



News

11 November (Issue 19/22)

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statewatch

Welcome to the latest edition of Statewatch News, featuring:

- **Empowering the police, removing protections: the new Europol Regulation**
- **Mapping the EU's 'interoperable' policing and migration databases**
- **New Frontex deals to seal off the 'Balkan Route' for migrants**

We also have a new document collection on Frontex's plans to step up the collection of personal data, EU agency presentations on migrant smuggling in the Western Balkans, and documents from the Council of the EU on its plans to undermine encryption, endangering the privacy and security of all.

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Empowering the police, removing protections

The powers and tasks of EU policing agency Europol were massively expanded by legal amendments that came into force in June, in particular with regard to its ability to acquire and process personal data. Yet at the same time, independent external scrutiny of those powers has been substantially reduced. [A new report we published yesterday provides all the details.](#)

The changes have been introduced at the same time as Europol has been caught up in a series of data protection scandals, concerning [the massive harvesting of personal data](#), the [refusal to release information to an activist](#) who was labelled a terrorist by the Dutch police, and [the agency's failure to comply](#) with data protection rules set out in the amendments. The agency is also pursuing increased cooperation with a range of problematic states, including – as we show in [a separate report published this week](#) – with Israel, where a draft agreement would allow data to be transferred to the occupied territories.

Mapping ‘interoperable’ databases

For a number of years, we have been tracking the plan to make the EU’s policing and migration databases ‘interoperable’ – interconnecting the data they hold so it can be used in new and unforeseen ways. This has been a political process disguised as a technical procedure and involves a series of huge information systems, the details of which can be extremely difficult to understand.

This week, we published a new ‘map’ of those database and the EU and national agencies that can make use of them, in order to facilitate understanding of and further investigation into this expanding data architecture. You can explore the map [here](#).

Sealing off the ‘Balkan Route’

Since 2015 the EU and its member states have been working to reinforce the border control capabilities of states in the Balkans, to try to halt the irregular movement of people towards ‘core’ EU states. Part of this has involved signing “status agreements” that allow the deployment of Frontex missions in those countries. Now the European Commission wants to launch negotiations with Serbia, Montenegro, Bosnia and Albania so that EU border agency Frontex can extend its zone of operations.

Upgrading the EU’s agreements will make it possible to deploy EU border guards at non-EU borders - for example, between Bosnia and Serbia, or between Serbia and Montenegro. An agreement with North Macedonia has already been signed. We have published the draft agreements [here](#).

News

- New Europol rules massively expand police powers and reduce rights protections
- New online map of the EU's 'interoperable' immigration and policing databases
- New document collection available on Frontex and "operational personal data"
- EU seeks policing agreement with Israel as far-right leader tipped to become police minister
- Europol management board in breach of new rules as soon as they came into force
- Migrant smuggling in the Western Balkans: Europol, Frontex and EU Asylum Agency presentations
- Tracking the Pact: EU seeks to seal off Balkan Route with expanded Frontex deployments
- EU: Anti-encryption Regulation: Presidency compromise proposals for Chapter I and Chapter III

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New report

10 November

[Empowering the police, removing protections: the new Europol Regulation](#)

This report examines the new powers granted to EU policing agency Europol by legal amendments approved in June 2022. It finds that while the agency's tasks and powers have been hugely-expanded, in particular with regard to acquiring and processing data, independent data protection oversight of the agency has been substantially reduced.

News

10 November

[New Europol rules massively expand police powers and reduce rights protections](#)

The new rules governing Europol, which came into force at the end of June, massively expand the tasks and powers of the EU's policing agency whilst reducing external scrutiny of its data processing operations and rights protections for individuals, says a report published today by Statewatch.

09 November

[New online map of the EU's 'interoperable' immigration and policing databases](#)

Statewatch has published an online 'map' providing a visual representation of, and information on, the data architecture in the European Union's "area of freedom, security and justice".

04 November

[New document collection available on Frontex and "operational personal data"](#)

We have published a trove of documents obtained by the journalists Luděk Stavinoha, Apostolis Fotiadis and Giacomo Zandonini for an investigation into Frontex's controversial plan to expand its use of personal data to combat terrorism and "cross-border crime".

04 November

[EU seeks policing agreement with Israel as far-right leader tipped to become police minister](#)

EU and member state officials have begun discussing a working agreement between Europol and the Israeli authorities. It would allow the exchange of personal data, including sensitive categories of data such as biometrics, racial and ethnic origin, or religious or political beliefs. It also includes derogations that would allow data transferred by Europol to be used in the occupied territories.

03 November

[Europol management board in breach of new rules as soon as they came into force](#)

The EU's police agency, Europol, has landed itself in trouble again. Having been formally admonished by the European Data Protection Supervisor (EDPS) late last year for its illegal processing of vast quantities of personal data, and in September for refusing an access request to the personal data of a political activist and trying to cover it up by deleting his data from the system, Statewatch can now reveal that the agency's management board was in breach of the new rules governing the agency as soon as they came into force in June.

02 November

[Migrant smuggling in the Western Balkans: Europol, Frontex and EU Asylum Agency](#)

[presentations](#)

On 28 September the Council of the EU's Working Party on External Aspects of Asylum and Migration (EMWP) discussed migrant smuggling in the Western Balkans. Representatives of Europol, Frontex and the EU Asylum Agency were there to give presentations, which we are publishing here.

31 October

[Tracking the Pact: EU seeks to seal off Balkan Route with expanded Frontex deployments](#)

The European Commission wants to launch negotiations with Serbia, Montenegro, Bosnia and Albania so that EU border agency Frontex can extend its zone of operations. Currently, Frontex operations in those states can only take place at the borders they share with EU member states, in accordance with the 2016 Frontex Regulation. Upgrading the EU's agreements with the Balkan states to take into account the powers granted to Frontex by the 2019 Regulation will make it possible to deploy EU border guards at non-EU borders - for example, between Bosnia and Serbia, or between Serbia and Montenegro. An agreement with North Macedonia has already been signed. The aim is to halt the irregular movement of people through the Balkans towards "core" EU member states.

31 October

[EU: Anti-encryption Regulation: Presidency compromise proposals for Chapter I and Chapter III](#)

Negotiations are proceedings on the EU's proposed Regulation laying down rules to prevent and combat child sexual abuse, which will oblige communications service providers to undermine encryption and use unproven automated detection technologies in the hope of detecting online child abuse imagery. In mid-October, the Czech Presidency of the Council circulated compromise proposals on Chapter III, dealing with supervision, enforcement and cooperation. Two weeks later, proposals on Chapter I (general provisions) followed. They are published here.

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The Roundup

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

[Asylum and immigration](#)

[Civil liberties](#)

[Law](#)

[Military](#)

[Policing](#)

[Prisons](#)

[Privacy and data protection](#)

[Racism and discrimination](#)

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Asylum and immigration

Michele Lancione, 10 November

[The University of Turin against Frontex \(and against the Polytechnic\). The fight continues.](#)

“The fight to keep Frontex out of our universities continues.

In the summer of 2021, my Department (DIST) at the Politecnico di Torino signed a contract to produce cartography for Frontex (the European Coast Guard and Border Agency). The agreement – passed without any problems in the Department’s Council – was presented as one of the best representations of research excellence at DIST”

Matthias Monroy, 9 November

[After years of EU funding: Maritime emergency centre in Libya „not operational“](#)

“Since 2017, the EU has invested in one project alone at least €57 million to counter migration from Libya. The Brussels backers also are worried about their reputation.”

Republic of Slovenia, 8 November

[Slovenia responds to Austria’s temporary reintroduction of border control at the Slovenian border](#)

“On 11 October 2022, the Republic of Austria announced to the European Commission, the Parliament and the Member States that it would extend the border control at the internal Schengen border with Slovenia for the period from 12 November 2022 to 11 May 2023. The reasons cited include an increase in migration flows, including due to visa policies in the Western Balkans, and an increase in secondary migration due to the current situation at the EU’s external border, as well as due to the activities of organised groups of smugglers.

La Sicilia, 8 November

La Francia assegna il porto di Marsiglia alla Ocean Viking, la nave carica di migranti già in navigazione

“L’arrivo dell’imbarcazione della ong Sos Mediterranee atteso nella notte tra mercoledì e giovedì”

Hungarian Helsinki Committee, 7 November

Implementing judgments in the field of asylum and migration on odd days

“A new research paper published by the Hungarian Helsinki Committee brings attention to the worrying practices of non-implementation of judgments in the field of asylum and migration in Czechia, Hungary, Poland, Slovakia and Slovenia and the implications on the rule of law.”

Balkan Insight, 7 November

European Parliament Scrutinises Frontex Surveillance Programme after BIRN Investigation

“Frontex’s plans to conduct mass surveillance at Europe’s borders have been frozen since June, following a cross-border investigation published by BIRN and a critical review of the programme by EDPS, the EU’s data protection watchdog. The EU border agency was forced to admit irregularities and commit to re-writing the programme in compliance with EU data protection laws.”

The Independent, 7 November

UK: Immigration officials target mosques, temples and churches to advise people to return home

“Immigration enforcement officials are targeting places of worship to advise people with insecure statuses to go back to their countries of origin, The Independent has learned.

Specialist teams from the Home Office have carried out more than 400 “community engagement surgeries” at temples, mosques, gurdwaras and churches over the past three years – a fourfold rise since 2019.”

Alarm Phone, 6 November

Voices of Struggle: 8 Years Alarm Phone

“Eight years ago, on 11 October 2014, we launched the Alarm Phone, a hotline for people in distress at sea. Since then, our shift teams are available 24/7 and have assisted about 5.000 boats in distress along the different maritime routes to Europe – the Mediterranean Sea, the Atlantic to the Canary Islands, and since 2022 also across the Channel, from France to the UK.”

Africa Express, 4 November

Agreement between Mauritania and Spain to block migrants fleeing towards the Canary Islands and Europe

Mauritania (as a transit country) and Spain signed an agreement to stop migration in Nouakchott on Wednesday (article in Italian).

The Guardian, 6 November

Italy stops dozens of asylum seekers on NGO ship from coming ashore

"In the first test of its immigration policy, Italy's new far-right government has prevented 35 asylum seekers from disembarking from their boat, claiming they did not qualify for asylum."

Pressenza, 5 November

Illegal decree – Italy announces to push back protection seekers on board Humanity 1

"After more than two weeks of waiting and 21 requests to the relevant authorities 179 people rescued from distress at sea on board the civil rescue ship Humanity 1 are still waiting for a place of safety. Due to a storm, the ship – after priorly informing the Italian rescue coordination centre and consulting the responsible port authority – entered Italian territorial waters off the Sicilian city of Catania on Friday evening to seek shelter from high waves and strong winds."

Frontex, 4 November

382 arrests in a Frontex co-led action against traffickers

"Almost 16 000 officers were involved in the operation, known as Joint Action Day (JAD) South-East Europe, that took place between 26 and 29 October, mainly in the Balkans and Southeast Europe. The operation was coordinated by Spain and Europol and co-led by Frontex. It was planned based on an intelligence-led approach and included intensified checks on the EU's external borders."

DW, 3 November

Poland to build wall on border with Russia's Kaliningrad

"Warsaw is working on "sealing" the border amid fears that Moscow is using it as a conduit for illegal migration. Poland recently completed a similar barrier along its border with Belarus after a standoff over migrants."

Yahoo!, 2 November

Spanish opposition urges footage of deadly Morocco border crossing be revealed

"Spain's Interior Ministry should hand over to parliament all footage of a mass border crossing to clarify the circumstances around the deaths of at least 23 migrants, the main opposition said on Wednesday, a day after a BBC documentary said the ministry was withholding CCTV evidence."

BBC World Service, 1 November

Death on the Border

"In June 2022, shocking videos started circulating online, showing violent clashes between African migrants and Moroccan border guards. They were filmed on a tiny piece of land where Morocco meets Spain – a gateway into Europe – and show the bodies of African migrants being thrown to the ground, beaten and crushed. Twenty-four people died in the incident, and many more are still missing. Africa Eye verified dozens of videos, collected testimonies from survivors and gained exclusive access to the border infrastructure to piece together the most comprehensive investigation into the tragedy and ask – was it preventable?"

The Guardian, 1 November

Child asylum seekers say UK officials pressed them to lie about their age

“Child asylum seekers who have recently arrived in the UK on small boats say screening officials have put pressure on them to say they are adults, the Guardian has been told.

In some cases, the children say they were told that if they said they were over 18 they would be able to leave the troubled asylum processing site of Manston in Kent more quickly.”

Legal Centre Lesvos

Quarterly report July-Sept 2022 (pdf)

Updates on the situation for migrants on Lesvos – Overview of LCL work to defend the rights of migrants – Continued efforts to fight criminalization of migrants and human rights defenders – Updates on fight to end pushbacks

Prague Process, 28 October

Ministers of the Prague Process states adopt a Joint Declaration and Action Plan to boost cooperation on migration

“On 24-25 October, at the Fourth Prague Process Ministerial Conference, Ministers and high-level officials from the Prague Process countries endorsed a Joint Declaration and Action Plan 2023-2027, which shall sustain and expand the Prague Process cooperation in the coming years. Organised by the Czech Presidency of the Council of the European Union in Prague, the conference allowed the Parties to discuss the most pressing migration issues and agree on a joint way forward in addressing them.”

Draft versions of the Declaration and Action Plan are available here: [**Council of the EU discussing migration and security on the 'Silk Route' and Prague Process action plan**](#)

MSF, 25 October

People found handcuffed and injured on the Greek island of Lesvos

“On 20 October 2022, an emergency team from Médecins Sans Frontières (MSF) received an official alert about a group of people, newly arrived on the Greek island of Lesvos, in need of urgent medical care. When an MSF team arrived on site, they found three people tightly handcuffed and four injured, reportedly from beatings.”

Civil liberties

Liberty, 1 November

'THE NIGHTMARE AFTER HALLOWEEN': GROUPS URGE PARLIAMENT TO DROP RESURRECTED ANTI-PROTEST PROPOSALS

“Zombies descended on the House of Lords this terrifying Tuesday to highlight draconian anti-protest measures that have been resurrected by the Government in its Public Order Bill – up for its second reading in the Lords this afternoon.”

UN, 27 October

UN counter-terrorism body backs innovations to fight digital terror

“Beyond the Internet and social media, other innovations that benefit society - such as artificial intelligence, robotics, and synthetic biology - are also sparking concerns because they can potentially be used for terrorist aims.

Attacks involving unmanned aircraft systems (UAS), such as drones, are now being reported in many conflict zones, further complicating their legitimate use”

Law

FairTrials, 8 October

EncroChat and SkyECC hacks: Germany latest EU country to question legality of evidence

“Germany has become the latest country to question the legality of evidence obtained from the EncroChat hack. A judge at the Berlin Regional Court has lodged a preliminary reference request with the Court of Justice of the European Union (CJEU) to verify whether the sharing and use of the evidence complies with EU law. Courts in a number of other countries have recently raised similar questions about the admissibility of evidence from the EncroChat and SkyECC hacks. Fair Trials welcomes this scrutiny and urges countries to ensure that all evidence can be effectively examined and challenged.”

Público, 28 October

Un exministro georgiano condenado por torturas asesora a Ucrania en Europa para sancionar a Rusia por crímenes de guerra

Georgia's ex-minister of justice, who has been sentenced in Georgia for corruption, torture, kidnapping and abuse of power, has been advising the Ukrainian government at the Council of Europe.

Military

Parliamentary Office of Science and Technology, 27 October

States' use of cyber operations

“States are increasingly engaging in cyber operations to support their strategic aims. This POSTnote considers hostile state-backed cyber activities against the UK. It looks at how and why states use cyber operations against other nations and the threats these pose to the UK. It also considers mitigation measures, both internationally and in the UK.”

Policing

Byline Times, 31 October

The Scale of Police Violence Against Racial Minorities in Europe

“People from black and ethnic minority backgrounds are disproportionately impacted by police violence across the European Union, with as many as four-fifths of those experiencing or witnessing physical and verbal aggression from police being foreign nationals or of an immigration background.”

The Guardian, 31 October

UK: Met police chief to reform list of alleged gang members targeting black men

More than 1,000 people have been removed from the racist "gangs matrix". The matrix itself, however, remains in place.

Prisons

MO, 4 November

On the other side of the bars: the broken families of el-Sisi's Egypt

"In Egypt, 60,000 people are imprisoned for political reasons. They live in inhuman conditions and often have no access to decent healthcare. MO* spoke to their relatives, here and in Egypt. 'My brain is rusting, I want to be able to occupy myself with something.'"

Egypt is currently hosting the COP conference and is a key partner in the EU's efforts to externalise migration control.

Privacy and data protection

NL Times, 8 November

Mass claim against Twitter for selling the data of 11 million Dutch users

"The Netherlands Data Protection Foundation is preparing a mass claim against Twitter on behalf of 11 million Netherlands residents. According to the foundation, Twitter collected and sold their privacy-sensitive data without permission through the advertising company MoPub, Trouw reports."

Politico Europe, 7 November

'We were taken for fools': MEPs fume at UK data protection snub

"A key European Union lawmaker has described meetings with the U.K. government over the country's data protection reform plans as "appalling."

French MEP Gwendoline Delbos-Corfield said she felt "we were taken for fools" after Digital Minister Julia Lopez quit the meeting halfway through, U.K. Home Office ministers didn't bother to meet them and the U.K.'s data regulator, the Information Commissioner's Office, sent Acting Executive Director Emily Keaney rather than chief John Edwards."

EurActiv, 4 November

Schrems: round three

"Last month, an executive order detailed the EU-US Privacy Shield 2.0, a new legal framework for transatlantic data flows made necessary by the Schrems II ruling. We caught up with Max Schrems, the privacy activist who gave the name to the two landmark verdicts, to discuss the new arrangement and the potential implications of a Schrems III. We also touched upon what is currently wrong with the GDPR enforcement and what more can be done to fix it in the near future."

Tech Monitor, 1 November

New consultation could delay UK's post-Brexit data laws

“The UK’s new post-Brexit data legislation could face further delays after a Department for Culture, Media and Sport (DCMS) official confirmed further consultation into the Data Protection and Digital Information Bill, which is set to replace the EU’s GDPR.”

Racism and discrimination

Transform! Europe, 24 October

Facing the New Far Right in Southern Europe. Analysing the Rise of the Extreme Right After the Financial Crisis

“The new publication, edited by Coppieters Foundation and Fundació nexe, analyses the development of right-wing parties in southern EU countries – specifically in Italy, Spain and France. It looks at their history since the end of the 1970s but focuses mainly on more recent developments after the financial and economic crisis of 2008–2009.”

BBC Radio 4

UK: What Happened to Ricky Reel?

“Was Ricky Reel killed in a racist attack and can his mother reignite an investigation into her son’s death, 25 years after it happened? Ameet Chana finds out.”

Surveillance

Wired, 4 November

Clearview Stole My Face and the EU Can’t Do Anything About It

“Matthias Marx says his face has been stolen. The German activist’s visage is pale and wide, topped with messy, blond hair. So far, these features have been mapped and monetized by three companies without his permission. As has happened to billions of others, his face has been turned into a search term without his consent.”

Wired, 3 November

Soccer Fans, You’re Being Watched

“This fall, more than 15,000 cameras will monitor soccer fans across eight stadiums and on the streets of Doha during the 2022 World Cup, an event expected to attract more than 1 million football fans from around the globe.”

Just Security, 31 October

The Biden Administration’s SIGINT Executive Order, Part I: New Rules Leave Door Open to Bulk Surveillance

“The immediate purpose of the order is to pave the way for an agreement between the United States and the European Union (EU) governing data transfers between EU and U.S. companies. Previous versions of that agreement were invalidated by the Court of Justice of the European Union (CJEU) because U.S. law doesn’t adequately safeguard EU citizens’ privacy. The executive order attempts to cure that defect by extending greater privacy protections to foreign nationals.”

And: **The Biden Administration’s SIGINT Executive Order, Part II: Redress for Unlawful Surveillance**

Medical Justice, 31 October

UK: Research reveals “inhumane” effects of GPS tagging on migrants

“Research published today, 31/10/2022, shows that migrants fitted with GPS tags experience significant psychological and physical suffering, despite no clear explanation or evidence from the Home Office that tagging is necessary or cost effective.”

IFSEC, 28 October

How technology is being implemented in UK schools to improve security

“The immediate requirement of a secure school environment is to protect and ensure the safety of the students and staff. Different methods of doing this are inevitable – ages range from four through to 18, after all – but the demands between balancing security measures while maintaining a pleasant learning environment are under constant scrutiny.”

IRR, 26 October

From GPS tagging to facial recognition watches: expanding the surveillance of migrants in the UK

Facial recognition smartwatches are “just the latest intrusive electronic monitoring (EM) technology to be used on migrants, after the Home Office moved from ‘traditional’ radio frequency tags (which measure the distance between the tag and the subject’s home) to GPS tags (which monitor the subject’s precise location 24/7).”

L’Espresso, 17 October

Miliardi sulla pelle dei migranti: la sorveglianza delle frontiere fa ricca l’industria delle armi

“La lobby dei produttori di materiali bellici spinge la crescita esponenziale degli investimenti tecnologici per il controllo dei confini europei: un mercato che vale quasi 70 miliardi di dollari l’anno. E alimenta un circolo vizioso di soprusi e violenza”

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