



News

20 May (Issue 08/22)

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Welcome to our latest edition, featuring:

- **AI technology and migration: regulation required**
- **Frontex's disappearing documents**
- **Italy denies rights to Tunisian deportees**
- **"On the spot" biometric ID checks, more police data**

Don't forget to check out [our extensive roundup of news from across Europe](#) from the last fortnight, now categorised by theme.

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AI technology and migration: regulation required

The EU's proposed Artificial Intelligence Act aims to establish a legal framework for the "trustworthy" use of so-called AI technologies, thus stimulating a domestic and export market. However, certain technologies or uses of technology are insufficiently covered by – or are even excluded altogether – from the scope of the AI Act. This places migrants and refugees - people often in an already-vulnerable position - at even greater risk of having their rights violated.

Our latest report, published last week alongside [proposed amendments to the AI Act](#) produced by a coalition of civil society organisations, explains what the AI Act is, how it would deal (or not) with existing uses of technology, and examines the substantial investment of public funds into 'border AI' over the last 15 years by the EU. EU agencies are also keen to deploy AI technology for "screening" travellers, as [an article we published this week highlighted](#).

- The report: [A clear and present danger: Missing safeguards on migration and asylum in the EU's AI Act](#)
- Press release: [EU has spent over €340 million on border AI technology that new law fails to regulate](#)
- ¿Hablas español? [Un artículo en Público](#) explica el informe.

Frontex's disappearing documents

Border agency Frontex has not only come in for criticism for its involvement in gross human rights abuses – namely, violent, illegal pushbacks – at the EU's borders. It is also failing to live up to some basic transparency requirements.

Three years ago, we filed complaints with the European Ombudsman about the failure of Europol and Frontex to meet the requirements of the EU's transparency law, [Regulation 1049/2001](#). Both agencies eventually agreed to step up their transparency efforts – but Frontex's recent efforts show it still has some way to go.

Earlier this year, the border agency launched a new public register of documents, which should include references to all documents it has produced or received and, where possible, provide direct access to them. However, the register does not fulfil this requirement – and some documents that were previously available via the Frontex website have now disappeared.

Read more [here](#).

Italy denies rights to Tunisian deportees

On 28 November 2021, Wissem Ben Abdellatif, a 26-year-old Tunisian man, died in a hospital in Rome after suffering a heart attack. He had been transferred to the hospital from the Ponte Galeria detention centre, where he was being held whilst awaiting deportation. A new report dedicated to his memory examines the experiences of Tunisian citizens deported from Italy.

Based on over 50 in-depth interviews with deportees, it concludes that Tunisians are regularly denied their rights after arriving in Italian territory (for example, to legal advice, information, or adequate living conditions), and that the situation is propelled by a security-minded approach to migration that has been implemented across the EU and its member states for at least two decades.

Read our latest analysis [here](#).

“On the spot” biometric ID checks, more police data

The Council of the EU is set to call for “an ambitious implementation” of new rules on EU policing and immigration databases, including “on the spot” biometric ID checks with mobile fingerprint readers and face scanners; ensuring that “all available data” from national databases is added to the Schengen Information System; and enabling “full use of discreet checks, inquiry checks and specific checks,” which allow the gathering of information about targeted individuals. At the same time, the Council is also hoping to ease police access to photos contained in driving licences.

- EU: [Council to push for “on the spot” biometric ID checks, inserting “all available data” in Schengen Information System](#)
- EU: [Police to be granted cross-border access to driving licence photos](#)

News and publications

A clear and present danger: Missing safeguards on migration and asylum in the EU's AI Act

Tunisian deportees in Italy denied rights under European "migration management" policies that seek to exclude

Agencies propose a "European System for Traveller Screening" that "could include AI technology"

Council to push for "on the spot" biometric ID checks, inserting "all available data" in Schengen Information System

Ukraine: New proposal to add temporary protection beneficiaries to Eurodac database

Police to be granted cross-border access to driving licence photos

Disappearing documents: Frontex's transparency efforts fall short of requirements

Reform of the Schengen Borders Code: Presidency compromise text

Former Frontex officer pledges to vote "no" in referendum on Swiss funding for the agency

Spain: Launch of the "Vidas sin rastro" campaign, for the rights of the dead and missing migrants at the Southern border

EU: MEPs called upon to ban biometric mass surveillance

Report

12 May

[A clear and present danger: Missing safeguards on migration and asylum in the EU's AI Act](#)

The EU's proposed Artificial Intelligence (AI) Act aims to address the risks of certain uses of AI and to establish a legal framework for its trustworthy deployment, thus stimulating a market for the production, sale and export of various AI tools and technologies. However, certain technologies or uses of technology are insufficiently covered by or even excluded altogether from the scope of the AI Act, placing migrants and refugees - people often in an already-vulnerable position - at even greater risk of having their rights violated.

Analysis

12 May

[Tunisian deportees in Italy denied rights under European "migration management" policies that seek to exclude](#)

On 28 November 2021, Wissem Ben Abdellatif, a 26-year-old Tunisian man, died in a hospital in Rome after suffering a heart attack. He had been transferred to the hospital from the Ponte Galeria detention centre, where he was being held whilst awaiting deportation. A new report dedicated to his memory examines the experiences of Tunisian citizens deported from Italy. Based on over 50 in-depth interviews with deportees, it concludes that Tunisians are regularly denied their rights after arriving in Italian territory (for example, to legal advice, information, or adequate living conditions), and that the situation is propelled by a security-minded approach to migration that has been implemented across the EU and its member states for at least two decades.

News

19 May

[EU: Agencies propose a "European System for Traveller Screening" that "could include AI technology"](#)

In 2019, Europol and Frontex set up the 'Future Group on Travel Intelligence' with aim of "identifying and elaborating new operational opportunities" by building on the data processing opportunities offered by the EU's 'interoperable' databases. The final report, published here alongside a wealth of preparatory documents, proposes a "European System for Traveller Screening", described as "a decentralised, yet EU-wide, screening function for travellers," which "could include AI technology".

19 May

[EU: Council to push for “on the spot” biometric ID checks, inserting “all available data” in Schengen Information System](#)

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16 May

[EU: Ukraine: New proposal to add temporary protection beneficiaries to Eurodac database](#)

A proposal to expand the Eurodac database of refugees' biometric data has been the subject of negotiations in the Council and Parliament since 2016, but discussions have been stuck for some time. Now the text is back on the agenda in the Council, with a proposal to include another group in the database: beneficiaries of temporary protection, which at the moment consists of Ukrainians who have fled the Russian invasion.

16 May

[EU: Police to be granted cross-border access to driving licence photos](#)

EU police forces will be able to retrieve the photos of holders of driving licences held by other member states, according to the latest amendments to a proposal known as 'Prüm II', which will massively expand cross-border police access to biometric and other data. There is also the possibility for the UK to join the upgraded system.

16 May

[EU: Disappearing documents: Frontex's transparency efforts fall short of requirements](#)

Earlier this year, EU border agency Frontex created a public register of documents, as the law requires, in response to a complaint filed by Statewatch. However, the register does not include everything it should - and some documents that were previously made public appear to have been removed from the agency's website.

12 May

[EU has spent over €340 million on border AI technology that new law fails to regulate](#)

The EU has spent €341 million on research into artificial intelligence technologies for asylum, immigration and border control purposes since 2007, yet the proposed AI Act currently being debated in EU institutions fails to provide meaningful safeguards against harmful uses of those technologies, says a report published today by Statewatch.

12 May

[EU: Reform of the Schengen Borders Code: Presidency compromise text](#)

On 3 May the French Presidency of the Council circulated its most recent proposed amendments to the Schengen Borders Code, which is to be amended in order to introduce new powers to deal with: the so-called "instrumentalisation of migrants" by third states and non-state actors; border closures and controls in the event of threats to public health; the reintroduction of internal borders within the Schengen area; and identity checks and surveillance at the external and internal borders. We are also publishing previous compromise texts.

10 May

[Former Frontex officer pledges to vote "no" in referendum on Swiss funding for the agency](#)

A Swiss border guard who served in around 10 Frontex operations has said he will vote "no" in the upcoming referendum on whether or not to increase the funding provided by Switzerland to the EU border agency, as he fears that the country may end up being an accomplice in unlawful actions.

10 May

[Spain: Launch of the "Vidas sin rastro" campaign, for the rights of the dead and missing migrants at the Southern border](#)

Today, 10 May 2022, begins the campaign "Vidas Sin Rastro", "For the rights of the dead and disappeared at the southern border and those of their families", initiated by the Asociación Pro Derechos Humanos de Andalucía (APDHA) and the Grupo puente de activistas internacionales.

10 May

[EU: MEPs called upon to ban biometric mass surveillance](#)

Today, a global coalition of 53 civil society organisations have joined together to call on Members of the European Parliament to use their democratically-elected powers to protect us all from biometric mass surveillance practices. The EU must not legitimise these dangerous practices. Otherwise, EU lawmakers risk setting a precedent for uses of AI-based technology which could destroy people's anonymity forever and suppress a broad range of our rights and freedoms.

9 May

[Regulating migration technology: how the EU's AI Act can better protect people on the move](#)

As EU institutions work to amend the proposed Artificial Intelligence Act (AI Act), exploring and understanding the impact of AI systems on marginalised communities is vital. AI systems are increasingly developed, tested and deployed to judge and control migrants and people on the move in harmful ways. How can the AI Act prevent this?

The Roundup

Material we have shared on our [Twitter](#) and [Facebook](#) accounts in the last fortnight, now categorised by theme:

- [Asylum and immigration](#)
- [Civil liberties](#)
- [Law](#)
- [Military](#)
- [Policing](#)
- [Prisons](#)
- [Racism and fascism](#)
- [Secrecy and transparency](#)

Asylum and immigration

euobserver, 19 May

[More than 50,000 Ukrainians refused entry into EU in 2021](#)

“139,000 non-EU citizens were refused entry into the bloc, with Ukrainians accounting for the largest number of refusals (50,200)”

Odysseus Network, 17 May

[Externalisation of asylum in Europe: Unpacking the UK-Rwanda Asylum Partnership Agreement](#)

“significant questions remain as to the operational, policy and legal modalities and implications of the arrangement”

MSF, 16 May

[After seven rescues from the central Mediterranean, 470 people need a place of safety](#)

“It’s incomprehensible that after all these years of deadly migration journeys in the Mediterranean, private organisations like us are taking on the major burden of saving lives at sea”

Euronews, 16 May

[Swiss voters have their say on Netflix, Frontex and organ donations](#)

“More than two-thirds of Swiss voters have backed an increase in funding for the European border agency Frontex in a referendum.

Switzerland’s Frontex contribution, which is proportional to its GDP, is due to rise from €23 million to nearly €60 million in 2027.”

borderline-europe, 14 May

[Press release: Scandalous case of criminalisation of refugees: Trial against #Samos2 set for 18 May](#)

“In an unprecedented move, Greek authorities have charged a refugee with the drowning of his 6-year-old son during a shipwreck. On 18 May 2022, he will be on trial in Samos together with his co-passenger, who is facing life imprisonment for steering the boat. 70 organisations across Europe call for the charges against the #Samos2 to be dropped.”

Transversal, 13 May

[Now even more so: A double NO on May 15, for all those who can vote and those who should be allowed to](#)

“This significant development in the European project is also the subject of the Swiss Frontex referendum on 15 May 2022. Only superficially is it about increasing the Swiss contribution to the agency to CHF 61 million. The real issue is whether an agency that is already lacking democratic control and that operates with impunity at Europe's borders should be given even more competences and personnel. Leggeri's resignation has underlined this untenable state once again.”

Le Temps, 11 May

[Charles Heller: «Un non à Frontex ne signifierait pas la fin des négociations, mais le début»](#)

“Vendredi 13 mai, l'AMAR de Neuchâtel abrite une table ronde sur la brûlante question de la migration en Europe. Chercheur et vidéaste spécialiste des politiques migratoires aux frontières maritimes de l'Europe, mais aussi codirecteur de l'ONG Border Forensics et coprésident du réseau Migreurop, Charles Heller sera l'un des trois intervenants de cette soirée inévitablement marquée par la votation Frontex.”

Border Criminologies, 11 May

[The Ban-Opticon of Migration: Technologies at Maritime Borders and Extraterritorial Jurisdiction](#)

“...technologies facilitate political imperatives which carry foreseeable risks for the human rights of migrants who are stopped from accessing protection. Hence, what is particularly problematic is that there is limited accountability for egregious and systematic human rights violations on the high seas, as attention is deflected to the securitisation of borders.”

All Africa News, 11 May

[UK asylum seekers go into hiding to avoid Rwanda deal](#)

“Aid agencies in Britain say some asylum seekers have gone into hiding for fear of being sent to Rwanda, where they will be resettled.

In the £120million partnership deal between the United Kingdom and Rwanda that was signed last month, people who cross into the UK illegally will be transferred to Rwanda, where their paperwork will be processed.”

Greek Council for Refugees, May

[“A two-tier refugee response”: Greece’s welcome of people fleeing Ukraine stands in stark contrast with others seeking safety](#)

“The Greek government is operating “a two-tier refugee response” - one for Ukrainians and one for all other refugees according to a new briefing by the Greek Council for Refugees, Oxfam and Save the Children.

The briefing details how, in the last two months, people fleeing Ukraine who are seeking protection in Greece were given swift access to protection, health care and the labour market. The Greek government has also started providing accommodation and support to buy food, the organisations said.”

Migreurop, 9 May

[It is not enough to change the Director, Frontex must be abolished!](#)

“And in fact, with Leggeri out of the way, nothing changes. Neither the actual incompatibility of Frontex’s mandate and activities with the respect of fundamental rights, nor the structural impunity it enjoys. For it is not the responsibility of one (single) man, but that of a system on a European scale that has allowed for decades the multiplication of violations of the rights of exiled persons at the maritime and land borders of Europe with complete impunity.”

Morocco World News, 6 May

[Spain Thanks Morocco for ‘Far-Reaching Efforts’ on Irregular Migration](#)

“Spanish officials commended Morocco’s efforts during the high-level meeting in Rabat hosted by the Moroccan-Spanish permanent mixed migration group.

The meeting is part of Spain-Morocco commitment to implement a roadmap discussed during a recent Rabat meeting between King Mohammed VI and Spain’s Prime Minister Pedro Sanchez.”

SchengenVisaInfo.com, 29 April

[Norway to Introduce New Border Act on May 1](#)

“The Norwegian government has decided to bring into effect the new Border Act from May 1, which aims to help the country to better manage its border controls.

In addition, according to the announcement of the Ministry of Justice and Public Security, the authorization for the collection and use of passenger list information (PNR) has also been introduced”

Civil liberties

Council of Europe, 19 May

[Commissioner calls on UK government not to extradite Julian Assange](#)

“Allowing Assange’s extradition would have a chilling effect on media freedom, could ultimately hamper the press in performing task as purveyor of information & public watchdog”

Freedom from Torture, 16 May

[Dangerous Liaisons: UK partnerships with Chinese policing institutions linked to crimes against humanity in Xinjiang](#)

"London Policing College, which receives taxpayer money, has been partnering with police trainers across China"

Middle East Eye, 16 May

[Israel-Palestine: Anti-boycott bill threatens British democracy](#)

"plan to ban public bodies from participating in boycott campaigns under pretext that such activity would "undermine community cohesion" on the cards since 2019 election"

Good Law Project, 12 May

[Democracy shrivels in silence. We must protect our right to protest.](#)

"It is no exaggeration to say that the last fortnight has been one of the worst for freedom of expression, for the right to protest and for civil liberties in the history of the UK."

National Union of Journalists, 10 May

UK: **[NUJ condemns sweeping attack on journalists and media freedom](#)**

"The NUJ has expressed concern about the impact of government legislation on journalists and journalism announced in the Queen's Speech on 10 May.

New bills and reforms to existing legislation mean journalists may now find themselves manoeuvring increasingly hostile environments through the course of their work. Government plans to proceed with reforms to existing law under the Official Secrets Acts, could see journalists prosecuted for reporting on information provided by sources, including whistle-blowers exposing wrongdoing by government."

Law

European Parliament News, 19 May

[Rule of Law: MEPs critical of Commission's annual report, suggest improvements](#)

"Parliament says Commission's assessment of the rule of law in the EU is useful but has significant room for improvement."

Law Gazette, 10 May 2022

UK: [Queen's Speech: Bill of Rights and Brexit freedoms](#)

"The government will introduce a Bill of Rights to 'restore the balance of power between the legislature and the courts' and a Brexit Freedoms Bill to allow retained EU law to be 'more easily amended', it was announced today."

And: The Guardian, 10 May 2022

[Consequences 'dire' if Human Rights Act ditched, more than 50 groups warn](#)

"Tearing up the Human Rights Act would have "dire consequences" including removing obligations to properly address violence against women and girls and destabilising peace in Northern Ireland, more than 50 organisations have warned."

HawkTalk, 9 May

[ICO confirms Human Rights changes undermine UK GDPR](#)

"According to press leaks, tomorrow's Queen's Speech is likely to contain two pieces of legislation that impacts on the current UK's data protection regime. Evidently they will form part of the Great Brexit Dividend which, surprisingly, has yet to reveal itself to the general public."

Verfassungsblog, 9 May

[On 9/11 and three natures of a permanent state of emergency](#)

"In this post, I explore some of the multiple ways in which emergency powers have come to proliferate, and take permanence around the world since 9/11. Drawing on a number of illustrative emergency case studies, I argue that –at least– three 'natures' facilitated the contagion of a permanent state of emergency as generated by the events of that day."

European Parliament, 5 May 2022

[MEPs demand more EU action to protect common values in Hungary and Poland](#)

"Parliament calls for "genuine commitment" and progress in the Council

Recommendations to member states should be swiftly adopted, with clear deadlines after hearings

Unanimity is not required to identify risks of a serious breach of EU values

No approval of national plans under the Recovery and Resilience Facility until progress is made"

Military

Human Rights Watch, 4 May 2022

[The high cost of Guantanamo's 'forever prisoners'](#)

"Should we assume that this half a billion per year is now just an assumed cost for U.S. taxpayers?"

The best way to reduce Guantanamo's cost is to close it, which President Biden has committed to doing. Yet, the president has yet to recreate an Obama-era senior State Department position to oversee Guantanamo's closure. Actual transfers of the remaining prisoners are coming in dribs and drabs, although the Biden administration has provisionally cleared 15 detainees, bringing to 20 the number of men awaiting transfer elsewhere.

Even if the administration does succeed in transferring these 20 men, the facility's costs could still increase."

Policing

The Guardian, 16 May

UK: [Police chiefs 'unaware of undercover officers' sexual relationships with women'](#)

"All of the senior police managers giving evidence to a public inquiry have maintained they did not know that the undercover officers they were supervising had formed sexual relationships with women during their covert deployments.

(...)

The current round of hearings has heard that two of the undercover officers who had relationships with women have been described by their colleagues respectively as a sexual predator and a carnivore."

Computer Weekly, 16 May

[Europol gears up to collect big data on European citizens after MEPs vote to expand policing power](#)

"Parliament voted to expand Europol's role, legalising its processing of bulk datasets with personal information and endorsing research into predictive policing technology"

The Guardian, 16 May

UK: [Priti Patel lifts restrictions on police stop and search powers](#)

"The government is lifting restrictions placed on police stop and search powers in areas where they anticipate violent crime, the home secretary has announced."

And: [Special constables to be given access to stun guns in new crime measures](#)

"Volunteer officers will be allowed to use electroshock weapons, as part of flurry of crime initiatives in England and Wales"

Article 11 Trust, 11 May

UK: [Protecting Protest: Ground-breaking findings on police treatment of Legal Observers](#)

“Legal Observers have been volunteering in Britain to defend Article 10 and 11 human rights for decades. Despite international human rights guidance that “It is a good practice for independent national Human Rights institutions and non-governmental organizations to monitor assemblies” research has revealed a culture of ignorance, inconsistency and hostility from police in Britain towards Legal Observers.”

Computer Weekly, 11 May

[EU plans to police child abuse raise fresh fears over encryption and privacy rights](#)

“Internet service providers and communications companies could face fines of up to 6% of their turnover if they fail to comply with court orders requiring them to electronically scan communications and social media to identify possible child abuse.”

The Guardian, 11 May

UK: [‘It was as if he set out to destroy my sanity’: how the spy cops lied their way into women’s hearts – and beds](#)

“For years, undercover officers from the Metropolitan police deceived and manipulated female activists such as McDonald’s campaigner Helen Steel. Her new book reveals their callous tricks”

Big Issue, 5 May

UK: [Police forced to scrap order that banned a homeless man from carrying a cup](#)

“Police sanctions banning a homeless man in London from carrying a cup have been dropped after human rights lawyers took legal action against the “anti-begging” order.”

Prisons

The Guardian, 10 May

[Hundreds of mentally ill prisoners denied urgent treatment in England](#)

“Freedom of information (FoI) responses from 22 NHS trusts reveal for the first time that just over half of the 5,403 prisoners in England assessed by prison-based psychiatrists to require hospitalisation were not transferred between 2016 and 2021 – an 81% increase on the number of prisoners denied a transfer in the previous five years.”

Racism and fascism

Keep Talking Greece, 4 May

[Racist taxi driver shoots Pakistani migrant in downtown Athens](#)

“The bullet hit the man just a few centimeters away from his eye. He was taken with the ambulance to hospital where doctors removed the bullet and made stitches.”

Secrecy and transparency

Politico, 18 May

[Ombudsman criticizes European Commission on 'revolving doors'](#)

"Watchdogs have raised concerns that some officials — including commissioners & civil servants — are leaving public service for lobbying & consultancy roles which may constitute conflict of interest"

Security and intelligence

Declassified, 11 May

[Britain plotted propaganda campaign against Amnesty International](#)

"Declassified files from the early 1970s show the UK government secretly sought to discredit the human rights organisation's investigation into British torture in Northern Ireland and its notorious 'Five Techniques'.

The Guardian, 9 May

UK: [MI5 asked police to spy on political activities of children, inquiry hears](#)

"MI5 asked police chiefs to collect information about the political activities of schoolchildren as young as 14, a public inquiry into undercover policing has heard.

The request – circulated to chief constables throughout Britain in 1975 – was approved by the head of the Security Service and a senior Whitehall official."

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