



## News

### 22 July (Issue 12/22)

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Welcome to the latest edition of Statewatch News, featuring:

- **USA offers foreign states access to 1.1 billion biometric “encounters” in return for reciprocal database access**
- **EU negotiations for Frontex missions in Senegal and Mauritania seek criminal and civil immunity of Frontex staff "under all circumstances"**
- **EU e-evidence proposals: "an agreement has been reached on the core elements of the instruments"**

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## USA to “partners”: we’ll show you our biometric databases if you show us yours

The US Department of Homeland Security (DHS) is touting ‘Enhanced Border Security Agreements’, offering access to its vast biometric databanks in exchange for other states reciprocating.

Reports suggest the UK is already participating, although there is no official confirmation of this. In the EU the proposals have caused a furore amongst privacy-minded MEPs. A document produced by the DHS, obtained by *Statewatch*, shows what the USA is offering foreign states.

Read more [here](#).

## EU seeks Frontex operations in Senegal and Mauritania

The Council of the EU has authorised the opening negotiations with Senegal and Mauritania in order to secure agreements allowing border agency Frontex to operate in the two African states. Two “action files” obtained by *Statewatch* outlining the bloc’s goals put heavy emphasis on the “prevention of irregular departures” (Senegal and Mauritania are key launching points for people travelling to the Canary Islands) and increased cooperation on border management and anti-smuggling activities.

The negotiations are the first with states that do not border the EU. Prior to a 2019 legal reform, Frontex could only operate in third countries that shared a border with EU states. That restriction is no longer in place, and the agency can operate anywhere as long as a legal agreement is in place. The negotiating directives for the deal with Senegal, also obtained by *Statewatch*, demand criminal and civil immunity of Frontex staff in Senegal “under all circumstances”.

Read more:

- [EU: Tracking the Pact: Council demands legal immunity for Frontex in Senegal "under all circumstances"](#)
- [EU: Tracking the Pact: Plan for Frontex to deploy "vessels, surveillance equipment, and carry out operational tasks" in Senegal and Mauritania](#)

Don't forget! You can find all the coverage from our ‘Tracking the Pact’ series in the [Statewatch Database](#).

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## EU: E-Evidence: "an agreement has been reached on the core elements of the instruments"

The e-evidence proposals aim to simplify the ability of EU member state police and judicial authorities to obtain electronic data held in other member states. A document circulated by the French Presidency of the Council of the EU on 30 June says that during a "political trilogue" meeting with the European Parliament on 28 June, "an agreement [was] reached on the core elements" of the proposals. We have published the latest text of both the Regulation and Directive, the two legal texts that make up the proposals.

Read more [here](#).

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EU: Tracking the Pact: Council demands legal immunity for Frontex in Senegal "under all circumstances"

EU: Tracking the Pact: Plan for Frontex to deploy "vessels, surveillance equipment, and carry out operational tasks" in Senegal and Mauritania

EU: Tracking the Pact: New “operational partnerships” with Morocco and Niger

EU: E-Evidence: "an agreement has been reached on the core elements of the instruments"

UN Special Rapporteurs critical of UK-Rwanda deal

# News

22 July

## **[USA offers foreign states access to 1.1 billion biometric “encounters” in return for reciprocal database access](#)**

The US Department of Homeland Security (DHS) is touting ‘Enhanced Border Security Agreements’, offering access to its vast biometric databanks in exchange for other states reciprocating. Reports suggest the UK is already participating, although there is no official confirmation of this. In the EU the proposals have caused a furore amongst privacy-minded MEPs. A document produced by the DHS, obtained by Statewatch, shows what the USA is offering foreign states.

21 July

## **[EU: Tracking the Pact: Council demands legal immunity for Frontex in Senegal "under all circumstances"](#)**

The negotiating directives for the proposed status agreement that would allow Frontex to operate in Senegal place a strong emphasis on the need for criminal and civil immunity of Frontex staff in Senegal "under all circumstances", while ensuring the most extensive executive powers possible.

21 July

## **[EU: Tracking the Pact: Plan for Frontex to deploy "vessels, surveillance equipment, and carry out operational tasks" in Senegal and Mauritania](#)**

The EU's border agency is also due to open a "risk analysis cell" in Nouakchott, Mauritania, in autumn this year, according to documents obtained by Statewatch and published here. The two "action files" put heavy emphasis on the "prevention of irregular departures" towards the Canary Islands and increased cooperation on border management and anti-smuggling activities. Earlier this month, the Council authorised the opening of negotiations on status agreements that would allow Frontex to operate in both countries.

21 July

## **[EU: Tracking the Pact: New “operational partnerships” with Morocco and Niger](#)**

Last week the European Commission announced two new “operational partnerships” with Morocco and Niger aimed at preventing and punishing human smuggling. The day before the Commission’s announcement, the International Centre for Migration Policy Development signed a cooperation agreement with the Nigerien authorities, to support “the fight against irregular migration”.

18 July

## **[EU: E-Evidence: "an agreement has been reached on the core elements of the instruments"](#)**

A document circulated by the French Presidency of the Council of the EU on 30 June - France's last day of holding the office prior to the arrival of the Czech Presidency - says that during a "political trilogue" meeting with the European Parliament on 28 June, "an agreement

[was] reached on the core elements" of the e-evidence proposals, which aim to facilitate the cross-border exchange of electronic data for criminal proceedings. The state-of-play of the Regulation and Directive can be seen in two documents produced following the trilogue, both of which are available here.

7 July

**[UN Special Rapporteurs critical of UK-Rwanda deal](#)**

On 1 July 2022, five UN Special Rapporteurs (SRs) wrote to the UK government to provide a legal analysis of the UK-Rwandan Memorandum of Understanding (MoU) of 14 April 2022 to establish an "asylum partnership arrangement", focusing on the UK state's obligations under international human rights law. This MoU raises concerns regarding its compatibility with such obligations.

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# 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](#)
- [Racism and discrimination](#)
- [Surveillance](#)

## Asylum and immigration

The New Arab, 20 July

### [How the ECtHR is eroding migrants' fundamental rights](#)

“In-depth: Once focused on protecting fundamental rights, the European Court of Human Rights has increasingly become concerned with state sovereignty. The consequences of prioritising borders above human life will be detrimental to all.”

El País, 20 July

### [La principal ONG marroquí señala que la violencia policial causó una veintena de muertes en la valla de Melilla](#)

“La ONG de mayor relevancia en Marruecos, la Asociación Marroquí de Derechos Humanos (AMDH), señala la violencia ejercida por las fuerzas del orden marroquíes, y la colaboración de los agentes españoles, como la causa principal de la muerte de más de una veintena de personas el pasado 24 de junio en Nador, en la frontera con Melilla. El Ministerio del Interior marroquí sitúa la cifra de muertos en 23, mientras que los representantes de la AMDH sostuvieron este miércoles, durante la presentación en Rabat de su informe sobre los hechos ocurridos en el puesto fronterizo, que los muertos fueron 27.”

Deportation Alarm, 20 July

### [Launch of new campaign: Deportation Alarm](#)

“In 2021 alone, Germany deported more than 5,484 people on at least 206 mass charter deportation flights.

Germany and Frontex spent more than €22,000,000 on this cruel and racist practice.

We unmask the 18 deportation airlines profiting and provide a comprehensive overview of the German deportation business.”

The Guardian, 19 July

**[UK officials raised concerns over Rwanda policy, documents show](#)**

“The Home Office pushed through its policy of sending asylum seekers to Rwanda despite repeated concerns from UK government officials, it has emerged from documents submitted to a high court hearing.”

Including: “On 10 February 2021, the UK high commissioner to Rwanda said the UK should not do a deal with Rwanda because the African country had been accused of recruiting refugees to conduct armed operations in neighbouring countries.”

Europa Press, 19 July

**[El Gobierno aprueba las últimas reformas de modernización de la valla de Ceuta por un importe de 4 millones](#)**

“El Consejo de Ministros ha aprobado este martes la ejecución de las últimas obras de reforma del perímetro fronterizo de Ceuta, que incluyen el refuerzo de algunos puntos del vallado exterior con malla antitrepa, la demolición de tres casetas intermedias de vigilancia ubicadas en la zona de entre vallas y la colocación de esclusas, por un importe que supera los cuatro millones de euros.”

European Parliament, 19 July

**[The Fundamental Rights of Migrant Workers in the EU: Understanding and reducing protection gaps](#)** (pdf)

“This study, commissioned by the European Parliament’s Policy Department for Citizens’ Rights and Constitutional Affairs at the request of the LIBE Committee, aims to inform policy debates about how to protect more effectively the fundamental rights of irregular migrant workers in the EU. It analyses the nature and causes of the gaps between the fundamental rights protections enshrined in EU legal standards and the rights realised by irregular migrants working in EU Member States in practice, and it discusses strategies for how these ‘protection gaps’ can be reduced.”

Migration Control, 19 July

**[Call for papers: De-centring and Contesting Externalisation in West Africa and Beyond](#)**

“Organised by the West Africa working group of the migration-control.info network, this project aims to bring scholars, activists and practitioners based in West Africa to exchange around these issues. This exchange will initially take the form of a hybrid workshop, which will take place on 19 September at SOAS. Subsequent to this, we invite contributions to a special issue of ‘movements: a journal of critical migration and border studies’ that will further advance the conversations of the workshop.”

The Independent, 18 July

**[Government’s post-Brexit failures – not Channel migrant crossings – broke UK asylum system, MPs say](#)**

“The government broke Britain’s asylum system itself with post-Brexit failures and creaking Home Office systems, and cannot blame rising English Channel crossings, MPs have found.

Parliament’s home affairs committee said ministers must stop trying to find “magical solutions”

such as the Rwanda deal, and fix internal problems rather than seeking “eye-catching headlines”.

Report: House of Commons Home Affairs Committee: [Channel crossings, migration and asylum](#) (pdf)

And: [Transcript of evidence session on 6 July](#) (pdf)

EUobserver, 14 July

#### [Frontex ends Lithuania border surveillance operation](#)

“The EU border agency Frontex will end border surveillance operations in Lithuania — and has implied a desire to return to Hungary.

The Warsaw-based agency's acting executive director Aija Kalnāja told MEPs on Tuesday (12 July) that it will no longer help Vilnius with border surveillance.

"As from tomorrow (13 July), we will not be participating or supporting Lithuania with the border surveillance," she said.

(...)

"Kalnāja and Grimheden are now proposing a so-called "reverse article 46".

It means Frontex would shore up its agents in the offending EU state [Hungary], instead of pulling out or suspending operations.

"Reversed article 46 would be much better from the fundamental rights perspective," said Grimheden."

Captain Support, 13 July

#### [Video launching the Captain Support campaign](#)

“This video informs about European practices to criminalize people for driving boats to Europe and about the rights of the accused and the other passengers.”

Care4Calais, 11 July

#### [Rwanda case adjourned](#)

“Good news! We are pleased to report that the Divisional Court has granted our application for an adjournment of the Rwanda case until September.

However the Government has refused to rule out flights in the interim, before the lawfulness of the policy is determined by the courts.”

ECHR, 7 July

#### Greece: [Violations of the Convention in a case concerning the sinking of a migrant boat](#)

“In today’s Chamber judgment in this case the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 2 (right to life) of the European Convention on Human Rights under its procedural head. The Court found that there had been shortcomings in the proceedings and concluded that the national authorities had not carried out a thorough and effective



investigation capable of shedding light on the circumstances in which the boat had sunk.

a violation of Article 2 (right to life) on account of the failure to comply with the positive obligation under this Article. The Court found that the Greek authorities had not done all that could reasonably be expected of them to provide the applicants and their relatives with the level of protection required by Article 2 of the Convention.

a violation of Article 3 (prohibition of inhuman or degrading treatment), concerning 12 of the applicants who had been on board the boat and who, after it had sunk, had been subjected to degrading treatment on account of the body searches they had undergone on arriving in Farmakonisi.”

ECHR, 7 July

**[Italian authorities breached rights of asylum-seeker to be presumed and treated as a minor](#)**

“In today’s Chamber judgment in the case, the European Court of Human Rights held, unanimously, that there had been:

- a violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights owing to shortcomings in procedural guarantees afforded to Mr Darboe as a minor migrant. As a result, he had not been able to file an asylum request and had been placed in an overcrowded adult reception centre for more than four months;
- a violation of Article 3 (prohibition of inhuman or degrading treatment) with regard to the length and conditions of Mr Darboe’s stay in the adult reception centre; and
- a violation of Article 13 (right to an effective remedy) taken in conjunction with Articles 3 and 8 in respect of Mr Darboe.”

## **Civil liberties**

The Guardian, 13 July

**[‘Have you recently had an abortion?’ Australian transiting through US questioned then deported](#)**

“An Australian woman who planned to house-sit in Canada during a holiday has said she was detained, fingerprinted, interrogated about her abortion history and quickly deported during a stopover in the US.”

International Federation of Journalists

**[Free Assange now!](#)**

“The IFJ is calling on the United States government to drop all charges against Julian Assange and allow him to return home to be with his wife and children. The IFJ is also calling on all media unions, press freedom organisations and journalists to urge governments to actively work to secure Assange’s release. #FreeAssangeNOW”

Deutsche Welle, 7 July

**German MPs demand release of Julian Assange**

“Dozens of members of the German federal parliament, the Bundestag, have issued a statement demanding the release of Wikileaks founder Julian Assange.”

Open Rights Group, 14 July

UK: **WRITE TO YOUR MP TO HELP STOP THE ONLINE SAFETY BILL**

“Criticisms of the Online Safety Bill are growing in Parliament. More and more MPs are waking up to the huge problems it will create.

(...)

Please write to your MP today to highlight your concerns over the threats to our freedoms and liberties the Bill will create.”

Middle East Eye, 13 July

**COP27: Rights groups warn Egypt against restricting protest during climate summit**

“Rights groups have expressed concern at Egypt's threats to restrict the right to protest during the COP27 climate summit, set to take place in the resort town of Sharm el-Sheikh in November.”

## **Law**

Politico Europe, 14 July

**Spain's controversial attempt to confront its painful past**

“The coalition government's democratic memory law, which seeks to tackle the legacy of the brutal dictatorship of Francisco Franco, could be approved by a narrow majority in parliament on Thursday.

But recollections of the more recent violence of ETA have hindered the project, with critics saying the bill can only get through parliament because Prime Minister Pedro Sánchez has made a deal with the heirs of the Basque terrorist group. This has hardened long-standing claims among the Socialist leader's adversaries that he panders to hard-line nationalism and has triggered a revolt within his own party.”

## **Military**

Council of the EU, 7 July

**European Peace Facility: Council adopts an assistance measure to support the Nigerien Armed Forces**

“The Council today adopted, under the European Peace Facility (EPF), an assistance measure worth €25 million to the benefit of the Republic of Niger.

The objective of this assistance measure is to strengthen the capabilities and resilience of the Nigerien Armed Forces in order to enable them to defend the territorial integrity and the sovereignty of the country and to better protect the civilian population against the mounting terrorist threat.”

## **Policing**

Fort Worth Star-Telegram, 18 July

### **[US demands allies share biometric police data on citizens in wake of Colleyville crisis](#)**

“When a U.K. citizen traveled to Colleyville, Texas, to take hostages at a synagogue in January, U.S. law enforcement had no information about his criminal record and terrorist sympathies in their databases. But the British did.

Six months later, Biden administration officials cite Colleyville as a prime example of why it wants other nations to share with U.S. homeland security troves of data on certain citizens who travel here, including police records and biometrics. Biometrics could include fingerprints, facial features and other physiological characteristics that can be used for automated identification.”

Institute of Race Relations, 9 July

### **[Racism, radicalisation and Europe’s ‘Thin Blue Line’](#)**

“In a double-length lead article of the July issue of Race & Class, IRR director Liz Fekete warns of a deepening ‘culture of extremism’ amongst police officers across Europe, highlighting numerous cases of racist and misogynistic attitudes and far right entryism amongst police officers.”

Greens/EFA, 29 June

### **[RESILIENCE AND RESISTANCE: THE CRIMINALISATION OF SOLIDARITY ACROSS EUROPE](#)**

“Acting in solidarity with migrants and refugees in the EU has been difficult for years. Between 2015 and 2019, research shows that at least 171 individuals have been criminalised for solidarity actions with people who fled their homes in 13 EU Member States. And it’s not slowing down.”

## **Racism and discrimination**

EurActiv, 18 July

### **[MEPs slam Slovakia over ‘medieval conditions’ in Roma communities](#)**

“A delegation of five MEPs said the living conditions facing Roma communities are ‘shameful’ after visiting eastern Slovakia to assess how the country uses EU Cohesion Policy funds to integrate Roma people into society.

In the program period 2014 to 2020, Slovakia allocated tens of millions of euros to improve the living conditions of Roma communities, but the results are not yet visible. Particularly in the eastern part of the country, Roma live in excluded settlements without access to drinking water or sewage services.”

Business Insider, 18 June

### **[Don’t worry about AI becoming sentient. Do worry about it finding new ways to discriminate against people.](#)**

“A story about a supposedly sentient AI recently went viral. Google engineer Blake Lemoine

revealed his belief that a company chatbot named LaMDA (Language Model for Dialogue Applications) had achieved sentience.

Seven AI experts who talked to Insider were unanimous in their dismissal of Lemoine's theory that LaMDA was a conscious being. They included a Google employee who has worked directly with the chatbot.

However, AI doesn't need to be clever to do serious damage, experts told Insider."

## Surveillance

This Day, 19 July

Nigeria: [UN, NCAA Mull Profiling Passenger's Data, Passport Information to Check Terrorists Threat](#)

"Concerned by the growing global terrorism threat, the United Nation Counter Terrorism's office and the Nigeria Civil Aviation Authority (NCCA), yesterday in Abuja hinted that they would collaborate with member countries to profile passengers' database through the airlines to detect terrorists on the watch list.

They noted that this is in response to threat by criminals and terrorists who use the airline industry to conduct cruises related to terrorist in Nigeria and in the African region and the rest of the world."

And: [FG, UN to identify terrorists, criminals at airports](#) (Punch)

Balkan Insight, 7 July

[EU'S FRONTEX TRIPPED IN ITS PLAN FOR 'INTRUSIVE' SURVEILLANCE OF MIGRANTS](#)

"Frontex and the European Commission sidelined their own data protection watchdogs in pursuing a much-criticised expansion of "intrusive" data collection from migrants and refugees to feed into Europol's vast criminal databases, BIRN can reveal."

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