



News

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Statewatch [Observatory on the Refugee crisis in the Med & in the EU – with daily updates](#)

ANALYSES & BRIEFING

<http://www.statewatch.org/analyses.htm>

1. Statewatch Analysis: [Opaque and unaccountable: Frontex Operation Hera](#) (pdf) by Vera Wriedt and Darius Reinhardt (European Center for Constitutional and Human Rights, ECCHR):

Operation Hera is coordinated by the EU's external border agency Frontex and aims to stop migration along the maritime route from West Africa to the Spanish Canary Islands. According to Frontex, the operation has been a success: the scale of unauthorised maritime crossings along this route was reduced from five-digit to three-digit numbers. The European Center for Constitutional and Human Rights (ECCHR) focused on Operation Hera, seeking to increase transparency about border enforcement operations and to reduce the agency's unaccountability for human rights violations.

Frontex's approach to transparency and accountability is evinced again in section 12.10 of the Handbook to the Operational Plan entitled "List of potential fundamental rights violations within Frontex activities". The whole section (including the headline) is completely redacted and could only be uncovered because the index lists the section. The argument that the publication of this section would affect public security seems particularly inappropriate in the context of human rights violations.

In conclusion, the partial concealment of border enforcement procedures underlines the inherent structural accountability and transparency deficits of Frontex specifically and EU agencies in general. Frontex redacted significant parts of the documents provided, including information on potential human rights violations. The provided documents do not give information on the methodologies of the

operation in order to ascertain whether Frontex and the involved member states violate national, European and international human rights provisions.

2. EU: Statewatch Briefing: [EU-wide biometric databases, “soft targets”, cybersecurity and data protection: Commission’s fourth report on building the ‘Security Union](#) (pdf) by Chris Jones:

At the end of January the European Commission issued its fourth report on "building an effective and genuine Security Union", examining four topics: "information systems and interoperability, soft target protection, cyber threat and data protection in the context of criminal investigations." The report puts significant focus on the need for "interoperability" between EU and national-level information systems and databases, in order to enable EUwide biometric surveillance, one of the current favourite topics of EU security officials.

See: [European Commission, Fourth progress report towards an effective and genuine Security Union](#) (COM(2017) 41 final, 25 January 2017, pdf)

NEWS

1. EU: [Germany proposes EU rules making migrant deportations easier](#) (EurActiv, link):

"German officials have proposed that the European Union relax some human rights safeguards so that more asylum seekers can be deported while awaiting the outcome of their cases, according to a working paper seen by Reuters.

The paper is among many under discussion in Brussels as the EU, which has taken in more than 1.3 million migrants and refugees since the start of 2015, makes it tougher for them to get in and be allowed to stay.

The paper said the proposal would only kick in at times of a “mass influx” of people to the bloc. “This is another element in efforts to energise readmission of people to wherever they came from,” said one Brussels-based diplomat.”

And see: Refugee crisis: [France-Germany Note - mass expulsion to subsistence conditions](#) (Statewatch News Online): The "return of asylum seekers (without an assessment on the merits) in order to discourage illegal, smuggler-driven migration" and [Germany-France Letter](#) (20 February, French, pdf)

2. EU: [Afghan Returns Built on False Policy Narrative](#) (Refugees Deeply, link):

"The idea that returning refugees will drive development in Afghanistan ignores reality, says researcher Marieke van Houte. She argues that the mass return of Afghans will further destabilize the country and drive a new exodus.(...)

The economic, security and political challenges of the current transition period have set in motion a new episode of large-scale outward migration of Afghans. Instead of trying to manage and contain these migration flows, and treating the next large-scale arrival of Afghans as a “refugee crisis,” we should facilitate the resilience and ongoing determination of people to find a better life. If migration is to contribute to development and security, it should be facilitated rather than contained.”

3. IRELAND: [Rush to implement new asylum procedure should not be at expense of quality legal advice and representation say Irish Refugee Council](#) (Irish Refugee Council, link):

"The Irish Refugee Council (IRC) today called for clarification from the International Protection Office (IPO) on the consequences of not submitting a questionnaire within 20 days and for more resources to be provided for comprehensive legal representation for people in the asylum process.

Nick Henderson, CEO of the Irish Refugee Council said: "The requirement that people complete a 60 page questionnaire within 20 working days, even with an 'if possible' caveat, has created understandable alarm. Our Drop-In Centre and Law Centre have seen a considerable increase in requests for assistance since the new application packs were sent out."

He continued, "We are asking that the IPO state publicly on their website that flexibility will be provided so that people can obtain legal advice and representation and receive assistance in completing the questionnaire."

See: [Government warned asylum seekers 'in distress' after changes to application process](#) (Irish Examiner, link)

4. EU: Home Affairs Commissioner speech after meeting with German Interior Minister

"This morning our discussions focused on the internal and external dimensions of migration, security and border management. We agreed that in the coming months we need to find more common ground for the reform of Dublin based on the principles of solidarity and fair responsibility-sharing among Member States.

The Dublin reform is part of our wider effort to develop an effective and comprehensive asylum system. And I hope that we will find an agreement swiftly on the reform, which will improve our procedures, guarantee refugee rights and avoid abuses.

We need to protect those who need protection, prevent irregular migration and return those who have no right to stay.

With Thomas, we are on the same line on all these issues. In this context, I have also informed the Minister of the Commission's intention to put forward next week an Action Plan on Return and a Recommendation to Member States on the efficient implementation of return procedures."

See: [Remarks by Commissioner Avramopoulos after his meeting with German Minister of the Interior de Maizère](#) (pdf)

5. [Internal EU report exposes Libya turmoil](#) (EUobserver, link):

"An [internal report from the EU's border mission for Libya](#) provides a bleak account of the country's misfortunes, casting a long shadow over EU aims to control its migration flows towards Italy.

The assessment broadly echoes statements made by the UN's Libya envoy, Martin Kobler, who told BBC Newshour over the weekend that efforts to deliver services to Libyans "is getting from bad to worse."

Kobler's comments follow the EU's announcement last month to channel some €200 million into Libya-centric migration and border projects throughout much of north Africa.

It is not yet clear how much of that budget will go to the UN-backed Government of National Accord (GNA) in Tripoli.

An European Commission official said on Monday (20 February) that they are still in the "identification phase".

See: [Mission impossible? Secret EU report makes clear problems in rebuilding Libyan state](#) (Statewatch News Online, 17 February 2017)

6. SPAIN-MOROCCO: [More than 300 people climb the fence into Ceuta, eleven taken to hospital](#)

Just days after some 500 people clambered over the razor-wire-topped fences separating the Spanish enclave of Ceuta from Moroccan territory, another 300 people reached Spanish soil by climbing the fence early in the morning of 20 February during heavy rain and high winds, according to a report in Spanish newspaper *El Diario*. Eleven people were taken to hospital, three with fractures and eight with other injuries.

7. EU: [Declassified Council reports on cybercrime \(Greece, Slovenia\) and financial crime \(Malta\)](#)

The Council of the EU has recently declassified a number of reports setting out the findings of evaluations on "the practical implementation and operation of European policies on prevention and combating cybercrime" in the Greece and Slovenia; and "financial crime and financial investigations" in Malta.

8. [How E.U.'s Migration Policy Enables Migrant Smuggling](#) (Real News, link): Interview:

Statewatch's Chris Jones says the European Union Border and Coast Guard Agency is less concerned with human rights and far more preoccupied with border control, surveillance and the interception of migrants.

9. [NGOs Joint Statement: Asylum down the drain - Intolerable pressure on Tunisia](#) (pdf):

"Brussels, 21 February 2017 - Lately, Tunisian authorities have been the target of intolerable pressure by Germany and Italy. Within a week, they have been forced to clarify their opposition to the German as well as to the Italian authorities which were allegedly planning to send migrants and refugees back to Tunisia. Domestic security issues appear as a cornerstone in the cooperation framework imposed to Tunisia albeit being attached to a domain which is clearly distinct from it: the right of asylum.

Pushing for the disembarkation in Tunisia of people intercepted by the Italian coast-guards in exchange for support in counter-terrorism policies, as suggested in an Italian press article, would be in blatant breach of the EU's as well as Italy's legal obligations. The latter was actually already condemned by the European Court of Human Rights in 2012 for pushing back refugees to Libya and thus for resorting to the exact same practices. In so

10. [EXCLUSIVE: UK "voluntary" returns – refugee coercion and NGO complicity](#) (IRIN, link):

"An IRIN investigation finds evidence the Home Office is using outside NGOs to pressure asylum seekers.

The UK Home Office is accelerating its drive for "illegal" migrants and those refused asylum to return home voluntarily – a tactic publicised as more cost-effective and "humane" than forced returns. But how "voluntary" are these returns really? And how have NGOs become complicit in this strategy?"

11. EU-USA: [MEPs reassert call for asylum for Edward Snowden following appointment of new CIA chief](#)

At the end of January the US Senate confirmed Mike Pompeo the new as Director of the CIA. Pompeo has said that Edward Snowden should be executed for being a "traitor". His appointment as CIA Director led a group of four MEPs to ask the Council of the EU what steps it will take to "urge" Member States to meet with October 2015 demands from the parliament for Edward Snowden to be given international protection and protected from extradition or rendition "in recognition of his status as whistleblower and international human rights defender."

12. SPAIN: [Massive demonstration in Barcelona in support of migrants and refugees](#)

The organisers of a huge demonstration in Barcelona on Saturday 18 February have said it was the largest protest seen in Europe so far in support of migrants and refugees and estimated that half a

million people attended. The police put the number of attendees far lower, at 160,000, but in either case it was the largest protest seen in the city since those against the Iraq war in 2003.

13. BELGIUM: [Face recognition on new motorway cameras?](#) (Expatica, link):

"New smart cameras that are being introduced on roads across Belgium in coming years will be able to do a lot more than just recognise number plates.

According to the weekly Knack the cameras will take photos of the entire vehicle and will be able to see who is in the vehicle. The tender drawn up by the federal police also calls for face recognition.

The federal government decided last year to introduce some 1,000 ANPR (automatic number plate recognition) cameras along the motorways. The cameras are already in use at several border crossings and at the airports of Zaventem and Charleroi. Other airports are to follow soon. The cameras are intended to heighten road safety but will also be used in the fight against terrorism and organised crime."

14. BELGIUM: [Draft Law Calls for Deporting Foreigners Born in Belgium](#) (Morocco World News, link):

"On Thursday, a draft law against terrorism was adopted by the Belgian Chamber of Representatives. One of its chapters is sparking controversy, as it provides for the possibility of deporting foreigners born in Belgium or arriving before the age of twelve.

Belgian newspaper, Le Soir, reported that the Chamber approved two bills on Thursday setting up a new framework for the deportation of foreigners who are legal Belgium residents. This bill, which worries a majority of the opposition, was issued by the Government for the sake of the protection of public order and national security."

And see: [Belgium: Counter-terrorism Law Allows Deportation of Belgians & foreigners, Moroccans in Target](#) (The North Africa Post, link)

15. UK: [New Independent Reviewer of Terrorism Legislation appointed](#) (gov.uk, link):

"The Home Secretary has appointed Max Hill QC as the government's new Independent Reviewer of Terrorism Legislation.

Mr Hill has been a QC for 9 years and has extensive experience both defending and prosecuting complex cases involving terrorism, homicide, violent crime, high value fraud and corporate crime. He successfully prosecuted the 21/7 bombers, and appeared in the inquest into the 7/7 bombings. Mr Hill takes over the role from David Anderson QC, who has held the post since 2011."

16. [Privacy is Power - Why the fight for privacy matters](#) (Standard Journal, link):

*"But privacy isn't just about you or me, and what immediate returns we may see on our investment. It's about the future of power. Of ensuring a system of checks and balances between ourselves and our governments and other large entities. There is a reason the information we produce is so cherished by these entities, and they will fight till the end to make sure **our** information is in their control. And because these entities are already so much more powerful than the collective privacy conscious, self-doubt and defeat is a reoccurring event.*

Battles may be lost, but never doubt the significance of this cause. A paranoia is in the air, like the paranoia of 1776. Don't ignore it. Don't believe it isn't real. Don't believe it's not important.

You are creating a better future for the people of 2217."

17. [Italy curtails appeal rights and expands rebranded detention centres](#) (ECRE, link):

"On 10 February, the Italian Council of Ministers adopted a law that foresees the acceleration of asylum procedures and returns, following heavily criticised plans set out in the second half of 2016. The Decree Law is only provisionally binding until it is voted on in the Parliament.

The new law creates specialised immigration chambers to hear asylum appeals. These chambers are established in 14 courts (Bari, Bologna, Brescia, Cagliari, Catania, Catanzaro, Florence, Lecce, Milan, Palermo, Rome, Naples, Torino and Venice), and are competent to decide on asylum appeal cases under a single judge. The reform also limits the possibility to be heard in such appeals: asylum appeal procedures are to be accelerated, as a decision by the specialised chamber must be taken within four months instead of six, and the decision can no longer be appealed to the Court of Appeal."

18. Refugee crisis: [France-Germany Note - mass expulsion to subsistence conditions](#)

- The "return of asylum seekers (without an assessment on the merits) in order to discourage illegal, smuggler-driven migration"

- Professor Steve Peers, University of Essex comments:

"the plan is that (implicitly) all those entering the EU would be removed to non-EU countries willing to host them, and kept there in conditions which minimally guarantee their survival

Overall, the drafters of this proposal have made no serious attempts to think through its feasibility; and while they make a show of support for human rights principles, their plan demonstrates an underlying contempt for them."

19. Greece: ATIMA: [Press Release: Death of an administratively detained migrant](#) (pdf, link):

"On the tragic occasion of the incident of an Algerian detainee who died at the Petrou Ralli detention center (Tavros Pre-removal Detention Center) on 5 February 2017, we would like to note that last October our organization released the report FORGOTTEN in which we presented the serious deficiencies of the system for administrative detention of irregular migrants and asylum seekers in Greece and made specific recommendations to the competent authorities."

20. Greece-Turkey: [NATO's Aegean patrols to continue](#) (ekathimerini.com, link):

"Patrols by the Standing NATO Maritime Group 2 (SNMG2) in the Aegean to stem the flow of migrants into Europe will continue despite objections by Turkey, defense ministers agreed Thursday at a NATO summit in Brussels.

"The prevention of refugee flows with NATO ships will continue as long as there are prospective illegal migrants or refugees on the other side of the Aegean," said Greek Defense Minister Panos Kammenos."

21. EU-TUNISIA: [Report: Tunisia to receive intercepted migrants, process asylum claims on EU's behalf](#)

According to a report in Italian newspaper *Il Corriere della Sera*, Italy is close to signing, with the support of the European Commission, a deal with Tunisia that would see the North African country agree to receive migrants of any nationality who departed from Libya by boat and were intercepted in extraterritorial waters by missions from Italy or other European states. Currently, in line with international law, people should be disembarked in the territory of the flag state of the ship that rescues them.

22. CYPRUS-UK: [Council of Europe anti-torture Committee visits the United Kingdom Sovereign Base Areas on Cyprus](#) (CPT, link):

"A delegation of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out, for the first time, a visit to the United Kingdom Sovereign Base Areas (SBA) of Akrotiri (Western Sovereign Base Area) and Dhekelia (Eastern Sovereign Base Area) on Cyprus from 9 to 11 February 2017.

The visit provided an opportunity to examine the treatment and safeguards in place for persons deprived of their liberty by the SBA Police and the British Forces Cyprus and to assess the conditions of detention and treatment of persons held in Dhekelia Prison. The CPT's delegation also briefly assessed the situation and existing safeguards for migrants held within the SBA."

23. EU: [New anti-terrorism powers passed by European Parliament](#)

The European Parliament voted on Thursday 15 February to approve the controversial new Directive on combating terrorism, as well as amendments to the Schengen Borders Code that will mean all EU citizens now have to be checked against the Schengen Information System, Interpol's Lost and Stolen Travel Documents database, and "other relevant databases" whenever they enter or exit the Schengen area.

24. UK: **Metropolitan Police seek to limit scope of Undercover Police Inquiry**

"Scotland Yard is pressing to change the scope of a judge-led public inquiry which is examining the controversial activities of undercover officers who infiltrated hundreds of political groups.

Lord Justice Pitchford, the senior judge heading the inquiry, wants to ask for evidence from all the undercover officers who are still alive, as he is not confident that all the documents relating to their covert operations still exist.

But the Metropolitan Police is arguing that the inquiry may not need to examine the conduct of every undercover officer in great detail."

See: [Met presses undercover police inquiry to examine fewer officers](#) (The Guardian, link); see also: [Police Try To Water Down Spying Probe](#) (Morning Star, link)

See: Undercover Policing Inquiry (Pitchford Inquiry) documentation: [Application for an extension of time by the Metropolitan Police Service](#) (pdf) and PRESS NOTICE: [Inquiry Announces Hearing 5 April 2017](#) (pdf)

25. ITALY-FRANCE: ["Migrant hunt" on trains between Italy and France violates the law and human rights](#)

What is legal in the push-backs carried out directly on trains by French police? "Basically nothing," says ASGI lawyer Anna Brambilla, who has long been following the situation at the French-Italian border: "The problem is a very complex one, and there are many violations."

26. EU: **Diagram of databases and information exchange networks for justice and home affairs**

As negotiations on new databases and information systems continue - for example the Entry/Exit System and the European System for Travel Authorisation - and as the Commission's 'High Level Expert Group on Information Systems and Interoperability' discusses the interconnection of existing systems, "the General Secretariat of the Council has made an attempt to map the existing (and some future) information exchange instruments, networks and databases in the JHA field."

See: [Overview of the information exchange environment in the justice and home affairs area](#) (6253/17 pdf)

27. EU: **Meijers Committee: requirements for meaningful democratic scrutiny of Europol**

Europol's new legal basis (Regulation 2016/794) will come into force on 1 May 2017. A new note from the Meijers Committee of experts in international immigration, refugee and criminal law examines some requirements for meaningful and effective parliamentary scrutiny of Europol, required under Article 51 of the new Regulation.

"The implementation of Article 51 into practice is currently debated, e.g. in the interparliamentary committee of the European Parliament and national parliaments. 1 As specified by Article 51 (1) of the Europol regulation, the organisation and the rules of procedure of the JPSG [Joint Parliamentary Scrutiny Group] shall be determined.

The Meijers Committee wishes to engage in this debate and makes, in this note, recommendations on the organisation and rules of procedure."

See: Meijers Committee: [Note on the interparliamentary scrutiny of Europol](#) (pdf)

28. **Press release: [EU border agency targeted "isolated or mistreated" individuals for questioning](#)**

Statewatch press release, 16 February 2017. Also available as a [pdf](#)

Guidelines produced for border guards participating in an EU joint operation instruct the targeting of *"migrants from minority ethnic groups, and individuals who may have been isolated or mistreated during their journey, as such people are often more willing to talk about their experiences."*

See also: Statewatch Analysis: [Opaque and unaccountable: Frontex Operation Hera](#) (pdf)

29. EU: European Data Protection Supervisor (EDPS): [Priorities for providing advice in 2017: The implementation of our advisory role to the EU legislator](#) (pdf):

"We have identified three areas of strategic importance for this year:

- *Ensuring the protection of confidentiality and privacy in electronic communications, in particular in the context of the ongoing review of the ePrivacy Directive 2002/58/EC*
- *Contributing to a Security Union and stronger borders based on respect for fundamental rights, including the proposals on ETIAS, the revision of SISII and ECRIS, as well as the issue of interoperability between these systems.*
- *Towards a new legal framework for the EDPS: the proposal for a new Regulation on data protection EU institutions, bodies, offices and agencies."*

And see: [Annex](#) (pdf)

30. Amnesty International: EU-Turkey "deal": [A Blueprint for despair: Human Rights impact of the EU-Turkey deal](#) (pdf):

"The dramatic scenes that saw a million refugees and migrants cross the continent prompted a backlash that continues to echo resoundingly, prompting a raft of measures increasingly focused on blocking future arrivals. Solidarity between EU member states and solidarity with a record global number of refugees has been in short supply."

31. EU: [Frontex wants "human intelligence" sources, Europol wants "integrated fingerprints and face recognition searches"](#)

EU agencies Frontex (dealing with border control and returns) and Europol (dealing with police cooperation) have published documents setting out their plans for the coming years. The Frontex

'Programming Document' covers the period 2018-20 and includes a proposal to develop "human intelligence" (HUMINT) sources; Europol's equivalent covers 2017-19, including the agency's work programme for 2017, and states an intention to "deliver feasibility analysis on a concept of integrated fingerprints and face recognition searches."

32. UK: [Hate crimes rise by up to 100 per cent across England and Wales, figures reveal](#) (The Independent, link):

"The number of hate crimes recorded by regional police forces rose by up to 100 per cent in the months following the Brexit vote, new figures show.

Dorset saw the greatest increase, with the 104 offences logged between July and September 2016 equating to double the total from April to June. Across England and Wales the rise was 27 per cent.

In total, 10 force areas saw rises of 50 per cent or more. Below we publish the full list."

33. [Clingendael report: EU external migration policies misaligned with reality](#) (ECRE, link):

"On the February 1, Dutch think tank Clingendael released a [report](#) on the relationship between irregular migration and conflict and stability in Mali, Niger and Libya. The report's main finding is that current EU policies are misaligned with the reality of trans-Saharan migration.

The report argues that European external migration policies fail to take into account the diverse socio-political dynamics of intra-African migration. EU policies focus on stemming migration flows through securitised measures as a means to stop human smuggling. "

See also: [The Niger-Libya corridor: Smugglers' perspectives](#) (pdf)

34. [From Hotspots to Repatriation Centres: How Italy Gets tough on Immigration Policies](#) (Linkedin, link):

"the latest plan presented by the newly appointed Italian Minister of Interior seems to open a path towards the return to a fully operational reception system while restoring the confidence into the Schengen area. However, this strategy faces three major challenges in its implementation: redistributing migrants in every Italian region, strengthening international relations with key third countries and encouraging the externalization of border management through law-enforcement cooperation. Although the government promptly assured that the proposal to open a Repatriation Centre (hereinafter CPR) for every region is meant to simplify bureaucratic procedures and alleviate pressure on the overcrowded hotspot system, this burden-sharing mechanism among municipalities in proportion to its inhabitants has already sparked a heated debate."

35. UK: [No 10: Official Secrets Act proposals 'project of previous prime minister' - Downing Street vehemently denies claims it plans to outlaw investigative journalism and public interest whistleblowers](#) (Guardian, link):

"As a row erupted over a Law Commission report which suggested that the maximum penalty of two years in prison for leaking official information might be too low when set against 14 years in comparable jurisdictions, Downing Street on Monday night vehemently denied that it was trying to stifle a free press.

"This is a consultation by an independent body instigated by a previous prime minister," a No 10 source said. "It will never be our policy to restrict the freedom of investigative journalism or public service whistleblowing."

See: Law Commission: [Protection of Official Data: A Consultation Paper](#) (pdf)

36. UK: [Union Leaders Call for Hogan-Howe to Explain Shredding](#) (COPS, link):

"We the undersigned are outraged at the news that despite court orders to the contrary, the Metropolitan Police Service has destroyed evidence required for use in the Undercover Policing Public Inquiry. State spying on trade unions and political campaigns is a human rights scandal that affects millions of British citizens.

Despite continued reassurances, the [Pitchford Inquiry](#) has failed to secure the documents that will be central to the investigation. Trade union core participants are beginning to question whether the Inquiry team has the ability to stop the police from obstructing the pursuit of justice. Lord Justice Pitchford needs to act now to restore our faith."

37. [Farmer given suspended €3,000 fine for helping migrants enter France - Cédric Herrou, an organic olive farmer who has become a local hero for providing shelter for Africans, convicted in Nice court](#) (Guardian, link):

"A French farmer who became a local hero for helping African migrants cross the border from Italy and providing them with shelter has been given a suspended €3,000 fine for aiding illegal arrivals.

Cédric Herrou's trial in a court in Nice had become a focal point in the ongoing debate about refugees and migrants in France, and the French law against helping or sheltering them. The current Socialist government amended the law against assisting migrants, but it remains illegal to help them cross borders."

See also the campaign against the "solidarity offence": [Delinquants Solidaires](#) (link) and [French farmer punished for helping migrants enter France from Italy](#) (RFI, link)

38. European Parliament: [Eurodac Regulation: Parliament committee report takes hard line on mandatory biometric registration of asylum-seekers](#)

A draft report to be submitted to the European Parliament's civil liberties committee (LIBE) proposes that Member States should be obliged to introduce "effective, proportionate and dissuasive" administrative sanctions for asylum-seekers and irregular migrants who demonstrate "non-compliance with the fingerprinting process and capturing a facial image."

The Commission's text proposed an article that said:

*"Member States **may** introduce administrative sanctions, in accordance with their national law, for non-compliance with the fingerprinting process and capturing a facial image in accordance with paragraph 1 of this Article. These sanctions shall be effective, proportionate and dissuasive. In this context, detention should only be used as a means of last resort in order to determine or verify a third-country national's identity."*

The draft report proposes changing the word "may" to "shall", thus requiring Member States to introduce sanctions for people who refuse to submit to fingerprinting or the "capture" of their facial image for inclusion in the Eurodac database.

39. EU: Council of the European Union: **No unanimity on the creation of the European Public Prosecutor's Office:**

See: [European Public Prosecutor Office : Council takes first step towards a possible enhanced cooperation](#) (Press release, pdf):

"On 7 February 2017, the Council registered the absence of unanimity in support of the proposal for a regulation creating a European Public Prosecutor's office (EPPO). This opens the way for a group of at least nine member states to refer the text for discussion to the European Council for a final attempt at securing consensus on the proposal. If this does not prove possible, enhanced cooperation can be considered.

"EPPO has been part of the Treaties since 2009. However, as the last six and a half years have

shown its establishment has been elusive. I am positive that the Maltese presidency will achieve concrete results by continuing to act as an honest broker so that those member states who wish to launch enhanced cooperation do so under this presidency", said Owen Bonnici, Minister for Justice of Malta." [emphasis added]

40. [Thousands of Roma Forced onto Streets of France in 2016](#) (ERRC, link):

"More than 10,000 Roma were subjected to forced evictions by French authorities last year, with over 6 in 10 Romani families experiencing forced eviction.

The annual report released today by the European Roma Rights Centre and the Ligue des droits de L'Homme shows that more than half of the recorded evictions took place without a court decision and in most cases, no adequate alternative accommodation was offered to those made homeless."

See: [Report](#) (link, pdf) and [Report](#) (French, link, pdf)

41. [The European travel document Yet another step to deport by all means](#) (migreurop, link);

"Mid-way in the Valletta processes, and as African and European high officials are meeting in Malta on 8/9 February 2017, the European Union is crossing a step further in its attempts to limit mobility of migrants and imposes its rule on countries where most of migrants originate from through the use of the "European travel document", a document adopted last October 2016 and almost unnoticed....

The European travel document (EUTD) marks yet another step in the EU's strategy to externalise its migration policy for over twenty years. This travel document is issued exclusively by EU Member States and enables the deportation of a person without s/he has been identified by the "third" country h/she suspected of coming from, i.e. without the person being issued a consular travel document regardless of the person's rights and of the principle of equality between sovereign states (guaranteed in the Vienna Convention).

Despite the strong opposition of African leaders against the European travel document as soon as November 2015, a position reasserted in early 2017 by civil society and the Malian government, the EUTD is already in use, irrespective of substantial shortcomings both in the format and in the content."

See also: [Statement](#) (pdf)

42. [Western Mediterranean countries plead for increased NATO presence](#) (euractiv, link):

"Defence ministers from France, Italy, Portugal and Spain have called on NATO to increase its presence in their part of the world.

Spanish Defence Minister María Dolores de Cospedal said after a meeting of the so-called "Southern Quartet" in Porto yesterday (6 February) that their request for more NATO involvement is justified because "today, the risks facing Europe are different to those in years past and they originate from more sources".

Cospedal added that "it is true that NATO traditionally does not have a strong presence in the south of Europe", yet she and her three counterparts are still advocating more Alliance-involvement in their region, especially in the Mediterranean."

Documentation (Annotated)

1. EU: Council of the European Union: [Qualifications Directive, "Blue Card" Directive, EES and ETIAS](#)

- QUALIFICATIONS: [Proposed Regulation on qualification of third-country nationals or stateless persons as beneficiaries of international protection](#) (LIMITE doc no: 5402-REV-1-17, 88 pages, pdf): Council developing its position with 144 Member State footnotes.

- "Legal migration"/Blue Card: [Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment](#) (LIMITE doc no: 5899-17,pdf) Council developing its position with 157 Member State footnotes. Modifications are indicated in bold and the deleted text is marked with strikethrough.

- Nearly agreed Council position on Entry/Exit System (EES): [Draft mandate to open interinstitutional negotiations with the European Parliament](#) (LIMITE doc no: 6323-17, 154 pages, pdf): Major deletions of parts of Presidency compromises are marked as (...).

- Issues within the Council concerning ETIAS: [Proposal for a Regulation establishing a European Travel Information and Authorisation System \(ETIAS\)](#) (LIMITE doc no: 6324-17, pdf): Issues include:

"Defining the responsible Member State as the Member State of first entry would not lead to a fair distribution between Member States of the workload linked to the authorisation process. It is likely that Member States with large airports or with a land border with a third country would receive the highest number of applications...."

One should consider what happens in practice in relation to applicants who need a visa to enter the EU: often, the actual Member State of first entry is not the one that was declared by the traveller in his application...

"Duration of the authorization: While some Member States are fine with the five-year duration of the authorization, others find this validity period too long and have suggested shorter terms. Such suggestions have varied from single use to two years (the latter being the case of the US ESTA system)...."

Considering that the main concerns by Member State relate to having only an assessment once in a 5-year period of time, would the possibility for additional re-assessment in case new alerts are introduced in the systems solve the Member States concerns (i.e. extend the re-assessment foreseen in Article 35(3) and (4) in case of new alerts in SIS and the ETIAS watchlist to other systems)?"

2. EU Council of the European Union: **HLWG: Migration and GAMM report & European Council Draft Conclusions**

- [High Level Working Group on Asylum and Migration \(HLWG\): Summary of discussions](#) (LIMITE doc no: 5657-17, pdf): Includes: Detailed Global Approach to Migration and Mobility: GAMM UPDATE: 19 January 2017 (pages: 4-29):

"This document provides an updated overview of the main external migration dialogues and processes implemented in the framework of the EU Global Approach to Migration and Mobility (GAMM). The document is compiled for the information of the EU High Level Working Group on Asylum and Migration by the responsible European Commission services, in association with the EEAS."

- [European Council \(9 and 10 March 2017\) - Draft guidelines for the conclusions](#) (LIMITE doc no: 5575-17, pdf): Includes:

"MIGRATION: On the basis of the report of the Maltese Prime Minister (see above), the European Council will take stock of the follow up to the guidance provided at the informal meeting in Malta on 3 February 2017, with a focus on operational measures. It will also encourage further efforts by the Council to rapidly deliver on all aspects of the EU's comprehensive migration policy during the current Council Presidency."

"European Public Prosecutor's Office (draft conclusions): Following the referral by 17 Member States pursuant to Article 86(1), second subparagraph, TFEU of the draft Regulation on the establishment of the European Public Prosecutor's Office, the European Council discussed the draft and noted that the condition set out at the beginning of Article 86(1), third subparagraph was met, thus opening the way to the possible establishment of enhanced cooperation on the basis of that draft."

3. EU: [Council of the European Union targets Greece and Italy's failure to implement the Schengen acquis and control-return refugee arrivals](#)

• Greece: [Council implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of the Schengen Information System](#) (EU doc no: 6354-17, pdf)

• Greece: [Council implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of management of the external border](#) (EU doc no: 6365-17, pdf)

• Greece: [Council implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Greece on the application of the Schengen acquis in the field of the common visa policy](#) (6352-17, pdf):

• Italy: [Council Implementing Decision setting out a Recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of return](#) (6538-17, pdf)

• Italy: [Council implementing Decision setting out a recommendation on addressing the deficiencies identified in the 2016 evaluation of Italy on the application of the Schengen acquis in the field of management of the external border](#) (EU doc no: 6357-17, pdf)

4. European Parliament Research Service: [Addressing migration in the European Union](#) (92 pages, 7 MB, pdf): Includes:

Public expectations and EU policies - The issue of migration, Reform of the Dublin system, European Union Agency for Asylum, Recast Eurodac Regulation, Reception of asylum-seekers - recast directive, Common procedure for asylum, safe countries of origin: Proposed common EU list, European Border and Coast Guard system and Gender aspects of migration and asylum in the EU: An overview:

"Over the past two years, the migratory pressure on the European Union's external borders has led to dealing with migration becoming its highest priority. After a peak in 2015, the number of irregular entries into the European Union dropped by more than half in the second quarter of 2016, compared with the same period in 2015, mainly as a result of the implementation of the EU-Turkey Statement. However, the number of asylum applications remains high, with more than 1.2 million asylum applications made in the EU Member States in 2016. Nonetheless, the EU and its Member States are adapting to the new reality."

5. EU-LIBYA: [Mission impossible? Secret EU report makes clear problems in rebuilding Libyan state](#)

With the EU committed to halting cross-Mediterranean irregular migration, a recent classified report produced by the EU's Border Assistance Mission (EUBAM) Libya makes clear the difficulties that lie ahead in attempting to establish functioning state institutions in the country, including those willing to comply with European demands for "integrated border management".

See: [EUBAM Libya Initial Mapping Report Executive Summary](#) (25 January 2017, 5616/17, EU RESTRICTED, pdf).

6. EU-UK: [Justice and Home Affairs after Brexit](#)

European Parliament's Civil Liberties Committee (LIBE): Briefing Note for the Committee: [Contribution on the UK withdrawal from the EU \(Brexit\)](#) (pdf):

Overall the UK has already indicated in statements to the House of Commons and this Briefing says:

"The UK Government has already made it clear that strong security cooperation with the European Union will be one of its four overarching objectives in forthcoming negotiations³. In that respect, the area of Justice, Home Affairs will be a key component of both the withdrawal agreement and the future EU-UK relationship agreement."

7. European Parliament Study: [Counter-terrorism cooperation with the Southern Neighbourhood](#) (pdf):

"Since the EU adopted its Counter-Terrorism Strategy in 2005, it has focused on forging closer ties with third countries in the fight against terrorism. Cooperation with the Southern Neighbourhood in this field is particularly important. Every single country within this region is affected by terrorism to different degrees and terrorist attacks on European soil are increasingly linked with the Middle East and North Africa."

8. EU: Council of the European Union: **Registering ID to combat fraud: [Commission Questionnaire on Issues related to Registration of Identity](#)** (Doc no: 5633-17, pdf):

"Delegations will find attached a questionnaire suggested by the services of the Commission on issues related to Registration of Identity in the context of the follow-up to the Commission's Communication on an Action Plan to strengthen the European response to travel document fraud (COM(2016) 790 final)."

And see: Commission Communication: [COM 790-16](#) (pdf)

9. EU: Council of the European Union: **Vulnerable refugees in four measures & Humanitarian visas**

• **Vulnerable refugees - redraft of clauses: [Theme: 'Guarantees for those with special needs'](#)** (LIMITE doc no: 5939-17, pdf) With 68 Footnotes with Member State positions:

"In the framework of the theme "Guarantees for those with special needs", delegations will find attached modifications suggested by the Presidency in relation to:

- Articles 19, 20, 21, 22, 24 and 32 of the **Asylum Procedures Regulation**;
- Articles 11, 17a (3), 20, 21, 22, 23 and 24 of the **Reception Conditions Directive**;
- Articles 22 (4) and (5) and 36 of the **Qualifications Regulations**; and
- Article 8 of the **Dublin Regulation**.

*The changes in the text are marked as follows: added text is marked in **bold** and underline and deleted text from the original Commission proposal is marked in **bold** and single ~~strikethrough~~."*

• Humanitarian visas: [Visa Working Party/Mixed Committee - Outcomes](#) (LIMITE doc no: 5668-17, pdf): Including Draft Regulation of the European Parliament and of the Council on the Union Code on Visas (Visa Code) (recast):

"AT, supported by FR, SK and CZ, reported that the EP had not yet given up on the idea of the humanitarian visa and strongly invited the Presidency to make it clear during the negotiations with the EP that this was a red line for the Council. Therefore, as long as the humanitarian visa was included in the compromise amendments, they stressed that the Council would not be in a position to agree on anything."

The Chair took note of the comments and said that the Presidency would inform delegations on further contacts with the EP."

10. UN: [Special Rapporteur releases annual report - "2016: The Year in Assembly & Association Rights"](#) (link):

"UN Special Rapporteur Maina Kiai is pleased to announce the release of his mandate's third and final annual report, "2016: The Year in Assembly & Association Rights."

The report tells the story of 2016 from the perspective of assembly and association rights and recaps the Special Rapporteur mandate's work during the year. The report also features Kiai's farewell letter, in which he reflects on his nearly six years in the mandate.

When the Human Rights Council created his mandate in 2010, Kiai writes, "the rights to freedom of peaceful assembly and of association were somewhat neglected in the pantheon of our most cherished rights - known, but rarely in the headlines. In the years since, they have underpinned some of the most cataclysmic political events of the 21st century."

"And remarkably, all of this happened while governments everywhere were embarking upon the most comprehensive rollback of civic freedoms since the end of the Cold War," he adds."

11. EU: REFUGEE CRISIS: Commission: [9th report on relocation and resettlement](#)

• Press release: [Relocation and Resettlement: Member States need to build on encouraging results](#) (pdf):

"Commissioner for Migration, Home Affairs and Citizenship Dimitris Avramopoulos said: "The past months have seen progress on both relocation and resettlement..."

However, significantly increased commitment and delivery is still needed from other Member States, in particular those who still have not started to carry out relocations at all."

Comment: The targets for relocation within the EU were set in September 2015 and are still way off being met and only a minority of Member States are regularly taking part. Moreover the new monthly targets for relocation from Greece and Italy are not being met with refugees continue to arrive.

• [Ninth report on relocation and resettlement](#) (COM 74-17, pdf)

- Annex 1: [Greece](#) (pdf)
- Annex 2: [Italy](#) (pdf)
- Annex 3: [Resettlement](#) (pdf)

12. EU: Council: [Schengen area: Council recommends prolongation of internal border controls](#) (pdf):

"On 7 February 2017, the Council adopted an implementing decision setting out a recommendation to prolong temporary internal border controls in exceptional circumstances.

Starting from 11 February 2017, when the previous decision expires, Austria, Germany, Denmark, Sweden and Norway should prolong proportionate temporary border controls for a maximum period of three months at the following internal borders:

Austria at the Austrian-Hungarian land border and Austrian-Slovenian land border

Germany at the German-Austrian land border

Denmark in the Danish ports with ferry connections to Germany and at the Danish-German land border

Sweden in the Swedish harbours in the Police Region South and West and at the Öresund bridge
Norway in the Norwegian ports with ferry connections to Denmark, Germany and Sweden."

13. EU: [European Council adopts declaration on cooperation with Libya amidst human rights warnings](#)

The European Council meeting in Malta has issued a declaration on the "external aspects of migration", primarily focusing on the "Central Mediterranean Route" and cooperation with Libya.

There are no major changes in the content compared to the draft declaration published by *Statewatch* yesterday, although an affirmation of a "determination to act in full respect of human rights, international law and European values" has been moved to the first paragraph.

However, these warm words are not backed up elsewhere in the text, for example by including a commitment to "a significant expansion of opportunities for safe pathways such as resettlement and humanitarian admission, among others, to avoid dangerous journeys," as called for by the UNHCR and IOM.

14. ITALY-LIBYA: [New Memorandum of Understanding on "illegal immigration" and border security signed](#)

Italy and the UN-backed Libyan Government of National Accord yesterday (2 February) signed a new Memorandum of Understanding on "development, countering illegal immigration, human trafficking, smuggling and on strengthening border security".

See: [Memorandum d'intesa sulla cooperazione nel campo dello sviluppo, del contrasto all'immigrazione illegale, al traffico di esseri umani, al contrabbando e sul rafforzamento della sicurezza delle frontiere tra lo Stato della Libia e la Repubblica Italiana](#) (pdf)

And: [Italy-Libya memorandum of understanding on migration and development: English translation](#)



EU: **Operation Sophia begins training more Libyan Coast Guard and Navy officials**

"On 30 January 2017 the second package of the training conducted by EUNAVFOR Med Operation Sophia for the Libyan Navy Coast Guard and Libyan Navy starts in a maritime training centre in Crete (Greece). Twenty Libyan Navy Coast Guard and Libyan Navy trainees will receive training in areas including maritime legal aspects, Human Rights and raising gender awareness, as well as Search and Rescue operations. Package 2 is the next step from the application of basic seamanship delivered in Package 1. The second package will be delivered throughout 2017 in a variety of locations in the Mediterranean area. The trainees are senior officers at the rank of Captain or Commodore."

See: EEAS press release, 30 January 2017: [Operation SOPHIA: package 2 of the Libyan Navy Coast Guard and Libyan Navy training launched today](#) (pdf)

Background: Analysis: [The EU's military mission against Mediterranean migration: what "deterrent effect"?](#) (December 2016, pdf) and: [Working document of the European Union External Action Service, EUNAVFOR MED Op SOPHIA - Six Monthly Report 1 January - 31 October 2016](#) (Council document 14978/16, RESTRICTED, 30 November 2016, pdf)

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