

Issue 08/23, 11 May



“Continuous and systematic” biometric data transfer to USA

Tracking the Pact: new videos and documents

French government steps up repression

New ruling against France's detention of children --- Joint statement against the UK's Illegal Migration Bill --- Sweden tries “innovative approaches” to ease deportations --- and more

“Continuous and systematic” biometric data transfers to USA

EU and member state officials appear to be moving ahead with plans to meet US demands for direct cross-border access to biometric databases for the purposes of “vetting” immigration and asylum applicants. The plan would involve “continuous and systematic” transfers of biometric data to the USA, according to a recent Council of the EU document obtained by Statewatch.

The plans are formally entitled Enhanced Border Security Partnerships (EBSPs), and the USA intends to make them a requirement for those states that want to participate in the Visa Waiver Program.

According to the Council document, the European Commission and the USA have set up a “technical Working Group” and are “working on a Proof of Concept that would assess the added value of this sharing of information.” It also says the US has been approaching member states on a bilateral basis, and the Swedish Council Presidency has suggested EU-level coordination regarding those bilateral exchanges.

Read our story [here](#), and see coverage (in German) by *Heise* [here](#).

Tracking the Pact: legal reforms and impact on migration routes

On the one hand, the EU's Pact on Migration and Asylum is a creature of the institutions in Brussels, with new laws being drawn up by the Commission, Council and Parliament. However, once those laws, policies and projects are approved, they have a serious impact on people travelling towards the EU and the countries that they travel through.

These two sides of the Pact were explored in a recent webinar organised by *Migreurop*, *La Cimade*, *Ciré*, *CNCD-11.11.11* and *Statewatch*. The first part included interventions from Dr Steve Peers, an expert in EU law, as well as parliamentary rapporteurs for the reform of the Schengen Borders Code.

The second looked at the situations in Tunisia, Egypt, Morocco, Niger, France, the Bulgarian and Italian borders, the Greek island of Samos, as well as an intervention from our very own Yasha Maccanico on recent reforms to the EU's Visa Code.

You can view all the videos from the webinar [here](#).

If you are following the Pact in detail, you can find the latest Council documents on the Asylum and Migration Management Regulation and Eurodac [here](#), and the Asylum Procedure Regulation [here](#).

French government steps up repression after bloody battle of Sainte-Soline

On 25 March, an estimated 30,000 protesters marched to a large water storage project in Sainte-Soline, in mid-western France. The bassines are a project for and by large farms to cope with increasing drought. But smaller farmers (united in the farmers' union Confédération paysanne) and environmentalists are vehemently opposed to these plans because rainwater will no longer reach groundwater reservoirs.

Police tried by almost military means to chase the protesters away from the bassines, using both tear gas and explosive grenades. Many people were injured, some of them very seriously – two people ended up in a coma. Human rights organisations and observers said that the police actively prevented ambulances from getting to injured protesters.

Interior minister Gérald Darmanin defended the police action in Sainte Soline and announced that he was considering banning the Soulèvements de la Terre network. Even the renowned human rights organisation LDH, which issued a critical report on the crackdown, was taken to task and threatened with the withdrawal of government funding.

Read the full story [here](#).

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Our reports

Detention of children: European Court of Human Rights rules against France 11 times

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Sweden promotes "innovative approaches" for deploying deportation officials abroad

USA border plan requires "continuous and systematic" transfers of biometric data

News

11 May

[Detention of children: European Court of Human Rights rules against France 11 times](#)

On 4 May 2023, the European Court of Human Rights delivered three rulings concerning the confinement of families with children in administrative detention centres (CRA). These rulings concern seven children, aged between seven months and thirteen years, who were locked up in 2020 and 2021 at the Mesnil-Amelot and Metz detention centres.

11 May

[Tracking the Pact: Detention of children and families for the asylum "border procedure"](#)

The Council of the EU wants to simplify the detention of families and children for the purposes of processing asylum applications at the borders.

10 May

[UK: Joint civil society solidarity statement on the Illegal Migration Bill](#)

Alongside 174 other organisations, we condemn the Illegal Migration Bill and call on all parliamentarians to reject it. The Bill faces its second reading in the House of Lords today.

4 May

[Tracking the Pact: Latest Council documents on Asylum and Migration Management Regulation and Eurodac](#)

Discussions are ongoing on the Pact, with member states debating how to deal with the European Parliament's position on Eurodac and discussions ongoing within the Council on the Asylum and Migration Management Regulation. Documents published here provide an insight into the issues under discussion.

4 May

[Council against compensation for recipients of SLAPPs](#)

A forthcoming EU law will seek to prevent the use of "strategic lawsuits against public participation" (SLAPPs) to harass, intimidate and silence NGOs, journalists and critical voices. The European Commission describes SLAPPs as "a particularly harmful form of harassment and intimidation used against those involved in protecting the public interest." The latest Council compromise version of the Directive removes the right for those subjected to a SLAPP to receive compensation.

2 May

[French government steps up repression after bloody battle of Sainte-Soline](#)

In the aftermath of the heavy repression of activists protesting against the construction of industrial water storage basins in France on 25 March, two protesters are still in critical condition in hospital. Meanwhile, interior minister Gérald Darmanin announced heavy measures to be taken against the organisers of the mass demonstration in Sainte-Soline and even threatened to take steps against a renowned human rights organisation.

2 May

[Sweden promotes “innovative approaches” for deploying deportation officials abroad](#)

The Swedish authorities are aiming to increase collaboration on deportation through rapid police deployments in targeted countries for assignments "lasting from a few days up to three months."

28 April

[USA border plan requires “continuous and systematic” transfers of biometric data](#)

Last year, it was revealed that the USA planned to launch Enhanced Border Security Partnerships (EBSPs) with other states around the world, seemingly targeting the EU, UK and Israel first. These would involve “continuous and systematic” transfers of biometric data to the USA for the purposes of immigration and asylum vetting, says a recent Council of the EU document obtained by Statewatch.

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Upcoming events

Action Network, 6 June

Confronting Far-Right Extremism: Perspectives from the United States and Europe

“We are at a dangerous moment in history. Far-right extremists from Europe to the United States are drawing on race, ethnicity, and religion to construct the idea of a dangerous and unwanted “other.” A mounting wave of xenophobia, Islamophobia, and nativism continues to influence social attitudes and mainstream political discourse.

Join us on June 6 for an in-depth discussion with renowned activists Linda Sarsour, Guerline Jozef, and Yasser Louati to discuss the fast-growing and alarming upsurge in far-right extremism—and how to combat it.”

Garden Court Chambers, 14 June

UK: Public Order Act: Where are we now?

“The Public Order Act has now been passed into law and has started to come into force.

In this webinar Garden Court Chambers and NetPol will examine and explain the new offences and what they mean for activists and the state of the law on protest and free speech in the UK in the 21st century.”

Goldsmiths, 19 June

Spirits of Rebellion: Weaponising time in Mediterranean migration governance

“Over the last decade, and in order to prevent migrant arrivals to its shores, European Union authorities have experimented with ways to slow down rescue engagement while accelerating interceptions, prompting the forced return of over 120,000 people to Libya alone and an ever-growing death toll in the Mediterranean.

In his talk, Maurice Stierl will analyse the ‘weaponisation’ of time in the governance of maritime migration as well as its disruption through ‘rebel spirits’ that have taken to the sea.”

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New material

[Asylum and immigration](#)

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[Privacy and data protection](#)

[Racism and discrimination](#)

[Secrecy and transparency](#)

[Security and intelligence](#)

[Surveillance](#)

Asylum, immigration and borders

Refugee Support Aegean and Pro Asyl, May

[What is happening today in the refugee structures on the Aegean islands: Serious problems in the EU-funded structures](#)

"In the Closed Controlled Access Centres (CCAC) in Samos, Kos and Leros - the construction of which was 100% financed by the European Union - as well as in those in Lesvos and Chios, asylum seekers and their children live in remote areas with disproportionate security and surveillance measures, facing reported violent behaviour by security authorities and with significant shortcomings in legal assistance, medical care and interpretation."

France Info, 10 May

[Migrants: les ONG dénoncent des droits bafoués à la frontière franco-espagnole](#)

"La France se rend coupable de "graves violations" des droits envers les migrants à sa frontière avec l'Espagne, où les ONG l'accusent d'appliquer "la même recette" qu'à la frontière italienne. Selon un rapport publié mercredi 10 mai par la Coordination d'actions aux frontières intérieures (Cafi), dont font partie Amnesty international et Médecins du monde, Paris a considérablement "renforcé" ses contrôles depuis 2019."

Altreconomia, 9 May

[Italy: Respingimenti alla frontiera con la Slovenia: i dati che smontano gli annunci del governo](#)

Shifting practices at the Italian-Slovenian border belie government claims, as Slovenia refuses many informal handovers, whose resumption had been announced.

EUobserver, 9 May

[EU presidency seeks to place kids and families in asylum detention](#)

“Internal EU state discussions on asylum reform now include shuffling families with small children into de facto detention along the borders.”

Border Forensics, 8 May

[Mission Accomplished? The Deadly Effects Of Border Control In Niger](#)

“In this report, Border Forensics’ investigation mobilizes new and unique geo-spatial analysis and remote sensing methodologies to contribute to a better empirical analysis of the lethal effects of Law 2015-36 and the heightened border control it led to. We first detail the underlying context for the dramatic shifts in the approach to migration at the national level in Niger, and the role of European actors in developing Niger’s border controls from 2015 onwards to thwart migration to Europe.”

The Guardian, 8 May

[EU expected to delay fingerprinting and facial recognition checks at Dover](#)

“The EU is expected to delay introducing fingerprinting and facial recognition checks in Dover amid fears it could mar travel to next year’s summer Olympics in Paris.”

UN Special Rapporteurs, 4 May

[Strident condemnation of the UK’s Illegal Migration Bill](#)

“...we urge Your Excellency’s Government to halt the legislative passage and implementation of the Bill and to bring UK domestic law in line with international human rights standards. We highly recommend that Your Excellency’s Government consults the OHCHR’s Recommended Principles and Guidelines on Human Rights at International Borders.”

Border Violence Monitoring Network, 2 May

[WEBINAR: European Regimes of Detention](#)

EUobserver, 2 May

[EU: Lithuania can’t use untrained volunteer border guards](#)

“Lithuania’s border guards must be trained professionals, the European Commission has warned, after the government in Vilnius amended its laws to allow armed volunteers to patrol alongside its national guards.”

Coda, 1 May

[Immigrating to the US? ICE wants your biometrics](#)

“From ankle monitors to smart watches, the Biden administration has overseen a boom in tech-driven immigrant surveillance. Two new documents shed light on the program’s scope and practices”

The Guardian, 30 April

[Tunisian cemeteries fill up as hundreds of dead refugees wash up on coast](#)

“Authorities in Tunisia are considering building new cemeteries, as the country runs out of space to bury the dozens of refugees washing up every day on its shores.

The first three months of 2023 were the deadliest for people attempting to cross the central Mediterranean since 2017, according to the UN, with an increasing number of boats carrying asylum seekers wrecked at sea.”

The Guardian, 29 April

[UK coastguard 'left Channel migrants adrift' in lead-up to mass drowning](#)

“Hundreds of vulnerable migrants were abandoned to their fates after the UK coastguard “effectively ignored” reports of small boats in distress during the days leading up to the worst Channel disaster in 30 years when at least 27 people died, an Observer investigation suggests.

Around 440 people appear to have been left adrift after the coastguard sent no rescue vessels to 19 reported boats carrying migrants in UK waters, according to an analysis of internal records and marine data seen by the Observer and Liberty Investigates.”

The Guardian, 29 April

['I was in tears': Briton with valid passport barred from flight over Brexit rules](#)

“Travellers who have not used their passport for a while were this week being urged to dig it out and check it conforms to the post-Brexit rules for entering the EU – because if it doesn’t, you will almost certainly be denied boarding this summer.”

Above The Law, 28 April

[Turning Over Refugee Asylum Claims To Artificial Intelligence Is A Terribl... Wait, We Already Do This?!?!](#)

“Artificial intelligence tools already assist with tasks up and down the legal workflow if attorneys are savvy enough to invest in them. But the technology is still a long way from reliably performing the sort of “robot attorney” role that everyone either dreams of or deeply fears. For now, the best AI is one that understands (or is made to understand) its own limitations being used by conscientious attorneys focused on keeping AI from making stupid mistakes that compound into real world problems.”

InfoMigrants, 27 April

[Dutch court rules asylum seekers cannot be sent back to Italy under Dublin Regulation](#)

“The Netherlands’ highest administrative court, the Council of State, said Wednesday (April 26) that returning migrants to Italy under the so-called Dublin Regulation would put them at risk of mistreatment and human rights violations.

“There is a real risk that foreign nationals, beyond their will and their choice, will find themselves in a situation of material mistreatment of very great magnitude when being transferred to Italy,” the court said.”

ADIF, 26 April

[Dal "Processo di Khartoum" alla strage di Cutro: i governi cancellano i diritti umani](#)

A journey from the Khartoum Process to the Cutro tragedy (viewed from Italy), on externalisation and strategies deployed against sea rescues, by Vassallo Paleologo.

Civil liberties

Civil Society Europe, 3 May

[EU FOREIGN INTERFERENCE LAW: IS CIVIL SOCIETY AT RISK?](#)

“Civil Society Europe is bringing together 230 civil society organisations from across Europe to express concern and opposition to a proposed ‘foreign interference’ directive which would create a register of Foreign Funded organisations. This legislation could have unintended negative consequences, hindering CSOs’ ability to fulfill their role as defenders of democracy in Europe and beyond. It will also limit the EU’s capacity to support civil society at risk and human rights defenders globally.”

UN Human Rights, 3 May

[Italy: alleged due process violations and other worrying developments related to the trial of HRDs in Trapani and the regulation of civilian search and rescue \(joint communication\)](#)

“Ms. Kathrin Schmidt and Messrs. Dariush Beigui, Sascha Girke and Urich Troeder are human rights defenders and members of the Iuventa search and rescue crew. Between July 2016 and August 2017, the Iuventa was engaged in search and rescue activities in the Central Mediterranean, rescuing over 14,000 persons in distress at sea, with its missions involving approximately 200 volunteers.”

Coda, 3 May

[Italy's pro-choice gynecologists reel from post-Roe shockwaves](#)

“Every day, in a secret online group chat, several dozen doctors in Italy discuss the constant pressures they’re facing. Some can’t get the drugs they need for their patients. Others are demoralized by their bosses or thwarted by their colleagues. They’re experiencing these issues for one reason: They provide abortion care.”

The Guardian, 3 May

[Six Libyans face death penalty for converting to Christianity](#)

“Six Libyans are facing the death penalty for converting to Christianity and proselytising under laws increasingly being used to silence civil society and human rights organisations, say activists.

The women and men – some from Libya’s minority ethnic groups, including the Amazigh, or Berbers, in the west of the country – were separately detained in March by security forces.”

Don't Extradite Assange, 3 May

International clamour to free Assange grows on World Press Freedom Day

"On World Press Freedom Day Amnesty International and other human rights and journalists' organisations have re-doubled their demand that Julian Assange be set free."

The Guardian, 2 May

UK: Anti-monarchists receive 'intimidatory' Home Office letter on new protest laws

"Official warning letters have been sent to anti-monarchs planning peaceful protests at King Charles III's coronation saying that new criminal offences to prevent disruption have been rushed into law."

Using tactics described by lawyers as "intimidatory", the Home Office's Police Powers Unit wrote to the campaign group Republic saying new powers had been brought forward to prevent "disruption at major sporting and cultural events".

Amnesty International, 2 May

Israel/OPT: Israeli authorities are using facial recognition technology to entrench apartheid

"The Israeli authorities are using an experimental facial recognition system known as Red Wolf to track Palestinians and automate harsh restrictions on their freedom of movement, Amnesty International said today. In a new report, Automated Apartheid, the organization documents how Red Wolf is part of an ever-growing surveillance network which is entrenching the Israeli government's control over Palestinians, and which helps to maintain Israel's system of apartheid. Red Wolf is deployed at military checkpoints in the city of Hebron in the occupied West Bank, where it scans Palestinians' faces and adds them to vast surveillance databases without their consent."

Mare Liberum, 1 May

IT CANNOT GO ON LIKE THIS! STATEMENT OF THE DISSOLUTION OF MARE LIBERUM

"After five years of operation in the Aegean, we have decided with a heavy heart to withdraw from Lesvos, end our human rights monitoring as Mare Liberum, and dissolve the association.

(...)

Like many organisations, we have experienced sabotage, obstruction, and, repression during our time in the Aegean, and not only in Greece."

InfoMigrants, 28 April

Paris: Migrants evicted to make way for Olympic Village

"Police have evicted around 400 people, mostly Chadians and Sudanese, from a derelict building in the Paris region. The area will eventually host the athletes' village during the Paris 2024 Olympic and Paralympic Games."

UN Human Rights, 27 April

UN Human Rights Chief urges UK to reverse 'deeply troubling' Public Order Bill

"The Public Order Bill, which has now been passed by Parliament in the United Kingdom, is deeply troubling legislation that is incompatible with the UK's international human rights obligations regarding people's rights to freedom of expression, peaceful assembly and association, UN High Commissioner for Human Rights Volker Türk warned on Thursday."

Law

ABC News, 9 May

In global rush to regulate AI, Europe set to be trailblazer

"The breathtaking development of artificial intelligence has dazzled users by composing music, creating images and writing essays, while also raising fears about its implications. Even European Union officials working on groundbreaking rules to govern the emerging technology were caught off guard by AI's rapid rise."

UK Parliament, 29 April

Lords Committee calls for UK-EU relations reset after years of tension and mistrust

"The report examines the overarching state of the post-Brexit relationship between the UK and EU, and how this might be developed in the future, across four themes:

the overall political, diplomatic and institutional relationship;

the foreign policy, defence and security relationship;

energy security and climate change; and

mobility of people.

After years of tension and mistrust, recommendations focus on actions to be taken as a priority as part of a reset of UK-EU relations following the recent agreement of the Windsor Framework."

EurActiv, 27 April

MEPs seal the deal on Artificial Intelligence Act

"Following months of intense negotiations, members of the European Parliament (MEPs) have bridged their difference and reached a provisional political deal on the world's first Artificial Intelligence rulebook.

(...)

The text might still be subject to minor adjustments at the technical level ahead of a key committee vote scheduled on 11 May, but it is expected to go to a plenary vote in mid-June."

Military

Atlatszo, 4 May

Pentagon documents: Hungarian intelligence report confirms our reporting

“The Hungarian intelligence service has assessed the information contained by the leaked Pentagon documents (“War Leaks”) on Hungary as credible – confirming the information previously reported by Átlátszó. The report refutes claims of the US wiretapping Prime Minister Viktor Orbán and confirms that Croatia may be transferring military helicopters to Ukraine through Hungarian airspace.”

The Guardian, 30 April

A war for our age: how the battle for Sudan is being fuelled by forces far beyond its borders

“Most reporting from Sudan has so far focused on the street battles in the capital, the 500 or more dead and 4,000 wounded, the impending humanitarian crisis and the evacuation of foreign nationals. But though the supply lines running through the desert are a detail in the grand scheme of things, they may tell us more about the nature of this conflict than breathless reports from Stansted as British evacuees arrive back in the UK or briefings from Washington.”

Policing

Matthias Monroy, 3 May

30 years of „crypto wars“: The EU chat control is the final enemy in the battle over encryption

“The EU Commission and Europol have been working on access to encrypted content since 2015. The breakthrough came in 2020 with the German Council Presidency.”

The Guardian, 27 April

German police union boss calls for crackdown on growing climate protests

Union leader wants more preventive detention of activists across country to stop disruption

Office of the High Commissioners for Human Rights, 27 April

Europol, 17 April

ChatGPT - the impact of Large Language Models on Law Enforcement

“Large Language Models (LLMs) such as ChatGPT are undergoing rapid advances and have now entered the mainstream. This marks a significant step forward for machine learning, as it shows its ability to handle both mundane tasks and complex creative tasks. The developments with LLMs hold potential implications for all industries, including criminal ones. So what does this mean for law enforcement?”

Prisons

ECHR, 9 May

ECHR-Belgium: **Violation of the rights of an applicant held in prison for 44 years and lacking any realistic prospect of release**

Release from prison to a secure psychiatric unit was recommended but impossible due to lack of spaces. Continued imprisonment violates Article 3 (prohibition of inhumane or degrading treatment).

INQUEST, 7 March

Allan Marshall: Unprecedented corporate homicide investigation against Scottish Prison Service announced

“The Crown Office and Procurator Fiscal Service (the prosecuting body of Scotland) today confirmed it has instructed Police Scotland to investigate the Scottish Prison Service for corporate responsibility, including corporate homicide, over the restraint related death of a man in prison in 2015.

This is an historic development, as no public or government body in the UK has ever been prosecuted for corporate homicide.”

Privacy and data protection

Homo Digitalis, 10 May

The Hellenic DPA is investigating the Greek Coast Guard for social media monitoring

“Now, the HDPA has officially informed us that it has launched the relevant investigative actions, has collected evidence from the Coast Guard Headquarters and is examining it in order to complete its assessment.

It is important to underline that, as it appears in the DIAYGEIA portal, already from the summer of 2022 the companies “BYTE S.A. – GRIVAS S.A.” have probably undertaken the delivery of the relevant project to the Greek Coast Guard.”

Irish Legal News, 9 May

Analysis: No threshold of seriousness for non-material damage in GDPR cases

“On 4 May 2023 the CJEU handed down its much anticipated judgment in Case C-300/21 – UI v Österreichische Post AG. This marks the first CJEU judgment to address the question of non-material damage under Article 82 of the GDPR.”

Surveillance

Lighthouse Reports, 10 May

Ghost in the network: How a Swiss tech expert runs a global phone surveillance system

“His name is Andreas Fink: maverick tech expert and telecom entrepreneur, former ally of Julian Assange and vocal critic of the security state, now turned surveillance industry enabler.

Our investigation shows how Fink has built a surveillance apparatus that he has put at the disposal of governments and companies around the world – including Israel’s Rayzone Group, a top-tier cyber intelligence company. Fink’s set-up is capable of exploiting loopholes in mobile phone connection protocols to track the location of phone users and even redirect their SMS messages to crack internet accounts.”

European Parliament, 9 May

Spyware: MEPs sound alarm on threat to democracy and demand reforms

“On Monday evening, the European Parliament’s Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA) adopted its final report and recommendations following a year-long inquiry into the abuse of spyware in the EU. MEPs condemn spyware abuses that aim to intimidate political opposition, silence critical media and manipulate elections. They note that EU governance structures cannot effectively deal with such attacks and say reforms are needed.”

Verfassungsblog, 8 May

The Future of the European Security Architecture: A Debate Series

“This debate series is dedicated to Ligue des Droits Humains (Case C-817/19), – a case in which the Court of Justice of the European Union (CJEU) decided on the fate of one of the main drivers of this development: the Directive on the use of passenger name record (PNR) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime (in short: PNR Directive). The PNR Directive, being one of the first major EU-wide examples of predictive policing, is not just interesting in itself. We believe it merits more attention because it exemplifies the emergence and gradual consolidation of a new security architecture in Europe.”

Matthias Monroy, 3 May

Crotone shipwreck discovered by Frontex with high-tech to locate phones of refugees

“The refugee boat that sank off the southern Italian town of Crotone at the end of February was discovered using technology to detect phones. This is confirmed by the new director of the border agency, Hans Leijtens, in a non-public answer to a parliamentary question by the Left MEP Özlem Demirel. The presence of the wooden boat in the Ionian Sea between Greece and the tip of Italy’s boot was reported before the accident „by the on-board satellite telephones detection equipment“ of a Frontex aircraft.”

CPO Magazine, 24 April

Elon Musk: Government Surveillance of Twitter Data Was Routine, Both Foreign and Domestic Intelligence Agencies Had Access to Private DMs

“In a televised interview with Tucker Carlson, Elon Musk revealed that all unencrypted Twitter data was regularly subject to government surveillance under the previous ownership.”

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