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ANALYSES

1. Statewatch Analysis: [Suspicion files: German police databases on political activists](#) (pdf) by Matthias Monroy:

German authorities use a number of databases that collect data on political activists, even if they hadn't been sentenced or tried. Names are stored if people have had their identity checked, or if they have registered a demonstration under their name. Many are recorded under false designations. Such entries have raised concerns around them being used for further repression, including the revocation of journalists' accreditation. Discriminatory and stigmatising labels have also been applied to people whose data is held by the police.

2. Statewatch Briefing: [Another step towards ending EU law-making through secret trilogue meetings](#) (pdf): by Tony Bunyan

Emilio de Capitani's successful case in the ECJ follows a long line of similar cases - Carvel, Turco, Hautala, Access Info and others – and marks a very important win. .Tony Bunyan, Statewatch Director, comments:

“The parliament discusses and adopts its negotiating position in the open – but as the court noted – it needs to formalise proper procedures for reporting back on the progress of measures.

On the other hand the Council's discussions on reaching its negotiating position are held in secret working parties – with most documents marked “LIMITE” (not publicly accessible). Many of the arguments for democratic accountability to citizens emphasised by the court also apply to the positions taken by Members States in these closed fora.

And finally, secret trilogues should be open to the public so that we can all see democracy in action.”

NEWS

1. [Refugees: Greece Statement by 5 of the accused of the Moria 35 – Take action!](#)

"On the 20 April, we are scheduled to attend trial in Chios after waiting nine months, trapped on Lesbos, while 30 of our brothers unjustly have waited in prison for this same time period.

Our humanity has been denied since we stepped foot in Europe, the supposed cradle of democracy and human rights. Since we arrived we have been forced to live in horrible conditions, our asylum cases are not taken seriously, and most Africans are denied residency in Europe and face deportation. We are treated like criminals, simply for crossing a border that Europeans can freely cross."

2. UK-BREXIT: House of Commons Library: [Brexit: Gibraltar update](#) (pdf):

"the Spanish Government has repeatedly expressed interest in obtaining joint control of Gibraltar's airport which is located on the isthmus that joins the Rock to the Spanish mainland. The Spanish Government regards the isthmus as not being covered by the Treaty of Utrecht by which the Rock was ceded to the British Crown in 1713.

There is concern that if the UK and Spain are unable to arrive at a bilateral agreement by the autumn of 2018, this could hold up the conclusion of the overall Withdrawal Agreement. The Chairman of the House of Lords Select Committee on the EU wrote to the Secretary of State for Exiting the EU, David Davis MP, on 28 March 2018 expressing concerns about the UK-Spain bilateral discussions and seeking reassurance that Gibraltar would be fully covered by the transitional arrangements for UK exit."

3. SWEDEN: ['Being cash-free puts us at risk of attack': Swedes turn against cashlessness](#) (The Guardian, link):

"It is hard to argue that you cannot trust the government when the government isn't really all that bad. This is the problem facing the small but growing number of Swedes anxious about their country's rush to embrace a cash-free society.

Most consumers already say they manage without cash altogether, while shops and cafes increasingly refuse to accept notes and coins because of the costs and risk involved. Until recently, however, it has been hard for critics to find a hearing.

"The Swedish government is a rather nice one, we have been lucky enough to have mostly nice ones for the past 100 years," says Christian Engström, a former MEP for the Pirate Party and an early opponent of the cashless economy.

"In other countries there is much more awareness that you cannot trust the government all the time. In Sweden it is hard to get people mobilised."

There are signs this might be changing. In February, the head of Sweden's central bank warned that Sweden could soon face a situation where all payments were controlled by private sector banks. "

4. UK-EU: [Thousands of children of EU parents at risk of falling through the cracks of Brexit, University of Birmingham research reveals](#)

Thousands EU citizens and their family members living in the UK under EU law are at risk of 'falling through the cracks', with their rights of future residence in question after Brexit, Eurochildren researchers say.

5. UK: [Undercover policing inquiry: core participants express serious concerns over anonymity for police officers](#)

Core participants in the UK's undercover policing inquiry have aired serious concerns over the ongoing complete anonymity afforded to former undercover police officers by the inquiry's chair, Sir John Mitting, which is preventing them from finding out the truth of what happened to them.

6. [Macedonia apologises for role in CIA's secret rendition programme](#)

The Macedonian government has expressed "sincere apologies and unreserved regrets" for its role in the abduction and torture of German citizen Khaled el-Masri as part of the CIA's "rendition" programme.

7. [Italy summons ambassador in diplomatic row after French police cross border to test migrant for drugs](#)

"Italy summoned the French ambassador for consultations on Saturday after armed French border patrol agents used an Italian train station to force a Nigerian train passenger to provide a urine sample for a drug test."

8. ECHR: [The right not to be tried or punished twice only applies to courts in one and the same State](#)

In its decision in the case of Krombach v. France (application no. 67521/14) the European Court of Human Rights has unanimously declared the application inadmissible. The decision is final.

The case concerned Mr Krombach's criminal conviction in France for events in respect of which he submitted that he had previously been acquitted in Germany. The facts concerned the circumstances surrounding the death of Kalinka Bamberski in 1982 at Mr Krombach's home in Germany. The case raised the question of the right not to be tried or punished twice (ne bis in idem).

9. NORTHERN IRELAND: [Policing in Northern Ireland since the Good Friday Agreement](#) (The Detail, link):

"FOR those engaged in the negotiations leading up to the Good Friday Agreement, the future of policing was a central, but seemingly intractable problem.

As a source of debate, controversy and conflict for many years, the issue of a fair, representative and impartial police service went to the very heart of the conflict transformation endeavour.

Now 20 years post Good Friday, have we seen the new beginning to policing which was promised? Let's start with some basics. There is a new name - 'the Police Service of Northern Ireland' and a new crest representing the symbols of the past and the present. Catholics now make up 31.5% of the total number of officers (although only around 19% of police staff), and there is a new, representative Policing Board to hold the Chief Constable to account.

Indeed, the PSNI are the most accountable police service in the European Union and the Policing Board is the most powerful independent policing authority. In general, public satisfaction in policing is high - with around three quarters of those recently surveyed believing the police were doing a good job. "

10. UK: [New report reveals that the UK police are secretly downloading content from suspects' mobile phones on a massive scale](#)

Privacy International have today published a new report examining technology UK police forces are secretly deploying, which enables them to download all of the content and data from people's phones. 'Digital Stop and search: how the UK police can secretly download everything from your mobile phone' is based on Freedom of Information requests to 47 police forces across the UK about their use of such 'mobile phone extraction' technologies.

11. SCOTLAND: [Independent Advisory Group on the Use of Biometric Data in Scotland publishes final report](#)

The Independent Advisory Group on the Use of Biometric Data in Scotland has published its final report examining the retention of custody images by Police Scotland and "the use and retention of biometric data more generally in policing to seek to establish an ethical and human rights based framework".

12. [Leaked EU overhaul gives tech companies 10 days to share 'e-evidence' data with police](#) (euractiv, link):

"EXCLUSIVE / Messaging apps and other digital services will be forced to give their users' data to law enforcement authorities within ten days of receiving requests, or six hours in emergencies, according to a leaked draft of an upcoming EU legal overhaul.

The European Commission will crack down on technology companies that collect so-called electronic evidence that is needed for criminal investigations, regardless of where companies are located or user data is stored, according to proposals obtained by EURACTIV."

13. CoE: [The Commissioner intervenes before the European Court of Human Rights on cases concerning alleged pushbacks of migrants at Spain's border](#) (link):

"Today the Commissioner published updated written observations that he submitted to the European Court of Human Rights in two cases concerning returns of migrants from the Spanish city of Melilla to Morocco. The cases were referred to the Grand Chamber last January.

The present new observations reiterate the conclusions contained in the Commissioner's initial submission of November 2015, but also take account of the Commissioner's subsequent country monitoring work on the subject matter.

The Commissioner underscores that all the information available points to the existence of an established practice whereby Spain's border guards summarily return to Morocco migrants who attempt to enter Melilla by climbing the fence which surrounds the city. "Such returns take place outside of any formal procedure and without identification of the persons concerned or assessment of their individual situation", he writes. "This practice, to which the legal amendments adopted in Spain in March 2015 aim at providing legal underpinning, prevents the persons concerned from effectively exercising their right to seek international protection."

And see: [Third party intervention by the Council of Europe Commissioner for Human Rights](#) (pdf)

14. [This Is What A Forced Deportation Sounds Like When It Goes Wrong](#) (Huffpost, link) with a very distressing video:

"An audio recorded by HuffPost UK reveals the grim reality of that attempted forced deportation. It is a 20-minute recording of the incident, between a man, who was referred to as Abdul, and at least five border police officers."

15. [The prosecutor's case against the rescue ship Open Arms](#) (openmigration.org, link):

"The rescue ship Open Arms has been seized after failing to turn over 218 migrants rescued at sea to the Libyan Coast Guard. The ship's captain, the mission leader, and the director of the Spanish NGO have been accused of criminal conspiracy and aiding illegal immigration by the same prosecutor who had accused NGOs before the seizure of the Iuventa. We are at a critical point in the tug of war between the Italian Ministry of the Interior and those NGOs rescuing migrants out at sea. Here is what the document says, what the prosecution says, and what the NGO says." (see more)

16. EU-MED: [Statement by 29 academics on Italy seizing the rescue boat Open Arms](#) (pdf):

"Italy should cease its policy of promoting, directing and enforcing returns to Libya with immediate effect, and should cease prosecuting actors who deliver people rescued at sea to a place of safety; In case Italy fails to do so:

1. The UN Security Council should be seized to consider Italy's actions a threat to international peace and security; to call upon Italy to cease its violations of international law; and to promote a coordinated approach to SAR in the Mediterranean which does not include exposing rescued persons to the risk of grave human rights violations;

2. Côte d'Ivoire, Equatorial Guinea, and Ethiopia – being the the African Union Member States that are currently members of the UN Security Council – whose citizens are directly affected by Italy's violations of international law, should propose an immediate meeting of the UN Security Council to this end;

3. The Prosecutor of the International Criminal Court should proprio motu open an investigation concerning high-ranking Italian authorities as to their complicity in crimes against humanity taking place in Libya;

4. Each Member State of the Council of Europe should consider filing an inter-state complaint against Italy at the European Court of Human Rights."

17. [A Reply to Pragmatists on Mediterranean Migration: Be More Realistic](#) (Refugees bDeeply, link):

"In response to a recent proposal on how Italy can combine effective migration control with human rights, policy expert Giulia Lagana argues that the plan lacks the very political realism that it accuses the human rights community of neglecting."

18. [Court of auditors to assess EU funds for refugees in Turkey](#) (euobserver, link);

"The EU Court of Auditors is conducting an audit of the EU facility for refugees in Turkey, it announced Tuesday. The €3bn fund was established in January 2016 to support humanitarian and non-humanitarian activities for refugees, mainly Syrians, in Turkey. The European Commission said earlier this month that a new fund was needed at the end of the current one. Auditors will assess whether the fund is providing "effective support".

19. [European Union steps up its efforts to become the global leader on addressing climate-related security risks](#) (SIPRI,link):

"On 26 February 2018 the European Union (EU) adopted its latest [Council Conclusions on Climate Diplomacy](#) following a Council Meeting of Foreign Ministers in Brussels. These Council Conclusions are much more action-oriented than those adopted previously. They illustrate not only that the EU is stepping up its efforts to become a leading global actor when it comes to fulfilling the [2016 Paris Agreement on Climate Change](#), but also that the EU is now placing far greater emphasis on the need to address and mitigate security risks posed by climate change. This essay discusses what is new in the recent Council Conclusions and puts these updates into context. It also discusses the key steps required for the EU to strengthen its work to mitigate climate-related security risks."

20. UK-BREXIT: [A Bridge to Nowhere? The Brexit transition period: analysis and annotation](#) (EU Law Analysis,link), by Professor Steve Peers:

"ast week saw significant developments in the Brexit talks. On Monday March 19th, the EU27 and the UK agreed on a large part of the proposed withdrawal agreement, most notably the details of a transition period (lasting from Brexit day in March 2019 to the end of 2020) which the UK was particularly concerned to agree. (There were earlier drafts of the entire agreement on February 28 and March 15). Subsequently, on Friday March 23rd, the EU27 decided that there was sufficient

progress in the talks to move to adopt its [guidelines](#) for the future relationship with the UK, which will take the form (for now) of a declaration linked to the withdrawal agreement. Ultimately, that future relationship will be regulated by separate treaties ratified after Brexit day.

For now, though, I will focus on the core issue of the transition period,..."

21. EU-TURKEY: [Appeasement will not work with Erdogan](#) (euobserver, link):

"The European Union's top leaders are meeting Turkish President Recep Tayyip Erdogan this Monday (26 March) in the Bulgarian city of Varna.

This is the second mini-summit with the Turkish president in less than a year - and when Turkey is reaching new lows in violating basic human rights and fundamental freedoms as an EU 'acceding candidate country'. (...)

most condemning of all was the [United Nations report on human rights in Turkey](#).

The report, which was quickly dismissed and condemned by the Turkish authorities as full of "unfounded allegations of terrorist organisations", showed in detail how torture, ill-treatment, sexual assault and electric shocks have made a comeback in 'EU candidate' Turkey. "

And see full report: [Office of the United Nations High Commissioner for Human Rights: Report on the impact of the state of emergency on human rights in Turkey, including an update on the South-East January – December 2017](#) (link)

22. UK: [Exclusive: The Met spychief who infiltrated Freedom Press](#) (Undercover Research, link):

"After an investigation tracking his articles through the paper and talking to old comrades, Freedom can today reveal at least some of the story of former spycop Roger Pearce as he used our paper to worm his way into Northern Ireland.

Earlier this week it was disclosed that Freedom Press would now be considered a core participant in the Undercover Policing Inquiry, following official confirmation that Pearce had operated as "Roger Thorley," a former writer for Freedom in the 1970s and '80s."

23. UK: [Anti Apartheid Movement – story](#) (Special Branch Files, link):

"When Nelson Mandela passed away in 2013, British politicians were queueing up to pay tribute. However, it should not be forgotten that the British police went to enormous lengths to infiltrate and disrupt the campaign in this country to help sweep away apartheid. Margaret Thatcher denounced the African National Congress as a typical terrorist organisation.

Previously confidential official files released under the Freedom of Information Act show how Special Branch penetrated the Anti-Apartheid Movement from top to bottom over 25 years – at least from 1969 to 1995. The files presented here come from two different sources. One set was unearthed in 2005 by BBC journalist Martin Rosenbaum, who kindly agreed to share them with the Special Branch Files Project. An additional batch covering 1969-1970 are Special Branch files from the National Archive, photographed by The Guardian journalist Rob Evans. The collection includes files on the policing of the Stop The Seventy Tour (STST) and the protection of the Springboks, the South African Rugby team, touring the UK."

24. EU: A victory for openness and transparency: [The European Parliament must in principle grant access, on specific request, to documents relating to ongoing trilogues - The work of the trilogues constitutes a decisive stage in the legislative process](#) (Press release, pdf):

"In today's judgment, the General Court finds, first of all, that even after the making available to the public of the documents at issue, Mr De Capitani did not lose his interest in bringing proceedings,

since the alleged unlawfulness is liable to recur in the future independently of the circumstances which gave rise to the action brought.

Next, as regards access to the fourth column of trilogue tables concerning an ongoing legislative procedure and emphasising that the principles of publicity and transparency are inherent to the EU legislative process, the General Court finds that no general presumption of non-disclosure can be upheld on the basis of the nature of a legislative procedure. (...)

"It is in fact rather a lack of information and debate which is capable of giving rise to doubts in the minds of citizens, not only as regards the lawfulness of an isolated act, but also as regards the legitimacy of the decision-making process as a whole."

See: [Judgment - full-text](#) (pdf)

And see: [Publish secret law files, demands EU Court in transparency ruling](#) (euractiv, link) and Statewatch Observatory: [FOI in the EU](#)

25. [AIDA 2017 Update Italy: obstacles in accessing asylum procedures and lack of reception capacity](#) (link):

"The updated [AIDA Country Report on Italy](#) documents developments in the asylum procedure, reception conditions, detention of asylum seekers and content of international protection throughout 2017.

The year 2017 has been characterised by media, political and judicial crackdown on non-governmental organisations (NGOs) saving lives at sea, and by the implementation of cooperation agreements with African countries such as Libya, while barriers to access to the territory have also been witnessed at the northern borders of the country, against the backdrop of increasing arrivals from Austria."

26. [NGO rescue boat is held by Italian authorities after refusing to cooperate with Libyan coastguard](#) (ECRE, link):

"After a tense altercation between the Libyan coastguard and the vessel of a Spanish NGO during a rescue operation involving 218 migrants in the Mediterranean Sea on Friday, the ship concerned has been impounded in a Sicilian port, with the crew under investigation by the Italian authorities for "conspiring to facilitate illegal immigration".

The captain of the ship, which belongs to Barcelona-based NGO Proactiva Open Arms, described how the rescue operation began in international waters 73 miles from the Libyan coast, after a general call from the Italian Maritime Rescue Coordination Centre."

27. [Fight Against Terrorism Cannot Justify Restricting Free Speech, Belgian Court Rules](#) (Liberties.eu, link):

"The fight against terrorism cannot justify restricting the freedom of speech, according to a ruling by Belgium's Constitutional Court. The court agreed with Liberties member the Belgian League of Human Rights (LDH), which lodged an appeal in February 2017 against the amendment of Article 140a of the Belgian criminal code. In its ruling, the court found this amendment to be unconstitutional. "

28. UPDATED: UK: [Undercover policing victims walk out of inquiry, demanding resignation of chair](#)

"The core participants, the non-state, non-police core participants, do not want this important Inquiry, something that they so richly deserve to have conducted in an efficacious way, to be presided over by someone who is both naive and old-fashioned and does not understand the world that they or the police inhabit" - Philipa Kaufmann QC

And see: [Undercover policing manual – lessons in abuse](#) (link) and [Tradecraft Manual](#) (18 MB, link)

29. [Europe's new anti-migrant strategy? Blame the rescuers - Across Europe's seas, anti-immigrant strategies have found a new target: the rescuers](#) (Prospect, link):

"The first three months of 2017 will be remembered as the high point of an extraordinary period during which NGOs like Youth Rescue took the lead in saving the lives of migrants in the central Mediterranean. Of the nearly 180,000 people rescued between north Africa and Europe during 2016, more than a quarter were saved by NGOs: 10,000 more than either the Italian navy or coastguard. At the peak, nine humanitarian groups were operating more than a dozen search and rescue vessels of varying sizes, plus two spotter planes."

30. EU-SIS: [Secret alerts are increasing rapidly. Why?](#) (link):

"I view the growing number of Schengen Information System secret alerts with concern: compared with 2016, the issuing of such alerts has increased from around 96,000 (as of: 1 January 2017) to almost 130,000 (as of: 1 January 2018). The reason for secret alerts being issued for an additional 34,000 people must be made clear", demanded Andrej Hunko, European policy spokesman for the Left Party parliamentary group in the German Bundestag."

31. CoE: [European prisons are almost full, according to latest Council of Europe survey](#) (link):

"European prisons are on average close to full capacity, with inmates occupying over 9 out of ten available places, according to the Council of Europe Annual Penal Statistics (SPACE) for 2016, published today.

The survey shows that the incarceration rate grew from 115.7 to 117.1 inmates per 100,000 inhabitants from 2015 to 2016. This rate had previously fallen every year since 2012, when it reached 125.6 prisoners per 100,000 inhabitants.(...)

The countries where the incarceration rate grew the most were Bulgaria (+10.8%), Turkey (+9.5%), the Czech Republic (+7.6%), Serbia (+6.6%) and Denmark (+5.5%)."

See also: [Full Press release](#) (link)

32. TURKEY: [UN report details extensive human rights violations during protracted state of emergency](#)

GENEVA (20 March 2018) – Routine extensions of the state of emergency in Turkey have led to profound human rights violations against hundreds of thousands of people – from arbitrary deprivation of the right to work and to freedom of movement, to torture and other ill-treatment, arbitrary detentions and infringements of the rights to freedom of association and expression, according to a report* issued by the UN Human Rights Office on Tuesday.

33. UK-FRANCE: [The secret transcripts of Britain's most notorious 'spycop' that could affect a current French trial](#) (The Canary, link):

"Eight environmental and anti-capitalist activists are on trial in France, thanks partly to the interventions of a discredited British 'spycop' (undercover police officer). But a secret 'dossier' that reveals his precise role in the 'Tarnac Affair' has never been published in full. Until now."

See: National Public Order Intelligence Unit: [Review for use and conduct of undercover \[officer\] and participating status](#) (pdf, with text recognition, 18 July 2008):

"This review is submitted in order to update the authorising Officer on the progress of the operation to date and to add Sandra Gobels and Julien Coupat to the subjects authorised for specific infiltration by the UCO and Operation Pegasus."

And: [Shadow of British undercover police officer hangs over French "anarchist cell" trial](#) (Statewatch News, 14 March 2018)

34. UK: [Undercover officers need protection from Greenpeace? You're joking](#) (The Guardian, link) by Neil Woods:

"I'm increasingly disturbed by the "spycops" public inquiry into the undercover policing of political protest groups, which is having yet another hearing on Wednesday to decide whether or not individual officers should be identified. The Metropolitan police is dictating the terms of this public inquiry and, even to a former undercover police officer like me, it has begun to look like a whitewash.

In 2015, in the spirit of transparency, police misconduct hearings were made public. This means that any constable accused of wrongdoing now features in local newspapers or the national press. So why isn't the behaviour of the Special Demonstration Squad and the National Public Order Intelligence Unit – at the centre of this inquiry – being examined with the same transparency?"

35. [Italian investigation into people trafficking by Proactive Open Arms: statements from the Open Arms' captain; Amnesty; Migreurop; and Human Rights Watch](#)

Following an incident in international waters 73 miles off the Libyan coast in which the Spanish NGO Proactive Open Arms rescued 218 people and refused to hand them over to the Libyan Coast Guard - which allegedly made death threats to the crew of the boat, the Open Arms - the rescue ship has been impounded in the port of Pozzallo, Sicily, as part of an investigation into potential "criminal conspiracy to promote illegal immigration".

Proactive Open Arms have issued a statement by Marc Reig, the captain of the boat, offering his version of events at sea. Statements denouncing the actions of the Italian authorities have also come from *Amnesty International*; *Migreurop*, *EuroMed Rights* and *FIDH*; and *Human Rights Watch*.

36. UK-EU: [The Brexit dilemma: The Irish border: a technological border could mean an all Ireland surveillance society?](#)

- **Phillipa Whitford, SNP has pointed out: "simply having a camera on a pole ends up being a defended camera on a pole, which could end up being a patrolled defended camera on a pole".**

See also: latest text of the [UK-EU Withdrawal Agreement](#) (pdf)

37. European Court of Human Rights: [ECHR rejects Irish request to find torture in 1978 judgment against UK](#) (pdf):

"– The European Court of Human Rights has rejected a request by Ireland to revise a 1978 judgment and find that men detained by the United Kingdom during Northern Ireland's civil strife suffered torture, not just inhuman and degrading treatment.

– Ireland made the revision request in the case (application no. 5310/71) on the grounds that new evidence had emerged, which showed, in particular, that the effects of the ill-treatment had been long-term and severe.

– The Court found that the Government of Ireland had not demonstrated the existence of facts that were unknown to the Court at the time or which would have had a decisive influence on the original judgment. There was therefore no justification to revise the judgment.

*– The revision request was dismissed by six votes to one by a Chamber. **The judge elected in***

respect of Ireland issued a dissenting opinion.

– The men involved in the case were detained in 1971. They had had to spread-eagle themselves against the wall in a strained position, were hooded, deprived of food and sleep and subjected to a continuous, loud hissing noise. The methods were known as the “five techniques” in the original judgment. [emphasis added]

And see; [Full-text of Judgment](#) (pdf)

38. SWITZERLAND-ECHR: [Refusal by the Swiss courts to examine a compensation claim relating to alleged acts of torture in Tunisia: no violation](#)

In today's Grand Chamber judgment¹ in the case of *Nait-Liman v. Switzerland* (application no. 51357/07) the European Court of Human Rights held, by a majority (fifteen votes to two), that there had been: no violation of Article 6 § 1 (right of access to a court) of the European Convention on Human Rights.

The case concerned the refusal by the Swiss courts to examine Mr Naït-Liman's civil claim for compensation for the non-pecuniary damage arising from acts of torture allegedly inflicted on him in Tunisia.

39. SPAIN: [SRSG on migration and refugees: fact-finding mission to Spain](#) (Council of Europe, link):

"The Special Representative of the Secretary General on Migration and Refugees (SRSG), Ambassador Tomáš Bocek, will be conducting a fact-finding mission to Spain from 18 to 24 March 2018.

The Special Representative will visit migrant temporary stay facilities and centres for children in the Spanish enclaves Ceuta and Melilla. He will also visit migrant detention facilities and reception centres for refugees in Murcia, Valencia and the Madrid area. The SRSG will have meetings with Spanish government officials, regional and local authorities, the Ombudsman and the Mayor of Madrid. In addition, he will meet relevant international organisations and NGOs.

While arrivals of migrants and refugees in Italy and Greece decreased in 2017 compared to the year before, the arrivals and asylum claims in Spain doubled in 2017. The challenges are important, especially in Ceuta and Melilla, where a number of children are living on the streets.

The purpose of the mission is to gather information on the situation of migrants and refugees and to elaborate proposals for concrete Council of Europe action on how to assist Spain to face the increasing migratory flows, while respecting its human rights commitments. The protection of the most vulnerable groups, in particular unaccompanied children, is one of the Special Representative's priorities."

And see: Statewatch Analysis: [Irregular migration to Spain: a state of exception](#) (pdf) by Chris Jones

40. [UK terrorism arrests soar but most released without charge, figures show](#) (Middle East Eye, link):

"The number of people arrested in the UK as part of police counter-terrorism investigations but subsequently released without charge has reached unprecedented levels, according to official figures published on Thursday.

The latest statistics, published by the Home Office, show that only 135 out of 412 people arrested in 2017 were subsequently charged, with 228 released without charge.(...)

The latest figures show that only one person in every three people arrested on suspicion of terrorism-related offences last year was charged, a far cry from 2013 when the charge rate was 51 percent."

See: Home Office: [Counter terrorism statistics](#) (gov.uk, link) and: [Terror watchdog to look into 'Anarchist Cookbook' case](#) (MEE, link)

41. [French anarchist sabotage trial turns to farce](#) (RFI, link):

"Ten years after being rounded up in a well-publicised raid by anti-terror police, defendants in a trial for the alleged sabotage of a rail line did their best to ridicule the prosecution and show their lack of respect for the court this week. The case, which started out as an accusation of a terrorist plot, appears to have been sparked in part by reports from a British undercover cop who has since been exposed by environmental activists.

"Monsieur Coupat, is it really necessary to eat your snack during the proceedings?" presiding magistrate Corinne Goetzmann asked the star defendant on the first day of the "Tarnac trial" as he bit into a cereal bar."

And see: [Shadow of British undercover police officer hangs over French "anarchist cell" trial](#)

42. EU-TURKEY DEAL: [Manipulating the "safe third country" concept as a way to deter refugee flows - a blow to the rule of law](#) (Refugee Support Aegean, link):

"The implementation of the EU – Turkey Statement (the "deal") had toxic and painful consequences not only on the lives and rights of refugees arriving on the Aegean islands, but on the rule of law itself. The launch of the "deal" on 20 March 2016, also marked the launching, for the first time at the national and European level, of an experiment on the application of the "safe third country" concept to all incoming refugees on the Greek Aegean islands, aiming at their readmission to Turkey."

43. UK: [Anti-deportation activists face trial under terrorism-related charges](#)

"On Monday a group of fifteen people will appear in court in Chelmsford, charged with terrorism offences. Their crime? Blocking the take-off of a plane deporting people from Britain against their will. The maximum sentence? Life in prison."

DOCUMENTATION

1. [Cross-border law enforcement access to data: USA CLOUD Act enacted; civil society organisations demand meaningful participation on new Council of Europe text](#)

"President Trump has signed the CLOUD Act, requiring internet companies to hand over personal data to U.S. law enforcement agencies, no matter where that data is stored. The Act also allows the executive branch to create agreements with foreign countries to provide direct access to personal data stored in the United States."

See: [Clarifying Lawful Use of Overseas Data Act \(CLOUD Act\)](#) (pdf)

And: [Nearly 100 Public Interest Organizations Urge Council of Europe to Ensure High Transparency Standards for Cybercrime Negotiations](#) (EFF, link):

2. EU: [Final report of the High Level Expert Group on Fake News and Online Disinformation](#)

In January 2018, the European Commission set up a high-level group of experts ("the HLEG") to advise on policy initiatives to counter fake news and disinformation spread online. The main deliverable of the HLEG was a report designed to review best practices in the light of fundamental principles, and suitable responses stemming from such principles.

3. [AIDA reports on Greece and Turkey](#) (30.3.18):

"Key developments in Greece

Cases of alleged push backs at the Greek-Turkish land border of Evros have been systematically reported. According to these allegations, the Greek authorities follow a pattern of arbitrary arrest, de facto detention in police stations close to the borders, and transfer to the border, accompanied by the police, where the push backs occur."

See: [Full report: Greece](#) (pdf)

"Key developments in Turkey

Unlawful push backs along the Turkey-Syria border, as well as allegations of unlawful returns at other land borders, have continued throughout 2017. Incidents refer to the use of violence and shootings against people entering the territory."

See: [Full report: Turkey](#) (pdf)

4. EU: Fundamental Rights Agency: [Under watchful eyes: biometrics, EU IT systems and fundamental rights](#) (pdf)

"Sharing data with third countries infringes on the privacy of the person concerned. In the case of persons in need of international protection, it may endanger their safety or the safety of their family members. Interoperability will make access to data easier and therefore increase the risk that data are unlawfully shared with third countries."

And see: [It would totally help, EU told, if data we held on migrants was accurate](#) (The Register, link): *"The European Union has been warned to sort out data quality in its IT systems that manage asylum and migration, and improve efforts to ensure people know how to exercise their personal data rights."*

5. EU: Commission: [Action Plan on military mobility: EU takes steps towards a Defence Union](#) (Press release, pdf):

"In line with President Juncker's commitment to a fully-fledged Defence Union by 2025, the Commission and the High Representative are presenting an Action Plan to improve military mobility within and beyond the European Union."

With the UK - a strong opponent of Defence Union - leaving the EU moves for its creation are moving swiftly.

See also: [Action Plan on Military Mobility](#) (COM JOIN 5-2018, pdf)

6. European Parliament Study: [Equality and the Fight against Racism and Xenophobia](#) (pdf):

"Despite extensive international and EU action and cooperation to tackle discrimination, racism and xenophobia, insufficient progress has been achieved. Approximately two-thirds of the EU population is at risk of discrimination. One-third of all women in the EU have experienced physical or sexual acts of violence. The gender pay gap remains significant. People with disabilities are not provided with the tools to fully exercise their right to independent living. In other areas social progress is under threat of reversal. Certain actors fan the flames of racism and xenophobia, exploiting public anxiety in the wake of the refugee crisis and recent terrorist attacks. In addition, LGTBI people encounter new waves of discrimination and hate crimes."

7. [EU mulls coercion to get refugee kids' fingerprints](#) (euobserver, link):

"Children aged 14 or over may be forced with coercion into giving up their fingerprints, under EU reforms currently being discussed. But resistance against using such force appears to be mounting within the EU parliament.(...)

Anna Maria Corazza Bildt, a centre-right Swedish MEP, told EUobserver she is trying to amend the legislative to remove coercion from the text because "violence should not be used against minors from any law enforcement authority in Europe."

See: Council position (LIMITE doc no: [6106-18](#) pdf) which includes: "**Where a Member State's national law allows for the taking of fingerprints by force or coercion as a last resort**" and the Regulation includes **giving Member States the power:**

"Member States shall [...] introduce administrative sanctions including the possibility to use means of coercion, in accordance with their national law, for non-compliance with providing biometric data" and:

"Third-country nationals or stateless persons who are deemed to be vulnerable persons and minors should not be coerced into giving their fingerprints or facial image, except in duly justified circumstances that are permitted under national law."..[emphasis added throughout]

See earlier document (LIMITE doc no: [5801-18](#),pdf) and [Eurodac: Austria dismisses fundamental concerns over coercive fingerprinting of six-year-olds](#) (Statewatch News) and Joint statement: [Coercion of children to obtain fingerprints and facial images is never acceptable](#) (Statewatch News)

8. UK: House of Commons Home Affairs Select Committee: [Brexit negotiations must increase focus on security and policing cooperation to avoid sleepwalking into a crisis](#) (pdf)

"A report published... by the Home Affairs Committee warns of serious legal, constitutional and political obstacles in the way of achieving continued close policing and security cooperation after Brexit. It cautions that these issues need urgently to be resolved, or the UK's future policing and security capabilities will be seriously undermined."

9. European Data Protection Supervisor (EDPS): [EDPS advocates an extension of the scope of protection afforded to individuals' interests in the digital society](#) (Press release, pdf):

"Difficulty in discerning the true from the 'fake' has resulted in what the EDPS refers to as a 'crisis of confidence' in the digital ecosystem, something which embodies the mutual dependency of privacy and freedom of expression. With the persistent and relentless invasion into our personal lives and the harnessing of intimate data which is sometimes stored indefinitely, people's willingness to freely and honestly express themselves has been eroded with grave consequences to democracy.

Giovanni Buttarelli, EDPS, said: "The solution is to be found beyond content management and transparency, though they may help where appropriate. What we also need is better enforcement of the rules on data processing, especially sensitive information like on health, political and religious views, and accountability. Antitrust and merger control – with the support of DPAs - has a central role in addressing structural issues of concentrated markets. But with the threat posed to social norms and democracy we now need to expand collaboration to include electoral regulators and audio visual media regulators. We also have to change the incentives in the market. That is why new ePrivacy rules are essential."

See: [Opinion 3/2018: EDPS Opinion on online manipulation and personal data](#) (pdf)

10. EU: European Commission: [Analysis and comparative review of equality data collection practices in the European Union: Data collection in the field of ethnicity](#) (pdf)

"The most effective and economically viable way to assessing the impact and enforcement of anti-discrimination law and policy in the fields covered by the RED [Racial Equality Directive] would be to collect and analyse straightforward racial and ethnic origin data in the national census, surveys and administrative registries. This can and is being done across the world. The size as well as the racial and ethnic diversity of the European continent may pose challenges, but the debate has not yet advanced this far. Instead, data on inequalities - inclusion and integration - is collected about migrants and is planned to be collected on the Roma. This report has demonstrated the shortcomings of such data collection at the national level, including the stigmatizing effect of the use of migrant categories, as well as their inability to capture the population whose situation they seek to measure."