



Secret police data plans condemned

Billions more euros on the way for EU border controls

Norway grapples with US data demands

And: Europol and Frontex reports on risk screening and watchlists; EU Palestine missions ponder "day after" Gaza bombardment ends; Tracking the Pact: Council for detention of families, against legal advice and sibling reunion

Welcome to the first edition of Statewatch News in 2024.

Before anything else, we wish to express our solidarity with Cypriot organisation and fellow *Migreurop* member *KISA*, and to condemn the actions of those who targeted their office with a bomb attack earlier this month. No one was hurt, but the building and equipment were seriously damaged. You can read the organisation's statement [here](#).

The attack is a reminder of just how serious the situation has become for those standing up for human rights not just in Cyprus, but in Europe and beyond. Governments are cracking down on protests and critical voices whilst demonising migrants, refugees, people of colour and political opponents.

This year will see multiple elections in Europe and elsewhere in the world being contested by parties actively opposed to human rights, civil liberties and democratic values. Should they win, they will be aided by the laws, policies and powers that have been put in place by governments of all stripes over the last two decades in the name of countering terrorism and extremism, managing migration, and protecting national security.

An immediate response is urgent, and a long-term response has never been more needed. We will continue playing our part in exposing and opposing unnecessary and unjustified state powers through 2024 and beyond. [Your support](#) will help us do so.

- Chris Jones, Director

Police data discussions need transparency and critical scrutiny

Last year the Council of the EU pushed for the establishment of a "High Level Group on Access to Data for Effective Law Enforcement" (HLG), with the Swedish Council Presidency saying it was time to reassess "the balance to be struck between the right to privacy and the right to security." Plans to adjust the so-called "balance" between freedom and security are, of course, nothing new – and [do not typically end well for either](#).

The HLG was established to push for a "security by design" approach in all existing and future EU policies. As a letter signed by 21 organisations, including *Statewatch*, points out, this is in fact "an attempt to impose a law enforcement 'access by design' obligation in the development of all privacy-enhancing technologies."

Read the letter [here](#), and see press coverage of it [here](#). Along with other allies in [European Digital Rights](#), we will continue to follow the issue.

All EU institutions want billions more for borders

When it comes to discussions on how much money should be found for the EU's borders in a mid-term revision to the EU's 2021-27 budget, the only thing the Council and Parliament disagree upon is the precise amount.

Under the heading of "Migration and Border Management," the Council wants an extra €2 billion (as proposed by the European Commission), while the Parliament would like to see an extra €3 billion added to the pot. The international development budget may also get an increase, meaning more money for external migration and border control projects.

Read the full story [here](#), and check out our in-depth report on the EU's security budgets [here](#).

Norway grapples with "challenging" US data demands

As we [first reported in July 2022](#), the US is approaching states to demand direct access to a host of databases in order to gather information on would-be travellers to the country. As a report in the Norwegian newspaper *Bergens Tidende* puts it, the US authorities want to "freely search various registers and extract information. It will give the US very extensive access to sensitive personal data."

However, these demands appear to have proved rather tricky for the Norwegian authorities. *Bergens Tidende* reports that the police in the Nordic country described them as "challenging" given existing data protection rules, and the justice ministry has said there are "some questions" that need to be clarified with US authorities.

Find out more [here](#), and if you want to see more reports on this important issue, you can [support our work](#).

Vital stories from across Europe and beyond

Court judgment against Greek coastguards who shot at Syrian refugees ----- EU to give at least €87m to Egyptian dictatorship for migration management ----- German far-right plan mass deportations if they win power ----- UK government "severely eroded" human rights protections in 2023 ----- Catalan police officers prosecuted for racism and torture keep their jobs ----- Court judgment against Lithuania for participation in CIA's "rendition" programme

These stories and much more in our regular roundup of new material, below.

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Our reports

17 January

[Risk screening and watchlists: Europol and Frontex reports on development of the “permission to travel” system](#)

Reports circulated by Europol and Frontex to member states last October show that the development of the European Travel Information and Authorisation System (ETIAS) was – at least at the time – still plagued by delays, which both agencies blame on eu-Lisa, the EU’s database agency. Frontex’s report says the delays were causing problems for the “assessment functionality for the risk screening of the ETIAS applications,” through which travellers will be profiled. Meanwhile, Europol continues to develop its new “watchlist” of potential terrorists and criminals, and is seeking permission to use data supplied by non-EU states in the assessment of travel applications.

11 January

[EU: Police data access working group needs transparency and critical advice, says joint civil society letter](#)

A letter signed by 21 organisations, including Statewatch, calls on the EU’s new High Level Group on Access to Data for Effective Law Enforcement (HLG) to ensure its proceedings are transparent and that it facilitates the participation of independent civil society experts, instead of relying solely on the input of police, interior ministry and industry officials.

10 January

[US migration data demands are “challenging”, say Norwegian authorities](#)

Norwegian government officials have met with their US counterparts to discuss the US’ demands for direct access to biometric, identity and criminal record databases as part of its new “border security” plan, according to a report in the newspaper Bergens Tidende. The Norwegian police have apparently described the proposals as “challenging,” given existing legal requirements.

10 January

[EU missions in Palestine ponder role for “day after” Gaza bombardment ends](#)

Two reports from EU security missions in Palestine, dealing with policing and border control, indicate that officials are pondering their role in the planning for whatever happens when Israel’s bombardment of the Gaza strip ends.

8 January

[Germany: Fatal police shootings in 2022](#)

For the year 2022, the official firearm usage statistics of the Conference of the Ministers of the Interior recorded a total of 54 shots fired at people. 11 individuals were killed as a result. This is three more than the previous year. Legally, these shots were classified as self-defense/emergency aid. 41 people were injured due to police firearm use.

19 December

[Tracking the Pact: Council for detention of families, against legal advice and sibling reunion](#)

A discussion document circulated by the Spanish Presidency of the Council of the EU prior this week's crunch trilogues on new migration and asylum legislation sets out the Council's red lines: families with children should not automatically be excluded from border procedures, and thus may be detained; free legal advice should not be provided to asylum applicants; and siblings should not be considered as family members. The Council also wants to maintain "a menu of derogations as broad as possible."

19 December

[All EU institutions want billions more for borders, but disagree on the details](#)

At its meeting last week, the European Council – made up of the heads of state and government of EU member states – backed the European Commission's proposal to boost the EU's 2021-27 border budgets by €2 billion. This is not enough for the European Parliament, however, which would like to see the budgets increased by €3 billion. Meanwhile, all three institutions have different positions on the proposed increase for development aid, which includes funding for externalised migration control.

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Upcoming events

Brussels, 24 January

[The growing infrastructure and business model behind \(im\)migration and surveillance technologies](#)

This panel will provide both 'micro' and 'macro' level case studies to analyse key developments in this field: from the use of government-mandated GPS ankle tags for migrants in the UK, to the global roll-out of travel surveillance systems at the behest of the United Nations.

Oxford/online, 6 February

[Violence in Immigration Detention: A Comparative Account](#)

"In this seminar the speakers will explore issues of violence and how they are documented in the literature drawing on ethnographic research inside immigration detention facilities in three countries, Britain, Greece and Mexico."

New material

[Asylum, immigration and borders](#)

[Civil liberties](#)

[Law](#)

[Military](#)

[Policing](#)

[Prisons](#)

[Privacy and data protection](#)

[Security and intelligence](#)

[Surveillance](#)

Asylum, immigration and borders

CJEU, 16 January

[Violence against women: the Court clarifies the conditions for qualifying for international protection](#)

“Women, as a whole, may be regarded as belonging to a social group, within the meaning of Directive 2011/95, and qualify for refugee status if the conditions laid down by that directive are satisfied. This will be the case where, in their country of origin, they are exposed, on account of their gender, to physical or mental violence, including sexual violence and domestic violence.”

ECtHR, 16 January

[Greek coastguard used force that was not "absolutely necessary" when they shot at Syrian refugees travelling by boat, seriously injuring two of them](#)

European Court of Human Rights finds violation of Article 2 of the Convention (right to life).

The Guardian, 15 January

[French woman 'heartbroken' after losing job in UK after Brexit speaks out](#)

“A French woman has spoken about how she lost her job in Shropshire and was left “heartbroken” about life in the UK because of a mix-up over the immigration process for EU citizens launched after Brexit.”

RFI, 15 January

[Does France's hard-line immigration law breach the constitution?](#)

“A top French court is reviewing the government's controversial immigration reform to check that measures toughening the treatment of non-EU migrants do not breach France's constitution. RFI looks at what the legal experts will be considering – and what they might rule has to change.”

EurActiv, 15 January

[EU grants €87m to Egypt for migration management in 2024](#)

“Over 2024, the EU will provide €87 million and new equipment to Egypt for a migration management project started in 2022, implemented by the UN migration agency and the French Interior Ministry operator Civipol, three sources close to the matter confirmed to Euractiv.”

Irish Legal News, 15 January

[High Court: IPAT decision quashed following failure to consider relevant country of origin information](#)

“The High Court has granted an order of certiorari in respect of an IPAT decision refusing refugee status and subsidiary protection to a citizen of Sierra Leone who claimed that he would likely be imprisoned, tortured and killed if returned to his home country.”

The Guardian, 14 January

[Five die trying to board small boats in Channel in freezing temperatures](#)

“Five people have died and a sixth is in a critical condition after getting into difficulty in icy waters trying to reach the UK from northern France, the French maritime authority has said.”

The deaths come just days after the UK government published a report on safe and legal routes that demonstrates just how safe and legal routes there are into the country. See: [Report on safe and legal routes \(section 61 Illegal Migration Act 2023\)](#) (Home Office, 12 January)

ADIF, 12 January

[Italy: Discrezionalità politica contro obblighi di soccorso e sbarco in un porto sicuro. Prosegue il processo Salvini/Open Arms a Palermo](#)

Political discretion against the duty to rescue and disembarkation in a safe port. The Salvini/Open Arms trial in Palermo continues

Border Criminologies, 12 January

[Book Review: The Criminalisation of People Smuggling in Indonesia and Australia: Asylum Out of Reach](#)

“Antje Missbach’s latest book brings together nearly a decade of empirical research on the interconnections between Indonesian and Australian border policing. In particular, she focuses on the criminalisation of people accused of facilitating irregular journeys between these two countries. A well-constructed and humanising critique of deterrence-based migration regimes, this book will be of interest not only to scholars working on this region, but also more broadly to those interested in the infrastructure of people smuggling networks and state efforts to stop irregular migration.”

IOM, 11 January

[The UN Countering Terrorist Travel Programme Strengthens Djibouti's Border Security and Counter-Terrorism Capacities](#)

“Following a consultation with the relevant stakeholders in March 2023, and the signature of a Memorandum of Understanding in June 2023, the United Nations Countering Terrorist Travel (CT Travel) Programme conducted a five-day interactive training from to strengthen border security and counter-terrorism capacities through the engagement of local legal, operational, technical, and transport industry stakeholders. This training took place from the 7 to 11 January 2024, in Djibouti.”

The Guardian, 10 January

[Politicians from Germany's AfD met extremist group to discuss deportation 'masterplan'](#)

“Politicians from Germany's far-right Alternative für Deutschland (AfD) party, including a personal aide to its leader Alice Weidel, met the head of the rightwing extremist Identitarian Movement and neo-Nazi activists to discuss a “masterplan” for mass deportations in the event of the party coming to power, it has been reported.”

InfoMigrants, 9 January

[Tunisia: Mass expulsions and abuse of migrants continue](#)

“A human rights group has called on the Tunisian government to end mass expulsions and arbitrary arrests of migrants. It also wants undocumented migrants in the country to be granted legal status.”

And see: **[Joint Statement: Tunisia is neither a safe country of origin nor a place of safety for those rescued at sea](#)** (17 April 2023)

ADIF, 9 January

[Continua la strage degli innocenti nel mar libico](#)

The slaughter of innocents in the Libyan Sea continues.

Border Criminologies, 8 January

[The persisting challenges of the new European Commission's smuggling directive proposal](#)

“In this blog post, we critically examine three aspects of the proposal for a new directive against migrant smuggling: the way in which it continues to narrowly approach the facilitation of mobility as a criminal activity under the domain of transnational networks, the welcome but still limited introduction of the financial or material benefit component, and the growing role of law enforcement and border control agencies within the EU and in third countries.”

And see: **[Expansive new police powers hidden behind EU's migrant smuggling proposals](#)** (12 December)

The Guardian, 8 January

UK: [**Médecins Sans Frontières treating refugees housed in home secretary's constituency**](#)

“By the end of October 2023, 508 men had been placed in Wethersfield – of whom 29% were from Afghanistan, 20% from Iran and 16% from Eritrea. Many are survivors of torture and trafficking and have severe mental health problems.”

InfoMigrants, 8 January

[**Poland will 'reject' EU migrant pact, says Prime Minister Tusk**](#)

“Poland's new Prime Minister Donald Tusk has said his country would not accept any asylum seekers who would be relocated there under the EU's new migrant pact. However, he did not specify what that could mean in practice.”

Business Insider Africa, 8 January

[**Kenya's new visa-free policy is now in action, says immigration official**](#)

“Visitors are now getting into the country, and those seeking entry use an electronic travel authorisation system (ETA), which is used to facilitate the pre-screening of travellers who are required to seek authorisation through the electronic portal.”

The introduction of ETAs is spreading from western states to others across the world, in line with international recommendations. See: [**Arriving soon: global air travel surveillance and passenger profiling with no democratic control**](#) (3 June 2021) and: [**UK: Nationality and Borders Bill: Biometric 'permission to travel' scheme will affect tens of millions of people**](#) (20 September 2021)

The Guardian, 7 January

[**Spanish woman removed from UK after returning from Christmas holiday**](#)

“A 34-year-old Spanish woman was forcibly removed from the UK after returning from a Christmas holiday near Málaga despite presenting Brexit paperwork to border officials showing she has a right to live and work in the country.”

ADIF, 6 January

Italy-Albania: [**Respinti e deportati, considerazioni a margine del disegno di legge di ratifica del Protocollo tra Italia ed Albania**](#)

Refused entry and deported, considerations at the margins of the bill to ratify the Italy-Albania deal.

Border Criminologies, 5 January

Malta: [**Weaponizing the law against the vulnerable: the case of the El Hiblu 3**](#)

“Abdalla, Amara, and Kader – now also known as the El Hiblu 3 – have never known Malta as free men. Imprisoned for 8 months, initially in the maximum-security wing of the adult prison despite their young age, they were released on bail in November 2019 but required to register with the police every day and restricted in their daily movements. Legal experts and international organisations describe the charges that condition their lives as ‘grossly unjust’, ‘baseless’, and a ‘farce’.”

ABC, 2 January

[Informe confidencial polaco revela limitada eficacia del muro fronterizo con Bielorrusia](#)

Confidential Polish report reveals the limited efficiency of the border wall with Belarus.

European Commission, 30 December

[Bulgaria and Romania to join Schengen area starting with air and sea borders: Commission welcomes landmark Council decision](#)

“The Commission welcomes today's unanimous decision by the Council to welcome Romania and Bulgaria into the Schengen area, starting with lifting controls at air and sea borders as of March 2024. Their accession will boost travel, trade and tourism and will further consolidate the internal market. Discussions on a further decision to lift controls at land borders will continue in 2024. An enlarged Schengen area will make the EU stronger as a Union, internally and on the global stage.”

EU Law Analysis, 30 December

[The New EU Asylum Laws, part 1: the Qualification Regulation](#)

“...this series looks at the planned new legal framework for asylum in the EU by looking at texts that are already available: agreements on revised laws on qualification of refugees and people with subsidiary protection, reception conditions for asylum-seekers, and resettlement of refugees from outside the EU.* [Part 2](#) of this series, on reception conditions, is now also published, as is [Part 3](#), on the resettlement Regulation.* These laws, agreed earlier between the European Parliament and the Council, but not yet formally adopted, are intended to be part of a ‘package’ of new or revised EU asylum laws, along with the recently agreed measures.”

Nuovi Desaparecidos, 29 December

[Italy/Libya: In Procura il respingimento in mare del 14 giugno 2021. Riflessi anche sulla recente strage di Zuwara?](#)

Proceedings on 2021 refoulement case may be relevant to latest shipwreck in Zuwara

InfoMigrants, 27 December

[Fact or fiction? – Investigating claims about migration in 2023](#)

“Migration has been the subject of intense political and public debate in Europe this year. But some say much of what has been presented as ‘fact’ contradicts the evidence.”

The Guardian, 26 December

[Italian woman facing removal from UK despite ‘permanent residency’ card](#)

“An Italian environmental technology investor who has lived in the UK for 14 years has discovered she could be removed despite getting a “permanent residency” card after Brexit.”

TNI, 19 December

[“All Roads Lead to Jerusalem”: A Lucrative Border Industrial Complex](#)

“Hebron, a laboratory for both technology and violence, reflects the Israeli occupation's impact on daily life, with sterilized roads, military checkpoints, and settler violence defining the landscape. This journey unveils the complex layers of trauma, dispossession, and dehumanization, challenging preconceptions and raising questions about freedom and oppression.”

Civil liberties

Osservatorio Repressione, 15 January

[Vietato manifestare. Centinaia di denunce e decine di fogli di via in tutta Italia a Extinction Rebellion](#)

Protesting prohibited. Hundreds of complaints and dozens of dismissals against Extinction Rebellion throughout Italy.

Human Rights Watch, 11 January

[UK Government Severely Eroded Human Rights in 2023](#)

“The United Kingdom government’s policies and practices both severely eroded domestic human rights protections and undermined its efforts to promote human rights globally in 2023, Human Rights Watch said today in its World Report 2024.”

Journalism Funders Forum, 11 January

[Unraveling Hungary’s New Sovereignty Bill: Implications for Independent Media](#)

“The vague and undefined concepts in the new Hungarian “sovereignty bill” aimed at countering “foreign interference,” and the powers of a new authority present a threat to independent media.”

Irish Legal News, 10 January

[UK anti-boycott bill to ‘grant Israel impunity’](#)

“Human rights campaigners have condemned “draconian” UK government plans to ban English councils and other public bodies from boycotting Israeli companies.”

Law

Prospect, 11 January

UK: **[The Post Office scandal is shocking—but not surprising](#)**

“The systems failures that led to this miscarriage of justice are all too familiar—and without some remarkable strokes of legal luck they might never have come to light”

See also: **[Post Office under criminal investigation for potential fraud over Horizon scandal](#)** (The Guardian, 5 January)

BBC News, 10 January

[Polish police arrest MPs in presidential palace](#)

“Polish police have arrested the former interior minister and deputy interior minister inside the presidential palace in Warsaw in a day of unprecedented political theatre.”

And see: [Poland’s political war heats up](#) (Politico, 15 January)

Military

The Guardian, 15 January

[Rishi Sunak: UK willing to take further military action against Houthis](#)

“Rishi Sunak has said the UK is willing to take military action against Houthi rebels again, hours after the Yemen-based group fired another missile at a container ship in the Red Sea.”

Il Fatto Quotidiano, 12 January

Italy: **[The Pope's “no” to Leonardo](#)**

In keeping with Pope Francis' views against the military industry, he denied a donation to a paediatric hospital in Rome due to the company's provision of 'military systems' to Israel

And: [Leonardo's lie in reply to the Pope](#) (Presenza, 13 January): Evidence demonstrates use of Leonardo's weapons used in offensive by Israel, despite claims to the contrary

Policing

La Quadrature du Net, 18 January

[La police prédictive en France : contre l’opacité et les discriminations, la nécessité d’une interdiction](#)

“Après plusieurs mois d’enquête, dans le cadre d’une initiative européenne coordonnée par l’ONG britannique Fair Trials, La Quadrature publie aujourd’hui un rapport sur l’état de la police prédictive en France. Au regard des informations recueillies et compte tenu des dangers qu’emportent ces systèmes dès lors notamment qu’ils intègrent des données socio-démographiques pour fonder leurs recommandations, nous appelons à leur interdiction.”

Palestine Action, 15 January

UK: **[Palestine Action’s statement on London Stock Exchange arrests](#)**

“Five activists were released on bail after they were arrested for alleged ‘conspiracy to commit public nuisance’ at the London Stock Exchange (L.S.E). One was charged and remanded to Wirral Magistrates Court, where he will apply for bail.

(...)

The arrests came after an undercover journalist from the Daily Express infiltrated the group and reported the activists to the police.”

SOS Racismo, 11 January

[Interior mantiene en los Mossos d'Esquadra a los seis agentes confesos y condenados por un delito de tortura y agresión racista](#)

The interior ministry has kept six agents on in the *Mossos d'Esquara* (Catalan regional police) who confessed to and were convicted of torture and racist aggression. The move has been denounced by *SOS Racismo*.

Prisons

POST, 3 January

UK: **[Prison population growth: drivers, implications and policy considerations](#)**

“This POSTbrief examines the drivers and implications of prison population growth in England and Wales, as well as future policy considerations.”

Privacy and data protection

EU Law Live, 9 January

[‘Scoring’ for Data Protection Rights: The Court of Justice’s First Judgment on Article 22 GDPR \(Case C-634/21 and Joined Cases C-26/22 and C-64/22\)](#)

“On the 7th of December 2023, the Court of Justice delivered two landmark judgments for the protection of the right to data protection against automated credit scoring (Schufa Holding C-634/21 and Joined Cases C-26/22 and C-64/22). Both cases concerned the compatibility of data processing by SCHUFA, a German credit agency, with the GDPR and the rights to privacy and data protection.”

Wired, 8 January

[The Battle for Biometric Privacy](#)

“The pushback against ubiquitous surveillance and targeted deepfaking has begun—but regulation may fail to keep up with AI advances.”

The Guardian, 29 December

[Google agrees to settle \\$5bn lawsuit claiming it secretly tracked users](#)

“Google has agreed to settle a lawsuit claiming it secretly tracked the internet use of millions of people who thought they were doing their browsing privately.”

Racism and discrimination

The Baring Foundation, 10 January

[Challenging the hostile environment against Gypsies and Travellers](#)

“How strategic litigation provides a new tool in a national charity’s arsenal towards tackling longstanding and deeply embedded injustice against Britain’s Romany Gypsy, Irish Traveller and nomadic communities.”

Front Line Defenders, 5 January

[Office of human rights organisation KISA bombed](#)

“Front Line Defenders is shocked to learn that the office of the human rights organisation KISA in Nicosia, Cyprus was bombed in the early hours of 5 January 2023 and strongly condemns the attack, which was apparently carried out deliberately.”

See also: [Neither the smear campaigns, nor the persecution, nor yesterday’s bombing will prevent us from protecting human rights](#) (KISA, 6 January) and: [EU raises Cyprus NGO bombing with authorities during visit](#) (EUobserver, 12 January)

Security and intelligence

ECtHR, 16 January

[Judgment against Lithuania for participation in CIA's rendition programme](#)

Mr al-Hawsawi "had to have experienced blindfolding or hooding, solitary confinement, the continuous use of leg shackles" and more. Violations of articles 3, 6(1), 5 8 and 13.

Surveillance

EDRi, 17 January

[Portugal: New data retention law fails at the Constitutional court; Parliament will try for a third time](#)

“The Portuguese Constitutional Court has declared a new data retention law proposal to be unconstitutional. The law proposed, among other things, general and indiscriminate retention of people’s telecommunications data – like traffic and location data – for up to six months for the purpose of investigating serious crime.”

European Law Journal, 2 January

[Did the PNR judgment address the core issues raised by mass surveillance?](#)

“This article looks at three main issues raised by the PNR scheme: (i) the base-rate fallacy and its effect on false positives; (ii) built-in biases; and (iii) opacity and unchallengeability of the decisions generated, and at whether the Court has properly addressed them. It concludes that the AG and the Court failed to address the evidentiary issues including the base-rate fallacy—a lethal defect. It also finds that neither the Member States nor the Commission have even tried to assess whether the operation of the PNR Directive has resulted in discriminatory outputs or outcomes; and that the Court should have demanded that they produce serious, verifiable data on this, including on whether the PNR system has led in practice to discrimination.”

Public Law Project, 20 January

[UK: ‘Constantly on Edge’: The expansion of GPS tagging and the rollout of non-fitted devices](#)

“‘Constantly on Edge’, the latest report on GPS tagging in immigration bail, has found that the Home Office has increased its use by 56% in the last year and is now using newer, experimental mobile fingerprint scanners to monitor migrants on bail, without effective safeguards in place.”

Liverpool Echo, 14 November 2023

UK: [Liverpool Council accused of intercepting resident's emails over controversial planning application](#)

"Garston resident says he feels "violated" after discovering his emails have been diverted to council's planning department"

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