



## News

### 5 August (Issue 13/22)

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Welcome to the latest edition of Statewatch News, featuring:

- **Frontex: covert interrogations at the Spanish border with no legal guarantees**
- **EU criminal records database access extended for migrant ‘screening’**
- **In-depth research to keep you informed**

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## Frontex interrogates people arriving in Spain, but offers no legal assistance

For many years, officials deployed on Frontex missions in Spain have sought to interrogate individuals arriving in the country via irregular routes. These “debriefings” are used to gather information that is fed into the agency’s risk analyses, which are in turn used to influence policy and operational decisions on immigration, borders and asylum. The debriefings may also provide a means of identifying criminal suspects, for example in smuggling or trafficking cases. Yet, as [a special report we published this week](#) reveals, those who are questioned receive no legal assistance and, often, no interpreter.

“Interviews are presented by the agency as anonymous, voluntary, and harmless. Yet, they take place in the context of irregular entry, lack of privacy, and in the presence of police officers, where individuals are detained and at risk of deportation,” [write Cova Bachiller López and Fran Morenilla](#). Under Spanish law, those who are interrogated by Frontex officials have a right to legal aid – but at the moment, they receive none (the agency has also previously [ordered its agents to target “isolated or mistreated” individuals](#) for questioning).

López and Morenilla have submitted [complaints](#) about the practice to the Spanish Ombudsman (*Defensor del Pueblo*) and the European Ombudsman. The outcome of the latter complaint may have significant ramifications: alongside its Spanish operations, Frontex currently has border control operations in countries including Greece, Italy, Bulgaria, Albania, Moldova, Montenegro and Serbia.

Read the article [here](#) and don't miss our other coverage of Frontex this week: [a report](#) on the results of a European Ombudsman inquiry into transparency and fundamental rights; and the publication of [a letter from Frontex](#) in response to questions from an MEP on its aerial surveillance in the Mediterranean.

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## Access to EU criminal records database expanded for migrant 'screening' procedures

[The Council of the EU has approved its negotiation position](#) on a law that will allow access to an EU criminal records database for the purpose of "screening" foreign nationals who arrive at the borders or are apprehended within EU territory.

The proposal will amend a number of other laws that underpin the EU's 'interoperable' policing and immigration databases, to ensure that checks on asylum applicants and individuals making irregular border crossings are "at least of a similar level as the checks performed in respect of third country nationals that apply beforehand for an authorisation to enter the Union for a short stay, whether they are under a visa obligation or not."

This will mean automated checks of biographic and biometric data against various centralised EU databases, Europol's databases, and two systems operated by Interpol. The criminal records database, ECRIS-TCN, will hold biographic and biometric data on individuals who have received a criminal conviction in an EU member state. The "screening" checks will grant access to records in that database relating to 29 categories of offence.

The European Parliament is yet to reach its position on the proposal, but [as we report in a separate story](#), has agreed to approve all the laws that make up the 'Pact on Migration and Asylum' by spring 2024 – a move that may raise questions as to what compromises negotiators will be willing to make in order to stick to their deadlines.

Read the story [here](#) and don't forget to explore all the coverage from our 'Tracking the Pact' series in the [Statewatch Database](#).

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## In-depth reports to keep you informed

So far this year we have published four in-depth reports on key contemporary issues concerning state powers, civil liberties and human rights:

- [\*\*A clear and present danger: Missing safeguards on migration and asylum in the EU's AI Act\*\*](#)
- [\*\*At what cost? Funding the EU's security, defence, and border policies, 2021–2027\*\*](#)
- [\*\*Building the biometric state: Police powers and discrimination\*\*](#)
- [\*\*Brexit: Goodbye and hello – the new EU-UK security architecture, civil liberties and democratic control\*\*](#)

We can only produce reports like this – and all our other work – with independent, ongoing support. [\*\*Please become a Friend of Statewatch\*\*](#) if you appreciate what we do and want to see us continue.

## News and analysis

Questioning the interviewers: Frontex's covert interrogations at the Spanish southern border  
European Ombudsman: more transparency and fundamental rights training needed at Frontex  
Frontex: agency gives limited outline of role of surveillance in Mediterranean  
EU: Research ethics in Horizon Europe: two presentations  
EU: Tracking the Pact: Access to criminal records for "screening" of migrants  
EU: Tracking the Pact: Parliament and Council want all new asylum and migration laws approved by spring 2024  
Policing: UK-USA Data Access Agreement coming into force in October

## Analysis

3 August

[Questioning the interviewers: Frontex's covert interrogations at the Spanish southern border](#)

Tony, a police officer deployed multiple times in Frontex operations in Spain and Greece, slips on the word "interrogate". He immediately corrects himself: "We are not allowed to say interrogate". We both know that the term interrogation fits perfectly well.

## News

2 August

[European Ombudsman: more transparency and fundamental rights training needed at Frontex](#)

A strategic inquiry into Frontex compliance with fundamental rights obligations under its enhanced mandate (2019 Regulation) concluded in January, with the Ombudsman "ask[ing] Frontex to improve its accountability". The results read as very mild compared to the OLAF report, excerpts of which were leaked by Der Spiegel on 28 July.

1 August

[Frontex: agency gives limited outline of role of surveillance in Mediterranean](#)

Responding to a Parliamentary question, Frontex's reply, published here, gives a cursory outline of how its aerial surveillance fits into search and rescue operations, and the agency's knowledge of "Maltese Armed Forces apparently allow[ing] fully loaded and obviously unseaworthy vessels to sail through their maritime rescue zone without taking the necessary measures".

29 July

**[EU: Research ethics in Horizon Europe: two presentations](#)**

The EU's research programmes have long been criticised for funding dubious surveillance technologies, and authorities have gone to substantial efforts to keep ethics reports secret - most notably in case of the automated lie detector project, iBorderCtrl. But how are ethics issues supposed to be identified and addressed in Horizon Europe research projects? Two presentations obtained by Statewatch set out how the process is meant to work.

26 July

**[EU: Tracking the Pact: Access to criminal records for “screening” of migrants](#)**

Under the Pact on Migration and Asylum, the “screening” of migrants who have entered the EU irregularly or who have applied for asylum will become mandatory. The aim is to establish their identity and to investigate whether they should be considered a “security risk”. To facilitate the screening process, access to the EU’s system of “interoperable” databases is being broadened, with the Council recently approving its negotiating position on new rules granting access to a centralised register of individuals convicted of criminal offences in EU member states.

25 July

**[EU: Tracking the Pact: Parliament and Council want all new asylum and migration laws approved by spring 2024](#)**

The European Parliament and the Council of the EU plan to finish negotiating all the asylum and migration laws currently on the table by February 2024, with the aim of having them enter into force by April 2024 at the latest.

25 July

**[Policing: UK-USA Data Access Agreement coming into force in October](#)**

The UK government has announced that the 'Data Access Agreement', which seeks to ease the ability of authorities on both sides of the Atlantic to obtain data held by electronic service providers in each others' jurisdictions, will come into force on 3 October. The Agreement allows either side to request "the interception of wire or electronic communications" where deemed necessary.

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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](#)
- [Prisons](#)
- [Privacy and data protection](#)
- [Racism and discrimination](#)
- [Surveillance](#)

## Asylum and immigration

Council of Europe, 4 August

[Finland: amendments to Border Guard Act must be accompanied by clear human rights safeguards](#)

Amendments "could prevent individuals from applying for asylum or lead to returns in violation of the principle of non-refoulement"

Sea-Watch, 3 August

[SOS MEDITERRANEE, MSF and SEA-WATCH alert on the critical risk of more deaths in the central Mediterranean this summer in the absence of European state led search and rescue operations](#)

"Libyan maritime authorities almost never respond"

Border Forensics, 2 August

[EU's Drone Another Threat to Migrants and Refugees](#)

Short dispatch and the trailer of a video investigation about an interception that took place one year ago, on July 30, 2021, in which Frontex drone appears to have played a critical role.

Open Democracy, 1 August

[The UK's Nationality and Borders Act penalises women. Here's how](#)

"Kidnapped, imprisoned and raped – but new legislation means this asylum seeker fears she could be deported"

Koraki, 28 July

[\*\*EU watchdog revelations mean Commissioners must resign\*\*](#)

"Frontex' illegal acts, and the EU Commission's response to them, means at the very least Margaritis Schinas must leave, or be fired. Anything less reduces the EU's credibility to less than zero."

Disclose, 26 July

[\*\*Predicting migration flows with artificial intelligence – the European Union's risky gamble\*\*](#)

"ITFLOWS is currently being tested and is due to enter service in August 2023. This is despite repeated warnings that its predictive capabilities could end up being misused to control and restrict the rights of refugees on European soil"

ITFLOWS is one of 51 'border AI projects' financed by the EU since 2007 that we examined in our report [\*\*A clear and present danger: Missing safeguards on migration and asylum in the EU's AI Act\*\*](#), published in May.

Guardian, 26 July

[\*\*Here's why a border-free world would be better than hostile immigration policies\*\*](#)

"A world in which everyone has the freedom to move and to stay might sound pie in the sky, but it can work"

Migzen, 26 July

[\*\*The real life consequences of Brexit for mixed British-European families\*\*](#)

Timely report on an important subject: migration policy is supposedly in favour of citizens, but has proved very harmful to many UK-European mixed families after Brexit. "The real life consequences of Brexit for mixed British-European families".

Sciabaca Oruka, 25 July

[\*\*Secret international agreements: the Ombudsman opens an inquiry into the EU's readmission agreement with the Gambia\*\*](#)

Reuters, 24 July

[\*\*Almost 700 migrants rescued off the Italian coast, 5 found dead\*\*](#)

"Most of the 674 migrants were found on a fishing boat 124 miles off the coast of Calabria, the boot of Italy. Others were rescued in the water."

Migreurop, 22 July

[\*\*Pacte européen sur l'asile et la migration : positionnement de Migreurop et analyse juridique\*\*](#)

"Instead of a Pact that is "new" in name only, we call for a real break with the orientations of migration policy that have dominated the political agenda over the last 30 years"

Jacobin, 21 July

[Europe Is Denying Thousands of Migrants a Chance at Asylum](#)

“The UN wants to support migrants in Europe who want to return to their country of origin. In practice, this scheme has forced asylum seekers to choose between deportation, indefinite detention in immigration centers, or destitution.”

Joint Committee on Human Rights, 21 July

[Committee’s concerns in respect of the human rights implications of the UK-Rwanda Migration and Economic Development Partnership \(MEDP\)](#)

Rwanda ‘not safe enough’ for asylum deal and Priti Patel must reconsider.

See also: Independent, 25 July, [Rwanda ‘not safe enough’ for asylum deal and Priti Patel must reconsider, parliamentary committee says](#)

Migrants Rights Network, 19 July

[Home Office visa delays leave thousands of Turkish business owners’ lives on hold](#)

Visa delays at the HO are harming applicants for ECAA visa extensions and indefinite leave to remain in the UK. An investigation into Turkish applicants reveals that impact includes financial hardship, loss of businesses and mental health.

## **Civil liberties**

Tribune, 28 July

[Liz Truss’s War on Workers](#)

“Britain's anti-union laws are already the harshest in the developed world. Liz Truss's plan to make them even more draconian should be recognised for what it is – an attack on basic democratic rights of working people.”

Human Rights Watch, 28 July

[Morocco: ‘Playbook’ to Mask Worsening Repression](#)

While the EU and Spain intensify their cooperation with Morocco by enhancing the interior ministry’s capabilities through funding and equipment to fight migration, HRW raises the issue of Moroccan authorities’ repression of civil society and dissent.

UN News, 25 July

[Libya: Human rights abuses, political stalemates, electoral delays mar progress](#)

“Despite some progress, a constitutional and political stalemate continues, prolonging tensions and fuelling insecurity, while clashes in and around Tripoli surge”



Netpol, 22 July

UK: [Everything you need to know about the law change to highway obstruction](#)

Essential information about changes to the law on highway obstruction in the UK

Humanists UK, 22 July

[Norway, Denmark, and human rights groups challenge UK over abortion rollback](#)

20+ HRs, pro-choice, & international aid groups, + the NOR & DEN Governments, call on UK to reverse arbitrary decision to remove 'sexual and reproductive health and rights' & 'bodily autonomy' from international human rights statement signed two weeks ago.

## **Policing**

Guardian, 4 August

[UK policing and border control infiltrated by war mentality, says report](#)

Report from Campaign Against the Arms Trade UK and Netpol describes increasingly blurred line between police and military in key areas:

- Counter-terrorism
- Anti-protest policing
- Border control
- Policing of gangs

Bristol Activist, 3 August

[Free the prisoners: Kill The Bill returns to Bristol](#)

"5 weeks after much criticised Police, Crime, Sentencing & Courts Act came into force, protest will be held to demand release of those imprisoned following Bridewell police station protest in 2021"

Netpol, 2 August

[Lost in the Matrix – how police surveillance is mapping protest movements](#)

"Threshold and terminology matrix" sets out "activities in furtherance of ideology", including lawful activism, low-level aggravated activism, and high-level aggravated activism

Albanian Daily News, 1 August

[Albania-Spain sign deal of coop against organised crime](#)

"This agreement between the two countries addresses the need for more ambitious international cooperation to effectively combat all forms of organised crime, in particular criminal organisations whose object is drug trafficking, human trafficking, money laundering criminal activity and terrorism."

European Roma Rights Centre, 27 July

[Hungary: European court awards Romani applicant €19,500 in police brutality case](#)

ECtHR finds breach of Article 3 over injuries caused to a man in police custody.

## Prisons

Independent, 26 July

['Alarming' increase in self-harm in women's prisons as more vulnerable people to be jailed, report says](#)

"government is set to violate its own strategy by putting more vulnerable female offenders behind bars"

## Privacy and data protection

EDPS, 29 July

[Proposal to combat child sexual abuse online presents serious risks for fundamental rights](#)

"There is risk that the Proposal could become basis for generalised & indiscriminate scanning of content of virtually all types of electronic communications"

"the Proposal, in its current form, may present more risks to individuals, and, by extension, to society at large, than to the criminals pursued for CSAM."

## Racism and discrimination

Guardian, 3 August

[Bristol bus boycott campaigner Roy Hackett dies at 93](#)

Roy Hackett, organiser of Bristol bus boycott 1963, has died aged 93

The 1963 protests paved the way for the UK Race Relations Act. Hackett helped organise the bus boycott alongside Owen Henry, Audley Evans, Prince Brown & Paul Stephenson

Al Jazeera, 27 July

[Outrage after Hungary PM Viktor Orban's 'pure Nazi' speech](#)

Accusations from Orban's own entourage of "Nazi" rhetoric after he spoke against creating "peoples of mixed race"

## Surveillance

Sky, 3 August

UK: [Sadiq Khan issued with legal challenge after 'terrifying' number plate camera decision](#)

“The mayor of London has given the Metropolitan Police access to more data from a larger number of ANPR cameras around London.”

Times, 3 August

UK: [Police want travel card data to track suspicious rail passengers](#)

Quite scary, reading the details....

Police want travel card data to track suspicious rail passengers.

Swissinfo, 30 July

[EU court ruling means Switzerland must overhaul flight passenger data law](#)

“Switzerland needs to revise its Flight Passenger Data Act due to a decision by the Court of Justice (ECJ) of the European Union. The ruling reduces the storage period and puts limits on the use of data, news agency Keystone-SDA reported on Saturday.”

Guardian, 26 July

[Facial recognition cameras in UK retail chain challenged by privacy group](#)

Big Brother Watch challenges Southern Co-operative’s use of system that “uses highly invasive processing of personal data, creating a biometric profile of every visitor”

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