News

22 December (Issue 16/20)

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Webinar series: Deportation Union

On Monday 14 December we held, in partnership with the *Transnational Institute*, the third and final webinar in the series covering the report 'Deportation Union: Rights, accountability and the EU's push to increase forced removals. You can now view recordings of all three events:

- The role of Frontex

- Databases for expulsions

- Revamped return policies and reckless forced removals

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Analysis

1. **22 December: Frontex: an overview**

An article produced for the Migration Control project, providing a critical overview of the role, powers and activities of EU border agency Frontex, from 2004 to the present.

2. **17 December: Albania: dealing with a new migration framework on the edge of the empire**

In 2014, Albania was formally accepted as a candidate for membership to the EU. The country is aiming to approximate its domestic law with the EU legal 'acquis' within the next two years, prompting big changes in the country's immigration and asylum system - at least on paper. Currently, those systems cannot be said to meet fundamental rights or EU legal standards, but given conditions within the EU itself - notably in Greece - it remains to be seen whether this will be a barrier to Albania joining the bloc.

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3. **22 December: EU: New counter-terror plans and more powers for Europol put rights at risk**

Earlier this month, the European Commission published its new counter-terrorism agenda, alongside a proposal to expand the powers of EU policing agency Europol. Initial reactions from civil society to the proposals have been sharply critical, with the European Network Against Racism saying the plan "includes a range of initiatives that double down on policies and practices that are discriminatory, criminalizing and racializing."

4. **22 December: EU court: Hungary has failed to fulfil its obligations under EU asylum and migration law**

The Court of Justice of the EU has ruled that Hungary's actions in the field of migration and asylum are against the law.

5. **22 December: Final contracts arranged for €6 billion EU-Turkey deal**

The EU has finalised the contracting of the €6 billion it owes to Turkey as part of the March 2016 deal to keep refugees off European territory. The failure to provide all the funds promised was one reason cited by Turkey in March, when it decided to stop preventing departures to Greece, leading to a spike in arrivals, a diplomatic crisis between the EU and Turkey, the provision of more assistance from other EU member states to Greece for border security, and a worsening situation for people arriving in Greece.

6. **21 December: EU: Advisory group for security research: Report on "AI and security opportunities and risks"**

The Protection and Security Advisory Group (PASAG) advises the European Commission on the content of the EU security research programme, which provides funds for research and development on new surveillance and security technologies. PASAG recently published a report entitled 'AI and security opportunities and risks: Towards a trustworthy AI based on European values', which argues that artificial intelligence (AI) "can have extensive application

in public security and cyber security, if sufficiently large data sets are available," but calls for more training, research and education to make AI "secure, reliable, unbiased and explainable."

7. **18 December: [Mediterranean: Nine new legal proceedings against civil search and rescue ships since June 2020](#)**

Over 1,000 people have died in the Mediterranean in 2020 and EU member states are still halting civilian search and rescue initiatives. An overview produced by the EU's Fundamental Rights Agency (FRA) documents nine new legal proceedings against civil search and rescue ships seeking to operate in the Mediterranean since June 2020, making a total of 50 proceedings since the beginning of 2018. The proceedings launched since June are all administrative in nature, but some of the 50 invoke criminal law against the crews of rescue ships, the organisations operating them or the vessels themselves.

8. **15 December: [EU: More scrutiny of visa applicants in the works as Council and Parliament reach agreement on new rules](#)**

The Council of the EU and the European Parliament have reached a provisional agreement on new rules for the Visa Information System (VIS), which contains information on all applicants for short-stay Schengen visas. Under the new rules, the system will be extended to include certain data on long-stay visas, more data will be held on short-stay visa applicants (including by lowering the fingerprinting age from 12 to 6 years of age) and the system will be made 'interoperable' with other EU databases. New checks will be performed on visa applicants by cross-referencing their data with those databases, and the system will also make use of a profiling tool to assess the potential 'risk' posed by visa applicants. "Technical" discussions are ongoing to finalise the text.

9. **10 December: [EU: Frontex report on removal operations in the first half of 2020 and fundamental rights observations](#)**

Statewatch is publishing Frontex's report on its forced removal operations in the first half of 2020, along with the observations of the agency's fundamental rights officer (FRO). The FRO report highlights a number of problems: a failure to correctly brief escorts on fundamental rights; not enough monitors available to cover all flights and not enough monitors on each flight; a failure to protect dignity and privacy during strip searches; wrongful disclosure of medical data to escorts; improper treatment of vulnerable groups; and problematic use of force and coercive measures. On this latter point, the FRO's report notes that: "A few monitors found that unauthorized coercive measures were used (steel shoes, helmets)."

10. **10 December: [EU: Terrorist content online: Council presidency and European Parliament reach provisional agreement](#)**

The Council of the EU and the European Parliament have reached a provisional agreement on the text of the proposed Regulation on addressing the dissemination of terrorist content online, a controversial proposal that raises numerous fundamental rights concerns. The announcement comes following a series of secret "trilogue" meetings. Numerous organisations, including Statewatch, have previously called for changes to the text in order to protect individual rights; it remains to be seen what is in the final Regulation, which now has to be approved by votes in the Council and the Parliament as a whole.

11. **9 December: [EU: Tens of thousands of people call for Frontex director to step down](#)**

A petition for the resignation of Frontex executive director Fabrice Leggeri, launched by the

campaigning organisation We Move Europe, has gained over 57,000 signatures within one week.

12. **9 December: [EU: Online terrorist content: fundamental rights at risk in secret talks on new legislation](#)**

EU institutions are in the middle of secret negotiations on new rules that would simplify the removal of "terrorist content" hosted online, but there are serious concerns that some of the measures would breach fundamental rights standards.

13. **8 December: [European Parliament: Liberal group wants to give Europol "stronger muscles" and create a "European FBI"](#)**

The Renew Europe group in the European Parliament, which brings together liberal MEPs from across the EU, has called for strengthening the powers of EU policing agency Europol, to turn it into a "European FBI". The group says that Europol must be "fully equipped to fight against ever-evolving and new types of crimes and threats" - including by "giving Europol the right to on its own initiative conduct and coordinate cross-border investigations," a move which EU member states have recently dismissed; it is generally seen as encroaching too far on national sovereignty. The Renew Europe position paper has been published in the run-up to a forthcoming legal proposal from the European Commission which will set out a host of possible new powers for Europol.

14. **8 December: [EU: Draft European Council conclusions - no mention of Brexit, yet](#)**

A draft copy of the conclusions of the European Council meeting due to be held this Thursday and Friday includes statements on COVID-19, climate change, security, and relations with the USA and the "Southern Neighbourhood" - but, at the moment, nothing about Brexit. The UK and EU are engaged in last-minute talks to try to agree a trade deal, which will need to be approved by the European Council (and the European Parliament) if it is to take effect at the beginning of 2021.

15. **4 December: [EU: Council Conclusions on Internal Security and European Police Partnership](#)**

The text of forthcoming Council Conclusions on Internal Security and European Police Partnership have been agreed, with formal approval due at the Justice and Home Affairs Council on 14 December. The Conclusions emphasise the upgrading of databases and increasing law enforcement officials' access to information and personal data; the need to make use of new technologies (such as artificial intelligence) and to undermine encryption; ensure closer cooperation with non-EU states and with military operations; call for new means and methods to address transnational organised crime; and stress (yet again) the need for reinforced cooperation to deal with terrorism. A separate set of Conclusions, included as an annex, set out measures for stepping up cross-border police cooperation.

16. **3 December: [EU: 'Blue Card' rules on migration for highly-skilled employment: Council seeking "common ground" with the Parliament](#)**

Certain aspects of migration to EU states for the purpose of highly-skilled employment are governed by a 2009 law known as the 'Blue Card' Directive. In 2016, the Commission published a proposal to replace those rules, but negotiations between the Council and Parliament stalled. Recently, however, a number of secret "trilogue" meetings between Council and Parliament negotiators have been held, and the German Presidency of the Council is looking to find a way to reach agreement on the legislation.

17. **2 December: [EU: German Presidency: Recommendations for a way forward on the topic of encryption](#)**

Along with a forthcoming Council Resolution on encryption, the German Presidency has produced "Recommendations for a way forward on the topic of encryption." Like the Resolution, the Recommendations underscore the importance of encryption whilst emphasising the need to find ways to circumvent it. The Presidency appears to belive this will be possible through "a lasting dialogue between Member States, the technology industry, civil society and academia," in order "to develop further a consistent regulatory framework across the EU that would allow competent authorities to carry out their operational tasks."

18. **2 December: [Council of the EU: Discussion paper on aspects of terrorism](#)**

In a document recently circulated to member state delegations in the Council, the German Presidency presents the "state of play" on five issues relating to terrorism: the use of the European Arrest Warrant; support for victims of terrorism; the possibility of the cumulative prosecution of foreign terrorist fighters; digitalisation (including cross-border access to e-evidence and the digitalisation of criminal justice cooperation); and online hate speech (covering the current EU legal framework and "possible next steps").

19. **2 December: [Senegal: French and Spanish officers deployed to check documents at Dakar airport](#)**

Passengers at Dakar airport have recently passed through exit checks only to find themselves confronted by French and Spanish officials demanding to see their papers. The officials have reportedly been deployed as "mentors" for Senegalese border guards; their presence is part of "a joint operational program" between Senegal and the EU. Passengers at the airport say they did not see any Senegalese officials accompanying the French and Spanish guards - which raises questions over how exactly the "mentoring" program works - and have expressed indignation that foreign officials are deployed in such a manner, highlighting that it is impossible to imagine the situation in reverse.

20. **2 December: [Frontex: Billion-euro border agency sues transparency activists](#)**

Frontex, the EU's border and coast guard agency, has launched a case against independent activists Luisa Izuzquiza and Arne Semsrott, who last year lost a court case against the agency seeking greater transparency over its border control operations.

21. **2 December: [Frontex: thumbs-up for the "Management Board Working Group on Fundamental Rights and Legal and Operational Aspects of Operations"](#)**

Fabrice Leggeri, the executive director of Frontex, has signalled his approval for a working group set up by the agency's Management Board that will look into recent allegations of pushbacks at the Greek-Turkish border taking place with the agency's knowledge. However, the main focus of the working group seems to be the issue of "hybrid threats" to internal security. The relationship between the agency's alleged involvement in illegal activity and the possible existence of "hybrid threats" is unclear.

22. **2 December: [Northern Ireland: "Astonishing, arrogant and cruel": government refuses inquiry into Pat Finucane murder](#)**

The family of murdered Belfast solicitor Pat Finucane have condemned the UK government's decision not to order a public inquiry into his death as "astonishing, arrogant and cruel".

Other reports

1. **22 December: [Malta: Magistrate calls for new prisons if number of false passport cases continues to rise](#)**

Up to a third of Malta's prison population is made up of people who have been jailed for offences involving false passports. Some 250 people are currently behind bars for such offences. Whilst sentencing a Moroccan national to six months for use of a false passport, a magistrate recently said "that new facilities would need to be built to accommodate such offenders if the trend continued," and said there was a "dire need for a European and International mechanism for dealing with such cases."

2. **22 December: [UK: Essex lorry deaths: two found guilty over manslaughter of 39 Vietnamese people](#)**

Two men have been found guilty of the manslaughter of 39 people who suffocated to death in a lorry whislt being smuggled into the UK in October 2019. Two others were found guilty of conspiring to unlawfully smuggle people into the country, while the two ringleaders of the operation - which had been ongoing for years - pled guilty to manslaughter before trial.

3. **22 December: [Algorithms are created to maximise certain interests – and it's not ours, says Chris Jones from Statewatch](#)**

As part of an international campaign to lift the lid on data privacy violations, The Privacy Collective is asking some of Europe's leading experts why online privacy matters.

4. **22 December: [Greece: Government attacks on NGOs debunked](#)**

Claims by the Greek Migration Minister, Notis Mitarakis, that NGOs have been helping organise the irregular arrival of people onto the Aegean islands, have been debunked by a media investigation. Mitarakis' claims were made following the publication by the government of four video interviews with Somali citizens, which the government claimed proved they receiving illegal assistance from NGOs to arrive on Greek territory. However, the videos raise a number of questions that the government has failed to answer.

5. **22 December: [European Civic Forum: Civic Space Report 2020: Stories From The Lockdown](#)**

A new report from the European Civic Forum looks at the how civil society has responded to the COVID-19 pandemic, and how the pandemic has affected the work of civil society organisations. The report includes a general analysis of the situation in the EU, seven interviews and six case studies looking at the situation for LGBTI people and the situation in the Czech Republic, Germany, Greece, Ireland and Slovenia.

6. **21 December: [EU: NGOs demand Portuguese EU Presidency puts public interest centre stage](#)**

64 civil society organisations have called on the forthcoming Portuguese Presidency of the Council of the EU - in post from January-June 2021 - to ensure corporate interests do not receive privileged access to decision-making; to ensure an absolute minimum of dealings with lobbyists for the fossil fuel industry; publish records of meetings with lobbyists; reject any form of sponsorship for its activities; improve legislative transparency by publishing minutes of meetings; and to publish its positions on new EU legal proposals prior to discussions in the Council.

7. **18 December: [Sale of surveillance technology to oppressive governments in MENA region should be halted, say NGOs](#)**

Surveillance technologies used against human rights activists in the countries of the Middle East, North Africa and the Arabian Gulf should be halted, NGOs said at a recent online event organised by the Gulf Centre for Human Rights. Software sold by companies such as FinFisher (based in Germany) and Hacking Team (based in Italy) has been used by states to monitor, track and undermine the work of people in a variety of countries in the region.

8. **17 December: [EU: Pushbacks: "it is high time to break the silence of EU institutions"](#)**

Writing for the European Policy Centre, Green MEP Tineke Strik denounces the fact that "pushbacks at our external borders have become a widespread practice, often accompanied by violence... Their systematic character reveals that they are not only a matter of practice but also of policies in many EU border countries." She calls for a wider scope of the newly proposed monitoring mechanism, stricter enforcement of the rules, and stronger scrutiny from the European Parliament and Commission.

9. **16 December: [UK: MI6 kept quiet about 'criminality' of agent with 'licence to kill'](#)**

The UK's foreign intelligence agency, MI6 (officially known as the Secret Intelligence Service, SIS) was running an overseas agent authorised to engage in serious criminality who had "probably" crossed some of the "red lines" set out by MI6 with regard to criminal activities. However, the agency failed to make this clear to the foreign secretary - who is responsible for authorising such operations - until it was pointed out by the Investigatory Powers Commissioner, an oversight body tasked with monitoring the surveillance and spying powers of the UK's policing and intelligence agencies.

10. **16 December: [Biosecurity research and development by the military and for health security purposes: a literature review](#)**

An extensive overview published by the Graduate Centre Geneva's Global Health Centre reviews the available evidence on biosecurity research and development (R&D), defined as "the development of medical products and strategies to address biological threats to security." The review finds that the literature generally refers to efforts to address chemical, biological, radiological and nuclear (CBRN) agents and emerging infectious diseases, and that while such research has historically been the preserve of military actors, in particular the US military - concerned with "force protection" and national security - a broader array of institutions has become active in the field in recent years.

11. **15 December: [Greece: Refugees in 'Moria 2' camp face appalling conditions](#)**

Refugees on the Greek island of Lesvos living in the 'Moria 2' camp - set up to replace Moria when it burnt down in September - are living amongst mud and water, with inadequate access to hygiene and in the presence of old military equipment, such as mortar shells. The camp was hastily constructed on a former military firing range after the destruction of Moria. Photos and videos shared by residents and activist groups have documented the situation. The Dunya Collective, who recently shared a photo of a mortar shell, said: "Over 7,000 people are living in this camp, many of them children, in inhumane conditions."

12. **15 December 2020: [UK: Intelligence agencies now vetting coronavirus personal protective equipment suppliers](#)**

With a number of shipments of personal protective equipment (PPE) for health workers having turned out to defective or inadequate, the UK's intelligence agencies are now vetting companies bidding for the contracts, according to a report in The Telegraph. The paper cites evidence given to parliament's Public Account Committee by Alex Chisholm, permanent secretary at the Cabinet Office, who said that company names "are now being run through intelligence databases to guard against fraudsters." The government has been accused of cronyism on numerous occasions, with contracts being awarded to companies with no relevant experience in supplying PPE - and in some cases with no apparent experience of anything, having been set up just days or weeks before receiving government funds.

13. **14 December: [Charities call for urgent closure programme for England's child prisons](#)**

Press release from the End Child Imprisonment campaign, published on 10 December 2020.

14. **14 December: [Four Greek officials charged with assaulting migrants](#)**

Three Greek border guards and one police officer were charged on Saturday with assaulting migrants during an identity check on Lesvos, according to a variety of press outlets. The charges reportedly include "beating asylum seekers" and "inflicting bodily harm, torture, and breaking anti-racist laws." The four men appeared before a prosecutor on Saturday evening and have been released, pending an investigation. The investigation comes following the publication of a video by the newspaper Efimerida ton Syntakton, which shows officers landing blows on two individuals even after they have been arrested and handcuffed.

15. **9 December: [EU: Justice and home affairs agencies step up cooperation "to shape the digital future of law enforcement, border management and justice"](#)**

The EU's justice and home affairs agencies - which include Frontex, Europol, the European Police College, Eurojust and others - regularly cooperate through the JHA Agencies Network. Their annual meeting in mid-November focused on "digitalisation" in the fields of law enforcement, border control and justice, including "Artificial Intelligence and digital capacity building, training tools and innovative learning."

16. **9 December: [German courts repeal more than 5,600 Afghan asylum rejections](#)**

Over 5,600 Afghan asylum seekers in Germany have had negative decisions on their applications for protection overturned by the courts in the first nine months of 2020, according to a report published by InfoMigrants. This represents a success rate for appeals of almost 60%; there were 9,557 appeals overall against negative asylum decisions in the same period. A politician from The Left (Die Linke), who submitted a parliamentary question that led to the government publishing the figures, says that they point to a need for a change in asylum decision-making policies.

17. **9 December: [Frontex, 15 years of impunity : The outlaw agency must disappear !](#)**

Public statement from the Migreurop network in response to the allegations of Frontex's involvement in and/or knowledge of pushbacks at the Greek-Turkish sea border.

18. **9 December: [UK: Digital borders scheme costing millions, with nothing to show for it](#)**

The UK Home Office's "Digital Services at the Border programme," which aims "to provide UK Border Force staff with better information to make decisions about people crossing the border

and to track goods entering and exiting the UK," has cost hundreds of millions of pounds since it was launched in 2014 but has so far produced no results, according to a report by the National Audit Office (NAO). A recent pilot project saw the new systems being used on just 20% of passengers who passed through six of the seven ports at which they were deployed, and the Home Office "now has 16 months to introduce its new systems, including delivering the more technically complex aspects of the programme which it has previously struggled with," warn the NAO.

19. **8 December:** [**UK: UN expert calls for immediate release of Assange after 10 years of arbitrary detention**](#)

Nils Melzer, the UN Special Rapporteur on torture, has issued a press release calling for the immediate freeing of Julian Assange from Belmarsh prison, where he is being held pending proceedings to try to extradite him to the United States of America, and where there has been an outbreak of COVID-19. Melzer remarks that "Mr. Assange is not a criminal convict and poses no threat to anyone, so his prolonged solitary confinement in a high security prison is neither necessary nor proportionate and clearly lacks any legal basis."

20. **8 December:** [**UK youth justice system needs major overhaul, says Unicef report**](#)

Research by Unicef has found that the UK's youth justice system is breaching the human rights of young people and failing in its aims. The organisation has found that non-white children are over-represented, poor conditions in detention facilities, "widespread" use of practices such as "solitary confinement, tasers and spit-hoods," and problems with the age of criminal responsibility in all four UK nations (England, Northern Ireland, Scotland and Wales), which remains below the UN's recommended age of 14.

21. **8 December:** [**France: Dissolution of the Collectif Contre l'Islamophobie en France "threatens basic human rights and liberties"**](#)

Human Rights Watch has warned that the government's closure of the Collective Contre l'Islamophobie en France (Collective Against Islamophobia in France, CCIF) undermines "basic human rights and liberties including freedom of expression, association, and religion, and the principle of nondiscrimination". The CCIF is one of a number of organisations that has been targeted for closure by the government of Emmanuel Macron in the wake of the murder of schoolteacher Samuel Paty. The CCIF has announced is intention to challenge the government's decision in court. The organisation is not currently functioning, leaving 500 cases it was taking care of in limbo.

22. **3 December: [European Parliament: Frontex director should resign, say Socialists & Democrats](#)**

The Socialists & Democrats group in the European Parliament, made up of centre-left parties from across the EU, is demanding calling for Fabrice Leggeri, director of EU border agency Frontex, to quit. The MEPs consider that Leggeri's performance at a recent hearing of the European Parliament's civil liberties committee, where "he failed to answer questions relating to the agency's involvement in pushbacks at the EU's external borders," warrants his resignation.

23. **2 December: [Locked up and excluded: Informal and illegal detention in Spain, Greece, Italy and Germany](#)**

A new report from the Migreurop network looks at the changing practices of informal administrative detention used by four EU member states in 2019. A key argument of the report is that the detention of non-nationals is increasingly taking place "outside or at the margins of existing legal frameworks."

24. **2 December: [Frontex officials preventing information on pushbacks reaching HQ, says report](#)**

A report in The New York Times says that Frontex officials have been discouraging the filing of reports on pushbacks at the Greek-Turkish border.

25. **1 December: [UK-France: New measures against migration across the Channel announced](#)**

On 28 November, the UK and France signed the latest agreement aimed at cracking down on irregular migration across the Channel. The plan includes a doubling of the number of French police patrolling the coastline and the deployment of "cutting edge surveillance technology - including drones, radar equipment, optronic binoculars and fixed cameras."

26. **30 November: [EU: Tracking the Pact: Turning European Union Territory into a non-Territory](#)**

"The legislation creates therefore avenues for disentangling, splitting the relation between physical presence of an asylum applicant on a territory and the set of laws and fundamental rights associated to it, namely a protective legal order, access to rights and to a jurisdiction enforcing those rights. It creates a sort of 'lighter' legal order, a lower density system, which facilitates the exit of the applicant from the territory of the EU, creating a sort of shift from a Europe of rights to the Europe of borders, confinement and expulsions."

27. **30 November: [Europe's Guantanamo: The indefinite detention of European women and children in North East Syria](#)**

Press release published by Rights & Security International, for a new report on detention camps in North East Syria where people are being held indefinitely due to European governments' failure to repatriate their citizens.

28. **30 November 2020: [Extradition of EU citizens to third countries: joint report by Eurojust and the European Judicial Network](#)**

The report finds that the CJEU's case law on the extradition of EU citizens to non-EU states "raises several practical and legal issues" - including with regard to the scope of CJEU case law and consultation between the states making and dealing with the extradition requests.

Support the fight for democracy and civil liberties in Europe

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