



German government seeks criminalisation of sea rescue
New EU-Canada surveillance agreement sidelines parliament
EU-wide deportation decision in the works

And: Digital rights and the right to asylum; Videoconference identification for deportation procedures; Extensive round-up of news, analysis and reports from across Europe and beyond

German government seeks criminalisation of sea rescue

A planned amendment to the Residence Act in Germany has prompted more than 50 organisations to raise concerns about the potential criminalisation of sea rescue and humanitarian assistance. The proposed changes to Section 96 of the Residence Act, under the "Return Improvement Act," could result in non-profit organisations that support people on the move in border areas facing criminal prosecution.

Full story [here](#).

New EU-Canada surveillance agreement sidelines parliament

Six years ago, the Court of Justice struck down the EU's PNR agreement with Canada due to its lack of safeguards on data protection, non-discrimination and effective remedy for individuals. In 2019, a new draft agreement was shared by the Commission with the European Parliament, but no further amended version was communicated until the day negotiations were supposed to be finalised.

Full story [here](#).

EU-wide deportation decision in the works

The Spanish Council Presidency wants the EU to start designing legislation for a "European return decision," to ensure harmonised deportations procedures and practices across the bloc, and increase the number of third-country nationals removed from EU territory.

Full story [here](#).

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News and analysis

30 November

[Germany: Legal change could criminalise sea rescue and humanitarian assistance](#)

A planned amendment to the Residence Act in Germany has prompted more than 50 organisations to raise concerns about the potential criminalisation of sea rescue and humanitarian assistance. The proposed changes to Section 96 of the Residence Act, under the "Return Improvement Act," could result in non-profit organisations that support people on the move in border areas facing criminal prosecution.

24 November

[European Parliament sidelined in adoption of new travel surveillance agreement with Canada](#)

Six years ago, the Court of Justice struck down the EU's PNR agreement with Canada due to its lack of safeguards on data protection, non-discrimination and effective remedy for individuals. In 2019, a new draft agreement was shared by the Commission with the European Parliament, but no further amended version was communicated until yesterday, on the day negotiations are supposed to be finalised.

23 November

[Digital rights and the protection of the right to asylum in the Charter of the European Union](#)

The right to asylum, as delineated in Article 18 of the Charter of Fundamental Rights of the European Union (EU) ('the Charter'), does not grant the right to asylum to every individual seeking it. Instead, it articulates that everyone is entitled to have their application for international protection examined in line with international and EU law. This principle is reinforced by Article 19 of the Charter, which strictly prohibits collective expulsions and forbids the removal, expulsion or extradition of any person 'to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment'.

22 November

[Videoconference identification part of push to digitalize EU deportation procedures](#)

Non-EU states should agree to the use of videoconferences to confirm the identity of individuals facing deportation proceedings in EU member states, says an internal European Commission report obtained by Statewatch. This is one of several initiatives being pushed as part of the drive to increase deportations from the EU, alongside digital information exchange platforms and sanctions on visa issuance for nationals of states deemed to be insufficiently cooperative with removals from the EU.

20 November

[Deportations: "European return decision" in the works](#)

The Spanish Council Presidency wants the EU to start designing legislation for a "European return decision," to ensure harmonised deportations procedures and practices across the bloc, and increase the number of third-country nationals removed from EU territory.

Upcoming events

Online, 12 December

[Frontex in Third Countries: Monitors, Bystanders or Complicit?](#)

“The action of the European Border and Coast Guard Agency (Frontex) is currently under unprecedented examination for human rights violations at the EU’s borders. Nonetheless, its operations beyond EU borders remain scarcely scrutinised. A video by Tineke Strik, the rapporteur of the final report by the Frontex Scrutiny Working Group at the European Parliament, will introduce Frontex’s human rights compliance. The guest speaker, Mariana Gkliati, will address the different human rights risks and implications of Frontex operations in third countries, the accountability gaps in the current legal framework governing them, and some reflection on how to tackle them.”

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New material

[Asylum, immigration and borders](#)

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[Secrecy and transparency](#)

[Security and intelligence](#)

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Asylum, immigration and borders

Politico, 30 November

[Estonia could close Russian border in face of 'hybrid attack'](#)

"A dramatic surge in the number of migrants from Africa and the Middle East arriving on the EU's eastern frontier are part of a "blatant hybrid attack" orchestrated by Moscow, Estonia's foreign minister said, warning that crossings from Russia could be banned altogether."

InfoMigrants, 29 November

[Libya to deport 250 migrants as authorities ramp up deportations](#)

"Libya announced the deportations of almost 250 irregular migrants to Niger and Chad on Tuesday (November 28). The initiative is a rare example of the country's two rival governments working together."

InfoMigrants, 29 November

[EU Commission proposes new anti-smuggling laws](#)

"The bloc is seeking to crack down on criminal networks that profit from the trafficking of migrants with higher penalties and wider legal jurisdiction for smuggling-related crimes.

For serious crimes resulting in death, the maximum sentence would be increased from the current eight years to 15 under the new proposals."

IRPI, 29 November

[Serco, quando la detenzione diventa un business mondiale](#)

Serco, when detention becomes a global business. On a company that partners with governments outsourcing public services, also for migrant detention centres, and its next moves.

La Cimade, 29 November

[Expulser en toute illégalité, au mépris du droit](#)

“Un nouveau projet de loi s’apprête à durcir considérablement les conditions d’accueil et de vie des personnes étrangères en France tout en facilitant leurs expulsions au mépris de leurs droits. La Cimade s’alarme de ces mesures toujours plus punitives à leur égard, alors même que le cadre légal existant est déjà transgressé par les préfetures.”

A new bill will considerably worsen reception and living conditions for foreigners in France whilst facilitating expulsions, disregarding their rights.

Reuters, 27 November

[Niger junta repeals law aimed at slowing migration to Europe](#)

“Niger's junta has revoked an anti-migration law that had helped reduce the flow of West Africans to Europe but which was reviled by desert dwellers whose economies had long relied on the traffic, it said on Monday.”

Border Violence Monitoring Network, 27 November

[Understanding the New Pact: How the EU is abolishing the right to asylum](#)

Recording of a recent online event.

EU Law Analysis, 25 November

EU: **[Taking Rights Away Seriously: the Council's position on the long-term residents Directive](#)**

“Although the Commission and European Parliament seek to improve the legal status of long-term non-EU residents in the EU, the Council seeks to make them (on the whole) worse off, particularly in terms of getting EU long-term residence status in the first place. This is the position following the recent Council agreement on Member States’ position on the Commission proposal for a Directive on the issue, dating back to May 2022 (see also the European Parliament position from spring 2023), which would replace the current Directive on this issue dating from 2003 (that law was previously amended in 2010 to extend it to those with refugee or subsidiary protection status).”

The Guardian, 25 November

[Fivefold rise in number of EU citizens refused entry to UK since Brexit](#)

“In the first three quarters of 2019 just over 2,200 people from the EU were turned away at the border – compared with 11,600 in the first three quarters of 2023.”

The Globe and Mail, 24 November

[How the push for border security created an illegal-immigration surge](#)

“Half the world’s citizens will be voting in national elections in 2024, and it looks like a big share of those campaign battles – in Britain, the United States, the European Parliament, Pakistan, even Canada if an election happens next year – will involve border security.”

Migreurop, 24 November

[Commémoration du naufrage du 24 novembre 2021](#)

“Deux ans après le naufrage du 24 novembre 2021, alors que l’injustice et les décès aux frontières se poursuivent, nous sommes uni-e-s pour appeler à un monde sans violence aux frontières.”

Two years after 24 November 2021 shipwreck in the Channel, we stand together to call for a world free from border violence.

La Cimade, 23 November

[La France persiste à vouloir expulser en violation du droit international](#)

France insists on wanting to expel in violation of international law. Statement by La Cimade on efforts to deport people despite what national and international bodies and courts say.

Gisti, 23 November

France: **[À l’occasion de la Journée internationale des migrant-e-s: Contre la loi Darmanin ! Appel à mobilisation générale! Manifestations dans toute la France le 18 décembre 2023](#)**

A new bill will considerably worsen reception and living conditions for foreigners in France whilst facilitating expulsions, disregarding their rights. Call for demonstrations on 18 December by 14 collectives of undocumented people and more than 200 other organisations.

InfoMigrants, 23 November

[Italie : relaxe définitive de l’équipage de l’Open Arms, après cinq ans de procédures](#)

“La Cour d’appel de Catane a déclaré l’abandon des poursuites judiciaires engagées en 2018 par le ministère de l’Intérieur italien contre un capitaine et une cheffe de mission de l’ONG espagnole Open Arms. Cette relaxe met un terme à cinq ans de rebondissements dans un dossier majeur de la criminalisation des navires de sauvetage intervenant en mer Méditerranée.”

The Catania Court of Appeal in Italy has dropped the case launched in 2018 by the Italian interior minister against the head of the sea rescue organisation Open Arms.

ECHR, 23 November

Two judgments against Greece concerning living conditions in Samos Reception and Identification Centre

See the judgment in **[M.B. v Greece](#)** and **[M.L. v Greece](#)**, which found violations of Article 3 due to the living conditions in the centre.

InfoMigrants, 23 November

[Two people drown attempting Channel crossing](#)

“Two people drowned on Wednesday when their boat capsized in the English Channel. Fifty-eight others, including a seven-year-old girl, were also on board the small vessel which was bound for the UK.”

Border Violence Monitoring Network, 23 November

[‘Instrumentalisation’ at the Finnish-Russian border: A race to the bottom in EU migration policy](#)

“In the last weeks, numbers of new arrivals at the Finland-Russia border have spiked which has prompted allegations on the Finnish side of Russia ‘instrumentalising’ people on the move against the EU with hybrid warfare tactics. The EU has responded by pledging their support to Finland and sending operational support from Frontex. This is happening at a time when the EU are considering the Crisis Regulation of the New Pact on Migration, and the inclusion of ‘situations of instrumentalisation’ based on previous events in Poland, Latvia, Lithuania, Greece and Spain. Such a move would entail a proliferation of rights violations, and the suspension of the right to seek asylum in the EU in many cases.”

Medicins Sans Frontiers, 22 November

["No one came to our rescue": The new normal of EU migration policies in the Central Mediterranean](#)

“With almost 2,200 children, women, and men reported missing or dead in the Central Mediterranean this year, 2023 has already earned the unenviable record of being the deadliest year on this migration route since 2017. In its new report, No one came to our rescue, the international medical organisation Doctors Without Borders/Médecins Sans Frontières (MSF) denounces the violent border practices and deliberate inaction of European states that have led to more deaths at sea.”

European Parliament, 22 November

[European Parliament recommendation of 22 November 2023 concerning negotiations on a status agreement between the European Union and the Islamic Republic of Mauritania on operational activities carried out by the European Border and Coast Guard Agency \(Frontex\) in the Islamic Republic of Mauritania](#)

Report adopted by the European Parliament last week on the planned status agreement between the EU and Mauritania, allowing Frontex to act in the country.

Security Architectures in the EU, 22 November

[EU migration deal with Cairo: Military in Egypt also receives money for border surveillance](#)

“Following Tunisia’s example, the EU Commission wants a “partnership against migrant smuggling” with Egypt. The Gaza war might has given urgency to these plans.”

And see: **[France to deliver ships to Egyptian coast guard as part of EU-Egypt migration deal](#)** (InfoMigrants, 23 November); **[Calling it what it is: Torture in Egypt as a crime against humanity](#)** (OMCT, 14 November)

Maldusa, 22 November

[October Maldusa Camp](#)

“Maldusa had invited about 60 activists from various solidarity projects in the Mediterranean Sea and beyond. On the one hand, the network internal meeting intended to further consolidate cooperation and practices between actors at sea and on land that has been developing in recent years. On the other hand, several public events and a commemorative

action were planned to share our critical visions and informations publicly and to strengthen the impressive practices that took place on the island a few weeks ago: solidarity with the "People on the Move" who disembark in Lampedusa."

The Guardian, 22 November

[Finland to close all but one Russia border crossing to stop asylum seekers](#)

"Finland has said it will close all but one crossing point on its border with Russia in an effort to halt a flow of asylum seekers to the Nordic nation, as Estonia accused Moscow of mounting "a hybrid attack operation" on Europe's eastern border."

The Bristol Cable, 21 November

['I didn't come to the UK for some dream – leaving my country became the only option left'](#)

"A Turkish journalist who had to flee her country to escape the repressive government shares what her life in the UK is like as she waits for her asylum claim to be processed."

EU Law Analysis, 21 November

[Rethinking Gender-Based Asylum: A Look at the Advocate General's Opinion on Women Fleeing the Taliban](#)

"Can a woman be recognized as a refugee, merely because of her gender? This has been one of the most debated questions in international refugee law, which has recently reached the Court of Justice with two joined cases in AH and FN on which last 9 November 2023, Advocate General Richard de la Tour delivered his Opinion. These joined cases relate to a request for a preliminary ruling from the Austrian High Administrative Court. The referring judge was in doubt whether, in light of Article 9 (1) (a) and (b) of the Qualification Directive, it is sufficient that a woman who is affected, merely on the basis of her gender, by the accumulation of government-imposed or supported restrictive measures can be recognised as a refugee without the need to assess the woman's individual situation."

Eurostat, 21 November

[EU received over 91 700 asylum applications in August 2023](#)

"In August 2023, 91 735 first-time asylum applicants (non-EU citizens) applied for international protection in EU countries, a 19% increase compared with August 2022 (77 145)."

InfoMigrants, 21 November

['Winter is starting': NGO warning as migrants suffer frostbite at Poland-Belarus border](#)

"Temperatures are below zero and the first snow of winter has fallen at the border between Poland and Belarus. A Polish humanitarian group says it has seen migrants in the forest who are suffering frostbite and at risk of needing amputation."

InfoMigrants, 20 November

Italy: **['Unconstitutional to skip Parliament scrutiny on Albania deal'](#)**

“The Italian Association for Juridical Studies on Immigration (ASGI) believes that the Italian-Albanian migration agreement may be unconstitutional, citing the necessity for parliamentary scrutiny under Article 80 of the Italian Constitution.”

And see: **[Italy: Parliament to ratify Albania deal to process asylum seekers](#)** (InfoMigrants, 22 November); **[In Pictures: Sites Where Refugees Will be Hosted In Albania](#)** (Balkan Insight, 22 November)

Border Criminologies, 20 November

[An indictment of Malta's defective asylum system that hinders human-rights protection](#)

“The blog post scrutinizes the flaws inherent in Malta's asylum system, drawing attention to the stark realities faced by a minor asylum seeker named Alex (his name has been changed to protect his identity). Alex's traumatic journey, from a perilous sea rescue to prolonged detention, serves as a poignant illustration of the systemic challenges within Malta's treatment of vulnerable individuals seeking refuge.”

European Policy Centre, 20 November

[EU Crisis Regulation: Securing reforms or constructing a crisis?](#)

“In October 2023, member states reached an agreement on the contentious Crisis and Force Majeure Regulation, enabling negotiations with the European Parliament to begin on this piece of the migration and asylum reforms package. Despite its name, this proposal will not usher in a better approach to ‘crises’ or increased arrivals at borders. If adopted, it risks normalising the use of emergency measures and lowering asylum standards further.”

InfoMigrants, 20 November

[Greek coast guard rescues migrants, accused of further pushbacks](#)

“One woman has died and 19 people were rescued after their boat sank in the eastern Aegean Sea. At the same time, the Greek coast guard has once again been accused of illegally pushing migrant boats back to Turkey.”

PICUM, 16 November

[Migration Pact: EU lawmakers flirt with racial profiling in final negotiations](#)

“In final negotiations around the EU Migration Pact, EU lawmakers are considering a provision that would increase the risk of racial profiling in Europe.

(...)

The very action of stopping anyone who is suspected of being undocumented carries with it enormous risks of racial profiling, as law and immigration enforcement are already found to rely on racial, ethnic, national, or religious characteristics in their operations.”

And see:

[EU's new migration pact is normalisation of racial profiling](#) (EUobserver, 16 November); **[Il Patto sulla migrazione rischia di far aumentare la profilazione etnica nell'Unione europea](#)** (ASGI, 16 November); **[Joint Policy Paper: The EU Screening Regulation](#)** (BVMN, 29 November)

La Libre, 15 November

[Le visa de Nour pour venir en Belgique a été refusé pour une sombre histoire](#)

“Nour, étudiante tunisienne, avec son Erasmus + en poche, avait été sélectionnée pour un programme européen prestigieux en Belgique. Son visa a été refusé. Comme des centaines d'étudiants de pays des suds, elle a compris que le monde de la rive nord ne voulait pas de celui de la rive sud. Fi de l'idéal de libre circulation. instrument du vivre ensemble.”

Tunisian student granted Erasmus+ and selected by a prestigious EU programme in Belgium has her visa denied.

L'Authentic, 14 November

[Plusieurs corps de migrants retrouvés sur une plage mauritanienne](#)

“Plus d'une quinzaine de corps de personnes soupçonnées d'être des migrants ont été retrouvés sur la côte nord de la Mauritanie, ont indiqué les autorités du pays. Selon les informations, le nombre de corps sans vie découverts sur les plages de Lagouera en Mauritanie, est de 16. Cela intervient une semaine après la découverte de 13 cadavres dans des bateaux dans la même zone, à proximité de la ville de Nouadhibou, rapporte BBC.”

More than 15 corpses of people presumed to be migrants intending to depart from Mauritania were found on a beach in the north of the country.

High Court of Justice in Northern Ireland, 18 October

[Judgment concerning the UK-EU Brexit Agreement and asylum](#)

“[1] This application concerns the allegedly unlawful decision by the respondent, the Secretary of State for the Home Department (“the Home Secretary”), which resulted in the “dispersal” of the applicant to Falkirk, Scotland.

[2] This decision took place against the backdrop of an unexpected increase in the number of individuals seeking asylum in Northern Ireland between June 2021 and March 2022. In an attempt to increase capacity for new arrivals in Northern Ireland, the respondent decided on 26 October 2021 to transfer a number of single male asylum seekers to accommodation in Scotland the following day on 27 October. The applicant was one of the asylum seekers affected by this decision.”

Civil liberties

Are You Syrious?, 27 November

[Hungary 'Office for the Defence of Sovereignty' threatens human rights](#)

"The office would have powers to silence independent journalism and challenge the work of NGOs. Hungary is still operating in a "state of danger" giving the government unprecedented power, and has been for three and a half years."

EUobserver, 27 November

[Platform workers could face 'robo-firing' under EU's AI rules](#)

"On Tuesday (28 November), the European Parliament, the Council and the Commission will meet for the fifth time in the so-called trilogues to advance negotiations on the platform workers directive."

The Guardian, 23 November

[Adviser warns UK government against tightening laws on glorifying terrorism](#)

"No 10 should not implement plans to amend the law on glorifying terrorism after the pro-Palestine marches as it would do "no favours" to police, MI5 or the probation service, a government adviser has said."

BBC News, 21 November

UK: [UN criticises 'severe' Just Stop Oil sentences](#)

"Long jail sentences handed to two Just Stop Oil climate campaigners could stifle protest, the United Nations has warned the UK government."

Garden Court Chambers, 21 November

UK: [High Court Dismisses DPP's Appeal Against Acquittal of Protestors Who Called Iain Duncan Smith "Tory Scum"](#)

"At trial, the Interested Parties relied on a defence that their conduct was reasonable when they called Iain Duncan Smith "Tory Scum" as he was leaving the Tory Party Conference on 4th October 2021.

The Chief Magistrate dismissed the charges against them. The DPP sought to appeal his decision which was rejected as "frivolous". The DPP then brought a claim for judicial review against this refusal."

The Guardian, 18 November

['Shocking' scale of UK government's secret files on critics revealed](#)

"Fifteen government departments have been monitoring the social media activity of potential critics and compiling "secret files" in order to block them from speaking at public events, the Observer can reveal."

Law

ANHA, 28 November

[**Japan removes PKK from list of "prohibited organizations"**](#)

“As a result of pressure from the Turkish state, Japan's domestic intelligence service (PSIA) added the Kurdistan Workers' Party (PKK) to its list of "prohibited organizations" earlier.

The PSIA published a new statement on its official website in which it announced the removal of the PKK from the “list of banned organizations.””

Verfassungsblog, 24 November

UK: [**When Law Fails Us**](#)

“Last week the United Kingdom’s Supreme Court declared the government’s Rwanda policy – a political agreement to transfer asylum seekers from the UK to Rwanda to have their claims processed and granted there – unlawful. It did so on the narrowest and most solid of legal grounds imaginable: the prohibition of refoulement, ie the return of individuals to a state where they are likely to face torture, cruel, inhuman or degrading treatment or other irreparable harm. This norm is foundational to the international legal regime regulating human migration and universally agreed upon. It was also so obviously breached by the agreement that it felt almost insulting the Court had to spell it out. But it did. And so what? In response, the UK government has declared it will simply legislate the policy’s illegality away by declaring Rwanda a safe third country and/or by exiting various international treaties that oblige it to respect the refoulement principle. To hell with the law and its pesky demands.”

ECHR, 23 November

[**Under this pilot judgment, Poland must take appropriate legislative measures to comply with Article 6 § 1 requirements, including the principle of independence of the judiciary**](#)

“The case concerned a civil suit that Mr Wałęsa had taken against a former friend and associate, Krzysztof Wyszowski, who had accused him publicly of collaboration with the secret services under the communist regime. Although he had won the case, the final judgment in his favour had been overturned, nine years later, by the Chamber of Extraordinary Review and Public Affairs following an extraordinary appeal by the Prosecutor General”

Verfassungsblog, 23 November

[**The Individual Application Mechanism is on the Verge of Collapse, and so is Turkish Constitutionalism**](#)

“Turkey is plunged into yet another profound judicial crisis as the Turkish Constitutional Court (TCC) and the Turkish Court of Cassation (Yargıtay) lock horns over the fate of an imprisoned opposition politician. While two earlier posts published on Verfassungsblog have already meticulously dissected this unfolding judicial drama... we aim to invigorate the debate with a fresh vantage point.”

EurActiv, 19 November

[France, Germany, Italy push for ‘mandatory self-regulation’ for foundation models in EU’s AI law](#)

“The three biggest EU countries are pushing for codes of conduct without an initial sanction regime for foundation models rather than prescriptive obligations in the AI rulebook, according to a non-paper seen by Euractiv.”

And see: **[Regression to self-regulation means the EU AI Act will fail to plug the harms](#)** (Euronews, 22 November)

Military

Greenpeace, November 2023

[Arming Europe: Military expenditures and their economic impact in Germany, Italy and Spain](#)

“European countries are on a road to militarisation. In the last ten years, military expenditures of NATO EU countries (according to NATO definitions and data) have increased by almost 50%, from €145 billion in 2014 to a budget forecast of €215 billion in 2023 (measured in constant 2015 prices). This total is greater than the annual GDP of a country such as Portugal. With the war in Ukraine, 2023 outlays are expected to increase by almost 10% in real terms over the previous year. NATO EU countries as a whole now spend 1.8% of GDP on their militaries, close to the 2% target set by the US and NATO.”

Policing

EurActiv, 27 November

[Spanish presidency envisages landing zones on law enforcement in AI rulebook](#)

“The Spanish presidency of the EU Council asked member states for flexibility in the sensitive area of law enforcement ahead of a crucial political meeting for the AI law.”

Security Architectures in the EU, 22 November

[Europol deletes NoBorder initiatives from terror report, Dutch police doesn’t see them as “extremists”](#)

“The mention of Abolish Frontex and a “No Border Movement” in a Europol report was due to different interpretations of “terrorism”. They have now been removed from the current TE-SAT.”

ECHR, 21 November

[Unjustified arrest and criminal conviction of applicants at Amsterdam squat protest](#)

“The Court found that the applicants’ participation in the protest fell under the scope of protection of the right to freedom of peaceful assembly under Article 11 of the Convention. It further found that the Supreme Court had not examined whether the applicants’ role in the gathering had in fact been peaceful within the meaning of that provision and had therefore failed to convincingly establish why it had been necessary, under Article 11 § 2 of the Convention, to interfere with the applicants’ right to freedom of assembly.”

Judgment: **[CASE OF LAURIJSEN AND OTHERS v. THE NETHERLANDS](#)**

Brussels Times, 18 November

[European Court of Justice demands better transparency in police data handling](#)

“The Court of Justice of the European Union (CJEU) has ruled that EU member states must allow citizens access to information about the handling of their police data and fair legal recourse if any disputes arise.

This ruling answers a preliminary question put forward last year by the Human Rights League to the Brussels Court of Appeal concerning the General National Bank (BNG).”

And see: **[Accès aux bases de données policières : la Cour de justice de l’Union européenne pousse la Belgique à réformer sa loi](#)** (Ligue des Droits Humains, 20 November)

Privacy and data protection

EU Law Live, 24 November

[No justification needed: Court of Justice confirms broad application of the right of access under the General Data Protection Regulation \(Case C-307/22, FT v DW\)](#)

“With Case C-307/22, FT v DW the Court of Justice was finally granted an opportunity to decide on the question whether individuals needed to justify their use of the right of access in terms of data protection objectives. Its judgment does not disappoint those who for a long time argued on the importance of leaving the right of access with as little formalities as possible. This Op-Ed, after providing the background of the case, highlights the three core decisions the Court of Justice took with regard to the scope of the right of access under the GDPR, which might well be key to (further) transform the right of access into a crucial tool for individuals to participate in the digital world.”

EDRi, 23 November

[“8 December” case: why is encryption on trial?](#)

“On 3 October, the trial of the so-called “8 December” case began. Seven people are prosecuted for being a “terrorist group”.

The intelligence services in charge of the judicial investigation (Direction générale de la Sécurité intérieure, DGSI), the National Antiterrorist Prosecution Office (Parquet National Antiterroriste, PNAT), and the investigating judge based their case on the fact that the defendants were using different tools to protect their privacy and encrypt their communications on a daily basis.”

Trevisan & Cuonzo, 22 November

[Italian Privacy Authority launches investigation into online data collection for AI training](#)

“The Italian Privacy Authority announced today that it has launched an investigation to verify whether websites are adopting adequate security measures to prevent the massive collection of personal data for the purpose of training AI algorithms. Indeed, AI platforms collect huge amounts of data through so-called web-scraping, including the personal data of users of websites operated by both public and private entities. Such data is made available online for various purposes, such as news reporting, administrative transparency, etc.”

TechCrunch, 16 November

[EU faces privacy complaint over CSAM microtargeting ads it ran on X](#)

“A microtargeted advertising controversy which has implicated European Union lawmakers in privacy-hostile practices banned by laws they had a hand in passing is the subject of a new complaint by privacy rights not-for-profit, noyb.”

Secrecy and transparency

European Ombudsman, 24 November

[Decision on the European Commission’s refusal to give public access to the ‘pillar assessment’ of an international organisation that is implementing EU funds in the area of migration \(case 1731/2022/OAM\)](#)

“The case concerned a request for public access to two reports about the assessment of an international organisation based on which the Commission delegated its task to implement EU funds in the area of migration. The Commission refused to give access to the reports arguing that disclosure would undermine the commercial interests of both the international organisation concerned and the external auditor who had conducted the assessment.”

Security and intelligence

Taylor & Francis, 24 November

[Intelligence Oversight in Times of Transnational Impunity](#)

Open access book: “This book adopts a critical lens to look at the workings of Western intelligence and intelligence oversight over time and space.”

Surveillance

Paris Normandie, 22 November

[France: En Normandie, une communauté de communes épinglée pour l'utilisation d'un logiciel de vidéosurveillance](#)

“Le tribunal administratif de Caen a ordonné mercredi 22 novembre 2023 à une communauté de communes de Normandie d’effacer les données personnelles acquises via le logiciel de vidéosurveillance Briefcam, selon une décision dont l’AFP a pris connaissance.”

Caen administrative court orders community of Normandy councils to cancel personal data collected using the Briefcam videosurveillance system.

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