



- **Migration policy undermining access to information**
- **State racism and violence in Tunisia**
- **Secrecy and border externalisation**

And: new technologies, rights and counter-terrorism policy; EU online content removal orders without judicial review; EU roadmap on police cooperation; “internal security needs” and digital policy.

## **Migration policy undermining access to information**

The ongoing, expansive enforcement of EU migration policies – at the EU’s borders and beyond – has detrimental effects in a whole host of areas: the right to life, the right to non-discrimination, the right to privacy and the rule of law more broadly.

Today, we publish a new analysis, ‘[Migration policy overspill: access to information in peril](#)’, which provides an initial inventory documenting the negative effects migration policy enforcement is having for the freedom of the press, and for freedom of and access to information. Growing numbers of journalists and members of NGOs and civil society organisations undertaking information work are being vilified, fined, arrested and sometimes prosecuted for documenting state malpractice against people on the move.

The analysis comes alongside [a news article](#) that, as our researcher Yasha Maccanico comments, shows how “data that used to be made available by UN bodies to the public about matters with very serious human rights and humanitarian implications is now withheld, whilst IOM and UNHCR share that information with the EU’s MOCADDEM mechanism,” a body designed to enforce the externalisation of migration controls.

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## **State racism and violence in Tunisia**

Things have taken an extremely unpleasant turn in Tunisia with a wave of arrests and attacks against black Tunisians and sub-Saharan migrants by both the police and self-organised groups.

A [press release issued by the Forum Tunisien des Droits Economiques et Sociaux](#) on 16 February said “more than 300 migrants have been arrested, taken into custody and brought to justice,” and: “Human rights violations are reported daily, ranging from inhuman and degrading treatment, arbitrary detention at borders at gunpoint, confiscation of phones, denial of access to medical care.”

A [statement issued by the Fédération des Tunisiens Citoyens des deux Rives](#) on 1 March notes that the “racist drift, triggered by a minority, is a blow to the aspirations of the revolution based, it must be remembered, on the values of freedom, justice, equality and dignity.”

The Tunisian President, Kais Saied, recently endorsed the “great replacement” conspiracy theory beloved by right-wingers in the USA and Europe alike. In a recent speech, Saied said: “The undeclared goal of the successive waves of illegal immigration is to consider Tunisia a purely African country that has no affiliation to the Arab and Islamic nations.”

If you have money to spare, you can make a donation to support people affected by the attacks and arrests. More information [here](#).

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## Secrecy and the externalisation of migration controls

Last year, we filed almost two dozen freedom of information and access to documents requests in the EU, Bosnia and Herzegovina, Morocco and Niger, seeking information on the EU’s plans to externalise its migration policies and border controls.

The report on that research is being finalised and will be published soon by the *Heinrich Böll Stiftung*. In the meantime, you can read [an opinion piece in EUobserver](#) on what we found out, and how secrecy undermines scrutiny, accountability and democratic control of externalised migration policies; and [watch the recording of an event](#) we hosted last year to discuss the research.

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## **Our reports**

### **News**

UN migration data kept from the public but delivered to EU border externalisation body

New technologies having devastating impact on rights in counter-terrorism policy, says UN Special Rapporteur

Statement against the racist and securitarian drift in Tunisia: Call for action and solidarity

EU: Council discussing online content removal orders without judicial review

EU: Roadmap on implementing law enforcement operational cooperation

EU: Eurodac and Joint Investigation Teams: four-column documents ready for secret trilogues

Exceptions, loopholes and carve-outs: Presidency wants “internal security needs” recognized in EU digital policies

Arbitrary arrests and hate campaigns against sub-Saharan migrants in Tunisia

### **Analysis**

Migration policy overspill: access to information in peril

## News

2 March

### [UN migration data kept from the public but delivered to EU border externalisation body](#)

In January, representatives of the International Organization for Migration (IOM) and UN refugee agency (UNHCR) gave presentations to a new EU body launched last year to propel the externalisation of migration policies. The presentations included multiple facts and figures that are no longer made public, and the UNHCR called for the UNHCR and EU member states to align their communications strategies, "without concealing challenges."

2 March

### [New technologies having devastating impact on rights in counter-terrorism policy, says UN Special Rapporteur](#)

"New technologies, particularly digital technologies, are transforming the ways in which human rights are impeded and violated around the world," says a damning new report by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin. The report "addresses the intersection of counter-terrorism and preventing and countering violent extremism with the use of new technologies," and condemns "the elevation of blinkered security thinking that has accompanied a particularly restrictive approach to countering terrorism".

1 March

### [Statement against the racist and securitarian drift in Tunisia: Call for action and solidarity](#)

A statement circulated amongst Migreurop members and others by the Fédération des Tunisiens Citoyens des deux Rives (FTCR). Statewatch is a signatory. A demonstration will take place outside the Tunisian embassy in Paris on Friday 3 March.

1 March

### [EU: Council discussing online content removal orders without judicial review](#)

The proposed Regulation laying down rules to prevent and combat child sexual abuse (CSA Regulation) is most controversial for its provisions that will undermine encryption, fundamentally altering how the internet works, and thus making it less safe for all users. Calls for it to be withdrawn have been ignored by legislators. The latest Council Presidency compromise text would make it simpler for authorities to have online content removed or blocked, and limits rights to redress.

27 February

### [EU: Roadmap on implementing law enforcement operational cooperation](#)

In order to implement a recent Council Recommendation on increasing operational cooperation between law enforcement authorities, the Swedish Presidency has produced a "roadmap" to show the state of play in each member state.

27 February

**[EU: Eurodac and Joint Investigation Teams: four-column documents ready for secret trilogues](#)**

The European Parliament and the Council of the EU will soon enter secret trilogue negotiations on two new pieces of legislation: Eurodac, the database on asylum-seekers that is being massively expanded to encompass people in an irregular migration situation; and a collaboration platform for Joint Investigation Teams working on cross-border criminal cases.

23 February

**[Exceptions, loopholes and carve-outs: Presidency wants “internal security needs” recognized in EU digital policies](#)**

The growing number of EU digital policies should “benefit” justice and home affairs actors whilst “addressing and minimizing the associated risks,” the Swedish Presidency of the Council argues in a recent discussion paper. The Council’s internal security committee, COSI, should continue to “monitor and discuss” relevant legal proposals to create “a positive narrative... on the justice and internal security needs related to technological development and digitalization,” says the document.

22 February

**[Arbitrary arrests and hate campaigns against sub-Saharan migrants in Tunisia](#)**

Press release originally published by the Forum Tunisien des Droits Economiques et Sociaux (FTDES) on 16 February.

## Analysis

2 March

**[Migration policy overspill: access to information in peril](#)**

It is well-documented that the externalisation of migration and border policies by the EU and other western states has led to appalling violations of human rights. While this is by far the most important issue resulting from border externalisation, there are also many other negative effects - including attacks on the right to access and impart information.

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## Upcoming events

### [NHS Borderlands](#)

Friday 10 March, 19:15-20:30 GMT, online

“Screening and Discussion of the movie ‘NHS Borderlands’, hosted by DAUK, Migrants Organise, MedAct and Patients not Passports groups. This event is part of our NHS Overseas Workers Day Celebration. The screening is also integral to our campaign to end the Hostile Environment in the NHS and beyond, to raise awareness on the various issues faced by migrant NHS health workers in the UK, and to highlight the human impact of NHS charges on migrants.”

## New material

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

[Asylum and immigration](#)

[Civil liberties](#)

[Law](#)

[Military](#)

[Policing](#)

[Prisons](#)

[Privacy and data protection](#)

[Racism and discrimination](#)

[Secrecy and transparency](#)

[Security and intelligence](#)

[Surveillance](#)

## Asylum, immigration and borders

BBC News, 1 March

[Italy migrant boat shipwreck: Police arrest three for alleged smuggling](#)

“Police in Italy have arrested three people on suspicion of people-smuggling following the deaths of at least 67 migrants in a shipwreck off the country’s southern coast on Sunday.”

Security Architectures in the EU, 1 March 2023

[EU states against civilian rescue: Ships should meet higher standards](#)

“The German Federal Minister of Transport wants to tighten the Ship Safety Ordinance and thus put obstacles in the way of sea rescuers. Behind this is a master plan by an EU group in which three German ministries participate”

Security Architectures in the EU, 1 March 2023

**[Western Balkans test field: Frontex already operates in four non-EU states](#)**

“Frontex was once established to support EU Member States with an external border in their surveillance. The tasks of this European Border and Coast Guard have always included improving controls on land and at EU airports and seaports. However, with the increasing externalisation of European migration defence from 2015 onwards, this scope of responsibility soon proved to be too narrow. In 2016, the governments therefore decided with the EU Parliament to allow „operations on the territory of third countries“ in the Frontex Regulation for the first time – subject to the consent of the government there.”

Schengen Visa, 28 February

**[EU Confirms ETIAS Has Been Postponed to 2024, Says an Exact Date Isn't Available Yet](#)**

“The European Union authorities have confirmed that the European Travel Information and Authorisation System (ETIAS) has indeed been postponed to 2024, as previously reported by SchengenVisaInfo.com.”

Deutsche Welle, 28 February

**[New Frontex boss vows to protect human rights](#)**

“When Hans Leijtens, the new executive director of Frontex, the European Border and Coastguard Agency takes office on March 1, restoring trust in the agency and ensuring it safeguards human rights will be two of the main challenges he has to address.

The EU's border agency is tasked with the job of planning and coordinating interception operations, as well as carrying out search and rescue missions at sea along the EU's external borders. But its credibility has suffered over the past year. There have been reports accusing it of ignoring — and in some cases even partaking in — human rights violations at the EU's borders.”

The Guardian, 27 February

**[Maintenance failures sparked Heathrow detention centre disturbances, Fol reveals](#)**

“A catalogue of maintenance failures over more than a decade caused power cuts that triggered disturbances at Europe's largest immigration detention centre last year, the Guardian has learned.

The disturbances at Harmondsworth, the 676-bed centre near Heathrow, led to elite prison squads and the Metropolitan police being called to the scene to quell the protest. As a result of the power failure the centre had to be closed for several weeks and detainees relocated to other detention centres and prisons around the UK.”

The Guardian, 26 February

**[Children among 59 people killed in boat wreck off Italy's coast](#)**

“Boat believed to be bringing refugees from Afghanistan, Iran and Pakistan struck rocks off coast of Calabria

Fifty-nine people, including a newborn baby and other children, have died after a wooden boat believed to be carrying refugees wrecked against rocks off the coast of Italy's Calabria region.”

Arte Radio, Gisti, Migreurop, 23 February

**[Les camps d'enfermement des îles grecques de Kos et Leros: Épisode 4. Le rôle des associations auprès des exilé-e](#)**

Detention camps on the Greek islands of Kos and Leros. Episode 4. The role of associations working with people on the move.

EUobserver, 22 February

**[EU migration policy will turn Greece into the jail of Europe](#)**

“Europe is stepping back from its core values of human dignity, human rights and the rule of law, which have been the building blocks of the political edifice of the EU.

The refugee-migration issue has dropped every façade, and bared the inhuman policy of 'Fortress Europe' for all to see. The erstwhile EU of solidarity is now openly discussing funding fences and walls.

And the countries of first reception are called upon to play the role of Europe's 'jailer.’”

Border Violence Monitoring Network (BVMN), 22 February

**[Dark rooms, degrading treatment and denial: the use of violence in greece's pre-removal detention centres](#)**

“This report focuses on the severe and structural use of internal violence by detention authorities in formal sites of detention across mainland Greece. The trends and typologies of violence evidenced in detention facilities correspond with those used at the border, indicative of the systemic nature of abuse of people-on-the-move in Greece... Evidence is specifically presented regarding the use of physical violence – including excessive and disproportionate force and the use of electric discharge weapons – psychological torment, humiliation, denial of access to medical care and verbal aggression.”

BX1, 18 February

Belgium: **[Les demandeurs d'asile passent leur quatrième nuit devant le Petit-Château : la situation stagne](#)**

“Depuis l'évacuation du squat de la rue des Palais, il y a quatre jours, environ 180 demandeurs d'asile dorment sous des tentes devant le Petit-Château. La situation ne semble pas évoluer positivement.”

Melting Pot Europa, 17 February

**[Shadow Game, il documentario](#) [Shadow Game, the documentary]**

“A trip, a 'game', through the shadows and dangers of old Europe: guiding adolescents of every day, fleeing their countries at war, in a universal and choral account.” The 2021 documentary drawn from Eefje Blankevoort and Els van Drie's transmedia interactive project is available in streaming.



Berliner Gazette, 16 February

**[Open Letter: Blocked by the Border](#)**

“80 researchers, cultural workers, journalists, and activists from 25 countries call on event organizers throughout “Europe” and beyond: Stand together against the EU border regime and publicize the occasions when borders sabotage our efforts to build spaces of transnational conversation and cooperation!”

New York Times, 14 February

**[Greece Border Abuses Highlight Europe’s Clashing Priorities on Migration](#)**

“The human rights chief of the European Union border agency said last year that it should stop operating in Greece because of serial abuses by Greek border guards, including violently pushing asylum seekers back to Turkey and separating migrant children from their parents, according to confidential documents reviewed by The New York Times.”

It should be noted that the agency’s Fundamental Rights Officer has publicly argued for a greater Frontex presence in EU states, arguing that it encourages better behaviour by national officials, both **before** and **after** the publication of the *NYT* article.

Free Movement, 14 February

UK: **[Differential treatment of Ukrainian and Afghan applications justified on national security grounds](#)**

“In *AB v Secretary of State for the Home Department & Ors* [2023] EWHC 287 (Admin), the High Court found that the Home Office did not discriminate against Afghan nationals, compared to Ukrainian nationals, in the context of the biometrics requirement for entry clearance applications.”

CEAR, 2022

**[BORDER EXTERNALISATION AND MIGRATION CONTROL IN AFRICA: RISKS FOR DEVELOPMENT COOPERATION CONCLUSIONS AND PROPOSALS](#)** (pdf)

“Development aid should be focused on eradicating poverty and improving the living conditions of the population of the countries to which it is destined. In no case should it be aimed at or conditioned by migration control.”

Assoziation A, mEUterei Authors’ Collective, 2022

**[Borders of Violence: The EU’s Undeclared War on Refugees](#)** (pdf)

“9th May is Europe Day – the day on which the European Union (EU) celebrates itself and its achievements under the motto “United in diversity”. In the year that marks the tenth anniversary of the Nobel Peace Prize awarded to the European Union, Borders of Violence dares to take a look at who the EU means by this diversity and who it explicitly does not include, as well as considering how it intends to reconcile its proclaimed values with applicable law.”

## Civil liberties

Corporate Europe Observatory, 23 February

### [\*\*The lobbying ghost in the machine: Big Tech's covert defanging of Europe's AI Act\*\*](#)

"Documents obtained by Corporate Europe Observatory reveal how the EU's pioneering attempt to regulate artificial intelligence has faced intense lobbying from US tech companies. Via years of direct pressure, covert groups, tech-funded experts – and a last-ditch push by the US Government – tech companies have reduced safety obligations, sidelined human rights and anti-discrimination concerns, and secured regulatory carve-outs for some of their key AI products. Will some of the remaining fundamental rights protections be further watered down during the final trilogue negotiations?"

OpenDemocracy, 21 February

### UK: [\*\*Government is 'monitoring' human rights lawyers, minister admits\*\*](#)

"Jenrick was responding to a question from Liberal Democrat MP Alistair Carmichael, who had challenged him to provide evidence for his claim that lawyers were abusing the law.

The minister did not do so, but said: "We are monitoring the activities, as it so happens, of a small number of legal practitioners, but it is not appropriate for me to discuss that here."

UK government, 20 February

### [\*\*Statement on the security threat to UK-based journalists\*\*](#)

"The United Kingdom is committed to defending our freedoms; values that define us and make us who we are.

None are more fundamental than freedom of the press."

But: [\*\*National Union of Journalists and others\*\*](#): "...the National Security Bill expands disproportionate and vague powers that target journalists and civil society. While the bill professes to cover acts of espionage damaging to UK national security interests by those acting on behalf of foreign States, its reach is far further than this. Obtaining or sharing protected information, or information that is subject to any type of restriction of access, far beyond classified materials, greatly expands the state's control over what journalists report on and significantly restricts the public's right to know."

The New Arab, 20 February

### [\*\*Moroccans protest cost of livings despite state ban on demonstrations\*\*](#)

"Morocco's ministry of interior said the marches were banned due to a "health state of emergency" put in place during the Covid-19 pandemic, which was still in force"

The Canary, 20 February

### [\*\*DWP is targeting Universal Credit claimants in yet another benefits crackdown\*\*](#)

"The Department for Work and Pensions (DWP) is cracking down even further on non-working people reliant on benefits. The department has increased its use of sanctions, it is trialling a new scheme under Universal Credit to force claimants back to work, and is now planning to coerce doctors into not signing people's sick notes."

Previous Statewatch coverage (March 2013): [\*\*Discipline and discontent: coalition government extends "slave labour" welfare policy\*\*](#), Chris Jones

Pressenza, 19 February

**[Iuventa ship destroyed in Italian custody: crew files criminal complaint](#)**

“The Iuventa crew filed a criminal complaint to the Trapani Prosecutor’s Office on 13.02.2023, requesting an investigation into the abandonment and destruction of the rescue ship Iuventa.

As a vital part of the civil fleet, the Iuventa was in constant operation until its seizure in summer 2017. The crew assisted more than 14.000 people in distress. Today, after almost 5 years in custody of the Port Authority of Trapani, the Iuventa is abandoned, plundered and largely demolished. It is currently in danger of sinking and poses a real threat to the environment.”

Just Stop Oil, 16 February

**[UK: “You Should Feel Guilty for Nothing” says Judge, as he finds Seven Guilty and Acquits Two, for Disrupting Esso Terminal in Birmingham](#)**

“Seven Just Stop Oil supporters have been found guilty and two have been acquitted in relation to peacefully blocking the distribution of oil from the Esso Fuel Terminal in Birmingham in April 2022. The Just Stop Oil supporters were demanding that the government halt licences and consents for any new fossil fuel projects in the UK.”

Gal-dem, 9 February

**[Carceral, classist, racist: the UK’s latest strategy for punishing people who use drugs](#)**

“British drug policies have long been considered a failure to anyone concerned with the health and dignity of people who use drugs. While countries like Portugal and states in the US are liberalising their drug policies, the UK is taking the opposite stance, opting for further criminalisation in their latest White Paper on the issue.”

## **Law**

Domani, 28 February

**[La giunta nega l’autorizzazione a procedere per Salvini nel caso Rackete](#)**

“La giunta per le autorizzazioni ha negato la richiesta di autorizzazione a procedere nei confronti di Matteo Salvini per le opinioni che il leader della Lega ha espresso sulla capitana Carola Rackete. Due gli astenuti, Ilaria Cucchi e Ivan Scalfarotto”

Special Immigration Appeals Commission (SIAC), 22 February

**[Appeal No: SC/163/2019, 22 February 2023, Shamima Begum-v-Home Secretary](#)**

“If asked to evaluate all the circumstances of Ms Begum’s case, reasonable people with knowledge of all the relevant evidence will differ, in particular in relation to the issue of the extent to which her travel to Syria was voluntary and the weight to be given to that factor in the context of all others. Likewise, reasonable people will differ as to the threat she posed in February 2019 to the national security of the United Kingdom, and as to how that threat should be balanced against all countervailing considerations. However, under our constitutional settlement these sensitive issues are for the Secretary of State to evaluate and not for the Commission. As we have said, the question for the Commission is whether the Secretary of State, on advice, came to a conclusion on Ground 1 which was reasonably open to him in the light of all the available evidence.”

And see: [lawyers' statement on behalf of Shamima Begum](#): "We... register our profound disagreement with the decision taken by the Home Secretary in 2019 and the diminution by the Supreme Court of the ability of the Special Immigration Appeals Commission to consider her legal challenges. The outcome is that there is now no protection for a British child trafficked out of the UK if the Home Secretary invokes national security."

The law and lore blog, 22 February

UK: [What the judge said and did not say at the Just Stop Oil hearing, and what the judge should and should not have said](#)

"It's abundantly clear that you are all good people. You are intelligent, articulate and a pleasure to deal with. It's unarguable that man-made global warming is real and we are facing a climate emergency. Your aims are admirable and it is accepted by me and the Crown Prosecution Service that your views are reasonable and genuinely held. Your fears are ably and genuinely articulated and are supported by the science. ...

No-one can criticise your motivations. You all gave evidence that was deeply moving. I certainly was moved. The tragedy is that good people have felt so much, without hope, that you feel you have to come into conflict with the criminal justice system."

Free Movement blog, 20 February

[New guidance: EU Settlement Scheme: derivative right to reside \(Chen and Ibrahim/Teixeira cases\)](#)

New guidance has been published by the Home Office confirming how consideration will be given to whether an applicant to the EU Settlement Scheme is a person with a derivative right to reside.

IOM, 19 February

[Joint statement of UN agencies on the death of 18 Afghans found in an abandoned truck near Sofia](#)

"UNHCR, the UN Refugee Agency, the International Organization for Migration (IOM), the United Nations Children's Fund (UNICEF) are shocked and deeply saddened after 18 people – reportedly Afghans – including one child, were discovered dead on 17 February in an abandoned truck near Bulgaria's capital Sofia."

Pressenza, 19 February

[Luventa ship destroyed in Italian custody: crew files criminal complaint](#)

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Liberty, 16 February

UK: [Public Order Bill explainer: what happened in the Lords and what happens next](#)

“Wins over protest restrictions shows united front can defeat Government’s anti-protest Bill

Last week, we welcomed a series of crucial victories for the right to protest.

The House of Lords voted a total of eight times to block a series of authoritarian proposals in the Government’s Public Order Bill during the Bill’s Report Stage.

The votes mean that some of the most extreme parts of the Bill have been thrown out for good. Other discriminatory and anti-protest measures were defeated but can be reinserted into the Bill when it returns to the House of Commons, most likely in March.”

## **Military**

EUObserver, 28 February

[Hungary links Nato vote and EU money in quid pro quo](#)

“Hungarian prime minister Viktor Orbán's MPs are going to Finland and Sweden on a mission to claw back EU money in return for Nato ‘favours’.

That was the impression created by Orbán's top diplomat in a Facebook post this week.

‘How can a country [Sweden] expect a favour [Nato ratification] from us when its politicians continually and repeatedly spread lies about Hungary?’, Hungarian foreign minister Peter Szijjártó said after meeting his Swedish counterpart, Tobias Billström, in Stockholm on Monday (27 February).”

EUObserver, 22 February

[Swedes urge patience and calm in Nord Stream blast probe](#)

“Sweden has urged faith in its ‘unique’ Nord Stream blast enquiry, as Russia repeats allegations of a Western conspiracy.

‘To my knowledge, this is a unique investigation,’ a spokeswoman for the Swedish Prosecution Authority told EUobserver, referring to efforts to find out who blew up Russia's gas pipelines to Germany in Sweden's maritime zone last September.”

Council of the EU, 20 February

[Niger: EU launches its military partnership mission](#)

“The Council is launching today a Common Security and Defence Policy (CSDP) military partnership mission in Niger (EUMPM Niger) to support the country in its fight against terrorist armed groups.

The aim of the partnership mission, formally established on 12 December 2022 at the request of the Nigerien authorities, is to enhance the ability of the Niger Armed Forces to contain the terrorist threat, protect the population in the country and ensure a safe and secure environment in compliance with human rights law and international humanitarian law.”

Politico, 6 December 2021

**[EU countries spend record €198B on defense in 2020 as joint spending slumps: report](#)**

“The sustained rise in European defense spending is a positive development and 2020’s figures show that the errors of deep defense cuts following the 2007-2008 financial crisis are unlikely to be repeated,” said Jiří Šedivý, the chief executive for the European Defence Agency (EDA).”

## **Policing**

The Guardian, 1 March

**[UK police and Border Force to remain locked out of EU database of criminals](#)**

“Frontline police and border force officers will remain locked out of information on a key EU database of terror suspects, criminals and immigration offenders for at least another four years, the Home Office has quietly admitted.”

For background on the plan, see: **[Brexit: Goodbye and hello: The new EU-UK security architecture, civil liberties and democratic control](#)**

Meijers Committee, 23 February

**[Comment on the Proposal for a Regulation on automated data exchange for police cooperation \(known as Prüm II\)](#)**

“The proposed regulation is also referred to as the “EU Police Code” and has the aim to strengthen police cooperation and information exchange for preventing, detecting, and investigating criminal offences. The Meijers Committee holds that the proposed measures on the processing of facial images do not fully conform to the requirements of necessity and proportionality.”

See also: **[European police facial recognition system must be halted, warns new paper](#)**

Institute of Race Relations (IRR), 22 February

**[Britannia Enchained: Policing protest, education and speech](#)**

Last instalment of a three-part series by Frances Webber, focusing on intrusive policing and legislative reforms affecting the rights to protest, education and speech.

INQUEST, 20 February

**[I can’t breathe: Race, death & British policing](#)**

“In ‘I can’t breathe’: Race, death and British Policing, INQUEST investigated the processes, procedures and evidence base of the Independent Office for Police Conduct (IOPC) and the coronial system to examine how accountability for racism is delivered.

INQUEST found a system which works against delivering accountability, that appeared blind to the evidence and where racial discrimination was not addressed meaningfully.”

The Mirror, 20 February

UK: [\*\*Families of black men who died after being restrained by police demand answers from Rishi Sunak\*\*](#)

In a report called I Can't Breathe: Race, Death and British Policing, campaign group Inquest revealed that black people were seven times more likely to die following police restraint.

OpenDemocracy, 18 February

UK: [\*\*What the 'Spycops' inquiry isn't telling us about state infiltration\*\*](#)

"...the inquiry, whether by choice or ignorance, is not paying as much attention to the police's spying on trade unions – a hidden but important element of undercover state surveillance."

Euractiv, 16 February

[\*\*German Constitutional Court strikes down predictive algorithms for policing\*\*](#)

"The German Federal Constitutional Court declared the use of Palantir surveillance software by police in Hesse and Hamburg unconstitutional in a landmark ruling on Thursday (16 February).

The ruling concludes a case brought by the German Society for Civil Rights (GFF) last year, hearings for which began in December. The plaintiffs argued that the software could be used for predictive policing, raising the risk of mistakes and discrimination by law enforcement."

The Canary, 15 February

UK: [\*\*Governments and police colluded with private agencies to blacklist activists, report confirms\*\*](#)

"An Undercover Policing Inquiry (UCPI) report, published 23 January 2023, has confirmed UK governments colluded with a private blacklisting agency and an intelligence-gathering agency."

See also: [\*\*"Every Man a Capitalist": The long history of monitoring 'unsuitable' workers in the UK\*\*](#) (August 2013)

Birnberg Peirce, February

[\*\*Met Police fail to acknowledge institutional sexism in apology to women deceived into relationships by undercover officers\*\*](#)

"We are 10 women who were deceived into sexual relationship by undercover police officers and have just settled or are bringing civil claims against the Metropolitan Police Service. Assistant Commissioner Helen Ball, now retired, has acknowledged that each of us is telling the truth and apologised for what happened to us. But she has not acknowledged the institutional sexism which is at the heart of this abuse. This omission is an insult and renders her apology meaningless. How long do we – and all of the affected women – have to wait for a full and open apology from the MPS for the sexism which was the driving force for the abuse?"

CEPOL, 12 October 2022

[\*\*Police and border officers fight with illegal immigrants in cyberspace\*\*](#)

"The second decade of the 21st century has seen an unprecedented influx of migrants never seen since World War II, posing a great challenge for law enforcement agencies responsible for border and internal security of the European Union. Organised crime groups use diverse

communication means and social networks to communicate with more ease and discretion than ever before and facilitate illegal immigration. Therefore, we should be ready to use open source intelligence in our investigations.

Hence, on 12-16 September 2022, the Main Border Guard Training Centre in Koszalin (Poland) hosted 26 participants representing 15 European countries engaged in fighting against illegal immigration in cyberspace.”

## Privacy and data protection

European Data Protection Board (EDPB), 28 February

[Opinion 5/2023 on the European Commission Draft Implementing Decision on the adequate protection of personal data under the EU-US Data Privacy Framework](#)

“The EDPB’s key objective is to give an opinion to the Commission on the adequacy of the level of protection afforded to individuals whose personal data is transferred to the US. It is important to recognise that the EDPB does not expect the US data protection framework to replicate European data protection law.

However, the EDPB recalls that, to be considered as providing an adequate level of protection, Article 45 GDPR and the case-law of the CJEU require the third country’s legislation to provide data subjects with a level of protection essentially equivalent to that guaranteed in the EU.”

Verfassungsblog, 28 February

[“Like Handing My Whole Life Over“ - The German Federal Administrative Court’s Landmark Ruling on Mobile Phone Data Extraction in Asylum Procedures](#)

“On 16 February 2023, the German Federal Administrative Court (BVerwG) ruled that the practice of regularly analysing data carriers, including mobile phones, by the Federal Office for Migration and Refugees (BAMF) when registering asylum applicants is illegal (BVerwG 1 C 19.21). The judgement arrives after the Gesellschaft für Freiheitsrechte’s (GFF) efforts to reveal this practice’s details and take legal action against its use in the asylum procedure. In this post, we briefly overview this practice and analyse this judgement and its implications. We argue that although this judgement represents an important victory for asylum seekers’ and refugees’ data protection and privacy, some controversial aspects of this practice still require clarification.”

## Racism and discrimination

The Guardian, 25 February

[Hundreds in Tunisia protest against president’s anti-migrant clampdown](#)

March follows Kais Saied’s allegation that undocumented sub-Saharan migrants were part of plot to change country’s culture.

African Union (AU), 24 February

[The Chairperson of the African Union Commission strongly condemns the racial statements on fellow Africans in Tunisia.](#)

“The Chairperson of the African Union Commission H.E. Moussa Faki MAHAMAT strongly condemns the shocking statement issued by Tunisian authorities targeting fellow Africans which go against the letter and spirit of our Organization and founding principles. ...



The Chairperson reminds all countries, particularly African Union Member States, to honor their obligations under international law and relevant African Union instruments to treat all migrants with dignity, wherever they come from, refrain from racialised hate speech that could bring people to harm, and prioritize their safety and human rights.”

France 24, 22 February

**[Tunisian president says influx of sub-Saharan African migrants must end](#)**

“Tunisia's President Kais Saied denounced undocumented sub-Saharan African immigration to his country on Tuesday, saying in comments criticised by rights groups that it was aimed at changing Tunisia's demographic make-up.”

Irish Times, 19 February

**[Thousands protest against 'hatred and disinformation' at anti-racism march in Dublin](#)**

“Thousands of people at an anti-racism march in Dublin showing solidarity with refugees were told to “celebrate diversity” and “say no to division and a culture of fear created by far-right extremists”.

The rally, which moved from Parnell Square to the Custom House, was held in response to recent anti-migrant protests held around the country. Organisers of the Ireland For All march said as many as 50,000 people took part, although the number could not be confirmed independently. The Garda said it is policy not to provide estimates of crowd sizes.”

## **Secrecy and transparency**

The Digital Constitutionalist, 23 February

**[Opacity and discrimination in automated state decision-making: transparency is the first step towards trust](#)**

“Automation can make public decision-making quicker, faster, and cheaper, and in the UK, we are seeing their use proliferate across Government departments. Automated Decision Making (ADM), however, also comes with significant risks and drawbacks, including a well-documented risk that the use of such systems is having a disproportionate impact on already marginalised individuals, groups, and communities. Furthermore, there is no systemic, public information about how and why public bodies use ADM systems or how such systems impact affected groups.

To have trust in ADM systems, we need transparency. We must be able to see that they are working in a reliable, lawful, and non-discriminatory way. This is not the experience in the UK. Here we are witnessing an approach of secrecy-by-default in the development and deployment of ADM. That's why the Public Law Project (PLP) has launched the Tracking Automated Government (TAG) Register, an open-source database that will monitor, document and analyse the use of ADM tools by government bodies and highlight where there is a risk that they could lead to biased outcomes.”

## Security and intelligence

Security architectures in the EU (Matthias Monroy), 28 February

### [German government dupes parliament: Cooperations with foreign secret services remain secret](#)

“The compliance with the parliamentary interest in information is a cornerstone of democracy. On secret services, however, this is too much effort for the German government.

The current federal government in Germany wants to continue to inform parliament only to a limited extent about the foreign work of its secret services. This is the result of an answer to a parliamentary question of the Left Party. The MPs had asked about the implementation of parliamentary information rights and the so-called ‘Third Party Rule’.”

Frontex, 22 February

### [Eight AFIC risk analysis cells set a benchmark in Africa](#)

“This week, Frontex together with the European Commission and representatives from eight African countries forming part of the Africa-Frontex Intelligence Community (AFIC) met in Dakar, Senegal, to wrap up the European Union-funded project on ‘Strengthening of AFIC as an instrument to fight serious cross-border crimes affecting Africa and the EU’.

After years of hard work and despite the challenges caused by the COVID-19 pandemic, Frontex has completed its latest project and is proud to announce the handover of equipment to trained border police analysts who are carrying out their tasks in the risk analysis cells of eight AFIC countries: Côte d'Ivoire, The Gambia, Ghana, Mauritania, Niger, Nigeria, Senegal and Togo.”

It is worth noting that several countries hosting risk analysis cells do not have a status agreement with Frontex.

## Surveillance

Politico Europe, 28 February

### [Enemy of the state: The investigator tackling Greece's spy scandal](#)

“Christos Rammos is turning the screws on Greece's government.

Ramos has been the key investigator of the surveillance scandal that has engulfed the Athens government and its leader, Prime Minister Kyriakos Mitsotakis, since the summer, and is piling pressure on the ruling conservative party New Democracy ahead of the next election, which will likely take place as soon as April 9 (or by mid-July the latest).”

Wired, 28 February

### [USA: Face Recognition Software Led to His Arrest. It Was Dead Wrong](#)

“Alonzo Sawyer's misidentification by algorithm made him a suspect for a crime police now say was committed by someone else—feeding debate over regulation.”

The Times, 26 February

**[Why facial recognition could spell the end of anonymity in public](#)**

“Remaining anonymous in public is becoming increasingly hard because surveillance technology is so pervasive, the UK biometrics commissioner has said.

Fraser Sampson also warned about the rising use of “pre-crime” video cameras, which identify suspects before an offence is committed.

He said the combination of ubiquitous CCTV cameras, advances in technology and social media meant that anyone in most public places could be identified.”

CJEU, 16 February

**[REQUEST for a preliminary ruling under Article 267 TFEU from the Spetsializiran nakazatelen sad \(Specialised Criminal Court, Bulgaria\), Case C-349/21](#)**

Wiretapping can be based on "a pre-drafted text which does not contain individualised reasons, but which merely states... that the requirements laid down by the legislation to which those decisions refer have been complied with"

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