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VIRUS COVERAGE

STATEWATCH ANALYSIS

1. Statewatch Analysis: **Mediterranean: As the fiction of a Libyan search and rescue zone begins to crumble, EU states use the coronavirus pandemic to declare themselves unsafe** (pdf) :

Events in the last fortnight provide further confirmation of the dishonesty and opportunism with which EU immigration policy is being advanced at both the national and EU levels, raising the need to pay close attention to state efforts to use a public health emergency to assert pre-existing strategies to subordinate human rights and the rule of law to strategic policy goals.

STATEWATCH NEWS

1. **Refugee crisis: latest news from across Europe** (21.4-11.5.20) including:

- Council considers action on "non-removable" irregular migrants
- Analysis: Rights denied during Greek asylum procedure suspension
- Refugees and European human rights law: Expelled from Humanity
- Analysis: As the fiction of a Libyan search and rescue zone begins to crumble, EU states use the coronavirus pandemic to declare themselves unsafe
- Leaving people behind - Proposals for reorganisation of Common European Asylum System

2. EU: **Council considers action on "non-removable" irregular migrants**

The Croatian Presidency of the Council has raised the prospect of EU measures to deal with "non-removable" irregular migrants - people who for a variety of reasons "end up in a situation of prolonged illegal stay, which can last for a number of years.

3. ITALY: **Ports closed to rescue ships: appeal to the Commissioner for Human Rights of the Council of Europe**

Object: To notify [the Commissioner] of the decree of 7 April 2020 issued by the Infrastructures and Transport Minister in concertation with the Foreign Affairs and International Cooperation Minister, the Interior Affairs Minister and the Health minister concerning denial of a place of safety (POS) to vessels that do not fly an Italian flag due to the Covid-19 emergency.

4. GREECE: **Documented Pushbacks from Centres on the Greek Mainland**

In response to the recent spike in pushbacks from Greece to Turkey, the Border Violence Monitoring Network, with members Mobile Info Team and Wave Thessaloniki , are releasing first hand testimony and photographic evidence indicating the existence of violent collective expulsions. In the space of six weeks, the teams received reports of 194 people removed and pushed back into Turkey from the refugee camp in Diavata and the Drama Paranesti Pre-removal Detention Centre.

NEWS

1. **UK Supreme Court quashes Adams' Long Kesh escape convictions** (rte.ie, link):

"The UK's highest court has said Gerry Adams was imprisoned illegally by the British government when he was interned without trial in the early 1970s.

The Supreme Court has quashed his two convictions for trying to escape from Long Kesh Prison.

Lawyers for the former Sinn Féin President had argued that those convictions were unlawful as his detention was unlawful.

They said his detention order was flawed because it had not been "personally considered" by the Secretary of State for Northern Ireland in accordance regulations at the time.

In a judgment this morning, five judges, led by the former Lord Chief Justice of Northern Ireland Brian Kerr, agreed."

Summary of judgment: **Press release** (link) and **Full judgment** (link)

2. **Brexit will mean checks on goods crossing Irish Sea, government admits - Ministers' letter confirms border control posts at ports of Belfast, Warrenpoint and Larne** (Guardian, link):

"The government has privately conceded there will be post-Brexit checks on goods crossing the Irish Sea, months after Boris Johnson insisted there would be no such trade barriers.

In a letter to the executive office in Stormont the government confirmed there would be border control posts in three ports, Belfast, Warrenpoint and Larne.

Declan Kearney, one of the two junior ministers in the executive office, the regional equivalent of the Cabinet Office in London, confirmed the details at a select committee session in Belfast on Wednesday."

3. European Parliament: Civil Liberties Committee: LIBE: **REPORT on the draft Council implementing decision on the launch of automated data exchange with regard to dactyloscopic data in the United Kingdom** (pdf):

"having regard to the Council draft (14247/2019), (...)

Rejects the Council draft"

4. **Greek Council for Refugees denounces rights violation from the new law on the asylum, meanwhile the law has already been voted at the Greek Parlement** (link):

"The Greek Council for Refugees (GCR) expresses its deeep concern over the new draft law that inter alia amends asylum legislation[1], which was submitted for public consultation amidst a public health crisis, at a time when the main concern is the protection of asylum seekers and the entire population from the risks and effects of the pandemic, and while concerns for asylum seekers who remain in overcrowded sites and/or in administrative detention in the midst of the pandemic are increasing."

5. GREECE: **Analysis: Rights denied during Greek asylum procedure suspension** (RSA, link):

"*The Decree ceased to produce legal effects at the end of March 2020. However, it has had highly damaging effects on a significant number of people in need of protection. According to UNHCR statistics, 2,927 persons entered Greece via land and sea in the course of that month.[6] These persons were automatically and arbitrarily placed in detention under abhorrent conditions and continue to remain in closed facilities without effective judicial protection, despite ultimately being allowed to express the intention to lodge an asylum application with the Asylum Service. Asylum applications have not yet been registered, however. Harm from inhuman detention conditions is compounded by serious, even life-threatening, health risks stemming from the outbreak of the COVID-19 pandemic which have regrettably not led to a reconsideration of detention policy in Greece.*

In this Legal Note, Refugee Support Aegean (RSA) examines the administrative treatment and policy of detention applied to persons falling within the scope of the Decree, the conditions in which they have been detained and the response adopted thus far from the different fora approached by individuals in search of judicial redress at domestic and European level."

6. EU-UK: **MEPs take stand against UK fingerprint data exchange scheme** (EurActiv, link):

"*Lawmakers in the European Parliaments Civil Liberties committee have signalled their disapproval at the UKs participation in a fingerprint data exchange scheme with EU member states after the countrys decision to withdraw from the bloc.*

MEPs backed a report on Thursday afternoon (7 May) recommending that Parliament reject EU plans to grant the UK access to a sharing mechanism for fingerprint data, the 2005 Prüm treaty, which outlines rules for police cooperation between EU member states in the field of information exchange.

The move gives a strong signal to the European Parliament, who will vote on the Civil Liberties report in next weeks plenary session, as part of a non-binding vote."

See: **UK to join police fingerprint database network, but other member states want broader data access** (November 2019)

7. **Migrants sue German state over mobile phone searches** (InfoMigrants, link):

"*In Germany, three migrants from Syria, Afghanistan and Cameroon are suing the state for accessing personal data on their mobile phones. A civil rights group taking part in the action says the phone searches are a serious invasion of privacy.*

...Under a law passed in 2017, German authorities can examine the mobile phones of asylum seekers who are unable to present a valid passport on arrival, in order to verify information provided regarding identity. But the GFF, which filed the lawsuits together with the three refugees, says this represents "a particularly serious and extensive encroachment on the privacy of those affected.""

8. Council of Europe: **Commissioner urges Malta to meet its obligations to save lives at sea, ensure prompt and safe disembarkation, and investigate allegations of delay or non-response to situations of distress** (link):

"*Noting that Libya cannot be considered a place of safety, the Commissioner calls on Maltas government to refrain from any action that would result in the return to and disembarkation in Libya of persons rescued or intercepted at sea. This also includes refraining from issuing instructions to private vessels to disembark rescued persons in Libya, and not handing over responsibility to the Libyan Coast Guard or related entities when the foreseeable consequence of this would be disembarkation in Libya. In addition, she urges the government to ensure full accountability for situations in which action by the Maltese authorities has directly or indirectly led to such returns.*"

See: **Reply from Robert Abela, Maltese prime minister** (pdf) and background: **Mediterranean: As the fiction of a Libyan search and rescue zone begins to crumble, EU states use the coronavirus pandemic to declare themselves unsafe** (pdf)

9. UK: **Manchester police refer Taser shooting of man with child to IOPC** (The Guardian, link):

"*A video of the incident, which happened at a petrol station in Stretford at approximately 11pm on Wednesday, shows Desmond Ziggy Mombeyarara, 34, being confronted by two GMP officers while carrying the boy.*

Shortly after he puts the child, who can be heard screaming Daddy throughout the footage, on the ground, the man is Tasered by one of the policemen.

He is then repeatedly shouted at to put his hands behind his back by the officer, while still incapacitated on the floor, and in the view of the young child."

And see: **GMP release new statement over incident where a man was tasered in front of a child at petrol station** (MEN, link)

10. FRANCE: **In Conversation: France's 'Black Lives Matter' Leader Assa Traoré is Still Fighting for Her Brother, Adama** (okayafrica, link):

"*On the day of his 24th birthday, July 19th 2016, Assa Traoré's brother Adama was asphyxiated to death in a gendarme station outside Paris. That's the official account, but Assa and her supporters say the evidence shows that the gendarmesmembers of the French national police forcehad crushed him during the chase and before entering the police station. Since then, Assa has been leading the fight to find out the truth about what happened to her brother, creating the "Justice for Adama" movement in the process. In a short amount of time, Assa has become a major figure against police brutality in France. She has found worldwide support from many activists and celebrities such as Angela Davis and Alice Walker.*"

11. **Fund but disregard: the EUs relationship to academic research on mobility** (Crisis, link):

"*The European Union funds extensive academic research with the potential to inform humane and effective border policies. Yet evidence-based immigration policy is undermined by the EUs increasingly repressive border regime. How do we make sense of this contradiction? And which transformations are needed to address it?*"

12. GREECE-ISRAEL: **Greece and Israel deal spotlight leasing model for military UAVs** (Defense News, link):

"*Greeces Hellenic Ministry of National Defense will lease unmanned aerial vehicles from Israel, in a deal that offers up an alternative to pricey acquisitions amid budgetary constraints.*

The Heron long endurance drones, manufactured by IAI, will be used for border defense under a leasing model that IAI said may grow more appealing with the new pandemic dynamics that countries face.

Executive vice president and general manager of AIAs Military Aircraft Group, Moshe Levy, praised the new deal with Greece as "yet another example of the successful leasing model promoted by IAI in many parts of the world.

Greece will have an option to purchase the Herons after the lease term ends in three years."

13. EU: **European Ombudsman: Annual Report 2019** (link):

"*Dealing with complaints remains the core business of the Ombudsmans Office. In 2019, we continued to receive a high number of complaints from members of the public, civil society, businesses and media. I believe that this should not be taken as a sign that the EU administration is performing poorly but, rather, as result of ever-increasing awareness of the work my Office does and the positive outcomes we can achieve.*"

14. EU: **Weekly Editorial: A Pact for an Inclusive Recovery?** (ECRE, link):

"*There is pressure on the EU from some political parties and Member States to publish the pending Pact on asylum and migration. But it is hard to see how the Pact can go ahead without integrating COVID-related developments, and that could take some time. If it is published without significant reference to the health emergency it will be panned. The Commission is also reluctant to repeat the tortuous process of launching proposals when there are fundamental disagreements among the Member States and despite the background negotiations and joint letters, it is not clear that conflicts on the key issues have been overcome...*

...Holding off and adapting the Pact to the new COVID world, is not the worst idea. It will only be worth it, though, if the updated version, builds on these small positive responses to the crisis and if it acknowledges the need to have effective policies in Europe rather than outsourcing responsibilities and people. Above all, it needs to embody a positive vision of asylum and migration AND back that up

with the necessary legal provisions, policies and funding decisions. Otherwise, a positive narrative will be coated onto the same restrictive practices that leave displaced people vulnerable to health crises and much else besides."

15. USA-ALBANIA: **Travel surveillance: Agreement Signed to Implement New PNR Law** (Albanian Daily News, link):

"*US Ambassador to Albania Yuri Kim and Minister of Interior Sander Lleshaj on Friday signed a memorandum of cooperation between the United States and Albania aimed at implementing Passenger Name Record (PNR) law and deepening US-Albanian law enforcement and counterterrorism cooperation.*"

16. **EU-USA JHA Officials meeting including "Racially-motivated violent extremism"**

The **EU-USA Justice and Home Affairs Senior Officials meeting on 5-6 March 2020** discussed some old and some new issues (LIMITE doc no 7083-20, pdf). Among the new issues is: "Racially-motivated violent extremism":

"***one of the greatest challenges for combatting this form of extremism is ensuring that actions perpetrated by right-wing/supremacist groups are designated as terrorist crimes.***"

17. **Press briefing note on Migrant rescues in the Mediterranean** (UNHCR, link):

"We are deeply concerned about recent reports of failure to assist and coordinated pushbacks of migrant boats in the central Mediterranean, which continues to be one of the deadliest migration routes in the world. Reports that Maltese authorities requested commercial ships to push boats with migrants in distress back to the high seas are of particular concern."

18. **Frontex expects fresh move of migrants toward Greek border, German report says** (DW, link):

"rontex expects a fresh wave of migrants seeking to cross the Turkish border into the European Union via Greece after Ankara lifts restrictions imposed to stop the spread of coronavirus, German newspaper Die Welt reported Friday citing an internal report of the blocs border agency.

According to the Frontex document, the easing of restrictions in the provinces of Canakkale, Istanbul and Izmir is expected to trigger large movements of migrants toward the Evros border, Die Welt said."

19. EU: Mejiers Committee report: **Note on steps to take towards the improvement of the transparency of Council decision making during the upcoming EU Presidency of the Federal Republic of Germany** (pdf)

Report calls for:

"1. Continue the experiment with wider **proactive disclosure of legislative documents** initiated by the 2019 Finnish Presidency
2. Lisbonise" **Regulation 1049/2001**
3. Finalise the one-stop shop **legislative observatory**
4. Further develop the Councils standing practice on the **proactive publication of contacts with lobbyists**
5. Promote greater coherence of **drafting, registration, and disclosure of Council documents**
6. Prepare the internal debate in the Council on **the legal definition of a document** adapted to new modes of communication."

20. European Parliament: **Draft Report with recommendations to the Commission on a framework of ethical aspects of artificial intelligence, robotics and related technologies (2020/2012(INL)) - Committee on Legal Affairs - Rapporteur: Ibán García del Blanco** (link):

"declares that the development, deployment and use of artificial intelligence, robotics and related technologies, including but not exclusively by human beings, should always respect human agency and oversight, as well as allow the retrieval of human control at any time"

21. **Two new incidents of shots at Evros border reported** (ekathimerini.com,link):

"Greek authorities have reported two new incidents in less than 24 hours of shots being fired in the air by Turkish guards on the Evros River border with Greece, in the northeast."

22. **Hungarian government suspends EU data protection rights** (euractiv, link):

"*The Hungarian government has announced plans to suspend its obligation to certain protections laid out in EU data protection law until the current state of emergency period has been declared over."*

23. **Refugees and European human rights law: Expelled from Humanity** (Verfassungsblog, link):

"*The decision of the European Court of Human Rights in M.N. and Others v. Belgium will undoubtedly further propel the debate on the scope of extraterritorial state jurisdiction. More importantly, however, it reveals the necessity of addressing the systemic exclusion of refugees from the international legal order.*

...the Courts choice to not shake up the European asylum system does not come as a surprise.. [but it] gives new impetus to a conversation around the significance of the concept of jurisdiction and its interrelationship with the international political order.

...with its decision to disallow the application of the Convention to visa procedures, the Court not only disappointed those who see it as an unwavering defender of human rights. More importantly, it laid bare the naivety of believing in the universality of human rights in a world of disintegrating nation-states in 1939 as well as in 2020. Let us thus take the Courts decision as an opportunity to advance a conversation about overcoming the systemic exclusion of refugees from the international order."

24. ECtHR press release: **The European Convention on Human Rights does not apply to visa applications submitted to embassies and consulates** (pdf) and: **Judgment** (pdf)

25. UK: **Council of Europe anti-torture Committee publishes report on the United Kingdom** (CoE, link):

"*This targeted follow-up visit to England focussed on the persistently high levels of violence in the local male adult prisons and juvenile detention centres, as well as on broader concerns regarding regimes, the use of force, segregation and use of means of restraint... the CPT found that in 2019 the prison system remained in deep crisis; local male prisons visited remained violent, unsafe and overcrowded, with many inmates enduring restricted and isolating regimes and/or long periods of segregation... A similar state of crisis was also found in the two young offender institutions visited, notably at Feltham A.*"

See: **Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 13 to 23 May 2019** (pdf) and: **Government response** (pdf)

26. EU: **European Regulators Group for Audivisual Media Services: Assessment of the implementation of the Code of Practice on Disinformation** (pdf):

"...the Code has significant weaknesses that need to be addressed if it is to achieve its objectives.

Firstly, there is a need for greater transparency about how the signatories are implementing the Code...

Secondly, the measures of the Code are too general in terms of content and structure...

Thirdly, the number of signatories of the Code is limited..."

See: **Code of Practice on Disinformation** (European Commission, link)

27. **EASO publishes the COI report "Syria - Security situation"** (EASO, link):

"*Today, the European Asylum Support Office (EASO) published the 2020 update to the Country of Origin Information (COI) report "Syria - Security situation". This report is part of a series of Syria reports produced in 2019-2020. These reports cover actors of protection, internal mobility, key socio-economic indicators, and targeting of individuals. The reports provide information relevant for international protection status determination for Syrian applicants for international protection, and will be used in the development of a country guidance note on Syria.*"

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"*The decision of the European Court of Human Rights in M.N. and Others v. Belgium will undoubtedly further propel the debate on the scope of extraterritorial state jurisdiction. More importantly, however, it reveals the necessity of addressing the systemic exclusion of refugees from the international legal order.*

...the Court's choice to not 'shake up the European asylum system' does not come as a surprise.. [but it] gives new impetus to a conversation around the significance of the concept of jurisdiction and its interrelationship with the international political order.

...with its decision to disallow the application of the Convention to visa procedures, the Court not only disappointed those who see it as an unwavering defender of human rights. More importantly, it laid bare the naivety of believing in the universality of human rights in a world of disintegrating nation-states – in 1939 as well as in 2020. Let us thus take the Court's decision as an opportunity to advance a conversation about overcoming the systemic exclusion of refugees from the international order."

ECtHR press release: **The European Convention on Human Rights does not apply to visa applications submitted to embassies and consulates** (pdf) and: **Judgment** (pdf)

39. **Fatnassia camp is a time-bomb that threatens whole of North Africa** (euractiv, link):

"The ongoing armed conflict in Libya is going to push thousands of people, now asylum-seekers in Libyan camps, to escape towards the Southern border regions of Tunisia, Medenine and Tataouine, writes Mourad Teyeb."

40. **Greece transfers nearly 400 migrants from Lesbos island to mainland** (New Europe, link):

"Nearly 37,000 people are currently hosted in camps on the Greek islands, while Lesbos alone accommodates almost 19,000 people in a space designed for about 3,000."

VIRUS COVERAGE

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Events in the last fortnight provide further confirmation of the dishonesty and opportunism with which EU immigration policy is being advanced at both the national and EU levels, raising the need to pay close attention to state efforts to use a public health emergency to assert pre-existing strategies to subordinate human rights and the rule of law to strategic policy goals.

2. **Screen New Deal: Under Cover of Mass Death, Andrew Cuomo Calls in the Billionaires to Build a High-Tech Dystopia** (The Intercept, link) by Naomi Klein:

"*Its a future in which our homes are never again exclusively personal spaces but are also, via high-speed digital connectivity, our schools, our doctors offices, our gyms, and, if determined by the state, our jails.*" (...)

"*We face real and hard choices between investing in humans and investing in technology. Because the brutal truth is that, as it stands, we are very unlikely to do both.*"

3. **Time to Change: Coronavirus and Refugees on Samos Island** (Samos Chronicles, link):

"*The global coronavirus pandemic is affecting every aspect of human life on earth. The challenge is awesome in its scale and scope.*

To date we have no cases of the virus on Samos. But still its impact on life here is huge with businesses and schools closed, the tourist industry completely stalled, and deeply engrained social activities such as drinking coffee and church going prohibited. All this is further compounded for as common with much of Greece, Samos has not come through the social and economic crisis that has crippled so many here for the past 12 years.

It is only access to gardens and land on the island with islanders growing and producing food for themselves and their families and neighbours that has kept hunger at bay for many here. (Not all are so fortunate). The loss of any income, however small, is a disaster."

4. **Google and Apple ban location tracking in their contact tracing apps** (MIT Technology Review, link):

"*Apple and Google have announced that their coronavirus tracing technology will ban the use of location tracking. The announcement could create potential complications for some apps that planned to use the two companies system for notifying people of potential exposure to covid-19.*"

5. EU: **The impact of COVID-19 on judicial cooperation in criminal matters - Executive summary by Eurojust of collected information** (Council document 7693/20, 30 April 2020, pdf):

"*The measures taken at the national level to combat the spread of the coronavirus (COVID-19) are having a significant impact on judicial cooperation in criminal matters in the European Union.*

...The present document summarizes the main practical and legal issues identified from an analysis of the replies included in the most recent version of the compilation (Council doc. WK 3472/2020 REV 3) on the following topics:

" Framework Decision 2002/584/JHA on the European Arrest Warrant;
" Extradition from/to third States;
" Directive 2014/41/EU on the European Investigation Order;
" Mutual legal assistance in criminal matters;
" Framework Decision 2008/909/JHA on the transfer of sentenced persons;
" Framework Decision 2003/577/JHA on freezing orders;
" Framework Decision 2006/783/JHA on confiscation orders;
" Framework Decision 2002/465/JHA on Joint Investigation Teams."

6. UK: **Covid-19 and European prison population changes** (CCJS, link):

"*How do European states compare with England and Wales?*

Our latest infographics illustrate prison population changes across Europe in response to Covid-19.

England and wales are leagues behind other European states in reducing the prison population to manage Covid-19. The government is relying on temporary measures like makeshift single-occupancy cells, re-opening prisons and a drop in judicial activity to halt the spread of the virus. These are likely to cause other problems and also prevent the wiggle room needed to prevent future outbreaks."

7. **COVID 19 and States of Emergency: Dissecting Covid-19 Derogations** (Verfassungsblog, link):

"*Does the pandemic require derogation from human rights treaties? This question has sparked significant debate, notably spurred by Alan Greenes provocative argument that failing to derogate would denature ordinary human rights law and leave the start and end points of the crisis unclear. Others disagree: Scheinin argues the principle of normalcy, contained in General Comment 29, should continue to apply. Only where ordinary human rights provide inadequate flexibility should derogation be considered, and even then the principle should continue to limit the derogations...*

This post seeks to complement this debate in two ways. First, it will summarise the state practice during this crisis, mapping the derogations to date from European, American and international human rights systems (I). Second, it will draw some tentative conclusions from this practice (II)."

8. **UK to blame hard Brexit on COVID-19, warns EU trade chief** (euractiv, link):

"*The United Kingdom is preparing to walk away from trade talks with the EU and blame the impasse on the coronavirus pandemic, EU Trade Commissioner Phil Hogan said on Thursday (7 May).*"

9. **MEPs to discuss the use of personal data in the fight against COVID-19** (link):

"*he Civil Liberties Committee will discuss the use and protection of personal data in managing COVID-19, including smartphone apps, with EU data protection experts.(...)*

*In a plenary resolution adopted on 17 April, the **Parliament stressed,** regarding contact-tracing apps, that national and EU authorities must fully comply with data protection and privacy legislation and that mobile location data can only be processed in compliance with the ePrivacy Directive and the GDPR.*"

10. **EU condemns attacks on press freedom during COVID-19 crisis** (DW, link):

"*Ahead of World Press Freedom Day, Germany's foreign minister said independent journalism is being weakened during the coronavirus pandemic. The EU also warned that media freedom is under threat in several countries.*"

11. **Coronavirus France: Cameras to monitor masks and social distancing** (BBC News, link):

"*Video surveillance cameras in France will monitor how many people are wearing masks and their compliance with social distancing when the coronavirus lockdown is eased next week.*

The resort city of Cannes on the Côte d'Azur has trialled the monitoring software, installed at outdoor markets and on buses."

12. **Behind medical masks, democracy is being suffocated** (euractiv, link):

"In the midst of its EU Council presidency, Croatia turned to the UAE and China for medical help, forgetting its current leadership role as the presiding country that should spur member states into coordinated action, writes Oriana Ivkovic Novokmet."

13. **Bosnia and Herzegovina: Security Minister Plans to Deport Thousands of People Amid Corona Crisis** (ECRE, link):

"*On April 23, the security minister of Bosnia and Herzegovina (BiH) proposed to forcibly deport migrants out of the country in the midst of the Coronavirus outbreak. The initiative follows a decision on April 16 by the Council of Ministers of BiH on the Restriction of Movement and Stay of Foreigners challenged by the Legal Aid Network Vaaa prava BiH.*"

14. EU: Europol: **Beyond the pandemic - What will the criminal landscape look like after COVID-19?** (press release, link):

"*Based   on criminal information from investigations in the Member States, Europol is assessing the impact of the pandemic across three phases; current, mid- and long-term phase. The report anticipates developments across the threat landscape that will have an operational impact on law enforcement authorities across Europe. Europol also identifies five key factors that influence organised crime during and after the pandemic.*

 Anticipating the long-term impact of the pandemic on serious and organised crime in the EU is difficult. However, Europol can look to previous moments of crisis, such as the economic crisis of 2007 and 2008, and how these unfolded in terms of security threats to anticipate general developments."

Full report: **Beyond the Pandemic** (pdf)

15. **EU shores up Libyan coast guard amid Covid-19 scare** (EUobserver, link):

"*The European Union is reshuffling budgets to further shore up Libya's coast guard and the fight against the Covid-19 pandemic.*

The money talks, held among EU foreign ministers earlier this week, comes amid a sharp spike in violence in the country.

Although figures are still being finalised, an EU official familiar with the talks provided a basic and partial breakdown of what is set to be around ¬100m."

See also: **Commission, experts call for code of conduct on migrant sea rescues** (EurActiv, link) and: **Stop cooperation with and funding to the Libyan coastguard, MEPs ask** (European Parliament, link)

16. UK: **NHS staff coronavirus inquests told not to look at PPE shortages** (The Guardian, link):

"*Inquests into coronavirus deaths among NHS workers should avoid examining systemic failures in provision of personal protective equipment (PPE), coroners have been told, in a move described by Labour as very worrying.*

The chief coroner for England and Wales, Mark Lucraft QC, has issued guidance that an inquest would not be a satisfactory means of deciding whether adequate general policies and arrangements were in place for provision of PPE to healthcare workers."

Northern Ireland: **Coroners should be allowed to investigate PPE failures** (Irish Legal News, link)

17. Council of the EU: **Informal videoconference of Ministers of Home Affairs on 28 April 2020: COVID-19 - Presidency discussion paper** (WK 3875/2020, pdf) covering:

1. External and internal border controls
2. Asylum, return and resettlement
3. Prevention of COVID-19 spread
4. Internal security
5. Conclusion

Summary of the meeting: **Comprehensive coordination among EU Member States - the key to success** (EU2020HR, link)

18. **Spain: Concerns as Penal Code used to criminalise jokes and misinformation about coronavirus** (Article 19, link):

" ARTICLE 19 is concerned about the use of Spain's Penal Code against people who have shared and created false information and jokes about coronavirus online. Misinformation about coronavirus is a significant challenge for all governments that should be taken seriously. However, attempts to address misinformation must not be at the expense of freedom of expression. Criminal prosecutions should be the last resort, reserved for the most serious speech related crimes. Instead, governments should tackle misinformation by being transparent about their responses to the pandemic, encouraging the sharing of verified information and promoting media freedom."

19. UK: **Statement: COVID-19 and the basics of democratic governance** (Nuffield Council on Bioethics, link):

"*The UK Government's communication with the public has been admirably clear and simple: stay home. But it has been one-dimensional and one directional, whilst the challenges presented by COVID-19 are multiple, and they are far from simple.*

They entail ethical questions about how we balance different interests (e.g. individual and collective; economic and social) and different risks (e.g. of COVID infection, and of poor health associated with poverty and isolation); of what and who we should prioritise when it comes to the crunch (e.g. COVID-19 over other health needs; the young, the elderly or key workers?); about who bears responsibilities for supporting those in need (Government, industry, communities, individuals)...

These are critically important issues that affect many people – indeed everybody - in many ways and we need to talk about them, together. And yet the Westminster Government does not seem to want to engage or take on board other views on any of these issues; nor is it evident that they are thinking about them, or taking advice on them from a social and ethical perspective."

20. EU: **Monitoring being pitched to fight Covid-19 was tested on refugees - The pandemic has given a boost to controversial data-driven initiatives to track population movements** (TBIJ, link):

"*In Italy, social media monitoring companies have been scouring Instagram to see who's breaking the nationwide lockdown. In Israel, the government has made plans to "sift through geolocation data" collected by the Shin Bet intelligence agency and text people who have been in contact with an infected person. And in the UK, the government has asked mobile operators to share phone users' aggregate location data to "help to predict broadly how the virus might move".*

These efforts are just the most visible tip of a rapidly evolving industry combining the exploitation of data from the internet and mobile phones and the increasing number of sensors embedded on Earth and in space. Data scientists are intrigued by the new possibilities for behavioural prediction that such data offers. But they are also coming to terms with the complexity of actually using these data sets, and the ethical and practical problems that lurk within them."

21. Better late than never? **Two weeks' quarantine if travelling to UK under plans for 'second phase' of coronavirus response - Plan would apply to Britons returning and foreigners arriving at airports and ports** (Sunday Telegraph, link):

"Passengers arriving at British airports and ports will be placed in quarantine for up to a fortnight, under plans for the "second phase" of the Government's response to the coronavirus pandemic.

Officials are drawing up a scheme that mirrors the 14-day "stay home" notices currently issued to Singaporean citizens returning to their country from abroad. It could be rolled out as early as next month, and include large fines for those who fail to remain at the address given to authorities as their place of isolation."

22. Germany extends internal border controls due to coronavirus and "reasons of migration and security policy"**: Letter from Horst Seehofer to EU** (pdf):

"I find myself obliged to extend the temporary border control at internal land and air borders with Austria, Switzerland, France, Luxembourg, Denmark, Italy and Spain, as well as the sea border with Denmark, effective from 15 April 2020 for an additional period of 20 days...

Apart from this, for reasons of migration and security policy, it would be too early to end the temporary internal border checks along the German-Austrian land border already on 11 May 2020. The decline in the number of illegal entries at the German- Austrian land border must not obscure the highly fragile situation at the Turkish- Greek border and the ongoing considerable potential for illegal migration along the Balkan route. On the basis of Articles 25 to 27 of the Schengen Borders Code, I have therefore ordered the temporary reintroduction of internal border control at the German-Austrian land border for a six-month period beginning 12 May 2020."

See: **Temporary Reintroduction of Border Control** (EC, link)

23. **Coronavirus further threatening media freedom, says Reporters Without Borders** (BBC News, link):

"The coronavirus pandemic is further threatening media freedom worldwide, according to the annual World Press Freedom Index.

Compiled by Reporters Without Borders, the 180-country index notes a correlation between a country's ranking and its response to the pandemic.

Both China at 177 and Iran, which dropped three places to 173, censored their coronavirus outbreaks. Norway again topped the index while North Korea came in last."

24 BELGIUM: **100 Belgian academics warn government: urgent debate needed on the corona app** (pdf):

"China, Israel, Russia, South Korea, Singapore and Taiwan already started using a specific type of technology in the fight against the coronavirus: the so-called "corona app". In the meantime, this idea has also reached our region. Many of our neighboring countries are already making plans to create such an app and the European Commission has written a recommendation about it. In our country, numerous companies have submitted proposals for an app to Minister Philippe De Backer. Similarly, virologist Marc Van Ranst (member of the governmental expert group on the virus) recently mentioned that Belgium is not far removed from implementing such a technology.

...we hereby appeal to the competent Belgian authorities: be careful with the corona app! Such an app faces not only legal, but also ethical, social, political and technical problems (both in the case of voluntary and mandatory implementation)."

25. **By surrendering to autocracy in the fight against COVID-19, Hungary poisons European ideals** (euractiv, link):

"The EU must swiftly propose and adopt sanctions against the latest 'democratic backsliding' by the Hungarian government, say leading European politicians, media and civil society leaders in an open

letter whose signatories include former Commission President Jean-Claude Juncker, philosopher Bernard-Henri Lévy, and EURACTIV founder Christophe Leclercq."

26 **European Commission: COVID-19: Guidance on the implementation of relevant EU provisions in the area of asylum and return procedures and on resettlement** (COM q2516, 2020,pdf);

"The pandemic has direct consequences on the way EU asylum and return rules are being implemented by Member States and a disruptive effect on resettlement. The Commission fully acknowledges the difficulties that in the current context Member States face when implementing relevant EU rules in this regard. Any measure taken in the area of asylum, resettlement and return should also take full account of the health protection measures introduced by the Member States on their territories to prevent and contain the spread of COVID-19."

27. "**Protecting Digital Research Even More Crucial During Covid-19** (HRW, link):

"*Government, Company Restrictions Imperil Open Access to Human Rights Information (...)*

Private companies are also making decisions that will likely limit access to human rights material. Last month, the major social media platforms put thousands of third-party content moderators on paid leave, saying they could not perform their sensitive work remotely.

In their place, untested and opaque artificial intelligence technologies now have an outsized role in determining what content stays online and what gets removed, and users have a drastically reduced ability to appeal decisions."

28. European Commission: **Coronavirus: Guidance to ensure full data protection standards of apps fighting the pandemic** (link):

*"Today, the European Commission has published **guidance** on the development of new apps that support the fight against coronavirus in relation to data protection. The development of such apps and their take up by citizens can have a significant impact on the treatment of the virus and can play an important role in the strategy to lift containment measures, complementing other measures like increased testing capacities. It is important, however, to ensure that EU citizens can fully trust such innovative digital solutions and can embrace them without fear."*

See also: **Coronavirus triggers soul-searching on privacy in Germany - Experts warn that decades-old standards could suffer lasting damage as the country tackles the pandemic** (politico, liink). and: '**Major security and privacy issues' in using location data for COVID-19 apps, Commission says** (euractiv. link)

29. **MEPs say data and AI can help ease lockdown measures** (New Europe, link):

"MEPs suggested on Thursday the use of new technologies to help member-states confront the technical and organisational challenges that will arise in societies, once the Covid-19 pandemic is contained.

"In order to overcome this unprecedented crisis, we must test new solutions and make use of innovation and research," said Christian Bu?oi, Chair of the Industry, Research and Energy Committee (ITRE) in the European Parliament.

The move followed the European Commission's proposal on Wednesday to use mobile applications to enable citizens implement more effective and targeted social distancing measures and to provide early warning, prevention and contact tracing amid the Covid-19 pandemic."

30 **I'm a public health expert. I know the hostile environment is making the coronavirus outbreak far worse** (Independent, link):

"Like many unthinkable fiscal strategies brought forward by the chancellor in the past month, addressing structural inequities is now essential to fight this pandemic."

31. **Growth in surveillance may be hard to scale back after pandemic, experts say** (Guardian, link):

"Coronavirus crisis has led to billions of people around the world facing enhanced monitoring."

32. **Italy, democracy and COVID-19** (TNI, link):

"The crisis triggered by COVID-19 is challenging the very meaning of coexistence and cohabitation and redesigning the boundaries of public space in an absolutely unprecedented way, with unpredictable results."

33. **The Coronavirus Crisis-Law in Greece: A (Constitutional) Matter of Life and Death** (verfassungsblog.de, link):

"Each time a crisis emerges, the law is entitled to seize the exceptional moment and contain it, within the limits of democracy and the rule of law. Legal normality, as a vague standard, is usually redefined by the legislator and the courts and rapidly adjusted to reality.

The constitutional value of public interest comes into conflict with civil liberties and scholars begin to question the law. The saga of the (Greek) coronavirus crisis-law is, like everywhere, utterly reduced to the proportionality of the exceptional measures of the (Greek) State, but its moral and political implications seem far broader and ambiguous."

34. **Is the 'war on Covid-19' morphing into a war on the poor?** (IRR News, link):

"The pandemic is revealing the ways in which global health outcomes are shaped by race, class and indigeneity.(...)

History teaches us that inhumane police practices are quick to establish but hard to dismantle with long-term consequences for policing by consent within a democratic order."

35. CoE: **Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisisA toolkit for member states** (link):

"The toolkit is designed to help ensure that measures taken by member states during the current crisis remain proportional to the threat posed by the spread of the virus and are limited in time."

36. **Hungary: Law to fight coronavirus creates 'uncertainty' for journalists** (DW, link):

"These are turbulent times in Hungary, with a single political decision receiving massive international attention. It's not the first time Hungary has been in the headlines for government decrees that have raised eyebrows nationally and internationally. Prime Minister Viktor Orban has freely described his understanding of democracy as "illiberal," and refers to his decisions as "unorthodox.""

37. **Coronavirus: Call for single EU tracking app with data protection** (BBC News, link):

"Europe's data protection watchdog has called for a single coronavirus app to be used across the EU, instead of every country making its own.

Several countries are developing tracking apps, but privacy advocates warn of the dangers they might pose.

The European Data Protection Supervisor says a single EU app with strong data protection built in is the best solution to the coronavirus pandemic.

"We will not be able to solve it with national tools only," he warned."

38. **Ministers of justice stressed that any extraordinary measures should be in line with the fundamental values of the EU** (/eu2020.hr, link):

"At the initiative of the Minister of Justice, Mr Dražen Bošnjakovic, a video conference of the Ministers of Justice of the EU Member States was held. The European Commissioner for Justice, Mr Didier Reynders, also participated.

Representatives of the European Commission and Member States discussed the impact of the coronavirus pandemic on the judiciary. They also exchanged information on measures taken by Member State's governments to prevent its spread. "

39. CoE: **COVID-19 pandemic: urgent steps are needed to protect the rights of prisoners in Europe** (link):

"Convicted prisoners and persons on remand are among those most vulnerable to viral contagion as they are held in a high-risk environment: in general, detention facilities are not adapted to face large-scale epidemics, and the basic protective measures such as social distancing and hygiene rules cannot be observed as easily as outside, exposing prisoners to greater health risks.

Furthermore, in many European countries the pandemic strikes in a context of overcrowded prisons and poor detention conditions in cramped, collective cells, with unsatisfactory health services, as well as higher rates of infectious and chronic diseases among detainees, such as tuberculosis, diabetes and HIV.

Across Europe, a number of contaminations and some COVID 19-related deaths in prison have already been reported; tension in prisons has increased since the beginning of the pandemic crisis, leading to acts of protest (sometimes violent) in reaction to restrictions on visits or other activities."

40. EU: **The EU Integrated Political Crisis Response Arrangements: Operational Conclusions - IPCR Roundtable 25 March 2020 - COVID-19** (pdf):

"1. Speed up delivery of medical equipment

2. Increase repatriation of stranded citizens

*3. Art 222 TFEU [the '**solidarity clause**']"*

41. EU: **Love thy neighbour? Coronavirus politics and their impact on EU freedoms and rule of law in the Schengen Area** (CEPS, link to pdf):

"*Restrictions on international and intra-EU traffic of persons have been at the heart of the political responses to the coronavirus pandemic. Border controls and suspensions of entry and exist have been presented as key policy priorities to prevent the spread of the virus in the EU. These measures pose however fundamental questions as to the raison d'être of the Union, and the foundations of the Single Market, the Schengen system and European citizenship. They are also profoundly intrusive regarding the fundamental rights of individuals and in many cases derogate domestic and EU rule of law checks and balances over executive decisions*

This Paper examines the legality of cross-border mobility restrictions introduced in the name of COVID-19. It provides an in-depth typology and comprehensive assessment of measures including the reintroduction of internal border controls, restrictions of specific international traffic modes and

intra-EU and international 'travel bans'. Many of these have been adopted in combination with declarations of a 'state of emergency'."

42. **Racial injustice in the Covid-19 response - Covid-19 is disproportionately impacing BAME communities and we need urgent action** (Charity So White, link):

"*This live position paper provides an overview of the risks and impact of COVID-19 on racial inequalities within the UK. It outlines an urgent call to action, including specific recommendations for civil society and its funders, to put BAME communities at the heart of their response to ensure it addresses root issues and maximises impact. If you are working across any of the principles or issues we have highlighted, please let us know. You can contact us through **charitysowhite@gmail.com** and a member of our team will get back to you.*

*#CharitySoWhite are all volunteers and have published this paper for free to make it accessible to all. It has taken time and effort for our committee to bring this together. Make a **donation** when you have read this to recognise the value of our work and to be an ally to #CharitySoWhite.*

*You can read the executive summary below, and read the whole paper by following clicking the button below. Offline and accessible versions of the whole paper are available for download **here**.*"

43. UK: Covid-19 and immigration detention: **Home Office tries to lean on judges deciding immigration bail cases** (Free Movement, link):

"*The Home Office tried to put pressure on judges to stop releasing migrants from immigration detention, it has emerged.*

An official letter from the department to a top immigration judge said that the Home Office was "somewhat surprised" that judges had agreed to release so many people on immigration bail during the coronavirus crisis.

The astonishing attempt to interfere with the independence of the judiciary was rebuffed by First-tier President Michael Clements, who replied "we decide bail applications in accordance with the law"."

44. EU: **Joint statement on the principles of the rule of law in times of Covid-19** (German Foreign Office, link):

"*Statement by Belgium, Bulgaria, Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Portugal, Spain and Sweden*

In this unprecedented situation, it is legitimate that Member States adopt extraordinary measures to protect their citizens and overcome the crisis. We are however deeply concerned about the risk of violations of the principles of rule of law, democracy and fundamental rights arising from the adoption of certain emergency measures. Emergency measures should be limited to what is strictly necessary, should be proportionate and temporary in nature, subject to regular scrutiny, and respect the aforementioned principles and international law obligations. They should not restrict the freedom of expression or the freedom of the press. We need to jointly overcome this crisis and to jointly uphold our European principles and values on this path. We therefore support the European Commission initiative to monitor the emergency measures and their application to ensure the fundamental values of the Union are upheld, and invite the General Affairs Council to take up the matter when appropriate."

45. **From the « war against the virus » to the war against exiles : security responses to Covid-19 exacerbate violence at borders** (migreurop, link)

"*The Greek hotspots in which exiles are crammed without any protection of their rights or from the pandemic are an example of the precarization of their trajectories by the security policies of States. Migreurop denounces the violence inflicted onto exiles in the name of the "war against the virus", their*

unequal treatment with regard to the pandemic, and demands the immediate closure of all spaces of migrant detention in order to ensure their right to be protected."

46. **In lockdown: Migrants in France up against pandemic, police abuse** (DW, link):

"*For many migrants still camped out in Calais and Dunkirk, the coronavirus pandemic has exacerbated an already dire situation. Supermarkets are reportedly turning them away and the police are removing their tents.*"

47. **EU shores up Libyan coast guard amid Covid-19 scare** (EUobserver, link):

"*The European Union is reshuffling budgets to further shore up Libya's coast guard and the fight against the Covid-19 pandemic.*

The money talks, held among EU foreign ministers earlier this week, comes amid a sharp spike in violence in the country.

Although figures are still being finalised, an EU official familiar with the talks provided a basic and partial breakdown of what is set to be around €100m."

See also: **Commission, experts call for code of conduct on migrant sea rescues** (EurActiv, link) and: **Stop cooperation with and funding to the Libyan coastguard, MEPs ask** (European Parliament, link)

48. **Asylum seeker wins right to leave German centre over coronavirus rules** (Reuters, link):

"*A German court has ruled that an asylum seeker should be allowed to leave the holding centre where he was staying after he argued it was too crowded to respect coronavirus distancing rules, a decision refugee campaigners called "ground-breaking".*

The man, who was not named by the court, said he had to share a room of four square metres (43 square feet) with another person and had to share toilets, showers and a kitchen with 49 other residents.

This made it impossible for him to keep the required distance of 1.5 metres, he told the court in the eastern German city of Leipzig in Saxony."

49. **EU Member States Face Criticism and Legal Action for Compromising Rights of Asylum Seekers Through COVID-19 Measures** (ECRE, link):

"*The limitation of rights of asylum seekers in the context of measures to contain the coronavirus pandemic raises concern among international lawyers and civil society organisations.*

*International lawyers have expressed their concern over a decree by the Austrian Ministry of the Interior that limits the right to asylum by requiring every asylum seeker to provide a health certificate... While suspending Dublin procedures due to Corona-related risks, a measure welcomed by ECRE, Germany has come under criticism for suspending the Dublin transfer period... ECRE has compiled **a non-exhaustive list of measures** related to asylum and migration introduced in response to the COVID-19 health crisis in Europe.*"