



## News

### 11 March (Issue 03/22)

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statewatch

Welcome to our latest email update, with features on:

- **Building the biometric state: Police powers and discrimination**
- **EU pushes ahead with externalisation and deportation efforts**
- **Frontex launches official document register in response to Statewatch complaint**

Plus, all our other news, links and documentation – and don't forget to check out our extensive roundup of news from across Europe from the last month.

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## Building the biometric state: Police powers and discrimination

Our latest report, *Building the biometric state: Police powers and discrimination*, examines the development and deployment of biometric identification technologies by police and border forces in Europe, and warns that the increasing use of the technology is likely to exacerbate existing problems with racist policing and ethnic profiling.

The report examines the development of laws, projects and policies designed to advance the development and deployment of biometric technologies for the purposes of individual identification in the European Union over the last two decades, and the recent move to pool separate biometric datasets on tens of millions of people – a move that poses significant risks for the rights of citizens and non-citizens alike.

Read more [here](#).

# EU pushes ahead with externalisation and deportation efforts

As the EU has – rightly – opened its borders to welcome refugees fleeing the conflict in Ukraine, many commentators have remarked how this approach puts into stark relief the ways in which ‘Fortress Europe’ has denied safety to refugees from the Middle East, Asia and Africa over the last three decades. Yet the same governments that agreed last week to activate the EU’s Temporary Protection Directive continue with their long-standing efforts to externalise Europe’s borders and increase the number of deportations, as a number of stories in this issue show.

Internal Council of the EU documents produced as part of the new MOCADEM (*Mécanisme opérationnel de coordination des actions pour la dimension externe des migrations*) show how [Iraq is to be pressured to resume its acceptance of deportations](#), and [Frontex’s role in Niger is to expand](#) in order to boost border controls there, as well as in Algeria and Libya. At the same time, [the EU is planning to encourage Morocco to cooperate more closely](#) on “migration management”, including – in the future – through the signing of a status agreement that would allow Frontex deployments on Moroccan territory.

We also have [a detailed overview of ongoing efforts by the EU to encourage third countries to cooperate on the readmission of deportees](#) – something seen as vital by officials as they aim to step up forced removals from the bloc. Key to these efforts is the new possibility that allows the EU to impose punishments on countries that do not cooperate ([a move the UK government is hoping to emulate as part of the draconian Nationality and Borders Bill](#)). Despite the undeniably coercive element, the EU’s proposed deals are described as “comprehensive, tailor-made and mutually beneficial”.

For detailed background on the creation of the ‘Deportation Union’, see [our report from August 2020](#).

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## A step forward for transparency at Frontex?

Two years ago, [the European Ombudsman opened an investigation](#) into how Frontex and Europol – the EU’s border and policing agency, respectively – comply with their legal obligations to facilitate access to documents. A year later, the Ombudsman found that both agencies needed to do more to comply with those obligations – in particular, by maintaining public registers of official documents that were user-friendly, complete (including references to documents that exist, but that were not published), and updated on a regular basis.

At the end of February this year, [Frontex announced the launch of its new public register of documents](#), referring to its “commitment to keep wider audience aware and well informed about its operations and to ease public access to documents in line with the European Ombudsman’s recommendations.”

However, as an article we published last week points out, the agency needs to ensure it publishes all documents released following access to documents requests. The register is also notably short on internal meeting documents, [something that we called for](#) in correspondence with the European Ombudsman. At the same time, a report by the EU’s anti-fraud body that allegedly accuses Frontex senior management of covering up illegal activities remains under lock and key. As MEPs have noted, some more transparency would be welcome.

Read more [here](#).

## News and analysis

Frontex to boost border control efforts in Niger, Algeria and Libya

EU: Deportations: overview of readmission cooperation in key countries

Tracking the Pact: EU eyes future Frontex deployments in Morocco

EU to pile pressure on Iraq to cooperate with deportations

Frontex: border agency with ballooning budget in transparency tug of war

Pushbacks in Greece: Commission calls for investigations and more border surveillance

Civil society calls on the EU to prohibit predictive and profiling AI systems in law enforcement and criminal justice

EU: Transparency: call for "transparent and easily accessible" trilogue negotiations

EU: Ongoing rollout of biometric identification systems likely to exacerbate ethnic profiling

# News

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10 March

## [\*\*Frontex to boost border control efforts in Niger, Algeria and Libya\*\*](#)

EU border agency Frontex is to step up its role in Niger, where a liaison officer will cooperate with EU military and security deployments to try to boost control over the borders between Niger, Algeria and Libya.

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9 March

## [\*\*EU: Deportations: overview of readmission cooperation in key countries\*\*](#)

An overview of cooperation on readmission agreements and arrangements with key countries, produced by the European Commission, show that the “external dimension” promoted under the EU’s Pact on Migration and Asylum treats non-cooperation with EU migration policy as worthy of sanction. Despite adopting a coercive outlook, these partnerships in which “readmission is an important component”, are described as “comprehensive, tailor-made and mutually beneficial”.

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9 March

## [\*\*Tracking the Pact: EU eyes future Frontex deployments in Morocco\*\*](#)

A revised draft action plan drawn up by the European Commission on a “comprehensive migration partnership” with Morocco now suggests that the North African country should be informed of “the potential benefits of a status agreement with the European Union” that would allow the deployment of Frontex officials on its territory.

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9 March 2022

## [\*\*EU to pile pressure on Iraq to cooperate with deportations\*\*](#)

The EU is aiming to convince Iraqi authorities to withdraw their opposition to accepting deportations of Iraqi nationals, establish “smooth cooperation” on readmission and integrate “return, readmission and cooperation” into broader EU-Iraq cooperation on migration. This initiative fits within a wider punitive mechanism that includes monitoring cooperation on readmission by partner countries to promote the “external dimension of migration management”.

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4 March

## [\*\*Frontex: border agency with ballooning budget in transparency tug of war\*\*](#)

This week, Frontex has finally acted on its obligation to create a Public Register of Documents, while it is simultaneously the subject of a reportedly explosive report by the EU’s anti-fraud body – a report which is not (yet) public. The European Parliament’s civil liberties committee (LIBE) has demanded the report’s publication.

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2 March

**Pushbacks in Greece: Commission calls for investigations and more border surveillance**

The European Commission has proposed that the Council of the EU recommend that Greece "carry out independent investigations into all serious allegations of ill-treatment by the Hellenic Police and Hellenic Coast Guard at external borders" that are "capable of leading to the identification and punishment of those responsible."

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1 March

**Civil society calls on the EU to prohibit predictive and profiling AI systems in law enforcement and criminal justice**

45 organisations, including Statewatch, are calling on EU decision-makers to prohibit the use of predictive and profiling "artificial intelligence" (AI) systems in the realm of law enforcement and criminal justice, a move that will "ensure full fundamental rights protection for people affected by AI systems, and in particular... prevent the use of AI to exacerbate structural power imbalances."

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1 March

**EU: Transparency: call for "transparent and easily accessible" trilogue negotiations**

An open letter to European Commission officials signed by 40 organisations, including Statewatch, calls for transparency in the 'trilogue' negotiations between the Council, Parliament and Commission on two important pieces of legislation - the Digital Services Act and the Digital Markets Act. The proposals could "make digital services safer... protect and empower users, workers and small businesses," says the letter, but have been the subject of massive lobbying efforts by 'big tech', and trilogues are "held behind closed doors and access to documents relating to these discussions are often rejected."

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28 February

**EU: Ongoing rollout of biometric identification systems likely to exacerbate ethnic profiling**

Attempts by the EU and its member states to step up identity controls by equipping police and immigration authorities with new biometric technologies are likely to see both ethnic minority citizens and non-citizens subjected to unwarranted intrusions into their everyday activities, argues a report published today by Statewatch.

# The Roundup

Material we have shared on our [Twitter](#) and [Facebook](#) accounts in the last fortnight.

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ECRE, 10 March

[Information Sheet – Access to territory, international protection procedures and reception conditions for people fleeing the war in Ukraine in European countries](#) (pdf)

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The Guardian, 10 March

[Europe has rediscovered compassion for refugees – but only if they're white](#)

*“How should we regard the two faces of Europe’s refugee response? In the week when the European Union welcomed nearly two million refugees from Ukraine, do we also need to watch graphic footage of a young African being battered for climbing a European border fence? Yes, we do.”*

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Gulf Center for Human Rights, 10 March

[General: Surveillance technology investors face significant risks if human rights are ignored](#)

*“Controversies surrounding NSO Group’s Pegasus spyware and the inherent bias of facial recognition systems highlight the need for immediate and improved due diligence for these emerging technologies.”*

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The Guardian, 10 March

[UK troops to help process refugees in Poland – but not France](#)

*“British troops will be sent to help speed up the processing of visas for Ukrainian refugees in Poland but not France, the UK’s armed forces minister has said, amid criticism that people are having to wait too long for help.”*

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EUobserver, 9 March

[Time for the EU to protect all refugees](#)

*“...it is European member states that need to take the responsibility for this crisis. And they can start by implementing the Temporary Protection Directive — for everyone.*

(...)

*By Thursday it was there: a directive designed for, but dormant since, the Yugoslav wars would be invoked for the first time ever. It’s being described as revolutionary, and it could be — but only if it’s applied to all.*

*Therein lies the catch. The directive does not apply to all people.”*

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Human Rights Watch, 9 March

[EU's Generous Response to Ukraine Refugees Shows Another Way is Possible](#)

*“The outpouring of solidarity and empathy for people fleeing the war in Ukraine is wonderful... For those of us following these issues, it is hard to miss the stark contrast of the last few weeks with Europe’s harsh response to people fleeing other wars and crises. For decades, the EU has focused obsessively on trying to seal its external borders by outsourcing responsibility to countries outside the EU and through unlawful and violent pushbacks.”*

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The Times, 8 March

**Ireland: Woman 'lay dead for several days' in Cork direct provision centre**

*"The body of a woman found in a direct provision centre in Cork lay undiscovered for several days, a volunteer group has claimed.*

*Gardai are investigating after the woman, believed to be from Zimbabwe and aged about 60, was found at Ashbourne House, Glounthaune, the residents of which include single women and families."*

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Refugee Support Aegan, 8 March

**Joint Civil Society Letter: Implementation of the safe third country concept in Greece**

*"27 civil society organisations active in the areas of asylum and migration in Greece urge the European Commission to promptly take the necessary measures against Greece to ensure effective compliance with Article 38(4) of the Asylum Procedures Directive. The organisations highlight the need to ensure that asylum seekers to whom the safe third country concept has been applied have their applications promptly examined on the merits and are provided with respective legal status and adequate reception conditions, as well as to safeguard the integrity of the Common European Asylum System against systematic non-compliance."*

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InfoMigrants, 7 March

**Hesitant UK plans to help Ukraine refugees are met with criticism and ire**

*"The UK has expressed plans to set up a scheme to allow more refugees fleeing the Ukraine to enter Britain, without specifying further details. However, the announcement has also been met with criticism both at home and abroad, with various leaders saying it might be too little, too late."*

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Welcome! Initiative, 3 March

**Seventh Report on Violent and Illegal Expulsions: Six year-long systemic violence**

*"The report provides an overview of the last two years, marked by the escalation of violence and inhumane treatment in which police officers tortured, humiliated and illegally expelled thousands of refugees from the Republic of Croatia."*

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France 24, 3 March

**Citing 'state secrets,' US Supreme Court rules against Guantanamo detainee**

*"Abu Zubaydah, a Saudi-born Palestinian, wanted the US high court to force two psychologists who ran the CIA's brutal interrogations of suspects after the September 11, 2001, attacks to testify in his case against Poland.*

*The US government objected, citing "state secrets," and a majority of the nine-member Supreme Court backed the government stance."*

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InfoMigrants, 3 March

**Frontex leaders concealed pushbacks, watchdog reports**

*"Three senior officials at the EU border agency Frontex actively concealed illegal pushbacks of migrants and refugees, according to a report from the European Anti-Fraud Office OLAF."*

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The Guardian, 2 March

**People of colour fleeing Ukraine attacked by Polish nationalists**

*“Police warned of fake reports of violent crimes committed by people fleeing Ukraine after nationalists attacked groups of African, south Asian&Middle Eastern people who had crossed border”*

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Biometric Update, 2 March

**Statewatch warns of worsening ethnic profiling risk in EU as identity systems expand**

*“Monitoring organization Statewatch warns that new biometric identity controls used by police and immigration authorities in the European Union could see ethnic minority citizens and non-citizens subjected to unwarranted intrusions into their lives. Its new report also warns readers not to get caught up in the new technologies coming online, and to consider the structures and policies behind their use.”*

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EurActiv, 2 March

**EU countries set to drop barriers for Ukraine refugees**

*EU interior ministers will decide on the matter in principle today.*

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The Guardian, 1 March

**BBC spy report alleges MI5 undercover agent abused women, court hears**

*“A proposed BBC news report that the government is trying to block concerns an allegation that a named MI5 agent with “dangerous, extremist and misogynist beliefs” used his status to abuse, control and coerce a former partner, the high court has heard.”*

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Liberty, 1 March

**UK: DISABLED PEOPLE EXCLUDED FROM HUMAN RIGHTS REVIEW, MPS AND CAMPAIGNERS WARN**

*“Disability groups given just 12 days to consult on future of the Human Rights Act*

*‘Easy read’ document ‘insufficient to the point of being insulting’*

*Groups and opposition parties urge Government to extend consultation deadline”*

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InfoMigrants, 28 February

**Greece: Thousands of refugees set to lose health benefits**

*“The 2-month extension has not been utilized to ensure renewal of staff contracts & sustainable funding of a program that has been positively evaluated and known to have impact”*

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The Guardian, 28 February

**Lords reject clause in bill criminalising refugees who arrive by irregular route**

*“Clause 11 would have allowed refugees to be divided into 2 classes based on how they arrived in the UK. Peers voted by 204-126, defeating the clause by majority of 78”*

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EU Law Analysis, 27 February

**Temporary protection for Ukrainians in the EU? Q and A**

*Includes: - Who is covered by temporary protection? - How is temporary protection set up? - What rights do people covered by temporary protection have?*

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The Civil Fleet, 27 February

**Refugees in Libya highlight injustice of EU opening up borders to white people but not them**

*"Footage shows African, Asian & Middle Eastern people being refused entry onto trains leaving Ukraine and at the borders of [Poland and Hungary]"*

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The Arab and Middle Eastern Journalists Association (AMEJA), 28 February

**Statement in response to coverage of the Ukraine crisis**

*"Newsrooms must not make comparisons that weigh the significance or imply justification of one conflict over another"*

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Euractiv, 27 February

**EU ministers seek solutions as Ukraine humanitarian crisis looms**

*Proposal to activate 2001 Temporary Protection Directive for Ukrainians was "broadly welcomed" by ministers during extraordinary meeting on Sunday, formal decision will be made on Thursday*

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InfoMigrants, 25 February

**French Presidential Election 2022: The issue of 'seeking asylum from abroad'**

*"Having to apply for asylum from abroad is not a new idea, but for some time it has been brandished as the big solution in the fight against irregular immigration. Defended by far-right candidates Marine Le Pen and Éric Zemmour as well as right-wing candidate Valérie Pécresse for Les Républicains, the measure is, however, contrary to international law."*

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Reliefweb, 24 February 2022

**France violated rights of French children detained in Syria by failing to repatriate them, UN committee finds**

*"France's failure to repatriate French children who have been held in Syrian camps in life-threatening conditions for years violates their right to life, as well as their right to be free from inhuman and degrading treatment, the UN Child Rights Committee has found."*

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La Chambre, 22 February

**Intérieur, sécurité, migration et matières administratives: proposition de resolution 2277 - audition**

*The first hearing in the Belgian federal parliament on pushbacks is available to watch (in French). Though Frontex still refuses to participate, a second hearing is scheduled for 15 March.*

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Matthias Monroy, 7 February

**Access through Europol and databases: EU decides against control of Interpol**

*“Authoritarian states use the international police organisation for the political persecution of opposition members. The EU Council or the Commission could coordinate the review of these misused alerts. However, the Parliament has agreed to a horse-trading deal.”*

**Support the fight for civil liberties in Europe**

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