greek military's 'Multinational Peace Support Operations Training Center' has prepared an analysis of training requirements for the military's role in integrated border management operations. Although the report acknowledges that border control is primarily a civilian task, it

says that more training should be given to armed forces in the EU, and that the EU should adopt a 'Common Core Curriculum' on the issue.

15. **19 October:** [EU: Wiretapping: New high-level police working group to formulate "a joint response to the impending massive impacts of 5G"](#)

A new senior police working group will try to advance the police demand to retain wiretapping abilities with 5G technology. However, the technical architecture of 5G makes this extremely difficult, if not impossible. The German Presidency is seeking formal recognition from the Council's Law Enforcement Working Party for this new body, named the 'European Heads of Lawful Interception Units'. As well as EU and Schengen states, the UK will apparently also be involved.

Other reports

1. **6 November:** [When a Temporary State of Emergency becomes Permanent: France as a Case Study](#)

A new paper published by the Transnational Institute examines how France's state of emergency - originally declared in November 2015 as a temporary, exceptional measure - has become permanent, and the effects on individual rights.

2. **6 November:** [France: Dissolving the CCIF: the shift from the rule of law to arbitrariness](#)

Unofficial translation of a statement published by the Collective Against Islamophobia in France (Collectif Contre l'Islamophobie en France, CCIF), which the French interior minister stated was an "enemy of the republic", along with 50 other Muslim organisations, following the murder of the schoolteacher Samuel Paty in October.

3. **6 November:** [ECHR-Poland: Admission of evidence obtained through ill-treatment was in breach of the European Convention](#)

The ECHR has ruled that evidence obtained via torture and ill-treatment inflicted by private individuals renders criminal proceedings unsafe, as is the case when it is inflicted by public officials.

4. **6 November:** [European Commission plans to visit Croatia in light of human rights violations – looking to clear their conscience or in increasingly hot water](#)

The latest newsletter from Inicijativa Dobrodošli!/Welcome! Initiative covers the European Commission's plans to visit Croatia in light of news of fundamental rights violations at the borders; pushbacks at the Greek borders; deaths at sea; and police violence in Trieste against anti-racist demonstrators countering a far-right protest.

5. **6 November:** [Deal between Council and Parliament on rule of law and EU budget payments](#)

The Council and the Parliament have reached agreement on new rules that would link payments from the EU budget to conditions related to the rule of law in the member states. The final text, negotiated in secret trilogues - a long-standing anti-democratic practice of the EU law-making process - is not yet public and still has to be signed off by the Council and Parliament.

6. **5 November:** [France: Increasing numbers of Chechens have their refugee status revoked](#)

Mediapart was able to consult the files of several refugees from the Chechen community facing the withdrawal of their asylum status, something most often done on the basis of "white notes" transmitted by the intelligence services.

7. **5 November:** [EU: Unprecedented, far-reaching EU regulation on preventing terrorist content online endangers freedom of speech and of the media as well as the online community](#)

Press release from Patrick Breyer MEP (Pirate Party Germany, Greens/European Free Alliance) on the proposed Regulation on preventing the dissemination of terrorist content online. Negotiations between the Council and Parliament are close to being finalised, but many dangerous provisions remain in the text, which is being pushed through in the wake of recent terrorist attacks.

8. **5 November:** [EU: Suspension of extradition to Poland: legal experts call for political intervention to protect rule of law](#)

The Meijers Committee, made up of experts on immigration, refugee and criminal law, highlights a number of issues that must be considered following increasing suspension by national courts of European Arrest Warrant extraditions to Poland. National courts are halting procedures and requesting advice from the Court of Justice of the EU due to the Polish government's attack on judicial independence and the impact on individual rights in criminal proceedings.

9. **5 November:** [CEPS report: "Cross-border data access in criminal proceedings and the future of digital justice"](#)

A taskforce by the Centre for European Policy Studies (CEPS) and Queen Mary University of London has published a report on cross-border data gathering, the US CLOUD Act, the e-evidence proposal, and implications for EU law. The task force report is written by Sergio Carrera, Marco Stefan and Valsamis Mitsilegas

10. **4 November:** [UK: Shielding the armed forces from prosecution: Bill passes through House of Commons](#)

The Overseas Operations Bill has passed through the House of Commons with a majority of 85 votes. Amongst other things, the Bill would make it extremely difficult to prosecute soldiers or the armed forces for human rights abuses or criminal acts conducted during military operations. UN experts recently condemned the Bill for providing "advance immunity for war crimes and crimes against humanity."

11. **4 November:** [Greece: Eviction of the Pikpa camp: statement from Lesbos Solidarity](#)

On 30 October the Greek police evicted Pikpa camp, which for years has provided a safe and welcoming place for migrants and refugees arriving on Lesbos. The eviction appears to be part of the Greek government's move to ensure all people arriving on the islands are placed in "closed camps".

12. **4 November:** [UK: New report documents "insulting and degrading" financial support for asylum seekers](#)

A new report by the charity Asylum Matters documents the effects of the government support provided to asylum seekers. The weekly rate of support for an individual - recently raised by a paltry three pence to £39.63, or £5.66 a day - is provided on a pre-paid card. The result is that

people must "live in poverty for months, or even years at a time, as they wait for a decision on their asylum claim." The Home Office recently claimed that the three pence raise will "ensure essential needs are provided for."

13. 3 November: [UK: Protest exemption set to be removed from England lockdown rules](#)

The UK's first lockdown and subsequent restrictions did not prevent huge protests being organised, most notably those for racial equality. In fact, an exemption in the English coronavirus regulations has allowed protests to take place where the organisers follow certain protocols intended to prevent the spread of the virus. The police have previously been accused of using the virus as a way to prevent protests from happening in the first place - but now, with the second lockdown looming, the government is set to remove the exemption for protests altogether.

14. 2 November: [Drone video shows scale of Poland's abortion protests](#)

Impressive drone footage of protests against the Polish government's attempt to essentially outlaw abortion show the size of the movement opposed to the new measures. The protests are reportedly more militant and with a broader base than those that have taken place in previous years.

15. 2 November: [UK: Cash refusal threatens people's ability to pay for food and medicine](#)

Information gathered from 2,500 people shows that the inability to pay in cash has had a significant effect upon people's lives during the pandemic. Many businesses have begun only accepting card payments, given the perception that COVID-19 may be transmitted by handling cash.

16. 30 October: [UAE police chief would be a disastrous choice to lead Interpol](#)

Peter Osborne argues that Interpol should reject the candidacy of Major General Nasser Ahmed al-Raisi, a police chief in the United Arab Emirates, for the policing organisation's top job. Al-Raisi is responsible for managing the UAE's security forces, who stand accused of serious crimes, including the repression of dissent and torture. Interpol's general assembly is due to decide the organisation's new chief in December.

17. 30 October: [Germany: More than 2,000 new authorities to gain access to the revamped Schengen Information System](#)

The rules on the Schengen Information System (SIS) were revised in 2018 and provide the possibility for member states to connect new authorities, either directly or indirectly, to the database. The system holds data on tens of millions of wanted or missing persons and objects. In Germany, some 2,000 new authorities will gain access to data. Meanwhile in Switzerland, there is a political controversy over accepting the new rules - but if the country were to reject them, it would have to leave the Schengen area altogether.

18. 30 October: [Recovering antiracism: Reflections on collectivity and solidarity in antiracist organising](#)

A new paper published by the Transnational Institute (TNI).

19. 30 October: [Deadliest Shipwreck of the Year Claims at Least 140 Lives](#)

Some 140 people have died after a boat carrying 200 people heading towards the Canary Islands sank off the coast of Senegal.

20. **30 October:** [BLM UK gains legal status and renames as Black Liberation Movement UK](#)

Black Lives Matter UK has renamed itself as Black Liberation Movement UK and legally registered as a community benefit society, and is set to start using some of the £1.2 million in donations it has received so far this year.

21. **29 October:** [EU: Tracking the Pact: The "full grotesquerie of Europe's approach to forced migration is on display", say ECRE](#)

ECRE's initial examination of the proposed Regulation on Asylum and Migration Management finds it to be complex, confusing, contradictory and conniving. The organisation argues that the proposal seeks to strengthen the role of DG HOME and internal security policies in relation to migration management.

22. **29 October:** [Who gets most of EU funding for military research and development?](#)

The European Network Against Arms Trade (ENAAAT) has done the maths on the EU's military research and development funding, finding that over half the funding is distributed between four member states, and seven of the top ten companies receiving funds were members of the 'Group of Personalities' that advised the European Commission to start funding the development of arms and military technologies.

23. **29 October:** [ECHR-Belgium: Deportation of applicant to Sudan: violation of Convention](#)

Belgium's deportation of an individual to Sudan violated the rights to an effective remedy and the prohibition of inhuman or degrading treatment, the ECHR has ruled. The case concerns a deportation that took place in 2017, when the Belgian and Sudanese authorities were cooperating closely on forced removals.

24. **28 October:** [UK: Channel migrants: Deaths should be 'a wake-up call' for those in power](#)

Four people - two adults and two children - have died whilst attempting to cross the Channel in a small boat, which sank off the coast of France. There are calls for changes to the UK's asylum system and border control measures to prevent the same thing happening again in the future. This incident follows the drowning of a teenager earlier this year.

25. **27 October:** [Europol report: The challenges of countering human trafficking in the digital era](#)

A brief Europol report looks at the changing landscape of human trafficking in light of new technologies, and sets out some of the new law enforcement activities and powers it perceives as required to deal with the issue.

26. **27 October:** [EU: Tracking the Pact: UNHCR "considerations for fair and fast border procedures and solidarity"](#)

The UNHCR has issued a paper setting out certain "practical considerations for fair and fast border procedures and solidarity". A proposal for procedures to swiftly assess asylum claims whilst individuals are detained in facilities at the EU's border is a key feature of the EU's new Pact on Migration and Asylum.

27. 27 October: [Italy: Government reverses some of Salvini's anti-asylum policies](#)

On 5 October the Italian council of ministers adopted a decree that reverses a number of policies introduced by former interior minister Matteo Salvini. Residency permits will once again be available on humanitarian grounds, and asylum-seekers will have the right to access services offered through the country's reception system. However, the government has maintained fines for the crews of ships carrying out search and rescue activities, merely reducing the penalty from one million to €50,000. Parliamentary oversight may see changes to the new rules.

28. 27 October: [Bulk data interception/retention judgments of the CJEU – A victory and a defeat for privacy](#)

Juraj Sajfert argues that a recent CJEU decision on national bulk data retention and collection practices is "a complex victory for the law enforcement community and a major step back in the Court's data retention jurisprudence."

29. 27 October: [Italy and Frontex now monitor the Mediterranean Sea with large drones](#)

Large drones are heading to the skies above the Mediterranean, with both Italy and EU border agency Frontex recently agreeing multi-million euro contracts with private companies. The drones will be used for border surveillance, and in particular are like to assist with pull-backs to North African states.

30. 26 October: [UK: West Midlands Police to stop prosecuting hundreds of drug users and offer help instead](#)

The UK's second-largest police force is to stop prosecuting people caught with drugs intended for personal use, provided that they agree to participate in a drug education or treatment scheme.

31. 26 October: [EU: Bulgaria blocks North Macedonia Frontex agreement](#)

Bulgaria is preventing the signature of an agreement allowing the deployment of Frontex teams in North Macedonia because "Bulgaria doesn't recognise the language of North Macedonia as "Macedonian", as the authorities in Skopje call it. Bulgarian scientists consider it as a dialect of Bulgarian."

32. 23 October: [Travel surveillance: Croatia and USA sign PNR agreement](#)

Croatia and the USA have signed an agreement on the transfer of Passenger Name Record (PNR) data, taken from air passengers during the booking process, as part of Croatia's ongoing attempts to achieve a visa waiver for its citizens.

33. 23 October: [Greece: Golden Dawn deputy leader evades arrest as others head to prison](#)

Christos Pappas, the former deputy leader of Golden Dawn, has gone on the run to evade a 13-year prison sentence handed down against him. He is one of six former leaders of the far-right party sentenced to 13 years in prison; others have received lesser or suspended sentences. Thirty-eight of the 50 people convicted face prison.

34. 23 October: [Deaths during or following police contact: Statistics for England and Wales 2019/20](#)

The annual report on deaths during or following police contact has been published by the Independent Office for Police Conduct.

35. **23 October:** [Greece: Defending human rights in times of border militarization](#)

HumanRights360 presents its latest report on its work at the border of Evros, for the period May-September 2020.

36. **23 October:** [ECHR-Germany: Random strip searches of prisoners constitute degrading treatment](#)

The European Court of Human Rights has found that the German authorities breached Article 3 (inhuman and degrading treatment) and Article 13 (right to an effective remedy) of the European Convention on Human Rights through a policy of random strip searches on prisoners, and a failure to provide legal aid for a prisoner to bring official liability proceedings when the domestic courts found the practice unlawful.

37. **22 October:** [UK: Channel asylum seekers face "a Dover to Deportation pipeline" with no legal advice or support](#)

A new report by the migrants' rights organisation Movement for Justice, based on interviews with 20 people held in the Yarl's Wood detention centre after arriving in the UK by crossing the Channel, says that people are not being provided with legal advice until the very last minute - and that the government's claims that "lefty lawyers" are using last-minute appeals to frustrate deportations are in fact the only option many people have to prevent unlawful removal from the UK.

38. **22 October:** [EU: Tracking the Pact: A "Fresh Start" or One More Clunker? Dublin and Solidarity in the New Pact](#)

Francesco Maiani, Associate professor at the Centre of Comparative, European and International Law at the University of Lausanne, finds that the European Commission's proposal for an Asylum and Migration Management Regulation is largely old wine in new bottles.

39. **22 October:** [UK: Court of Appeal reject police attempts to weaken accountability for use of force](#)

Officer who shot Jermaine Baker will face proceedings for gross misconduct

40. **21 October:** [EU: Who will watch the watchmen on Europe's borders?](#)

As part of the 'Pact on Migration and Asylum', the European Commission has proposed the creation of new independent monitoring mechanisms to investigate human rights abuses, such as pushbacks. However, while many see this as a necessity to prevent violations of individual rights in border control operations, there are a number of EU states who are likely to oppose the measure.

41. **20 October:** ["Crime of solidarity": Annulment of the sentence of a solidarity activist at the French-Italian border](#)

A French activist who was prosecuted for transporting a man presumed to be in an irregular immigration situation has had his sentence overturned, but a fresh hearing at the Court of Appeal awaits.

42. **19 October:** [Artists force us to confront the rise in citizen surveillance](#)

Technological 'innovations' give ordinary people increasing opportunities to monitor and record each others' behaviour. The authorities - in particular, the police - are keen to take advantage of these developments. An article published by the Goethe Institute looks at some of the ways artists have explored these developments, and what they say about contemporary forms of surveillance and social control.

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