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EU: Hungarian Council presidency takes aim at refugees and asylum-seekers

EU: Definition of "potential terrorists" opens door to broad information-sharing

European data protection authorities urged to take action on new cybercrime convention

You can read an [obituary in *The Guardian*](#) of our founder and former Director Emeritus, Tony Bunyan, who passed away on 9 September. Our own tribute to his life and work is [here](#).

Don't forget to sign up for an [important event on 17 October](#), where our Researcher, Romain Lanneau, will discuss our ongoing project on using data protection law to fight secrecy in immigration and asylum proceedings.

European support for human rights violations in Tunisia "must end"

"European policies to externalize border management to Tunisia are supporting security authorities who are committing serious violations" of human rights, says a joint statement signed by dozens of organisations from Europe, North Africa and beyond, including Statewatch. The statement calls on the EU and its member states to demand that Tunisian authorities respect human rights, end their crackdown on civil society organisations, ensure that people rescued at sea are not disembarked in Tunisia, and to end their financial and technical support to Tunisian security authorities.

Read the full statement [here](#).

EU: Hungarian Council presidency takes aim at refugees and asylum-seekers

In a move that is unlikely to surprise anyone, the Hungarian Council Presidency has kicked off discussions on reviewing the status of international protection beneficiaries, and how member states deal with individuals whose asylum applications have been refused, but who cannot be deported.

Full story [here](#).

EU: Definition of “potential terrorists” opens door to broad information-sharing

EU member states can now collect and share information on “potential terrorists”. This category is based on a new informal definition that was agreed with no democratic scrutiny. While claiming to target those who may engage in political violence, there is potential for far broader application. Full story [here](#).

European data protection authorities urged to take action on new cybercrime convention

A letter signed by Statewatch and a number of other organisations calls for the European Data Protection Board to issue an opinion on the new UN Convention on Cybercrime, due to the "serious risks" it poses to human rights. Those risks include provisions that would empower national authorities to obtain access to encrypted communications and force communications service providers to retain large amounts of user data.

Read the letter [here](#).

New material

The latest Italian decree on migration allows the grounding and confiscation of NGO planes ----
- Hungary joins the Dutch in wanting to 'opt-out' of EU Migration rules ----- France's new
Europe minister will push Brussels to tighten migration rules ----- UK: Free speech threatened
as journalists treated like terrorists ----- Italy: Demonstration for Palestine on October 5 banned
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criminal justice system in the UK: A history of legal action 1975-2020

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Upcoming events

Online, 17 October

[Access to Classified Data in National Security Related Immigration Cases](#)

“The Hungarian Helsinki Committee is organising a webinar from 9 AM to 3 PM on 17 October 2024 on ‘Access to Classified Data in National Security Related Immigration Cases’ together with the European Council on Refugees and Exiles (ECRE) and the Polish Helsinki Foundation for Human Rights (HFHR).

The webinar will explore the following topics with a variety of invited guest speakers:

Relevant jurisprudence of CJEU and ECtHR

The Right to Know in the European Union (comparative study)

Role of domestic courts in national security cases

Access to classified data under the Pact and the Law Enforcement Directive”

New material

[Asylum, immigration and borders](#)

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[Racism and discrimination](#)

Asylum, immigration and borders

[The Italy-Albania agreement and the new frontiers of border externalization](#)

“The end of construction work on the Italian centres in Albania, which had been set for 20 May, slipped to November. The management of the “reception and detention” centres at the Shëngjin and Gjadër sites for 24 months was awarded to the Medihospes cooperative, which won the tender with a bid of 133.8 million euro (with a 4.9% discount).”

Italy: [A decree law that cancels the latest procedural guarantees for asylum seekers](#)

“The draft decree law approved by the Council of Ministers, containing “Urgent provisions on the entry into Italy of foreign workers, of protection and assistance of victims of caporalato, of management of migratory flows and of international protection, as well as of the related judicial procedures”, seems aimed above all at reducing the residual procedural guarantees that could be used by asylum seekers denied by the Territorial Commissions, after accelerated border procedures, therefore coming from countries of origin deemed “safe”.”

[The latest Italian decree on migration allows the grounding and confiscation of NGO planes](#)

“Sea-Watch denounces the latest Italian migration decree as a direct attack on civilian efforts to monitor and document human rights violations committed by the EU and Italy. This decree, which allows the arrest and confiscation of NGO aircraft, is an obvious attempt to close the eye of civil society on the Central Mediterranean and to censor the narrative of European policies on migration.”

[Yet again, Italian authorities punish MSF rescue ship with two detention orders](#)

“On 23 September 2024, the Italian authorities imposed yet another punitive measure on the Geo Barents, the search and rescue vessel operated by Médecins Sans Frontières/Doctors Without Borders (MSF) for performing its legal and humanitarian duty to save lives at sea. This time, the vessel received two separate detention orders, immediately after the Geo Barents had finished disembarking 206 survivors in Genoa, in a clear attempt by the authorities to ensure that the Geo Barents will not be able to sail again to save lives in the Mediterranean.”

[Hungary joins the Dutch in wanting to 'opt-out' of EU Migration rules](#)

“The Hungarian government will follow the Dutch lead and request to "opt out" of the EU asylum and migration rules, stated the Hungarian Minister for European Affairs, János Bóka, on Wednesday.”

[UNHCR: \[Legal considerations on asylum and non-refoulement in the context of 'instrumentalization'\]\(#\)](#)

“The present legal considerations outline States’ obligations under international refugee and human rights law in relation to admission to the territory of States and access to asylum in situations of so-called ‘instrumentalization’. They underscore the importance of every person’s right to seek asylum and be protected from refoulement in all situations. Where security concerns arise in relation to specific individuals, these considerations also outline measures that States may lawfully undertake, where appropriate and subject to relevant safeguards, to simplify and accelerate asylum procedures, in a manner consistent with international refugee and human rights law.”

[France’s new Europe minister will push Brussels to tighten migration rules](#)

“France’s new right-leaning government is going to push Brussels to get tougher on stopping irregular migration, the country’s new junior minister for Europe Benjamin Haddad said.”

[EU fund to stem migration from Africa ‘fails to address risks’ – watchdog](#)

“A €5bn EU fund aiming to stem the mass movement of people from Africa to Europe lacks focus and fails to address the risk of human rights abusers benefiting from European money, the bloc’s spending watchdog has found.”

Full report: [The EU trust fund for Africa – Despite new approaches, support remained unfocused](#)

And: [European Court of Auditors criticizes support for the “Libyan” Coast Guard](#)

[EU admits it only questioned one Schengen border-control imposition - out of over 400](#)

“The European Commission has admitted it only ever once questioned a member state for imposing border controls within the passport-free Schengen area.”

[Surveilling Europe’s edges: when research legitimises border violence](#)

“In May 2024, Access Now’s Caterina Rodelli travelled across Greece to meet with local civil society organisations supporting migrant people and monitoring human rights violations, and to see first-hand how and where surveillance technologies are deployed at Europe’s borders. In the second instalment of a three-part blog series, she explains how EU-funded research projects on border surveillance are legitimising violent migration policies.”

[Denied rescue: 85 persons left to die in March 2024](#)

“On 13 March 2024, the rescue vessel Ocean Viking rescued 25 people on a black rubber boat in international waters. According to the survivors, they had spent almost a week at sea, adrift and without a way to orient themselves.

During this period, many people died and are now missing.”

[Public consultation: Model Frontex working arrangement for cooperation with third states](#)

“The Commission intends to publish a communication setting out a revised model for working arrangements between the European Border and Coast Guard Agency and the authorities of third countries with powers in matters covered by Regulation (EU) 2019/1896 on the European Border and Coast Guard.

This is to facilitate cooperation to the extent required for the Agency to fulfil its tasks, as envisaged by the Regulation.”

[The new Commission: Jobs for the boys and bigger jobs for the girls; an unwanted job for Austria](#)

“...the unlikely new Commissioner-designate for Internal Affairs and Migration is Magnus Brunner, Austria’s finance minister, who is unlikely to be pleased with the choice. Like many issues in EU asylum and migration policy, the best that can be said is that he is not the worst candidate, with a reputation as a consensus-based and serious politician. Von der Leyen’s thinking here is presumably that she needs a safe pair of hands and a commissioner who is not further to the right than her, who would use the position to create trouble and attack the Commission from her right flank. At the same time, she has tried to appease the headbangers by giving the job to a country known as hard-line.”

The EU Court of Justice demarcates the category of “safe countries of origin” (and reiterates the control of the jurisdiction over administrative decisions)

“A recent judgment of the Court of Justice of the European Union, in a case concerning a Moldovan asylum seeker who has arrived in the Czech Republic, states that the designation of a third country as a safe country of origin must extend to its entire territory, adding that “The national court examining the legality of an administrative decision refusing to grant international protection must detect the infringement of EU law rules relating to the designation of a third country as a safe country of origin.””

Greece: **Joint statement: Preliminary findings in the appeal trial of Homayoun Sabetara**

“On 24 and 25 September 2024, the appeal trial of Homayoun Sabetara took place at the Appeal Court of Thessaloniki, Greece. Aegean Migrant Solidarity (AMS), the Border Violence Monitoring Network (BVMN), the European Lawyers for Democracy and Human Rights (ELDH), borderline-europe e.V., the Legal Centre Lesbos (LCL), and the Feminist Autonomous Centre for research (FAC) observed the proceedings.”

Surveillance Technologies at European Borders: Evros

“With a lack of concrete case studies and research from countries along the so-called Balkan Route, we look into the developments in border surveillance in these regions and analyze the (actual and potential) harmful impacts of these technologies on people crossing borders.”

EU: **Can Human Rights Due Diligence Rescue Frontex?**

“...this post argues that Human Rights Impact Assessments (HRIA) or an already existing Due Diligence Procedure used by the Fundamental Rights Officer should be used by Frontex officers when discharging their functions in return operations. The EU Ombudsperson’s Decision, where such an HRIA was scrutinized within the context of a different Frontex action, is used as a point of departure to explore the possibility of applying such an assessment to return operations.”

Civil liberties

UK: **Free speech threatened as journalists treated like terrorists**

“Medhurst’s arrest is among a number of disturbing examples of how anti-terrorism laws are being increasingly used, seemingly with the backing of the new Labour government, to intimidate protesters against deadly Israeli attacks on Palestinians in Gaza and the occupied West Bank.

They are part of a sinister development that has serious implications for civil liberties and freedom of speech, yet it has been ignored by the mainstream media. It is as if you are not a member of the establishment media, you are a problem that “has to be dealt with”, said Medhurst.”

France: Pro-Palestine activist held in custody over 'intifada in Paris' speech

“A prominent French activist was taken into custody on Tuesday morning for acts described as “incitement to commit crimes” after appearing to calling for an “intifada in Paris” during a pro-Palestine demonstration on 8 September.”

Italy: [Demonstration for Palestine on October 5 banned](#)

“The measure was notified to the Palestinian associations promoting the initiative after a threatening press campaign of right-wing newspapers and Jewish communities. In the reasons for the ban it is written that: “the expressions used to publicize initiatives to support the Palestinian cause on October 5 have a motivation not compatible with the right to demonstrate peacefully, guaranteed by the current legal system.” A decidedly contradictory motivation.”

Committee expresses deep concern at harsh treatment of Julian Assange, warns of its chilling effect for the press

“PACE’s Legal Affairs Committee has warmly welcomed the release of Julian Assange but expressed deep concern at “the disproportionately harsh treatment” he faced, and called on the US to investigate the alleged war crimes and human rights violations disclosed by him and Wikileaks.”

Law

Hungary refuses to pay fines for breaking EU asylum rules. Brussels is taking the money anyway.

“The European Union on Wednesday began the process of clawing back hundreds of millions of euros in funds meant to go Hungary after its ant-migrant government refused to pay a huge fine for breaking the bloc’s asylum rules.”

UK: [Hillsborough law will be introduced before next anniversary, Starmer to say](#)

“The new legislation will introduce a legal duty of candour to all public bodies, with potential for criminal sanctions for any official or authority that misleads or obstructs investigations. The current legal duty of candour requires care providers to be “open and transparent with people who use services”. This includes providing support, truthful information and an apology when things go wrong.”

Outgoing EU ombudsman: ‘Some may not want somebody as active as I was’

“Emily O’Reilly has served as the EU Ombudsman for over a decade, with a strong mandate to hold EU institutions accountable and the authority to conduct high-level investigations into lobbying, revolving doors, and access to documents.”

[International Criminal Court Called to Investigate Crimes Against Humanity in Tunisia](#)

“As Tunisia approaches its presidential elections on October 6, 2024, the country faces an escalating human rights crisis. Authorities continue to crack down on political opponents and commit systematic violence against the Black and migrant population, fueling a growing climate of fear and repression. The call for the International Criminal Court (ICC) to intervene, first made on October 5, 2023, is now more urgent than ever.”

Policing

Greece: **[Pakistani migrant found dead in police precinct](#)**

“The man, who had been living in Greece for over a decade, had appeared before a prosecutor on September 18 to respond to a charge of causing damage (unclear what kind of damage), police sources said. He was then presumably returned to the police precinct of Aghios Panteleimonas where he was being held. On September 21, an ambulance was called at the precinct for the man but the paramedics determined he was already dead.”

[“When Spiders Share Webs”: Unveiling privacy threats of EU-funded INTERPOL policing programme in West Africa](#)

“An insight to our briefing “When Spiders Share Webs” that explores the role the EU-funded INTERPOL programme, the West African Police Information System (WAPIS), in externalising EU borders by transferring interoperable data-driven policing capabilities to West African nations.”

[Access by the police to data contained in a mobile telephone is not necessarily limited to the fight against serious crime](#)

CJEU judgment: “Access by the police, in the context of a criminal investigation, to the personal data stored on a mobile telephone may constitute a serious, or even particularly serious, interference with the fundamental rights of the data subject. However, it is not necessarily limited to the fight against serious crime. The national legislature must define the factors to be taken into account for such access, such as the nature or categories of the offences concerned.”

UK: **[Manchester detective found guilty after stealing cocaine and giving it to dealers](#)**

“A detective who stole almost 4kg of cocaine from the police evidence store at work and supplied it on the streets of Manchester has been convicted of multiple offences.”

Privacy and data protection

[Biometric data: Misuse, use, and collation](#)

“Biometric data is a type of personal information that allows the unique identification of a person. This POSTnote outlines the benefits and risks of using biometric data in society.”

Racism and discrimination

UK: [**OUT OF ORDER: The rise of stop and search in civil orders legislation**](#)

“Black people are subject to two thirds of Knife Crime Prevention Orders, despite representing only 4% of the population. Yet the Home Office has ‘no clear assessment’ of their impact and effectiveness on levels of crime”

[**Challenging racial injustice in the criminal justice system in the UK: A history of legal action 1975-2020**](#)

“In this report, the authors examine the use of different forms of legal action in the fight against racism in the criminal justice system in the UK through four pivotal periods”

[**EU moving towards more xenophobic view of ‘Europeanness’, report warns**](#)

“Voting patterns and polling data from the past year suggest the EU is moving towards a more ethnic, closed-minded and xenophobic understanding of “Europeanness” that could ultimately challenge the European project, according to a major report.”

UK: [**Something Monstrous**](#)

On this summer’s racist pogroms in the UK: “Just as economic analysis can elide complex individual impulses, psychological analysis can erase their social context. What is needed instead is a concrete psychosocial assessment: one that adequately captures how the vilification of migrants and Muslims forms part of a primitive persecutory phantasy, shaped by the UK’s colonial history and by its entrenched material disparities.”

[**So long, no thanks to all the fash: review of Character Limit: How Elon Musk Destroyed Twitter, by Kate Conger and Ryan Mac**](#)

“Full disclosure first: After exactly ten and a half years, I stopped posting on X (formerly Twitter) on August 10, 2024. I could not accept the owner’s view that those encouraging race riots in Britain online should not be punished, his promotion of those who held such views, or his racist memes about the British justice system that sought to bring them to account. I was not alone: X lost 30% of its UK users in the last year, and 20% of its US users. How did the supposed ‘global public square’ end up in this position?”

[**Unveiling Deep-Rooted Racism: New Report Exposes Structural and Institutional Inequality Across Eight EU Member States**](#)

“Migration Policy Group (MPG) has released a groundbreaking report that exposes the pervasive, yet often overlooked, forms of racism embedded within the structures of society across eight EU member states: Czechia, Germany, Greece, Latvia, the Netherlands, Romania, Spain, and Sweden. This research was conducted thanks to the Robert Bosch Stiftung’s support. The report reveals how structural and institutional racism systematically disadvantages specific communities, operating within social, economic, and political institutions.”

Meloni-themed restaurant opens near asylum-seeker camp in Albania

“A restaurant dedicated to Giorgia Meloni has opened in the vicinity of a camp in Albania where the asylum claims of people who seek to enter the EU by sea will be processed as part of a controversial pact promoted by the Italian far-right prime minister.”

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