

News 14 October (Issue 17/22)

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Welcome to the latest edition of Statewatch News, featuring:

- Demands for change at Frontex
- EU still adamant on increasing deportations
- Our annual activity report for 2021

And reports on the externalisation of migration controls, police exploitation of software vulnerabilities, and a joint statement on the Egyptian government's brutal treatment of Eritrean refugees.

We need your support!

We currently receive just 5% of our annual income from individual supporters.

If every subscriber to this mailing list gave us just £1/€1 a month, it would cover our annual budget.

You can help us expose and oppose intrusive and unwarranted state powers – if you appreciate our work, please support us by becoming a Friend of Statewatch.



Serious changes needed at the EU's outlaw agency

Yesterday, the notorious report by the European Anti-Fraud Office (OLAF) on EU border agency Frontex was finally made public by <u>Der Spiegel</u> and <u>Frag Den Staat</u>. The ramifications of the publication of the report remain to be seen. In the meantime, the European Commission is preparing an evaluation of the 2019 Frontex Regulation – the law that former Frontex director Fabrice Leggeri and his management team were in many ways failing to implement.

We made a brief submission to the Commission's call for evidence to inform the forthcoming evaluation of the Regulation, due to be published next year. Our submission highlights issues concerning fundamental rights, transparency and accountability.

You can read our response here.

<u>Border Violence Monitoring Network</u> and the <u>Platform for International Cooperation on Undocumented Migrants</u> also made submissions.

Increase in deportations still high on the EU agenda

As we highlighted an in-depth report in 2020, <u>Deportation Union</u>, the EU has sought to accelerate its efforts to step up the number of deportations in recent years. The issue remains high on the agenda, as made clear in a document circulated recently by the Czech Presidency of the Council that says the number of deportations should be "substantially" increased.

The proposal comes in a document that sets out four "priority actions in the external dimension" of migration. The Presidency also wants to pressure Serbia to change its visa policy; fight the "instrumentalisation of migration" by non-EU states; and step up the efforts of information-gathering networks to improve "monitoring of newly emerging trends and the related-early warning activities".

Full article here.

A busy year

We recently published our activity report for 2021, detailing our work and activities over the course of Statewatch's 30th year. For such a small organisation we achieved an impressive amount – even if we do say so ourselves. If you'd like to know more, you can read the full report here – and don't forget that you can always get in touch if you have any comments, questions or suggestions about our work.

News and analysis

Evaluation of the 2019 Frontex Regulation: Statewatch submission to the European Commission call for evidence

Council of the EU discussing migration and security on the 'Silk Route' and Prague Process action plan

EU: Czech Council Presidency wants "substantial" increase in deportations

Joint statement: End arbitrary detention and forcible deportation of Eritrean asylum seekers in Egypt

EU: Discussion on encryption ponders "retention of vulnerabilities and exploitation by the authorities"

Do you appreciate our work? We need your support.



Analysis

3 October 2022

Evaluation of the 2019 Frontex Regulation: Statewatch submission to the European Commission call for evidence

We made a brief submission to the European Commission's call for evidence to inform the evaluation of the 2019 Frontex Regulation. The evaluation is due to be carried out between December 2022 and October 2023 by an external consultant. Our submission highlights issues concerning fundamental rights, transparency and accountability.

News

13 October

<u>Council of the EU discussing migration and security on the 'Silk Route' and Prague</u>
Process action plan

The growth of EU policy-making on the "external dimension of migration" shows no sign of abating. Two recent documents, published here, cover "migration and security challenges on the Silk Route" and a Ministerial Declaration and the 2023-27 Action Plan for the Prague Process.

12 October

EU: Czech Council Presidency wants "substantial" increase in deportations

The EU should "substantially" increase the number of deportations, the Czech Presidency of the Council has proposed, in a document that sets out four "priority actions in the external dimension" of migration. The Presidency also wants to pressure Serbia to change its visa policy; fight the "instrumentalisation of migration" by non-EU states; and step up the work of information-gathering networks to improve "monitoring of newly emerging trends and the related-early warning activities"

7 October

<u>Joint statement: End arbitrary detention and forcible deportation of Eritrean asylum seekers in Egypt</u>

The Egyptian government has been arbitrarily detaining Eritrean asylum-seekers and plans to forcibly remove them to Eritrea. Numerous other rights violations have been documented. A international joint statement organised by Refugee Platform in Egypt and signed by over 30 groups, including Statewatch, condemns the actions of the Egyptian government.

3 October

EU: Discussion on encryption ponders "retention of vulnerabilities and exploitation by the authorities"

At a recent event hosted by Europol's Innovation Hub, participants discussed questions relating to encrypted data and the ability of law enforcement authorities to access digital information. One issue raised was a possible "EU Vulnerability Management Policy for Internal Security," which could allow for "temporary retention of vulnerabilities and their exploitation by the relevant authorities." In effect, this would mean identifying weaknesses in software and, rather than informing the software developers of the problem, exploiting it for law enforcement purposes.

Help us maintain and extend our work



The Roundup

Material we have shared on our <u>Twitter</u> and <u>Facebook</u> accounts in the last fortnight, now categorised by theme:

- Asylum and immigration
- Civil liberties
- Law
- Military
- Policing
- Privacy and data protection
- Racism and discrimination
- Secrecy and transparency
- Security and intelligence
- Surveillance

Asylum and immigration

Der Spiegel, 13 October

Publication of the OLAF report on Frontex: Warum der SPIEGEL den Frontex-Untersuchungsbericht veröffentlicht

Systematic breaches of the law, concealed by Frontex officials: investigations by the European anti-fraud office OLAF reveal what is being done to refugees at the EU's external borders. Read the confidential report in full.

The Guardian, 13 October

UK: Home Office reclassifies modern slavery as illegal immigration issue

"The Home Office has taken the modern slavery brief away from the minister responsible for safeguarding and classed it as an "illegal immigration and asylum" issue, updated online ministerial profiles show.

The move is seen as a clear sign that the department is doubling down on Suella Braverman's suggestion that people are "gaming" the modern slavery system and that victims of the crime are no longer being prioritised."

BBC News, 13 October

Amnesty accuses Latvia of abusing migrants on Belarus border

"Latvia "violently" pushed migrants back into Belarus and even subjected some to torture, Amnesty International alleges.

A new report by the rights group says people trying to cross from Belarus into neighbouring Latvia were beaten and humiliated by border authorities."

Full report available here: <u>Latvia: Refugees and migrants arbitrarily detained, tortured and forced to 'voluntarily' return to their countries</u> (Amnesty)

Lighthouse Reports, 12 October

How the EU Failed Ukraine's International Students

Tracing the fate of a cohort of non-white students who fled Russia's invasion to be confronted with Europe's hostile environment.

Al Arabiya, 12 October

Tunisian protesters clash with police over missing migrants

"Hundreds of Tunisians clashed with police on Wednesday during a protest to demand a rescue mission for relatives lost at sea during a failed migration attempt.

Also angered over the burial of three suspected Tunisians in a nearby cemetery for foreign migrants, some burnt tires and threw rocks at police."

Stop Wapenhandel, 11 October

Rotterdam hosts Frontex conference on virtual wall

"On 18 and 19 October 2022 the Royal Marechaussee, the Dutch military police, will host a Conference on the Entry/Exit System in the Maritime Domain for EU border guard agency Frontex in Rotterdam. The conference will bring Frontex staff, staff of border and port authorities from EU member states and representatives from selected companies and cruise-ship associations together to discuss the implementation of the Entry/Exit System (EES), a biometrics based database, at maritime border crossing points. The EES is part of a network of (biometrics) databases, with the aim to create a 'virtual wall' to keep or get migrants out of the EU."

El País, 11 October

<u>Una auditoría interna de Frontex revela deficiencias en el cuerpo europeo de policías de</u> fronteras

"Según una auditoría de la Comisión Europea sobre el funcionamiento de Frontex, a la que ha tenido acceso EL PAÍS, este cuerpo, concebido como una fuerza de uniformados para hacer frente a los principales desafíos en las fronteras exteriores de la UE, está plagado de prácticas de descoordinación e ineficiencias que "ponen en riesgo la reputación de la agencia".

An internal European Commission audit of the functioning of Frontex, seen by *El País*, says the agency is plagued by uncoordinated practices and inefficiencies that "put at risk the reputation of the agency".

Privacy International, 10 October

<u>EU Ombudsman opens inquiries into FRONTEX and EEAS on their support to develop</u> surveillance capabilities in non-EU countries

Investigations in response to complaints by Privacy International, Access Now!, SeaWatch, Border Violence Monitoring Network, Homo Digitalis and FIDH.

Jacobin, 10 October

The European Union Is Deliberately Leaving Migrants Abandoned at Sea

"Jeancy survived his ordeal — physically at least. And then he decided to seek justice...

A man left for dead by... Europe's border army has now come to fight that army in court." Including details on the case from Omer Shatz of Front-Lex.

Gisti, 10 October

Quand Marlène Schiappa insulte la mémoire d'un migrant noyé c'est une militante associative qui est condamnée

After Sudanese refugee Abdulfattah Hamdallah died in 2020, government minister Marlène Schiappa used the occasion to call for tougher borders.

Isabelle Saint-Saens, who called her a "scumbag" for doing so, has now been convicted for public insult. She has filed an appeal and is being supported by *Gisti*.

InfoMigrants, 10 October

'Heinous' killing of migrants in Libya

"The bodies of 15 people were found on a beach near Sabratha in Libya on Friday, most of them burned inside a charred boat. The UN mission in Libya has condemned the killing and accused migrant smugglers."

Street Press, 10 October

Corsica Linea accueille des Ukrainiens et expulse des Algériens

Corsica Linea, the same ferry company that opened an on-board reception centre for Ukrainian refugees in Marseille, is also expelling Algerians in cooperation with the border police (PAF).

The Guardian, 8 October

Putin's war is illegal – and Russians fleeing the draft may have the right to asylum

About governments "legitimising the potential blanket exclusion of Russian refugee applications and demeaning ordinary Russians who refuse to join a criminal invasion".

Gisti. 7 October

<u>Plus de dix ans après le drame du Left-To-Die Boat... l'enquête va-t-elle pouvoir commencer?</u>

"Il aura donc fallu plus de dix ans pour qu'une brèche soit ouverte dans la chape d'impunité qui couvre les crimes dont les neuf survivant·es du Left-To-Die Boat demandent réparation : le 22 septembre dernier, la chambre de l'instruction de la Cour d'appel de Paris a infirmé la décision de non lieu rendue par la juge chargée d'instruire cette affaire."

On 22 September, the investigating chamber of the Paris Court of Appeal overturned the decision to dismiss the case.

Africa CGTN, 7 October

Morocco triples migrants' jail terms over border storming

Update from judicial proceedings on events in Melilla on 24 June, AMDH talks of a "repressive judicial system" after 18 people receive three year sentences (up from 11 months).

AfriqueXXI, 5 October

Visas pour la France. Le business des frontières fermées

"Un vent de fronde souffle sur le continent. De nombreux Africains se plaignent de ne pas être remboursés lorsque leur demande de visa pour la France est refusée, alors même que Paris a durci sa politique migratoire. Les étudiants, dont les frais d'inscription à l'université ont été augmentés en 2019, sont particulièrement pénalisés."

Free Movement, 5 October

Braverman's Conservative party conference speech: an empty vessel

"Suella Braverman's speech to the Conservative Party conference yesterday evening confirmed two things. She really doesn't like the Human Rights Act, the Modern Slavery Act or the European Court of Human Rights. And that the problems with the UK immigration system are complex and intense. One of these problems is imaginary and the other real. No real solutions were offered to either."

Euronews, 4 October

Hungary, Austria and Serbia leaders outline plan to curb migration

"The three leaders agreed to take joint action to control the new arrivals along the migration route that leads through Serbia.

Austrian Chancellor Karl Nehammer told reporters after the meeting that the joint action plan would include increased police cooperation along the borders as well as supporting Serbia when it comes to deporting migrants back to their home countries."

Helen Bamber Foundation, 4 October

UK: <u>ABUSE BY THE SYSTEM: SURVIVORS OF TRAFFICKING IN IMMIGRATION</u> DETENTION

"Survivors of trafficking should not be detained. Instead, they should be provided with the support to which they are entitled under international and domestic law in the community, including secure accommodation, psychological assistance and legal information and support. This is crucial to enable them to recover and rebuild their lives.

...people who have already been exploited and mistreated are experiencing further abuse by an immigration system that is not fit for purpose."

Migration Control.Info, 4 October Monthly Review September 2022

Monthly Review for September 2022 covering topics such as Eurafrican migration control, migration, and displacement in African countries, and news on the European border regime, focusing on externalisation policies.

YouTube, 3 October

'Are Immigration Controls Racist? Lessons from History' - Nandita Sharma

A public lecture by Professor Nandita Sharma on racism, nationalist ideologies and the creation of controls over cross-border movement.

The lecture was introduced by Bridget Anderson, Director of MMB and Professor of Migration, Mobilities and Citizenship, and chaired by Patrick Capps, Professor of International Law and Research Director of the Faculty of Social Sciences and Law, University of Bristol.

Público, 3 October

CATE de Cartagena: migrantes entre ratas y despilfarro de dinero público

Cartagena CATE: migrants among rats and the waste of public money

Sleeping on the floor among rodents and showering with a hosepipe. The interior ministry opens a centre for migrants in the military port of El Espalmador (Cartagena) with three years' delay and complaints about the degrading conditions in the Escombreras camp.

ENASS, 3 October

À Nador, 100 ans de prison contre les réfugiés

Lengthy prison sentences handed to refugees arrested in Nador.

"This judicial harassment is the continuation of the repression and persecution migrants and refugees have been suffering since the terrible tragedy of 24 June."

Courrier International, 30 September

<u>Migrations. Face au retour des Syriens, la Tchéquie renforce le contrôle de sa frontière</u> avec la Slovaquie

Member states use migration as a pretext to undo the Schengen Area, yet again. Czechia strengthens controls at its border with Slovakia due to an increase in Syrians arriving in the country.

Council of Europe Commissioner for Human Rights, 28 September

For the rights of the living, for the dignity of the dead – Time to end the plight of missing migrants in Europe

The time has come to put an end to migrants going missing on land and at sea, along migration routes and within member states.

Border Criminologies, 28 September Undoing the migration digital black box

"We have proposed to retrace the use of databases in light of the papers that migrants are given and of the places where identification procedures happen. In so doing, we have sidestepped the black box..."

Medical Justice, 26 September

"Horrified" leading medical bodies call to abandon Rwanda removals on ethical and medical grounds

"The British Medical Association and leading medical bodies in the UK have today jointly written to the Prime Minister expressing concern about the severe impact that the decision to remove asylum seekers to Rwanda is already having on people's health and wellbeing."

Morocco World News, 14 September

Spain to Install New Entry/Exit System in Ceuta-Morocco Border

The new system seeks to automate the data-entry process to keep track of entries and exits to/from the European territories.

Civil liberties

Algorithm Watch, 10 October

Italian neofascists considered building an authoritarian Al to solve unemployment

Brothers of Italy suggested using Artificial Intelligence to assign young people mandatory jobs, mirroring algorithmic solutions to unemployment proposed in other EU countries.

The Guardian, 5 October

Ankle tags used to target young black men, London mayor's report finds

Electronic ankle tags are being used to racially target and sentence young black men for knife crime offences in a way that "may reflect unconscious bias" among Met Police officers.

Law

Greens/EFA in the European Parliament, 7 October

Systemic Problems, Systemic Infringements: the case of Hungary

On judicial independence, the rule of law and non-compliance with constitutional democracy in Hungary. Judicial capture affects academic freedom, media freedom and freedom of information.

Fair Trials, 5 October

EU: Vincenzo Vecchi: The criminalisation of protest

How the need for 'mutual trust' between states, as interpreted by the CJEU in a European arrest Warrant Case, could see a protester get a 12-year prison sentence.

See also:

Pursuit of activist Vincenzo Vecchi highlights misuse of EAW (Fair Trials)

Petition calling for the EAW against Vecchi to be rescinded: <u>UNA LEGGE FASCISTA ENTRA NEL DIRITTO EUROPEO attraverso il Mandato d'Arresto Europeo (MAE) ...II diritto di manifestare in Francia e in Europa è in pericolo, DIFENDIAMO VINCENZO VECCHI (YouMove Europe)</u>

Background: Italy: Making sense of the Genoa G8 trials and aftermath (Statewatch, October 2008)

Military

UK Parliament Post, 7 October **Automation in military operations**

This Research Briefing discusses current and future applications of automation and AI, their impact on militaries and global stability, and related challenges, after the MoD published its Defence AI Strategy in June.

EurActiv, 30 September

Six EU countries call for ambitious cyber defence policy, document

"Austria, Finland, France, the Netherlands, Spain, and Romania have urged the European Commission to aim high in its upcoming proposal on cyber defence, setting out their recommendations on five priority areas.

The non-paper, obtained by EURACTIV and dated 27 September, is intended to influence the upcoming proposal for an EU's Cyber Defence Policy."

Policing

VUB. 9 November

<u>VUB Chair in Surveillance Studies Seminar with Sarah Brayne: Predict and Surveil-</u>Data, Discretion, and the Future of Policing

"The scope of criminal justice surveillance, from the police to the prisons, has expanded rapidly in recent decades. At the same time, the use of big data has spread across a range of fields, including finance, politics, health, and criminal justice. Drawing on fieldwork conducted within the Los Angeles Police Department, I show how law enforcement uses predictive analytics and new surveillance technologies to allocate resources, identify criminal suspects, and conduct investigations. I then analyze how the adoption of big data analytics transforms organizational practices, and how the police themselves respond to these new data-driven strategies."

The Guardian, 8 October

UK: IOPC investigating after man allegedly restrained by police dies in Hertfordshire.

A man who had earlier appeared to be in "distress" died after allegedly being restrained by police officers, sparking an investigation by the police watchdog.

From the Statewatch Library & Archive, 6 October

<u>Broadwater Farm Revisited: Second report of the Independent Inquiry into the Disturbances of October 1985 at the Broadwater Farm Estate</u>

On 6 October 1985, riots began at the Broadwater Farm estate in north London after Cynthia Jarrett died following a police raid on her home.

You can find out more about the events of the day and the aftermath by visiting the Statewatch Library & Archive.

La Quadrature du Net, 30 September

France: 15248 people file a complaint against the Technopolice

"In September 2019, La Quadrature du Net started an initiative called "Technopolice" to collect information about the progressive outbreak of automated surveillance in France. This action reached a new milestone this Saturday, September 24 as a collective complaint against the Minister of the Interior, carried by of 15,248 people, was filed before the CNIL (Commission nationale de l'informatique et des libertés, the French data protection authority). The complaints require to ban surveillance cameras, facial recognition and massive police databases."

IOPC the Independent Office for Police Conduct, 28 September IOPC publishes figures on deaths during or following police contact for 2021/22

"The Independent Office for Police Conduct (IOPC) today published its annual report on deaths during or following police contact in 2021/22.

Published for the 18th year, the statistics provide an official record setting out the number of such deaths, the circumstances in which they happen, and any underlying factors. Figures across the different categories can fluctuate each year, and any conclusions about trends need to be treated with caution."

Politico, 22 September

EU privacy watchdog sues lawmakers over new Europol mandate

"The European Union's in-house privacy watchdog has sued lawmakers over legislation that would effectively wipe out its previous enforcement against Europol, the bloc's law enforcement agency.

In January, the European Data Protection Supervisor ordered Europol to erase data concerning individuals who have no established link to a crime, after finding that the law enforcement agency was likely to have mishandled troves of personal data.

But in June, MEPs and national governments enacted a reform of the regulation governing Europol that would have the effect of retroactively legalizing the very data-handling practices that the EDPS had ruled unlawful."

Novact, October

Spain: New report on transparency and accountability of police forces

The report examines the internal and external mechanisms available to facilitate investigations in cases of alleged human rights abuses.

Privacy and data protection

European Law Blog, 11 October

Repairing the EU Passenger Name Record Directive: the ECJ's judgment in Ligue des droits humains (Case C-817/19)

Despite accepting EU security practices around PNR data, the CJEU limits member state power to collect it for intra-EU flights, limiting their scope.

House of Commons (Canada), October 2022

Facial Recognition Technology and the Growing Power of Artificial Intelligence

Report of the Standing Committee on Access to Information, Privacy and Ethics.

Racism and discrimination

The Guardian, 13 October

Italy's election is a case study in a new phase for the radical right

"This is the first time that a western European country is likely to be run by a populist radicalright party that also needs to share government with another populist radical-right competitor. Given that multiple similar parties operate elsewhere, too, similar scenarios potentially lie ahead in countries such as Denmark, France and the Netherlands." Inquest, 12 October

UK: <u>Deaths of racialised people in prison 2015 – 2022: Challenging racism and discrimination</u>

Inquest uncovers new data and tells the stories of 22 racialised people and how they died preventable and premature deaths in prison.

The Independent, 12 October

UK: Met Police forced to pay £6,000 after unlawful search and handcuffing of mixed-race boy

The boy was 13 years old at the time. His mother, a serving Met Police officer, launched a complaint.

20 minutes, 10 October

France: A Marseille, 23 militants de Génération Identitaire sont jugés pour des violences, dégradations et séquestration

22 militants of Génération Identitaire, on trial in Marseille for violence, criminal damage and for holding people hostage in relation to raid on 5 October 2018 targeting the office of SOS Méditerranée.

UK Government, 7 October

UK government's explanation of its critical position on the UN resolution on racism

"We do not agree with claims made in this resolution that states are required to make reparations for the slave trade and colonialism, which caused great suffering to many but were not, at the time, violations of international law."

The resolution in question: <u>From rhetoric to reality: a global call for concrete action</u> <u>against racism, racial discrimination, xenophobia and related intolerance</u> (UN)

The Bristol Cable, 6 October

UK: Company faces accusations that asylum-seekers have been barred from bus route

'I'm not taking any more asylum seekers'

Stagecoach 'urgently' investigating discrimination claims that people were not picked up at bus stops because of their appearance.

The New Humanitarian, 28 September

What a far-right government in Italy means for asylum seekers and migrants

"Beyond stoking racism and xenophobia, experts fear Meloni could double down on migration policies that lead to more deaths at sea."

Security and intelligence

UK Parliamentary Office of Science and Technology Climate Change and Security

Briefing outlining "the potential security implications of climate change, arising from both its impacts on human systems and the 'transition risks' from climate change mitigation measures".

Surveillance

Ekathimerini, 12 October

Greece: Proposals made for intelligence reform

An investigation into phone-tapping of a party leader has revealed a consensus on more transparency in intelligence collection. A majority report is expected to exonerate the PM and state agencies.

EurActiv, 11 October

MEPs sceptical on EU proposal to fight online child sexual abuse

"Commissioner for Home Affairs Ylva Johansson faced critical questions on Monday (10 October) from EU lawmakers over her proposal to prevent and combat child sexual abuse material.

The draft regulation has attracted much attention since the Commission proposed to include a generalised scanning obligation for messaging services in May, with critics fearing mass surveillance."

International Press Institute, 10 October

Greece: Full scale of surveillance on journalists must be unearthed

Media freedom groups back testing of journalists' phones for traces of spyware. Spyware and advanced surveillance technologies may increasingly threaten democracy and civil rights.

Papers, Please!, 4 October

ICAO expands travel tracking and control through RFID passports

"Rather than "faciliating" travel, ICAO's Facilitation Programme is increasingly devoted to facilitating government control of travel. This includes a new ICAO standard, as discussed below, to enable global blackballing of travelers disfavored by any ICAO member country.

(...)

The new ICAO specifications provide a standardized format for converting the RFID chip on the passport from a digital identity token into into a digital surveillance record and travel log that each international traveler will be required to carry on their person."

Matthias Monroy, 3 October

High tech border surveillance: Frontex installs cameras in the stratosphere

"With such high-altitude platforms, the EU border agency aims to close the gap between its planes, drones and satellites."

Computer Weekly, 30 September

Surveillance tech firms complicit in MENA human rights abuses

Tech companies profiting from surveillance technologies that facilitate human rights abuses in the Middle East and North Africa. At the crossroads where externalisation and authoritarianism meet.

Fair Trials, 28 September

My sons were profiled by a racist predictive policing system — the Al Act must prohibit these systems

Fascinating and scary... about misuse of predictive systems to assess and profile young people in Amsterdam, including likelihood to commit future crime.

Support the fight for civil liberties in Europe

