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STATEWATCH ANALYSES & VIEWPOINT

1. Analysis: [**Spain: Will the new ‘progressive’ government uphold freedom of expression?**](#) (pdf)

Following the announcement of the coalition government in January, the *Plataforma en Defensa de la Libertad de Información* (Platform in Defence of Freedom of Information, PDLI) published the ten top priorities the new administration should deal with to ensure respect of the right to freedom of expression. The organisation has called on the government to align domestic law with its human rights obligations, including a revision of the Criminal Code, the Gag Law and the Royal Decree Law 14/2019, which allows internet shutdowns. Many of these concerns were recently echoed at the UN Human Rights Council, where Spain is currently undergoing its third universal periodic review.

2. Analysis: [**Fort Vert: Nature conservation as border regime in Calais**](#) (pdf) by Hanna Rullman:

The construction of a nature reserve in Calais as a way to prevent the return of migrant encampments raises important questions over the political uses of the environment in Europe’s border regime.

3. Viewpoint: [**The shadowy business of fear-mongers**](#) (pdf) by Ana González-Páramo

Every morning, Spanish radio listeners are bombarded with advertisements for home security alarms, which spread fear of thieves, foreigners and squatters. Interestingly, such sermons mirror the mainstream narrative and messages from certain political parties. Suspicion is transmitted to a gullible society which absorbs this fear. Each European Council meeting reinforces the links between

migration and security risks, adding new challenges such as terrorism, organised crime or new and emergent hybrid threats mixing all of them into one big pot. This approach favours the position of the arms and security industry, building a condensed net of private interests and ends up influencing the EU decision-making process and financing mechanisms. Nowadays, borders have become a polysemic and ever-present concept that goes beyond the physicality of a wall. Borders can be portable, digital, remote and adaptable even to the individuals they exclude and keep at bay.

STEWATCH NEWS

1. [Refugee crisis: latest news from across Europe](#) (4-24.2.20) including:

- European court under fire for backing Spain's express deportations
- Frontex's History of Handling Abuse Evidence Dogs Balkan Expansion
- Italy's Failed Migration Fix Has Led to Chaos in Libya

2. EU: [EEAS calls for changes to Operation Sophia so "chances to conduct rescue operations are lower"](#)

The European External Action Service (EEAS) has called on EU governments to limit the saving of lives at sea by Operation Sophia. A note sent to the member states' permanent representatives in Brussels says the mission should prioritise the enforcement of a UN arms embargo on Libya, rather than monitoring migrant smuggling activities, and suggests that ships could be placed "at least 100km off the Libyan coast, where chances to conduct rescue operations are lower."

3. ECHR-SPAIN: [European court under fire for backing Spain's express deportations](#)

"The European court of human rights has been accused of "completely ignoring the reality" along the continent's borders after it ruled that Spain acted lawfully when it summarily deported two people who tried to scale the border fence separating Morocco from Spanish territory six years ago."

4. EU: ["Data lakes", broken silos, changing the law: Counter-Terrorism Coordinator enthusiastic for Europol's new 'innovation hub'](#)

The EU is in the process of setting up an 'innovation hub' at Europol in order to look at the development and use of new technologies for internal security. The Counter-Terrorism Coordinator (CTC), who initially proposed the idea, has circulated an enthusiastic note to national delegations in Brussels setting out his vision for the unit. Meanwhile, minutes of a meeting between EU and Interpol officials suggest that Frontex operations could provide a "test lab" for new technologies.

5. EU: [Internal Council report on the implementation of the EU Internal Security Strategy](#)

"Delegations will find attached the joint paper of the outgoing Finnish Presidency and the Croatian Presidency on the implementation of the renewed EU Internal Security Strategy."

6. EU: [New Council "strategic guidelines" frame the next five years of EU justice and home affairs policy](#)

The Council of the EU is moving towards the adoption of its next five-year set of strategic guidelines for justice and home affairs policies. Priorities listed in a draft document include enhancing the powers of justice and home affairs agencies, such as eu-Lisa and Europol; preventing future migration "crisis situations"; and cooperating more closely with non-EU states to control migration. The intention is for the European Council meeting to adopt the guidelines in March.

7. [Refugee crisis: latest news from across Europe](#) (21.1-3.2.20) including:

- EU aid increasingly taken hostage by migration politics
- New yearly report on torture of asylum seekers by Croatian authorities at EU external borders

- Death of a ten-year-old child in Roissy: another victim of European migration policies?
- Italy guilty of refoulements in 2009 handover of Eritrean shipwreck survivors to Libya

NEWS

1.IRELAND: [Appeal in Dwyer case referred to EU Court of Justice](#) (RTÉ, link):

"The Supreme Court has said it intends to refer Graham Dwyer's case over the retention and accessing of his mobile phone metadata to the Court of Justice of the European Union.

The court made its decision by a majority of six to one.

Chief Justice Frank Clarke said he had expressed a view on three key issues in the case, but because the answers involve matters of EU law and the answers to them are not clear, the court was obliged to refer the issues to the Court of Justice of the EU in Luxembourg."

See: [Judgment of Mr Justice Clarke, Chief Justice, delivered the 24th of February, 2020](#) (pdf)

2. [Don't Underestimate Slovakia's Neo-Nazi Threat](#) (Balkan Insight, link):

"Only a year ago, analysts spoke of endemic corruption and erosion of the rule of law as the main threats to Slovak society. But as a general election approaches at the end of this month, political scientist Aneta Vilagi says Slovak democracy itself is at stake.

"Namely because of the situation we've seen since 2016, when a party supposedly built on a neo-Nazi ideology entered parliament," said Vilagi from Comenius University in Bratislava.

She was referring to the far-right Kotleba – People's Party Our Slovakia (LSNS), which is polling in second or third place ahead of the country's February 29 parliamentary election."

3. [Greece has to act regarding “unsustainable situation” for refugees on the islands](#) (Brussels Times, link):

"The United Nations High Commissioner for Refugees, Filippo Grandi, called on Greece to act regarding "the unsustainable situation" for refugees on the Greek islands on Friday.

These refugees are mainly living on the islands opposite Turkey. Grandi said Greece would have "support from Europe."

"The living conditions on the islands are shocking and shameful," Grandi said, adding they had gotten worse since his last visit in November."

4. [Polish rule of law crisis at point of no return](#) (EUobserver, link) by Elena Crespi and Joshua Ratliff:

"Following four-plus years of assault by the ruling Law and Justice (PiS) party, the embattled Polish judiciary may be on its last legs.

On 4 February, amid mass domestic and international protest, Polish president Andrzej Duda signed into law a deeply-controversial set of new reforms openly defying the authority of the EU's top court and seeking to prevent Polish judges from applying EU law under penalty of suspension, fines, salary cuts and dismissal.

The power consolidation strategy pursued by the Law and Justice government since it came to power in 2015 has taken repeated aim at judicial restraints on the government's ability to act, and represents

at its core an effort to dismantle the very checks and balances that characterise democratic forms of government."

5. **Commissioner urges Italy to suspend co-operation activities with Libyan Coast Guard and introduce human rights safeguards in future migration co-operation** (CoE, link):

"In a letter addressed to the Minister of Foreign Affairs of Italy, Luigi Di Maio, published today, the Commissioner urges the Italian government to introduce human rights safeguards in the Memorandum of Understanding between Italy and Libya.

While noting that discussions to improve human rights compliance in the future are ongoing, the Commissioner calls on Italy to acknowledge the realities currently prevailing on the ground in Libya and to suspend co-operation activities with the Libyan Coast Guard that result in the return of persons intercepted at sea to Libya."

See: [Letter](#) (pdf) and: [Italian government response](#) (pdf)

6. EU: **Joint statement: The new Pact on Asylum and Migration: An Opportunity Seized or Squandered?** (ECRE, link):

"After years of treating asylum and migration in crisis mode, we believe the proposed Pact on Asylum and Migration is an opportunity for the EU and its Member States to change direction. It is an opportunity to develop a rational and rights-based asylum and migration policy. Recent cooperation among Member States signals the possibility of a fresh start, which should build on the lessons of the recently attempted and largely failed reform of the Common European Asylum System (CEAS). However, there is a risk that the Pact may include or prepare the groundwork for damaging legislative proposals, in particular what has been termed the "border instrument"."

7. **Back to Mauritania: Frontex repatriates migrants arriving on Canary Islands** (InfoMigrants, link):

"On Monday, a Frontex operated repatriation flight took off from Spain's Canary Islands for Mauritania. 51 African migrants were on board. This is the third such flight this year, says the Spanish Ombudsman. The repatriations are a result of a 2003 agreement signed between Spain and Mauritania.

As the Spanish civil guard was still looking for three boats reported missing off the Canary Islands, other reports were coming through of a Frontex repatriation flight. The flight took off on Monday according to the news agency AFP and the Spanish Ombudsman. It was carrying 51 people aboard."

8. **Assange's fate hangs in balance as UK court considers U.S. extradition bid** (Reuters, link):

"Almost a decade after his WikiLeaks website enraged Washington by leaking secret U.S. documents, a London court will begin hearings on Monday to decide whether Julian Assange should be extradited to the United States.

A hero to admirers who say he has exposed abuses of power, Assange is cast by critics as a dangerous enemy of the state who has undermined Western security. He says the extradition is politically motivated by those embarrassed by his revelations.

The 48-year-old is wanted by the United States on 18 criminal counts of conspiring to hack government computers and violating an espionage law and could spend decades in prison if convicted."

See also: [London protesters rally against Assange extradition](#) (UPI, link) and: [Julian Assange should not be extradited due to potential impact on press freedom and concerns about ill-treatment](#) (Council of Europe Commissioner for Human Rights, link)

9. [**European Court of Human Rights : Spain and the European Union will prevail the protection of European borders over the right to asylum.**](#) (Migreurop, link)

"The European Court of Human Right (ECHR) just took a decision in favour of the Spanish authorities, by endorsing the practice known as "hot push-back" of people trying to reach the Spanish enclaves of Ceuta and Melilla. Although another body of the Court had already condemned Spain in 2017 for this illegal practice [1], its Grand Chamber decided this time that Spain had not violated the rights of the exiles who had already crossed its border by sending them back to Morocco quickly and widely. With this highly serious decision, the ECHR legitimizes the generalization of the principle of non-refoulement. Furthermore, it endorses the impossibility of applying for asylum in case of illegal border crossing and welcomes the good collaboration with Morocco in the repression of exiles."

10. [**Leaked Reports Show EU Police Are Planning a Pan-European Network of Facial Recognition Databases**](#) (The Intercept, link):

"A police investigator in Spain is trying to solve a crime, but she only has an image of a suspect's face, caught by a nearby security camera. European police have long had access to fingerprint and DNA databases throughout the 27 countries of the European Union and, in certain cases, the United States. But soon, that investigator may be able to also search a network of police face databases spanning the whole of Europe and the U.S."

11. [**Balkan spies 'feed' EU's police database via Czechs**](#) (EUobserver, link):

"Secret services in at least one non-EU Western Balkan state are indirectly feeding the EU's police database with alerts on suspected foreign terrorist fighters, according to a confidential document seen by this website.

Drafted by the counter-terrorism section of the Czech Republic National Organised Crime Agency, the nine-page document says over 250 alerts have been flagged by the Western Balkans since last summer."

See: Terrorism Working Party: [**Summary of discussions**](#) (30 January 2020, LIMITE, 5399/20, pdf):

"Delegates took note of the presentation by Europol on the SIS II project. In line with the conclusion from the CTPB (counter terrorism programme board) concerning the insertion and sharing of SIS II hits from Third Parties, in particular Western Balkans. The Czech Republic volunteered to insert and create alerts according to the Article 36(3) of the SIS II based on the lists of FTFs. The test phase started in July 2019. The results are positive and will be presented at the next CTPB in April."

12. UK: [**Dutch man wins deportation appeal after judge messes up legal test**](#) (Free Movement, link):

"The Court of Appeal's judgment in [**Hussein v Secretary of State for the Home Department \[2020\] EWCA Civ 156**](#) is another reminder of the multiple layers of protection from deportation which EU citizens enjoy. In particular, it focuses on the importance of a properly reasoned decision by the First-tier Tribunal about when deportation meets the "serious grounds of public policy" test in the EEA Regulations.

Mr Hussein is a Dutch citizen who arrived in the UK in 1998. Starting from when he was a teenager, Mr Hussein eventually amassed 24 convictions over a 15-year period. That included three stints in custody. In March 2016, the Home Office had had enough and made a deportation order."

13. [**EU backtracks on plans to ban facial recognition**](#) (EUobserver, link)

"The European Commission came under fire on Wednesday (19 February) for ruling out a moratorium on facial recognition, as the bloc's new strategy for data and artificial intelligence (AI) governance was unveiled.

"It is of utmost importance and urgency that the EU prevents the deployment of mass surveillance and identification technologies without fully understanding their impacts on people and their rights," warned Diego Naranjo, head of policy at European Digital Rights.

But the commission vice president Margarethe Vestager said only on Wednesday that the EU's executive body will launch "a broad European debate to determine the specific circumstances, if any, which might justify the use" of facial recognition."

See: [White Paper On Artificial Intelligence - A European approach to excellence and trust](#) (pdf) and: [A Europe Fit for the Digital Age: Empowering people with a new generation of technologies](#) (EC, link)

14. [EU stops Operation Sophia and sends warships to stop Libya weapons trafficking](#) (Malta Today, link)

"The EU has agreed to deploy warships to stop the flow of weapons into Libya, and to wound down the military mission that rescues migrants and refugees from drowning in the Mediterranean.

Josep Borrell, the EU's chief diplomat, said the new operation with naval ships, planes and satellites will enforce the United Nations arms embargo on Libya.

Countering critics, especially Italy and Austria, that the operation could turn into a rescue mission, Borrell promised the ships would be withdrawn if they became "a pull factor" that encouraged people to attempt the risky crossing from Libya to Europe."

15. [Hungary turns its back on Europe](#) (Oktatói Hálózat, link)

"This report has been prepared by independent Hungarian intellectuals who wish to inform the Hungarian and international public as well as European institutions about the severe harm that the Orbán regime governing Hungary since 2010 has caused in the fields of education, science, culture, and the media.

The reason for preparing the present report is that the acts of the successive Orbán governments consistently run counter to and consciously violate the fundamental principles, values, and norms of the European Union, not only as regards the rule of law and political and social rights, but also in the case of the cultural areas discussed here. In Hungary, important European values are being jeopardised, including cultural diversity, scientific and artistic autonomy, the respect for human dignity, access to education and culture, conditions for social mobility, the integration of disadvantaged social groups, the protection of cultural heritage, and the right to balanced information, as well as democratic norms like ensuring social dialogue, transparency and subsidiarity.

16. " [Ocean Viking saves 182 people in distress on Mediterranean](#) (DW, link):

"At 5:30 a.m., the distress call goes out. A wooden boat overcrowded with displaced people is drifting 130 kilometers (80 miles) off the coast of Libya. When the Ocean Viking, a rescue ship operated by SOS Mediterranee and Doctors Without Borders (MSF), receives the call, it is 22 nautical miles (41 kilometers) from the boat. It will take an hour or two to reach it. Nicholas Romanuk, the search and rescue coordinator aboard the Ocean Viking, changes the vessel's course to intercept the boat."

17. [Why is regulating artificial intelligence important in Europe?](#) (European Parliament, link):

"Three members from the legal affairs committee are currently working to ensure the EU is prepared for the legal and ethical aspects of developments in artificial intelligence (AI). Find out more in our interview. (...)

Although Europe's existing civil liability framework covers most upcoming scenarios, new technologies based on AI will nevertheless expose several unsolved issues.

In the case of an AI malfunction, it will for instance become rather difficult to differentiate between negligent and non-negligent conduct. Who exactly is liable if an AI-driven robot hurts a pedestrian in a public space or makes a mistake during a surgery?

The European Parliament wants to propose a working mechanism that covers the entire spectrum of risks as well as potential harm caused by the use of AI in its various applications."

18. [**Eyes wide shut: collective punishment of Roma in 21st-century Europe**](#) (Open Democracy, link):

*"75 years after the liberation of Auschwitz, despite the [**EU Framework for Roma Integration**](#) which closes this year, anti-Roma racism has spiked across the continent."*

19. [**Right-wing Serbian Party Launches Anti-Immigration Campaign**](#) (BalkanInsight, link):

"Dveri, part of an opposition alliance boycotting April's parliamentary election, has begun collecting signatures against the government's policy on immigration.

20. [**UN agency calls for new safe harbour rules for migrants from Libya**](#) (Euractiv, link):

"The International Organization for Migration on Wednesday (19 February) called on the world community to devise a "safe disembarkation mechanism" for migrants fleeing Libya, the day after a port in the capital of the war-torn country was hit by a barrage of rocket fire.

The IOM, a UN-related agency, called on nations and the European Union "to find an alternative safe disembarkation mechanism for migrants rescued fleeing Libya by boat".

The call came after "roughly 200 migrants" were returned to Tripoli, hours after the city's main port was heavily shelled on Tuesday."

21. NETHERLANDS: [**Half the children in final refugee amnesty review can stay**](#) (DutchNews.nl, link)

"Just over half the refugee children hoping to be given residency rights in the Netherlands in a final review of the child refugee amnesty have won the right to stay.

In total, 569 out of 1,100 children have been given residency permits, along with 502 adult family members, junior justice minister Ankie Broekers-Knol told MPs on Wednesday.

The cases of 263 children were given an automatic review, after MPs agreed to soften the criteria in a final attempt to end the problems around the amnesty early last year.

Of those 263 cases, 235 were granted residency. In addition, a further 837 children applied for the amnesty who were not part of the automatic review. Most of those cases were rejected, but 334 children were given a residency permit, Broekers-Knol said."

22. UK: [**British father pled "not guilty" to terrorism charges for supporting his son, an anti-Daesh YPG volunteer**](#) (The Interregnum, link):

"The British state is now wielding terrorism charges against family members of YPG volunteers even though it is not a banned organisation. Activists say this reflects a wider policy of "use and abuse" of terrorism legislation designed to clamp down on social activism and solidarity work which would otherwise be perfectly legal.

The father and brother of Daniel Newey, a volunteer with the Kurdish-led Peoples Protection Units (YPG) in Syria, face terrorism related offences in connection to their support for him.

Paul Newey, 49, and Samuel Newey, 19, both appeared at Westminster Magistrates' Court (WMC) on 15 February. Paul Newey confirmed his details and pled "not guilty" to charges under the Terrorism Act 2000 for supporting his son Daniel with £150. Samuel was not asked to enter a plea at the hearing."

23. UK: [**Revealed: Staffordshire Police in secret requests to NHS over mental health of complainants**](#) (Express & Star, link):

"The force is being investigated for obtaining information on "persistent" complainants after it asked an NHS trust to provide medical details.

The force was provided with personal data on 16 people, without their knowledge, after a request was made to the trust running St George's mental health hospital in Stafford.

Police asked for details on the complainants, asking if they were "known to mental health services and what for".

The request led to an investigation being launched by the Information Commissioner's Office (ICO) after one of those involved complained."

24. [**German police arrest 12 over far-right plot to spark 'civil-war-like situation'**](#) (The Guardian, link):

"Police in Germany have arrested twelve men, including one of their own officers, in a nationwide investigation into an extreme-right group suspected of planning attacks on politicians, asylum-seekers and Muslims.

The arrests followed raids, some by heavily armed special units, in 13 locations in six German states.

The four prime suspects planned to spark "a civil-war-like situation ... via as yet undefined attacks on politicians, asylum seekers and people of Muslim faith," federal prosecutors said in a statement.

A further eight suspects were alleged to have agreed to "financially support the group, provide it with weapons or take part in future attacks".

Background and context: [**Germany: Shadow army or isolated cases? Right-wing structures in the security authorities**](#) (pdf)

25. Germany is not implementing its promise to accept refugees - [**Deutschland setzt seine Versprechen zur Flüchtlingsaufnahme nicht um**](#) (Tagesspiel, link):

Germany fails to keep its promise to relocate a quarter of migrants and refugees who arrived in Southern Europe since the Malta agreement in September, according to a list submitted to the Tagesspiegel by the Federal Minister of Interior of Germany. The only time Germany relocated people was one day after the Malta Agreement was signed; the country took in 47 shipwreck survivors. Germany indicated that 309 more persons were pending. Stephan Mayer, a German politician, declared in mid-January that 501 persons had been transferred to Germany so far and insinuated that the Malta agreement had been successful. However, the list now shows that this number is the sum of previous rescue operations since summer 2018, the year before the Malta Agreement.

Via: [**Europe External Policy Advisers**](#) (link)

26. GREECE: [**PRESS RELEASE: A criminal complaint was filed regarding the death of a 31-year-old Iranian national at the Pre-Removal Detention Centre of Moria**](#) (Lesvos Legal Centre, link):

"February 6, 2020, Mytilene, Lesvos – on 29th January a criminal complaint was filed before the public prosecutor of the first instance court of Mytilene by five NGO attorneys, offering free legal aid to the asylum seekers in Lesvos, with the request to investigate the precise reasons and conditions of the death of the 31-year-old Iranian man, who, according to the report of the online journal "StoNisi", dated 06/01/2020, was found hanged in the pre-removal detention center of Moria in the morning of that day."

27. [**Un-Owned Personal Data – Interoperable EU Borders and Transitioning Rights**](#) (Migration Policy Centre, link):

"The project investigates whether advanced technologies, inherent in interoperable information systems in the Area of Freedom Security and Justice (AFSJ), undermine the fundamental rights of third-country nationals, including asylum seekers. Given the nature of digital data, which are intangible and un-territorial, third-country nationals exist in a transitioning status beyond borders (e.g. asylum seeker to EU citizen) and across different legal procedures (e.g. migrant to suspect). Our aim is to understand the scope of interoperability in the AFSJ in relation to transitioning rights, in order to ultimately design an integrated model of interoperable justice encompassing different layers of accountability and liability."

28. [**Classified documents: Great Britain has been massively violating Schengen rules for years**](#) (Matthias Monroy, link):

"Because of serious breaches, British participation in Europe's SIS II should have been terminated long ago. With two years delay, the Commission now made proposals to remedy the shortcomings. This fuels the suspicion that the country should continue to participate in the database despite having left the EU.

The Schengen Information System (SIS II) is the largest European information system and currently contains around 90 million entries. In 2015, the EU Commission has granted access to Great Britain. However, the country is not a member of the Schengen Agreement, which regulates the abolition of border controls within the European Union, nor does it implement the free movement of persons. For this reason, British authorities are not allowed to enter or query data in the SIS II concerning irregular migration.

But Great Britain is misusing the SIS II on a large scale."

29. UK: [**Police keeping drink-driver's DNA breached his rights, judges rule**](#) (The Guardian, link):

"UK police who indefinitely retained in their records the DNA profile of a man convicted of drink-driving breached his human rights, Strasbourg judges have ruled.

The ruling by the European court of human rights (ECHR) over Fergus Gaughran's claim presents a significant challenge for police data storage practices in the UK.

Gaughran, 47, from Newry, had complained that the Police Service of Northern Ireland's continued retention of his DNA profile (the digital record of his DNA sample), fingerprints and a photograph was a breach of his privacy."

See the judgment: [**Case of Gaughran v the United Kingdom**](#) (application no. 45245/15, pdf) and: [**Information note**](#) (pdf)

30. IRELAND: [**Facial recognition used in public services card programme, department says**](#) (Irish Times, link):

"The Department of Social Protection has confirmed that it carries out biometric processing and uses facial recognition technologies as part of its controversial public services card (PSC) programme.

The confirmation prompted concerns among data-protection experts, who said there are questions over the proportionality of creating a database of facial recognition images due to the risks attached."

31. [Refugee Camps at EU External Borders, the Question of the Union's Responsibility, and the Potential of EU Public Liability Law](#) (Verfassungsblog, link):

"The EU hotspot approach as implemented in Greece is the single most worrying fundamental rights issue that we are confronting anywhere in the European Union'. This quote by the head of the EU Agency for Fundamental Rights (FRA) might sound drastic. Yet, it is not far-fetched. EU bodies, national institutions, international organisations including the Council of Europe, and NGOs, have, during the past four years, continuously documented that the asylum processing centres at the EU external borders lead to fundamental rights violations on a daily basis. The EU hotspot administration indeed jeopardises the respect for fundamental rights and the rule of law as enshrined in Article 2 TEU.

Usually, when something is going wrong, a first step towards improvement is to ask: who is responsible? And yet, with regard to EU hotspots, this question is still subject to debate. Responsibilities are effectively blurred by the sheer number of actors operating in those centres combined with a lack of legal clarity...

It is argued here that EU public liability law—more specifically: an action for damages against the Union or its agencies Frontex and EASO—has a particular potential in this context. First, it would help secure the right to an effective remedy to concerned individuals. Second, it would thereby serve to address systemic deficiencies in the EU hotspot administration. Third, it could ultimately provide an answer to the crucial question of whether the Union is responsible for fundamental rights violations in EU hotspots."

33. HUNGARY: [Siege of Budapest: neonazi historical agenda is furthered by state sponsored media group](#) (Atlatszo, link):

"Family, personal and business connections tie the organisers of the infamous Breakout Hike to the top echelons of the Hungarian state, most notably to state broadcaster MTVA and the governing party elite.

The annual Breakout Hike, taking place on Saturday this year, has been being organised every year for the best part of the last two decades. It is traditionally the most popular event of all the memorial activities around the anniversary of the failed breakout attempt of the surrounded German and Hungarian soldiers at the end of the WWII siege of Budapest that ended with the deaths of some 20 thousand soldiers."

34. UK: [Psychological coercion in the hostile environment](#) (IRR, link):

"Join us for a crucial seminar that will explore both the coercive and the exploitative sides of the government's hostile environment policies.

Speakers will discuss a) the operations of a coercive psychological programme which stigmatises migrants and asylum seekers as 'scroungers' and 'bogus' and b) how hostile environment policies create profits for the state, through questionable charging regimes and the exploitation of the work of migrants in immigration removal centres."

35. [Frontex to provide border security expertise to European Commission's research projects](#) (Frontex, link):

"Frontex, the European Border and Coast Guard Agency, will provide its expertise in the area of border security research and innovation to assist the European Commission in supporting the development of state of the art technology for the border and coast guard community.

The collaboration between Frontex and the European Commission's Directorate-General for Migration and Home Affairs will be based on Terms of Reference (ToR) that were signed yesterday by Frontex Executive Director Fabrice Leggeri and the Director General of Directorate-General for Migration and Home Affairs Monique Pariat.

EU-funded security research enables innovation in technologies and knowledge that is crucial for developing capabilities to address today's security challenges and to anticipate tomorrow's threats and opportunities. "

36. [**UK to diverge from EU data protection rules, Johnson confirms**](#) (EurActiv, link):

"The United Kingdom will seek to diverge from EU data protection rules and establish their own 'sovereign' controls in the field, the UK Prime Minister Boris Johnson said on Monday (3 February). His comments came despite the EU affirming that the UK should "fully respect EU data protection rules."

In a written statement to the House of Commons published yesterday, the Prime Minister said that the United Kingdom will "develop separate and independent policies" in a range of fields, including data protection, adding that the government would seek to maintain high standards in so doing."

And see: [**Brexit and GDPR**](#) (Law Gazette, link)

37. [**Spain: Anti-torture Committee issues report on police detention and prisons in Catalonia**](#) (CoE, link):

"Strasbourg, 04.02.2020 – In a report published today on a visit to the autonomous community of Catalonia in Spain in 2018, the Council of Europe's anti-torture committee (CPT) expresses concern about some allegations of ill-treatment received from persons apprehended by Mossos d'Esquadra and from inmates held in special closed regime departments in prisons, notably in Brians 1. The CPT calls on the authorities to abolish the use of fixation of agitated prisoners to beds with straps. With regard to women prisoners, the report acknowledges the good health care services they are provided but underlines the need for improvements to address their specific needs.

Although the vast majority of persons met by the CPT's delegation stated that they had been treated correctly when detained by Mossos d'Esquadra officers, a number of allegations of physical ill-treatment were received. The alleged ill-treatment consisted mainly of kicks and punches to the head and body and blows with truncheons to the body of detained persons, usually at the moment of their apprehension."

See: [**Report to the Spanish government on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment**](#) (CPT) (pdf) and: [**Response of the Spanish government**](#) (pdf)

38. [**French police clear last refugee camp in Paris**](#) (Al Jazeera, link):

"French police have cleared the last refugee tent camp in northeastern Paris, moving 427 people to shelters as part of a plan to take migrants off the streets.

The group, which included four women, were living in 266 tents and makeshift shelters in a canal-side camp "strewn with waste and refuse, overrun by rats and giving off a pestilent and foul-smelling odour of urine and excrement", according to the authorities."

39. [**Frontex's History of Handling Abuse Evidence Dogs Balkan Expansion**](#) (Balkan Insight, link):

"Internal documents reviewed by BIRN show that the head of Frontex rejected a recommendation in 2016 from the agency's own compliance watchdog to suspend operations on the Hungarian-Serbian border amid concerns of complicity in rights violations by Hungarian officers.

Among the reported acts of brutality: the use of batons, teargas and pepper spray on asylum seekers — including children — and violent "pushbacks" of refugees and migrants into northern Serbia.

Meanwhile, as Frontex expands its footprint into non-EU countries in Southeast Europe, critics say agreements between the agency and Western Balkan governments will allow Frontex staff to operate with a worrying level of impunity for any wrongdoing."

40. [**Italy's Failed Migration Fix Has Led to Chaos in Libya**](#) (Foreign Policy, link):

"ROME—Over three days in May 2017, the Italian secret service—masquerading as a humanitarian nongovernmental organization—summoned to Rome two dozen delegates from the southern edge of the Sahara desert. The pretext was to promote a peace deal for their war-torn region; the real goal was to bring them on board with an Italian plan to curb migration.

The details of the meetings, published here for the first time, expose the pitfalls of a foreign policy that conflates peace and development with migration control. This was just one piece of a wider set of European initiatives with similar features, now widely regarded as a failure by analysts and policymakers. In Libya, they contributed to igniting a humanitarian catastrophe."

41. [**European complicity in CIA torture in 'black sites'**](#) (Amnesty, link):

"James Mitchell looked almost wistful as he described the various ways he had tortured some of the men sitting across from him. In front of a packed courtroom at the Guantánamo detention facility, Mitchell recalled waterboarding 9/11 defendant Khalid Sheikh Mohammed dozens of times, and "walling" detainees by slamming them repeatedly into a wall. He described subjecting detainees to days of standing sleep deprivation, slapping, screaming and cursing at them; and threatening to slit the throat of one defendant's son.

This gruesome testimony was part of the evidence given by Mitchell at pre-trial hearings for five men due to go on trial in over the 9/11 attacks... They argue that the FBI cooperated in CIA interrogations and any statements to its agents are tainted by torture. (...)

Amnesty has repeatedly said that detainees at Guantánamo should be given fair trials in US federal courts or released – Guantánamo's military tribunals do not meet international fair trial standards.

But this renewed spotlight on Guantánamo is also an opportunity to hold to account the US's European friends which hosted key black sites, helped to "disappear" detainees, and facilitated torture and ill-treatment. The fact that they watch the proceedings at Guantánamo from afar – unscathed and unaccountable – is also an outrage."

42. [**ECHR: Requirement to collect data to identify users of pre-paid SIM cards did not violate the right to privacy**](#) (pdf):

"In today's Chamber judgment in the case of Breyer v. Germany (application no. 50001/12) the European Court of Human Rights held, by six votes to one, that there had been: no violation of Article 8 (right to respect for private and family life) of the European Convention on Human Rights.

The case concerned the storage of pre-paid SIM card users' data by telecommunications companies.

The Court found in particular that collecting the applicants' names and addresses as users of pre-paid SIM cards had amounted to a limited interference with their rights. The law in question had additional safeguards while people could also turn to independent data supervision bodies to review authorities' data requests and seek legal redress if necessary.

Germany had not overstepped the limits of its discretion ("margin of appreciation") in applying the law concerned and there had been no violation of the applicants' rights by the collection of the data."

Judgment: [**Breyer v Germany**](#) (application no. 50001/12, pdf)

43. [**German authorities improve face recognition**](#) (Matthias Monroy, link):

"Last week, the German Federal Minister of the Interior Horst Seehofer surprisingly moved away from plans to expand facial recognition in public spaces. He had demanded that the use of so-called intelligent video surveillance be anchored in the Federal Police Law. In the current draft of the new law, the topic is now excluded. However, it is questionable whether this really means a renunciation of the technology. The Ministry is of the opinion that § 27 of the Federal Police Act allows the automatic evaluation of camera images anyway. It states that the Federal Police may „use automatic image recording and image capturing devices“. Actually, this meant automatic continuous operation and remote control of video cameras. In the legal literature, it is therefore disputed whether the analysis of images using algorithms or artificial intelligence is covered by this."

44. [**Greece: Nationality-based Detention in the Moria Refugee Camp**](#) (ECRE, link):

"The NGO HIAS recently published a policy brief entitled 'Locked Up Without Rights' concerning the legal framework regulating the detention of asylum seekers in Greece and the use of automatic detention of single males based on their nationality.

The policy of automatic detention identifies single men arriving from "low profile" countries to be detained in pre-removal detention centres in the Moria camp on the Greek island of Lesvos. It is thus used to provide for the speedy return of third country nationals who are identified as having arrived from "safe" countries. HIAS notes that the procedure lacks sufficient legal reasoning and fails to consider the potential vulnerability of those seeking international protection. Moreover, detained individuals are not informed of the reasons for their detention and do not have access to legal assistance."

45. [**Shots Fired, Arrests and Violent Push Back Reported at the Serbian Hungarian Border**](#) (ECRE, link):

"Warning shots were fired by a border guard on January 28 when a group of 60 people tried to enter Hungary from Serbia through the Röszke crossing. Witnesses reported violence by the Hungarian police during push back operations and Serbian police states that they made 37 arrests of people trying to "cross the frontier illegally".

Hungarian Police reports on the incident at the Röszke crossing that three warning shots were fired by a border guard into the air causing no casualties "after which most of the group ran back into Serbia, while police reinforcements arrived". Four men who ran 65 meters into the Hungarian border zone were arrested after police had sealed off the area."

See also: [**The migrants are coming, the migrants are coming!**](#) (Hungarian Spectrum, link)

46. EU: [**European Commission 2020 Work Programme: An ambitious roadmap for a Union that strives for more**](#) (press release, link):

"Today the European Commission adopted its 2020 Work Programme. It sets out the actions the Commission will take in 2020 to turn the Political Guidelines of President von der Leyen into tangible benefits for European citizens, businesses and society. The driving force behind this first Work Programme is to successfully grasp the opportunities that the twin ecological and digital transitions will bring."

See: [**Annex I: New initiatives**](#) (pdf)

47. NORTHERN IRELAND: [**Rights watchdog will be ‘unable to fulfil duties’ if funding cuts continue**](#) (Irish Legal News, link):

"The Northern Ireland Human Rights Commission (NIHRC) will be "unable to fulfil its duties" if funding cuts continue, its chief commissioner has warned.

The rights watchdog is funded by the UK government through the Northern Ireland Office (NIO), but has seen its budget slashed by nearly 50 per cent in a decade.

Chief commissioner Les Allamby and chief executive Dr David Russell met yesterday with newly-elected Finance Minister Conor Murphy, who has pressed the NIO to address the issue."

48. [**NGO rescue boats do not receive Frontex alerts**](#) (EUobserver, link):

"The NGO rescue boat Sea-Watch says it does not receive any alerts of maritime distress from the EU's border agency Frontex, whenever the agency spots people in trouble in the Mediterranean.

"Frontex would not alert civil rescue ships like Sea-Watch of any distress cases they find, as they know we would then take people to a safe port in Europe," a spokesperson from the charity told EUobserver, in an email."

49. [**EU aid increasingly taken hostage by migration politics**](#) (Oxfam, link):

"EU development aid is increasingly being spent to close borders, stifle migration and push for returns of migrants to Africa, reveals new research published by Oxfam today. This approach is hurting the EU's diplomatic standing and diverting aid from its true purpose of helping those in need, sometimes even worsening the situation of the people it should support.

*The report, '[**EU Trust Fund for Africa: Trapped between aid policy and migration politics**](#)', shows how development funds under the EU Trust Fund for Africa (EUTF) are increasingly tied to the domestic policy priorities of EU member states to curb migration, with over a billion euros allocated for this purpose. In contrast, just €56m is allocated to fund regular migration schemes, representing less than 1.5% of the total worth of the EUTF for Africa."*

50. [**Brexit and its consequences for cooperation in criminal matters**](#) (European Law Blog, link):

"On January 31st, 2020, the United Kingdom withdrew from the European Union, and their mutual relationship entered in a phase of transition. After 47 years of membership, the withdrawal led to a series of changes in various policy areas, in which the UK, as an EU Member State, cooperated with its counterparts. This notably concerns police and judicial cooperation in criminal matters, and the consequences of Brexit in this particular field will be our focus."

51. [**Spain Continued to Fail in Human Rights Protection in 2019**](#) (Liberties, link):

"Rights International Spain has released its annual report on human rights, with the reports and resolutions by international bodies about the human rights and civil liberties situation in the country.

Once again, the Spanish authorities have missed the opportunity to protect civil liberties and human rights in line with international standards."

52. NIGER: [**The European chase for Saharan smugglers**](#) (Privacy International, link):

"The wars on terror and migration have seen international funders sponsoring numerous border control missions across the Sahel region of Africa. Many of these rely on funds supposed to be reserved for development aid and lack vital transparency safeguards. After Europe's shady funds to border forces in the Sahel area and Niger's new biometric voting system, freelance journalist Giacomo

Zandonini looks at the attempts to dismantle smugglers networks in the region, powered by Europe's gifts of surveillance."

53. [**New yearly report on torture of asylum seekers by Croatian authorities at EU external borders**](#) (Border Violence Monitoring Network, link):

"Together with a number of NGOs such as Human Rights Watch, Are You Syrious / Centre for Peace Studies, and Amnesty International, the Border Violence Monitoring Network has been working to document illegal pushbacks and police violence along the EU's external borders in the Western Balkans since the formal closure of the route in 2017. While the existence of systematic illegal pushbacks along the Croatian and Hungarian borders with Serbia and Bosnia is evidenced extensively, this report focuses on the increasing violence that is applied to refugees and migrants under the framework of the Croatian case."

54. [**Climate refugees: The fabrication of a migration threat**](#) (Hein de Haas, link):

"In recent years, it has become popular to argue that climate change will lead to massive North-South movements of 'climate refugees'. Concerns about climate change-induced migration have emerged in the context of debates on global warming. Without any doubt, global warming is one of the most pressing issues facing humanity, and the lack of willingness of states and the international community to address it effectively – particularly through reducing of carbon emissions – is a valid source of major public concern and global protest.

However, to link this issue with the specter of mass migration is a dangerous practice based on myth rather than fact. The use of apocalyptic migration forecasts to support the case for urgent action on climate change is not only intellectually dishonest, but also puts the credibility of those using this argument - as well as the broader case for climate change action - seriously at risk."