



## News

### 6 August 2018 (10/18)

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15. UK-EU-BREXIT: White Paper July 2018: See pages 51-63 on justice and home affairs
16. EU: Council: Regulation establishing a common procedure for international protection in
17. EU: Council: information on third country nationals and stateless persons .Four column table
18. EU: Europol proposals on combating migrant smuggling: interoperability,, in African states
19. European Parliament: Draft Report of the Special Committee on Terrorism
20. UK: JHRC: 'Serious concerns powers in Counter Terrorism and Border Security Bill
21. EU: Frontex: Annual Activity Report 2017
22. UK: "Biometric Strategy" foresees a single centralised biometric platform - UK Big Brother?
23. UN sets conditions for EU 'disembarkation platforms' - full-text of the letter IOM and UNHCR
24. EU: What Member States think about the "e-Evidence" proposals
25. European Parliament: Hotspots at EU external borders - State of play
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27. EU: European Parliament briefing: A Europe without internal borders? Free movement of persons

## ANALYSES & new OBSERVATORY

1. [Fingerprints in identity cards: unnecessary and unjustified](#)
2. UPDATED: [The "Point of no return": Interoperability morphs into the creation of a Big Brother centralised EU state database including all existing and future Justice and Home Affairs databases](#)
3. [Statewatch launch new Observatory as interoperable Justice and Home Affairs databases morph into a centralised Big Brother database](#)

## NEWS

1. Council of the European Union: [Radicalisation, LEA Practical Advisor and JHA Working groups](#)

- Radicalisation: [High Level Commission Expert Group on Radicalisation - final report: Follow up and work ahead](#) (LIMITE doc no: 10239-18, pdf):

*"After nine months' work the group delivered its final report<sup>3</sup> on 18 May 2018 thereby completing its mandate. It was presented to the JHA-Council of 5 June 2018, as well as to the Terrorism Working Party on 11 June 2018. It will be further discussed under the Austrian Presidency.*

- [Proposal for a Practical Advisor for Law Enforcement Information Exchange](#) (LIMITE doc no: 6243-REV-1-18, pdf): With detailed six-column charts.

- [List of Council preparatory bodies](#) (Doc no: 10925-18, pdf):: Justice & Home Affairs on p12.

2. [Migration will shift political landscape, says Czech PM Babis](#) (Prague Monitor, link): *"Babis said the problems in the bloc's border-free Schengen zone were more urgent than those in the eurozone currency group."*

3. Greece-Turkey: [MSF alarm as Evros crossings surge](#) (ekathimerini.com, link):

*"More than 10,000 migrants and refugees entered the country over land in the first half of 2018 by traversing the Evros River separating Greece from Turkey, against an estimated 7,500 crossings the year before, an international aid group said Thursday."*

4. [Unlike Salvini, Italians Still Believe in Welcoming Strangers](#) (Refugees Deeply, link):

*"A new survey of Italian attitudes to migration and refugees finds more ideological diversity than commonly assumed. Economist and researcher Tim Dixon unpacks findings that show more nuances than the populism dominating headlines.(...)"*

*Far more Italians believe in the principle of welcoming the stranger and showing compassion, but they also reject a vision of open borders. They believe the net effects of immigration, like globalization, have been negative. Many are deeply worried about the job prospects for young Italians."*

5. [Gimme Shelter! Mass Removals of Asylum Seekers from Europe \(Part I: Afghanistan\)](#) (one small window, link):

*"The current wars in Iraq and Afghanistan, now both beyond their fifteen year, are the enduring conflicts of the twenty first century. The latest UN figures for civilian casualties in Afghanistan in the first half of 2018 listed 5122: 1692 deaths and 3430 injured. "More civilians were killed in the first six months of 2018 than in any year since 2009 when UNAMA started systematic monitoring", with Kabul, Helmand and Kandahar among the most dangerous provinces." (...)"*

And see: [Gimme Shelter! Mass Removals of Asylum Seekers from Europe \(Part II: Iraq\)](#):

*"Many of the problems faced by Afghans being deported are also faced by Iraqis asylum seekers in Europe. They are often sent to a country they barely know, if at all, fearful for their safety and sometimes to regions where the local language and culture is not their own. In addition, they may find themselves displaced more than once in Iraq and facing destitution in spite of the financial aid they may receive under an assisted voluntary return (AVR) or assisted voluntary return and reintegration (AVRR) scheme."*

6. EU: [Frequently Asked Questions on the European Public Prosecutor's Office](#) (pdf):

"On 8 June 2017, 20 EU Member States reached a political agreement on the establishment of a new European Public Prosecutor's Office under enhanced cooperation. The Regulation establishing the European Public Prosecutor's Office was adopted by the Justice and Home Affairs Council of 12 October 2017 and entered into force on 20 November 2017."

7. [Opinion: Anchor centers are shipwrecks of EU migration policy](#) (DW, link)

"Their names sound nice: "Anchor centers" and "disembarkation platforms." But these camps for asylum-seekers that the EU wants to set up are supposed to deter migration — though they won't work, says DW's Bernd Riegert.

*Anchor, disembarkation, landing and controlled centers. The melodious names cloaking the European Union's dead-end asylum policies can do little more than mask the real problems at hand. There is certainly no lack of theoretical concepts regarding the internment, deterrence and deportation of those denied asylum or migrants with no chance of being granted residency."*

8. [France adopts controversial asylum and immigration law](#) (euobserver, link):

"France's parliament signed into law a controversial asylum and immigration bill on Wednesday (1 August), despite opposition on the left which decried an effort to limit arrivals while the far right saw the measure as not going far enough.

*The bill is designed to accelerate asylum procedures by cutting the maximum processing time to 90 days after entering France from 120 currently."*

9. [Germany lifts ban on reunions for refugees, rekindles integration](#) debate (euractiv, link):

"Germany on Wednesday (1 August) resumed family reunifications for some refugees, drawing ire from leftist groups who said a cap of 1,000 people a month was too low and a far-right party opposed to immigration altogether.

*In 2016, the government suspended the right to bring in immediate family members for asylum seekers granted limited protection in a bid to ease the burden on social workers handling a record influx of a million migrants.*

*The ban did not apply to asylum applicants granted full refugee status as they have a constitutional right to invite their families to join them."*

10. [Migrants' return to Libya by Italian boat could breach international law – UN - Vessel may have broken international law by returning 108 people rescued from Mediterranean to Tripoli](#) (Guardian, link):

"An operation in which an Italian towboat rescued more than 100 people in the Mediterranean and returned them to Libya may have been in breach of international law, the United Nations has said.

*According to the Spanish charity Proactiva Open Arms, the Asso 28, an oil rig support vessel, rescued 108 people from international waters on Monday and took them to Libya, their country of departure.*

*If confirmed, this would constitute a breach of international law, under which migrants rescued in international waters cannot be returned to a place where their lives are put in danger. Both the United Nations and European Union have acknowledged that Libya is not safe."*

11. UK: [Home Office misled court about treatment of child refugees from Calais, judges find - Appeal court rules not giving reasons for refusal to join families in UK was unlawful](#) (Guardian, link):

"The government "materially misled" the high court about its treatment of child refugees who applied for safe passage to the UK from Calais, giving incomplete evidence that was "a serious breach of the duty of candour and cooperation", the court of appeal ruled on Tuesday.

Judges said the process used to assess about 2,000 children before and after the clearance of the makeshift refugee camp in 2016 was "unfair and unlawful".

See: [Judgment](#) (pdf)

12. [EU Commission: Libya unfit for migrant disembarkation](#) (euobserver, link):

"The European Commission says Libya fails to meet basic international standards for disembarking rescued migrants, after an Italian ship reportedly unloaded some 100 people at a port near Tripoli.

Commission spokeswoman Natasha Bertaud on Tuesday (31 July) said a person's life must not be threatened and that housing, food, and medical needs must be met before disembarkation can take place."

13. CoE: [Poland: Persons taken into police custody still run "appreciable risk" of being ill-treated, says anti-torture committee](#) (link):

"A report published today by the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) found that most people who were or recently had been in police custody reported correct treatment by the police.

However, although the report includes much praise, the delegation that visited Poland in late 2017 recorded enough allegations of physical ill-treatment – including punches and kicks – to conclude that "persons taken into police custody continue to run an appreciable risk of being ill-treated."

See: [Report to the Polish Government on the visit to Poland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) (pdf)

14. [EU Commission skirts Italy sanctions on Roma evictions](#) (euobserver, link):

"The European Commission has not seen enough evidence of discrimination against the Roma in Italy to launch legal action, despite years of documented abuse.

The admission follows the forced eviction on Thursday (26 July) of some 300 Roma in a government-run camp in the outskirts of the Italian capital - in direct violation of an injunction order by the European Court of Human Rights. "

15. [Hungary's Viktor Orban calls for right-wing union in Europe](#) (DW, link):

"During a speech to ethnic Hungarians in Romania, Orban called for the advent of "Christian democracy." He defined this ideology as "anti-immigrant" and "anti-multicultural."

Hungarian Prime Minister Viktor Orban decried the "undemocratic" governments of Western Europe on Saturday, as he laid out his vision for the continent ahead of European elections next year. He also called on right-wing parties across the European Union to band together."

16. [EU offers to pay countries €6,000 per person to take in migrants rescued from Mediterranean](#) (Independent, link):

"The European Commission has offered to pay countries €6,000 (£5,346) per person to host migrants in secure centres in their territory, as part of a plan to break the deadlock in Brussels over migration policy."

17. EU: [Court of Justice sets out grounds on which Irish courts must consider refusing European Arrest Warrant issued by Poland](#)

The Irish High Court referred the case to the CJEU because of its concerns that changes to the judicial system introduced by the current Polish government are "so immense" that they have "systematically damaged" the "common value of the rule of law."

The ECJ has now handed down its ruling, which sets out what the Irish courts must take into consideration if they are to refuse to surrender the wanted individual - on the same day that Amnesty International has warned that attempts to "further undermine judicial independence" in Poland "must be resolutely rejected."

18. UK: ['Subversive' civil servants secretly blacklisted under Thatcher](#) (The Guardian, link):

"Margaret Thatcher's government drew up a secret blacklist of its own civil servants thought to be "subversives" in order to keep them under observation and block their promotion, papers released at the National Archives disclose.

Whitehall departments worked with MI5 to identify 1,420 civil servants to be closely watched and, where possible, kept away from computers and revenue collection roles.

The majority, 733 people, were identified as Trotskyists, and a further 607 as communists. Forty-five were said to be fascists, and 35 Welsh or Scottish nationalists, "black or Asian racial extremists" or anarchists.

MI5 also compiled lists of suspect local councillors and active trade unionists deemed to be of similar concern."

19. EU: [Managing migration: Commission expands on disembarkation and controlled centre concepts](#)

- Both concepts follow the model of the "hotspots" in Italy and on the Greek islands

The European Commission has published two "Non-Papers" on disembarkation points outside the EU in north Africa and "Control Centres" inside the EU:

"Following the call by EU leaders at the June European Council, the Commission is today expanding on the **concept of controlled centres** as well as short-term measures that could be taken to **improve the processing of migrants being disembarked in the EU**, and giving a first outline of the possible way forward for the **establishment of regional disembarkation arrangements with third countries**. Regional disembarkation arrangements should be seen as **working in concert** with the development of controlled centres in the EU: together, both concepts should help ensure a truly shared regional responsibility in responding to complex migration challenges." See - [Press release](#) (pdf)

20. SPAIN: [Government must continue implementing EU refugee relocation scheme, rules Supreme Court](#)

The Spanish Supreme Court has ruled that the country must continue to implement the EU's refugee relocation scheme, having relocated less than 13% of the 19,449 refugees in Italy and Greece that it was committed to under the rules that came into force in September 2015.

21. EU: [Travel surveillance: Commission demands PNR Directive implementation by 14 Member States as 'Informal Working Group' settles in](#)

The European Commission has sent "letters of formal notice" to 14 EU Member States for failing to implement the Passenger Name Record (PNR) Directive by the deadline of 25 May 2018.

Meanwhile, an 'Informal Working Group' set up by the Council to assist with national implementation of the Directive appears to be steadily expanding - Australia, Canada and the USA have all participated in meetings and invitations have been sent to Japan and the United Nations, according to a recent document.

22. ITALY: [President called on to uphold the constitution as government ministers violate the separation of judicial and political powers](#)

Italian interior minister Matteo Salvini, of the far-right Lega Party, is determined not to let migrants rescued in the Mediterranean land in Italy and in doing so has been using the rescued people as pawns, keeping them without a port of safety for days on end.

The appeal remains open for signatures by individuals, groups and associations in Italy and abroad on change.org: [FACINOROSO E' CHI, RESPINGENDO I PROFUGHI, CALPESTA LO STATO DI DIRITTO](#) (change.org, link)

23. Great video: GREECE: [No Human Is Illegal - Full Documentary \[2018\] Refugees Detained on Lesbos](#) (You Tube, link):

*"A Personal Encounter with the World of the Refugees Detained on the Greek Island of Lesbos.*

*Completed in 2018 and filmed entirely on the Greek island of Lesbos, NO HUMAN IS ILLEGAL is a documentary about what is perhaps one of the darkest and most seminal political historical events of the start of the 21st century: the founding of a zone of exclusion within the Eurozone.*

*The spring of 2018 marked the second anniversary of the European Commission, the ruling body of the Eurozone, radically revising its policy regarding undocumented migrants arriving on the Aegean islands of Greece. At that time the European Commission declared undocumented migrants arriving on the Aegean islands would be sent back to Turkey.*

*Filmmaker Richard C. Ledes and his small crew arrived a few weeks later on the island of Lesbos—at that time the main point of entry from Turkey into Europe. They began interviewing asylum seekers, mainly from Syria but from elsewhere as well, experiencing for the first time being detained indefinitely in Europe, many of them in horrendous conditions of overcrowding.*

*The filmmaker connects his own family's experience as Pontian Greeks who left Turkey for the United States as refugees in the 1920s to the current situation of asylum seekers on the island."*

24. [The Permanent Peoples' Tribunal - London](#) (link):

The London hearing of the Permanent Peoples' Tribunal (PPT), the international public opinion tribunal established in the 1970s to draw attention to human rights violations worldwide, is scheduled for early November. One of a series of hearings on violations of the rights of migrants and refugees (others have been held in Barcelona, Palermo and Paris), the London Tribunal will focus on the rights of migrants in the chain of labour, violations and resistance. In seven charges, the Indictment lays out the responsibility of the British government (in its own right and as a member of the EU) for neglecting the rights of the domestic workforce and for the creation of an underclass of super-exploited, disposable, deportable workers.

See the [indictment for the London hearing](#) here; the call for support here; and the [call for evidence](#) here.

25. MED: [Libya rejects EU plan for refugee and migrant centres](#) (Guardian, link):

*"Blow to Italy as Tripoli snubs proposal to set up processing centres in Africa.*

*Libya has rejected a EU plan to establish refugee and migrant processing centres in the country, adding that it would not be swayed by any financial inducements to change its decision.*

*The formal rejection by the Libyan prime minister, Fayeze al-Sarraj, is a blow to Italy, which is regarded as being close to his Tripoli administration.*

*In June, Italy proposed reception and identification centres in Africa as a means of resolving divisions among European governments.(...)*

*Speaking to the German newspaper Bild, Serraj said: "We are absolutely opposed to Europe officially wanting us to accommodate illegal immigrants the EU does not want to take in."*

26. [Cyprus: Journalism in the Crosshairs of Silly Season Headlines](#)

(ethicaljournalismnetwork.org. link) by Aidan White:

*"The summer months are what journalists call "the silly season." It's a quiet time when nothing much happens. But in Cyprus, with the silly season in full swing, it's journalism itself which is making headlines.*

*A faux-controversy has been generated over an effort by journalists to promote a discussion within newsrooms on both sides of the island about the words and phrases they use in their reporting.*

*The booklet [Words that Matter: A Glossary for Journalism in Cyprus](#) aims to encourage careful and sensitive reporting. It highlights some words and phrases that are regarded by some people as negative or biased and is part of a wider dialogue project involving unions, press regulation bodies and young journalists."*

27. EU-HUNGARY: At last the EU acts: [Migration and Asylum: Commission takes further steps in infringement procedures against Hungary](#) (Press release, pdf):

*"The European Commission has today decided to refer Hungary to the Court of Justice of the European Union (CJEU) for non-compliance of its asylum and return legislation with EU law.*

*The Commission has also today sent a letter of formal notice to Hungary concerning new Hungarian legislation which criminalises activities that support asylum and residence applications and further restricts the right to request asylum.(...)*

*The new legislation – so-called "Stop Soros" by the Hungarian authorities – criminalises any assistance offered by any person on behalf of national, international and non-governmental organisations to people wishing to apply for asylum or for a residence permit in Hungary. The laws also include measures which restrict individual freedoms, by preventing anyone who is subject to a criminal procedure under these laws from approaching the transit zones at Hungary's borders, where asylum seekers are held. Sanctions range from temporary confinement to imprisonment of up to 1 year and expulsion from the country." [emphasis added]*

28. [UK intelligence and police using child spies in covert operations - Home Office wants more freedom to find information on terrorists and gangs via children](#) (Guardian, link)

*"British police and intelligence agencies are using children as spies in covert operations against terrorists, gangs and drug dealers.*



*A committee of the House of Lords revealed the practice while raising the alarm over government plans to give law enforcement bodies more freedom over their use of children.*

*Some of the child spies are aged under 16, the committee says, adding that it was worried about proposals to extend from one month to four the period of time between each occasion that child spies go through a re-registration process."*

See: House of Lords report: [Draft Investigatory Powers \(Codes of Practice and Miscellaneous Amendments\) Order 2018 Regulation of Investigatory Powers \(Juveniles\) \(Amendment\) Order 2018](#) (pdf)

29. UK: [British Transport Police "ignorance" of covert surveillance law leaves court "astonished"](#)

The British Transport Police (BTP) has been condemned by the Investigatory Powers Tribunal (IPT) for a covert surveillance operation directed at a former police superintendent whose subsequent arrest was then the subject of a "gratuitous" press release. He was charged with five counts of sexual assault and found innocent. The judgment highlights the "disturbing lack of familiarity with the relevant requirements of [the Regulation of Investigatory Powers Act] by almost every officer who was involved."

See: [Davies v British Transport Police](#) (IPT/17/93/H, 30 April 2018, pdf)

30. UK: [MI6: UK spy agencies criticised for lack of black leaders](#) (Guardian, link):

*"MI6 and MI5 had no one from minority ethnic background in a top post, MPs find.*

*The UK's intelligence agencies suffer from a lack of black and Asian staff in top posts, according to a report from the parliamentary **intelligence and security committee** published on Wednesday.*

*Neither MI6, which deals with overseas intelligence-gathering, nor MI5 had any people from a black, Asian or minority ethnic background in the top posts in 2016-17. The surveillance agency GCHQ was the only agency listed as having any staff at a senior level from a BAME background."*

See: [Press release](#) (pdf) and [Report](#) (pdf)

31. BREXIT: UK-Germany: [Letter from German Interior Minister Horst Seehofer to European Commissioners with the "intention to comment on the strategy of negotiations between the Commission and the UK"](#) (pdf):

*"The Ministry of the Interior had originally refused to publish the letter. Following a request on the basis of the Freedom of Information Act, the German letter was published by the website Frag den Staat ["ask the state"].*

*The text of the letter, that [stirred lots of controversy even in the German government](#)...*

32. [UK almost doubles arms sales to countries on governments list of human rights abusers, figures reveal](#) (The Independent, link):

*"The UK nearly doubled the value of arms sales to countries on the government's list of human rights abusers in the past year, figures reveal.*

*Licences for arms deals worth some £1.5bn were approved in Whitehall in 2017, up from £820m a year earlier, according to figures compiled by the Campaign Against the Arms Trade (CAAT) pressure group.*

Sales were granted to 18 countries on the list, including China, Saudi Arabia, Bahrain, Israel, Egypt and Pakistan, compared to 20 different states in 2016."

33. EU: [Libyan Coast Guard left two adults and a baby to die at sea, says rescue group](#)

The Libyan Coast Guard left two adults and a baby to die at sea after destroying the boat in which they were travelling some 80 miles off the coast of Libya, according to the sea rescue organisation Proactiva Open Arms.

34. Northern Ireland: [Bloody Sunday relatives urge extension of undercover policy inquiry to North](#)

Recent revelations of the activities of undercover British police in the North make it "imperative" that the Undercover Police Inquiry (UCPI) be extended to Northern Ireland, Kate Nash said last week.

Ms. Nash's brother was killed and her father wounded when members of the parachute regiment opened fire on civil rights demonstrators in Derry in January 1972.

35. [Editorial: Towards a place of no return](#) (ECRE, link):

*"Horst Seehofer has managed to illustrate the inhumanity and futility of Europe's return policy with a "joke" about the deportation of 69 people on his 69th birthday. The numbers no longer match: one of the group committed suicide after being returned to Afghanistan. He was a young man who had arrived in Germany as a child and had lived there for eight years, "returned" to a town he'd never been to.*

*For ECRE, return is a valid part of migration policy but only if certain pre-conditions are in place. First, fair asylum decision-making. Here, the huge variation in the rate of recognition of protection claims, particularly from key nationalities such as Afghanistan, demonstrates this is not the case – and probably indicates political interference in judicial decision-making. That the likelihood of a protection claim from an Afghan varies from 3% to 98% from one Member State to another with no objective explanation for the difference is evidence of injustice.*

*The second pre-condition is a return process that is effected in accordance with human rights; sometimes this is the case, often not. Finally, there should post-return monitoring. In many cases, including in Afghanistan, people just disappear after return, their fate unknown but unlikely to be positive. Without these preconditions, return should not be happening. But under no circumstances should people be "returned" to places they've never been."*

36. EU: [Council plans to export refugees with negative asylum decisions to "Return Centres" outside EU](#)

The Austrian Council Presidency has circulated the following to Member States' delegations: [Presidency discussion paper on Return Centers](#) (LIMITE doc no: 10829-18, pdf, 4 July 2018) calling for "**the establishment of Return Centers in third countries.**"

Tony Bunyan, Statewatch Director comments:

*"The idea of external "Return Centres" in Africa or elsewhere is objectionable in itself. 'Out of sight out of mind' would be the result.*

*And the notion that the EU would 'enforce European standards and be compliant with applicable international and European human rights law and the principle of Non-Refoulement' is highly questionable."*

37. [Where Are We Going? Italy \(And Europe\) at the Crossroads between Xenophobia and Hospitality](#) (Border Criminologies. link):

"Salvini suggests that we (Italians and Europeans) are at a crossroads. Either we undertake an authoritarian, state-centred approach that is straightforwardly aimed at the exclusion of unwanted foreigners, shorn of humanitarian proclamations; or, we pursue full hospitality, integrating new arrivals in the social and economic EU fabric."

38. [Neo-Nazi NSU member Beate Zschäpe found guilty of murder, sentenced to life in prison](#) (DW, link):

"The surviving member of the neo-Nazi terrorist group the National Socialist Underground (NSU), Beate Zschäpe, has been found guilty of 10 counts of murder. The trial was one of the biggest in postwar German history.

Beate Zschäpe, member of the neo-Nazi terrorist group the National Socialist Underground (NSU), was sentenced to life in prison on Wednesday for the murder of ten people between 2000 and 2007, as well as her part in two bombings, and several robberies and attempted murders. She was also found guilty of membership in and the foundation of a terrorist organization.

The judge Manfred Götzl also attributed Zschäpe with serious culpability, which means the 43-year-old is likely to serve more than the minimum of 15 years."

And see: [Germany's neo-Nazi NSU trial verdict sparks protests, calls for investigation](#) (DW, link):

"Germans took to the streets after the verdict delivery in the National Socialist Underground trial to demand that investigations continue into the series of right-wing extremist murders — and into state failures.

"Not the last word" was motto for numerous protests held across Germany on Wednesday in reaction to the verdict in a neo-Nazi terror case, one of the most important trials in the country's history.

The slogan echoed the sentiments of victims' relatives, who have said the verdict brings them little closure since state and media failures over the investigations into the murders and trial have yet to be clarified."

39. MED RESCUES: [I'm a doctor in Lampedusa. We can't let these migrant deaths go on](#) by Pietro Bartolo (Guardian, link):

"In the Mediterranean we're witnessing a slaughter of innocents. I have seen the suffering, and I am ashamed of the Italian government's response (...)

I stopped feeling proud to be Italian from the moment our government, denying all that had previously been done, decided to establish an agreement with Libyan groups in Tripoli – which meant, directly or indirectly, with people smugglers. I still remember how in 2016 my country had vigorously joined the outrage triggered by Europe's decision to bankroll Turkey's President Erdogan with €6bn so he'd ignore or stop the migration flows from Syria. Italy's position was then sacrosanct. It has since been somehow inexplicably disavowed in deeds."

40. EU: [Revising EU visa policy](#) (EU Law Analysis, link) by Professor Steve Peers:

"Back in 2014, the Commission proposed a revamp of EU visa policy (concerning short-term visit visas), in the form of a proposal to revise the EU's visa code. This proposal ultimately failed, because the [EU Parliament and Council could not agree](#) on whether it should include "safe passage" visas for those needing protection or not. Now the Commission is trying again, focussing this time on security concerns, rather than economic growth."

41. Norwegian Refugee Council: [Principles under pressure](#) (pdf):

*"As states continue to adopt measures aimed at combating terrorist activity, humanitarian organisations remain concerned about the impact these measures have on their ability to deliver aid to populations in areas under the control of designated terrorist groups (DTGs). Counterterrorism measures apply to humanitarian organisations through legislation at various levels, and through relevant clauses in donor agreements."*

*III. The third part contains further detailed information to provide additional information on previous elements of the report."*

#### 42. BALKANS: [Minister says "there will be no refugee camps in Bosnia"; Frontex to receive powers to intervene in Albania](#)

The Bosnian Security Minister has reportedly said that "there will be no refugee camps in Bosnia" following a sharp increase in people arriving in the country and hoping to travel onwards to the EU. Meanwhile, the EU is close to finalising an agreement with Albania that would allow the border agency Frontex to intervene on Albanian territory for the purposes of border control and return operations.

#### 43. EU: [Temporary reintroduction of internal border controls: Council mandate for negotiations with European Parliament](#)

*"At its meeting on 19 June 2018 the Permanent Representatives Committee agreed on the mandate for negotiations with the European Parliament with regard to the above draft Regulation, as it is set out in the Annex.*

*The changes vis-à-vis the Commission proposal are highlighted in bold/italics and strikethrough."*

#### 44. [European states must put human rights at the centre of their migration policies](#) (CoE Commissioner for Human Rights, pdf):

*"European states' current approach to the arrivals of refugees and migrants has transformed a manageable issue into an extremely divisive topic, in particular within EU member states. And it has caused immense suffering and hardship to thousands of people who sought our protection. It is time that European states put the human rights of migrants, asylum seekers and refugees, as well as the principle of responsibility sharing, at the centre of their migration and asylum policies." said the Council of Europe Commissioner for Human Rights, Dunja Mijatovic, in a statement she released today.*

*"Whilst states have the right to control their borders and ensure security, this cannot come at the expense of human rights. The recent adoption of European Council conclusions, as well as decisions at national levels, raise a number of concerns that European states must address in order to meet the obligations under international human rights law which they have undertaken to respect."*

And see: [European Council on migration: documentation and reactions to the "summit of shame"](#)

#### 45. EU: [Giving humanitarian help to migrants should not be a crime, according to the EP](#)

The EU should ensure that helping migrants for humanitarian reasons is not punishable as a crime, the European Parliament stated on Thursday.

In a [non-legislative resolution](#) (pdf), MEPs highlight concerns that EU laws on help to irregular migrants are having "unintended consequences" for citizens that provide humanitarian assistance to migrants. The text was passed with by show of hands.

## DOCUMENTATION

1. European Parliament Study: [The EU-UK relationship beyond Brexit: options for Police Cooperation and Judicial Cooperation in Criminal Matters](#) (pdf):

*"provides expertise on the legal, institutional and technical implications of the UK's future relationship with the EU after Brexit in the areas of police cooperation and judicial cooperation in criminal matters (Chapters 4 and 5 of Title V TFEU). (...)*

*Following the UK's withdrawal from the EU, the UK as a former Member State will be a third country with an unprecedented legacy in terms of the scale and level of cooperation it has had with the EU in the field of police and judicial cooperation in criminal matters. In this regard, the UK will not be a conventional third country. Additionally, the UK will continue to experience the same transnational security threats, such as terrorism, cybercrime and other serious organised crime, as the rest of the EU. The UK's expertise will continue to be relevant for EU27 security interests."*

2. UK-BREXIT: House of Commons: Home Affairs Committee: [UK-EU security cooperation after Brexit: Follow-up report](#) (pdf):

*"We outlined precedents for participation by non-EU countries in those measures, scrutinised the Government's negotiating goals in this area, explored issues relating to the transition period, and considered potential obstacles to UK-EU security cooperation after Brexit, including data protection law, UK surveillance powers and the jurisdiction of the Court of Justice of the European Union—hereafter referred to as the ECJ (European Court of Justice)."*

3. UK-EU-BREXIT: Report from House of Commons Exiting the European Union Committee: [The progress of the UK's negotiations on EU withdrawal: the rights of UK and EU citizens](#) (pdf)::

*"We welcome the efforts made by the Home Secretary and the Immigration Minister to seek more information about registration of UK citizens from their counterparts among the EU. We note that the European Parliament Brexit Steering Group has joined the call for Member States to set out preparations for how they will approach the registration of UK citizens on their territory. **We repeat our previous recommendation to the UK Government to seek urgent clarification from the EU-27 as to their preparations to regularise the status of UK citizens on their territory. Any requirements need to be made public by EU Member States and disseminated widely as soon as possible. UK citizens living in other EU countries cannot be left in the dark as to how they can secure their rights.**"*

4. UK: [Home Office annual report on use of "disruptive and investigatory powers" by security, intelligence and law enforcement agencies](#)

The government has published the third iteration of its transparency report on the use of disruptive and investigatory powers.

The report sets out the way in which disruptive and investigatory powers are used by the security and intelligence agencies as well as law enforcement to tackle the threats posed by terrorism, organised crime and hostile state activity.

See the report: [HM Government Transparency Report 2018: Disruptive and Investigatory Powers](#) (July 2018, pdf)

5. UK: [Legal judgment finds successive foreign secretaries unlawfully gave GCHQ free rein to collect our data](#)

The Investigatory Powers Tribunal (IPT) today (23rd July 2018), held that, for a sustained period, successive Foreign Secretaries wrongly gave GCHQ unfettered discretion to collect vast quantities of personal customer information from telecommunications companies.

Judgment: [Privacy International v Foreign Secretary, Home Secretary, GCHQ, MI5 and MI6](#) ([2018] UKIPTrib IPT\_15\_110\_CH, 23 July 2018, pdf)

Appendix 1: [Open introduction to closed judgment](#) (pdf)

Appendix 2: [Handling Arrangements and other guidance in relation to sharing BPD/BCD \[Bulk Personal Datasets/Bulk Communications Datasets\] outside the SIA \(security and intelligence agencies\)](#) (pdf)

6. [UK to warn public every week over 'no-deal Brexit'](#) (euractiv, link): *"Britons will from next week start receiving weekly information bulletins from the government about how to make sure they're ready for a disorderly Brexit, The Times reported today (20 July).*

*The information will be distributed as "bundles" to consumers and companies as Britain counts down to its departure from the European Union on 29 March 2019, said the newspaper."*

See also: [EU urges no-deal Brexit preparation](#) (euobserver, link) and: European Commission: [Preparing for the withdrawal of the United Kingdom from the European Union on 30 March 2019](#) (pdf), [COM 556/2018](#) (pdf), [Annex](#) (pdf), [Factsheet](#) (pdf)

7. EU: Meijers Committee: [Comments on the proposal for a regulation on European Production and Preservation Orders for electronic evidence in criminal matters](#) (pdf):

*"The Meijers Committee notes that the approach of the proposals is fundamentally different from all existing mutual recognition instruments, because it de facto enhances the operational reach of the competent authorities far beyond their national borders, that is to say directly vis-à-vis third parties (service providers). Moreover, the scope of the proposals does not only target EU-based providers, but also companies based in third states. Only in cases of non-cooperation is the help of judicial authorities from the executing state foreseen.*

*This note aims to raise a number of questions and concerns that follow from the proposals, and provides several recommendations on how to improve them.."*

8. European External Action Service Space Task Force: Satellite imagery for intelligence agencies: [Conclusions/recommendations on "SatCen tomorrow"](#) (EEAS (2018) 770, Limited, 2 July 2018, pdf)

*"With this set of conclusions/recommendations, DEFINES a vision for the European Union Satellite Centre (SatCen) in the framework of the EU Global Strategy, the Space Strategy for Europe and the relevant Council conclusions, in particular those of 14th November 2016 and of 13th November 2017. This will lay the basis on which SatCen and the EEAS will explore with Member States and the Commission how to implement it (...)*

*...CONSIDERS that SatCen should be further integrated in the intelligence community at the EU's and Member States' level (...)*

*RECOMMENDS expanding secure communication links to enable quick delivery of classified products and services to SatCen users, in particular the EU intelligence community, MS intelligence entities, as well as to the EU CSDP missions and operations when appropriate"*

9. EU: INTEROPERABILITY: [Shared Biometric Matching Service \(sBMS\): Feasibility study - final report](#) (pdf)

*"The sBMS has been conceived based on the key assumption that rather than having four or more individual biometric systems, each serving one IT system, eu-LISA and its stakeholders could benefit from implementing a unique shared biometric system that could be shared by all systems. Reduced IT*

complexity and costs, along with technical, financial, operational and managerial synergies have all been noted amongst the positive outcomes foreseen.

In this respect, eu-LISA had to identify and analyse the feasibility of different architectural options for the implementation of the sBMS, capable of supporting the various biometric operations of all current and future systems managed by the Agency.

To achieve this objective eu-LISA entrusted to an external independent contractor the execution of a study that had to take into account all biometrics functional and non-functional requirements of the IT systems, the state of maturity of biometric technology available on the market and eu-LISA's operational and strategic objectives in this regard. The study also included an assessment of the 'flagging' functionality highlighted in the HLEG's final report, with the possibility of the sBMS raising hit/no-hit "flags" from the various connected applications being specifically examined. This report provides an overview of the main outcomes of this study."

10. EU: Eurojust: [Information on contacts and agreements between Eurojust and third states and international organisations](#) (Council document 10945/18, LIMITE, pdf):

Covering: INTERPOL, former Yugoslav Republic of Macedonia (fYROM), Iber-Red, Iceland, Norway, Russian Federation, Swiss Confederation, Ukraine, UNODC, USA, Liechtenstein, Moldovca, Montenegro, Albania, Georgia. And information on ongoing negotiations and negotiations on hold with: Albania, Israel, Serbia, Bosnia and Herzegovina, Turkey, Brazil, Georgia, Tunisia, Russian Federation.

11. [Greece: immediate action needed to protect human rights of migrants](#) (CoE Commissioner for Human Rights, pdf):

*"The humanity and hospitality that Greece's people and authorities demonstrated towards migrants in recent years is truly commendable. In spite of these efforts, however, the situation remains worrying and much more needs to be done to protect the human rights of those who have had to flee their country", said today Dunja Mijatovic, the Council of Europe Commissioner for Human Rights, at the end of her five-day visit to Greece, which also focused on the impact of austerity on human rights (...)*

*Rapid action by the Greek authorities is required to improve migrants' reception conditions, especially in the hotspots. **The geographical restriction imposed on arriving migrants put the Eastern Aegean islands (on which the hotspots are located) and their population under heavy pressure, as the Commissioner could observe in Lesbos.** "I am very concerned by the substandard living conditions prevailing in the Reception and Identification Centre of **Moria, which is running at well over three times its capacity** and has already expanded informally into the surrounding area, putting the human rights of its residents at risk. The combination of overcrowding, insecurity, poor hygienic conditions, the approaching high summer temperatures, and residents' uncertainty regarding their future may lead to very serious problems if not addressed immediately", said the Commissioner, who also warned about the increasing tensions that this situation inevitably causes both among the residents of the Centre and within the general population of the island. Underlining the need to act quickly, **the Commissioner called on the Greek authorities to transfer more people to the mainland.** She also called on the Greek authorities to speed up the processing of asylum applications, whilst ensuring all necessary safeguards for fair procedures are in place, increase the capacities of reception facilities across the country, and improve their quality. **"Temporary camps can meet the standards, as I could observe at the Open Hospitality Centre for Refugees and Migrants 'Kara Tepe' run by the Municipality of Lesbos;** however, given the length of the asylum procedure, there is also a need for more reception facilities adapted to prolonged residence," she said. The Commissioner also praised the invaluable work of civil society actors and international partners in this field." (emphasis added)*

12. EU: [Council discussions underway on implementing "interoperable" centralised database including EU citizens](#)

The various Council Working groups are considering how the new centralised Justice and Home

Affairs is going to work within the overall framework which is set out in: [Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area: - State of play of its implementation \(third implementation report\)](#) (LIMITE doc no: 7931-REV-1-18, pdf).

The Commission tries to maintain the pretence that the new centralised database will only cover non-EU nationals but the Justice and Home Affairs working groups and the Security Commissioner are on record that the second stage will cover all existing and new databases including EU citizens.

13. EU: [Informal meeting of justice and home affairs ministers in Vienna: press releases](#)

Three press releases were published by the Austrian Presidency of the Council of the EU following an informal meeting of justice and home affairs ministers in Vienna on 12 and 13 July 2018.

14. EU [Austrian Presidency document: "a new, better protection system under which no applications for asylum are filed on EU territory"](#)

A crude paper authored by the Austrian Presidency of the Council of the EU and circulated to other Member States's security officials refers disparagingly to "regions that are characterised by patriarchal, anti-freedom and/or backward-looking religious attitudes" and calls for "a halt to illegal migration to Europe" and the "development of a new, better protection system under which no applications for asylum are filed on EU territory," with some minor exceptions.

See: Austrian Presidency: Informal Meeting of COSI, Vienna, Austria, 2-3 July 2018: [Strengthening EU External Border Protection and a Crisis-Resistant EU Asylum System](#) (pdf)

15. UK-EU-BREXIT: White Paper July 2018: [The future relationship between the United Kingdom and the European Union](#) (pdf): See pages 51-63 on justice and home affairs cooperation.

16. EU: Council of the European Union: [Proposal for a Regulation establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU \(First reading\)](#) (LIMITE doc no: 10973-18, pdf): The Council developing its negotiating position with 286 Footnotes with Member State positions.

17. EU: Council of the European Union: [Proposal for a Regulation establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons \(TCN\) to supplement and support the European Criminal Records Information System \(ECRIS-TCN system\) and amending Regulation \(EU\) No 1077/2011 - Revised four column table](#) (LIMITE doc no: 10827-18, pdf): Multicolumn document with Commission proposal, Council and European Parliament positions and "compromise" position.

And see on above document: [Presidency note with questions](#) LIMITE doc no 10828-18, pdf);

*"At the bilateral meetings, the Presidency also questioned Member States about option E, regarding 'ECRIS4ALL'. According to this solution, the data-base of the central system would contain identity information of all persons that have been convicted in the EU, whether EU-citizens, third country nationals or dual nationals (as well as people holding two or more EU-citizenships). Such a central data-base, which would address all concerns regarding alleged discrimination between different persons, could also replace the decentralised system of Framework Decision 2009/315/JHA.*

*During the bilateral meetings, this option received mixed reaction. While several delegations indicated that this would, in the long term, be the perfect solution, some other delegations indicated that this solution would encounter serious obstacles in their Member States."*

18. EU: [Europol proposals on combating migrant smuggling: interoperability, "law enforcement-led response", "data fusion", deployments in African states](#)



"At the COSI meeting of 26 June 2018, Europol presented the activity report of the European migrant Smuggling Centre (EMSC). During the subsequent thematic discussion on migrant smuggling, Europol was requested to prepare a short presentation with proposals how to further strengthen the fight against migrant smuggling. This presentation was made at the informal COSI meeting in Vienna on 2 July 2018."

Note from Europol to Member States: [Proposals to further strengthen the fight against migrant smuggling](#) (10944/18, LIMITE, 6 July 2018, pdf)

19. European Parliament: [Draft Report on findings and recommendations of the Special Committee on Terrorism](#) (pdf): Includes:

*"whereas retention of data is an essential part of the investigative process; whereas police and judicial authorities usually rely heavily on communications data to successfully proceed with their casework; whereas in order for interoperability of information systems to reach its full potential, harmonised data retention regimes across the EU are vital; whereas the necessity of an appropriate data retention regime when it comes to the fight against terrorism was consistently raised during the work of the TERR Committee (...)*

*whereas decentralised systems and mechanisms for information exchange are managed by the Member States' authorities and include: the European Criminal Records Information System (ECRIS), for exchanging national criminal record information; the EU passenger name records (PNR) system requiring airlines to share passengers' data with national authorities for all flights between third countries and the EU; the Advance Passenger Information (API) system that collects information on passengers ahead of inbound flights to the EU; and the Prüm framework for exchanging DNA, fingerprints and vehicle registration data."*

20. UK: Parliamentary Joint Human Rights Committee: [Committee Announcement: 10 July 2018: 'Serious concerns' that new powers in Counter Terrorism and Border Security Bill do not comply with Human Rights, says Joint Committee on Human Rights](#) (Press release, pdf):

*"The Committee, chaired by Harriet Harman MP and made up of MPs and Peers, is concerned that some of the new powers are too vaguely defined and do not have sufficient safeguards to protect human rights."*

and [Report: Legislative Scrutiny: Counter-Terrorism and Border Security Bill](#) (pdf)

See also: [UK counter-terror bill risks criminalising curiosity – watchdog - Committee says bill breaches human rights and could catch out 'inquisitive minds'](#) (Guardian, link)

21. EU: Frontex: [Annual Activity Report 2017](#) (pdf)

*"The first part (1. Developments and 2. Strategic Action Areas) of the Annual Activity Report contains comprehensive and easily understandable information regarding Frontex's work; it outlines:*

*the situation at the external borders in the course of 2017; developments achieved at policy and Agency level; the new and enhanced mandate of the Agency; and the main activities per Strategic Action Areas during 2017.*

*It also reports on cooperation with Third Countries, the way how fundamental rights underpin Frontex's coordinated activities, and the issue of public access to documents.*

*II. The second part (3. Key Results and Progress towards the achievement of general and specific objectives, 4. Budgetary and Financial Management, 5. Management and Internal Control) of the document represents a main instrument of management accountability...*

22. UK: ["Biometric Strategy" foresees a single centralised biometric platform - UK Big Brother?](#)

The Home Office has produced a: [Biometric Strategy: Better public services Maintaining public trust](#) (pdf) together with the [Biometrics Commissioner's response to the Home Office Biometrics Strategy](#) (pdf): The object is to bring together biometrics and personal data through:

***"the implementation of a single biometrics platform"***

Tony Bunyan, Statewatch Director, comments:

*"These proposals seem remarkably similar - and equally worrying - to the current debate in the EU over the dangers of creating a centralised biometric and personal information database.*

*The difference is that in the EU similar measures are decided through the normal legislative procedure by the co-legislators the Council and the parliament. While as the Commissioner notes in the UK the new strategy will be implemented by the government without legislation."*

23. [UN sets conditions for EU 'disembarkation platforms' - full-text of the letter from the IOM and UNHCR](#)

*"UN agencies are imposing conditions before agreeing to any new EU plans to prevent boats leaving from north Africa to Italy and Spain (...)*

*Donald Tusk, the European Council president, wants the platforms outside Europe with the cooperation of the UN refugee agency (UNHCR) and International Organization for Migration (IOM).*

*But [a joint confidential letter](#) [pdf] sent by heads of the UNHCR and IOM says any such country, as in north Africa, must first set up reception centres that provide "adequate, safe and dignified reception conditions."*

24. EU: **What Member States think about the "e-Evidence" proposals:** [Proposal for a Regulation on European production and preservation orders for electronic evidence in criminal matters - compilation of Member States comments](#) (10470/1/18 REV 1, 28 June 2018, pdf): Includes comments from Belgium, Czech Republic, Germany, Latvia, Finland, Sweden.

25. European Parliament: [Hotspots at EU external borders - State of play](#) (pdf):

*"As migration continues to be one of the EU's main challenges, the hotspots are a key element of EU support for Greece and Italy to help them face the challenges of the humanitarian and border management crisis. However, reception conditions remain a concern. The majority of the hotspots suffer from overcrowding, and concerns have been raised by stakeholders with regards to camp facilities and living conditions, in particular for vulnerable migrants and asylum-seekers. The European Parliament has repeatedly called for action to ensure that the hotspot approach does not endanger the fundamental rights of asylum-seekers and migrants."*

26. Council of the European Union: [Proposal for a Regulation on the establishment of 'Eurodac' for the comparison of biometric data for the effective application.... Preparation for the trilogue](#) (LIMITE doc no: 9848-18, pdf)

*"It is of utmost importance to Member States that the European Parliament has accepted the possibility for Member States to use a proportionate degree of coercion as a last resort to ensure the compliance of minors with the obligation to provide biometric data."*

27. EU: European Parliament briefing: [A Europe without internal borders? Free movement of persons](#) (pdf):

*"The free movement of persons is one of the four freedoms of the EU single market, the other three being the free movement of goods, services and capital. Since the founding of the EU, internal borders have been progressively dismantled and these freedoms have expanded. Today the rights of citizens of the Union and their family members to move and reside freely within the territory of the Member States are for the most part based on Directive 2004/38/EC. Free movement may in practice entail different rights for different categories of people."*