## News
## 12 December 2018 (18/18)

Home page: **http://www.statewatch.org/**
e-mail: **office@statewatch.org**

**ANALYSIS**

1. Statewatch Analysis: 'More police' is not a synonym for 'more security' by Andreu Merino.

**STATEWATCH NEWS**

1.  Talk by Aidan White at the launch of Statewatch's Library & Archive
2.  IRELAND: High Court strikes down Ireland's data retention regime
3.  Refugee crisis: latest news from across Europe (3-10.12.18)
4.  Travel surveillance: USA calls for global PNR standard and seeks to export profiling software
5.  FRANCE: 4th weekend of Yellow Vests protests: 1700 arrested and over 1200 held in custody
6.  BREXIT: EU Court of Justice: UK can unilaterally revoke notification to withdraw from the EU
7.  AFRICA: Appeal by civil society organisations to their states: ''Let us move in our continent''
8.  EU: Justice and Home Affairs Council, 6-7 December 2018, Brussels
9.  ECHR-Hungary: Court condemns libel verdict against a Hungarian media company
10. SPAIN: Far-right entry into Andalucia's regional parliament welcomed by conservative parties
11. BREXIT: Advocate General Article 50 TEU allows the unilateral revocation
12. Refugee crisis: latest news from across Europe (27.11-3.12.18)
13. ITALY: Legal changes and climate of hatred threaten migrants' rights in Italy, say UN experts
14. BELGIUM: Crimes of solidarity: In Belgium, brutal crackdown on migrant workers' collectives
15. EU-LIBYA: The humanitarian fleet #United4Med calls on Europe to open its ports
16. Joint UK-France centre opens in Calais to tackle criminality at border
17. EU-USA**:** Justice & Home Affairs Ministerial meeting, 8-9 November: Exchange of e-evidence
18. EU: CEAS: State of play: International protection, Resettlement, Reception and Return
19. Refugee crisis: latest news from across Europe (20-26.11.18)
20. Northern Ireland: "It's us today, tomorrow it could be you" - No Stone Unturned

## NEWS

1.  "Our action saved lives" says Stansted 15 campaigner found guilty on terror-related charges
2.  160+ Academics request MEPs to vote in favour of Humanitarian Visas Motion
3.  Europe's Shameful Silence – An Open Letter to EU Leaders from Jean Monnet Chairs
4.  ECHR: Slovakia failed to investigate possible racist motive in shooting by off-duty police officer
5.  Marrakesh UN forum adopts migration pact despite withdrawals
6.  CoE: Special Representative on migration and refugees supports UN Global Compact
7.  UK: Stansted 15: Activists who stopped deportation flight found guilty of 'endangering' airport
8.  UK: Pepper spray used in non-violent situations in prison pilot
9. UK-EU: Brace for Brexit criminal data-sharing 'cliff-edge', Home Office told

10. The rise of hipster colonialism
11  EU to process "confidential security information" with Libyan Coast Guard
12. Syrian aid worker who swam refugees to safety freed from Greek jail
13. Greece, EU: Move Asylum Seekers to Safety: End Containment Policy, Organize Transfers Now
14. The CEU Leaves – Hungarian Students are Left in the Lurch
15. EU: Growing concerns on "e-evidence": Council publishes its draft general approach
16. UK: Country returns guide: Guidance on returning immigration offenders to their country of origin
17. GCHQ Propose A 'Going Dark' Workaround That Creates The Same User Trust Problem
18. EU: Accountability of the European Border and Coast Guard Agency
19. FRANCE: 44 organisations ask Macron to give up antiterrorism censorship project
20. Malta says Spain will accept migrants rescued by fishing vessel near Libya
21. European Parliament: Humanitarian visas would reduce refugees' death toll
22. European Parliament: Better ID card security to curb document fraud
23. How European secret services organise themselves in "groups" and "clubs"
24. Rise of killer robots seems inevitable at EU conference
25. CYPRUS: PNR: House passes law requiring airlines to hand over passengers' travel history
26. NORTHERN IRELAND: Bail extension for No Stone Unturned journalists "a travesty of justice"
*27.* Turkish court rejects European rights court ruling to release top Kurdish politician
28. Are You Syrious: Denmark unveils plan for Nauru-style deportation center on Lindholm island
29. Can 'voluntary colonialism' stop migration from Africa to Europe?
*30.* UK: Police facial recognition 'needs considerable investment'
31. Unprecedented Suspension of UN- Hungary Visit as Detention Experts are Denied Access
32. UK: Immigration detainee killed himself after self-harming, inquest hears
33. EU: Antiterrorism Censorship: Macron teams up with the Web giants to set up mass surveillance
34. Greece sued over migrant death
35. EU: PASSENGER NAME RECORD (PNR): Airlines to Provide Greek Police with Passenger Info
36. SPAIN: Thousands march in Spain to oppose violence against women
37. GREECE: A scar on the conscience of Europe: Letter on conditions facing refugees in Greece
38. BREXIT: The Brexit Withdrawal Agreement: Overview and First Observations

## DOCUMENTATION

1. UK: National Audit Office report: Handling of the Windrush situation
2. EU: Fundamental Rights Agency: Preventing unlawful profiling today and in the future: a guide
3. EU: EP: Civil liberties committee (LIBE): Draft mission report on delegation to Poland
4. European Council meeting, 13-14 December 2018: Draft guidelines for conclusions
5. EU-MED: Sea Rescue: A trade union statement (English and French)
6. UK: The Windrush scandal exposes the dangers of scaremongering about 'illegal immigrants'
7. Council of the European Union: Multiannual Financial Framework (MFF) 2021-2027 (LIMITE )
8. EU: Meijers Committee: On common standards and procedures for returns
9. Council of the EU: Frontex Regulation: Presidency on cooperation with third countries (LIMITE)
10. European Parliament: New rules for temporary border controls within the Schengen area

## ANALYSIS

1. Statewatch Analysis: **'More police' is not a synonym for 'more security'** (pdf) by Andreu Merino.
Originally published by *NacióDigital*:

*"In May next year the mayoral elections for the city of Barcelona will take place. Candidates for the position have recently intensified their discourse over the perception of insecurity in the city, yet many experts recommend alternative solutions to simply increasing police presence in public places."*

## STATEWATCH NEWS

1. **Talk by Aidan White (President of the Ethical Journalism Network) at the launch of Statewatch's Library & Archive on the value of preserving written history**

At the launch of Statewatch's Library & Archive on Thursday 22 November 2018 Aidan emphasised the importance of preserving history in its original written form - which cannot be digitally manipulated into fake news and views. And to ensure accountability so that past struggles can inform the present and the future. For as Orwell wrote in *1984:*

*"Who controls the past controls the future. Who controls the present controls the past.".*

**Aidan's talk** (video) and see also: **Invitation the launch**

2. IRELAND: **High Court strikes down Ireland's data retention regime**

The Irish High Court has ruled that Irish law on the retention of telecommunications data contravenes EU law and the European Convention on Human Rights.

3. **Refugee crisis: latest news from across Europe** (3-10.12.18) including:

- UK: Stansted 15: Activists who stopped deportation flight found guilty of 'endangering' airport
- Appeal by African civil society organisations to their states: ''Let us move in our continent''
- Syrian aid worker who swam refugees to safety freed from Greek jail

4. **Travel surveillance: USA calls for global PNR standard and seeks to export profiling software**

The USA is pushing for the adoption of an international standard on Passenger Name Record (PNR) data in order to "enhance the global security community's ability to identify risks, detect and deter terrorism," while the country's Department of Homeland Security is promoting free passenger screening software that should "make real-time prediction[s] with a reasonable response time" of less than a second.

5. FRANCE: **Fourth weekend of Yellow Vests protests: more than 1700 arrested and over 1200 held in custody**

More than 1700 people were arrested across France at the weekend following the fourth round of 'Yellow Vests' protests against the government of Emmanuel Macron. Some 400 people were also arrested in Belgium during a "copycat" demonstration, according to *RFI*.

6. BREXIT: **Court of Justice: UK can unilaterally revoke notification of its intention to withdraw from the EU**

*"In today's judgment, the Full Court has ruled that, when a Member State has notified the European Council of its intention to withdraw from the European Union, as the UK has done, that Member State is free to revoke unilaterally that notification."*

7. AFRICA: **Appeal by African civil society organisations to their states: ''Let us move in our continent''** (Statewatch translation, pdf):

"*This is the heartfelt cry that we, organisations of African civil society, wish to raise at the margins of the week on migration in Marrakech that will witness a gathering of states, international organisations and civil society organisations from 4 to 11 December 2018. After the difficulties which have obstructed the acquisition of visas for Morocco for numerous African civil society organisations wishing to participate in this migration week, we cannot keep silent about the discrimination that Africans continue to suffer affecting their right to mobility in their own continent.(....)*

8. EU: **Justice and Home Affairs Council, 6-7 December 2018, Brussels**

See **Press release, 6-7 December, Final** (pdf)

Main **"B" Pts Agenda** (for discussion), **"A" Pts legislative** (for adoption without discussion) and **"A" Pts non-legislative** (for adoption without discussion).

Amongst documents to be discussed are: **Data retention- State of play** (LIMITE doc no: 14319-18, pdf) and **Reform of the Common European Asylum System and Resettlement** (LIMITE doc no: 14597-18, pdf)

9. ECHR-Hungary: **Court condemns libel verdict against a Hungarian media company, stresses importance of hyperlinks on Internet**

In today's Chamber judgment in the case of Magyar Jeti Zrt v. Hungary (application no. 11257/16) the European Court of Human Rights held, unanimously, that there had been: a violation of Article 10 (freedom of expression) of the European Convention on Human Rights.

The case concerned the applicant company being found liable for posting a hyperlink to an interview on YouTube which was later found to contain defamatory content.

10. SPAIN: **Far-right entry into Andalucia's regional parliament welcomed by conservative parties**

*Vox*, a far-right political party, has won 12 seats in Andalucia's regional parliament, prompting the leader of Spain's Popular Party (PP) - the country's chief conservative formation - to say that a potential alliance presents "an enormous opportunity" that he "would not let pass".

11. BREXIT: **Advocate General Campos Sánchez-Bordona proposes that the Court of Justice should declare that Article 50 TEU allows the unilateral revocation of the notification of the intention to withdraw from the EU**

*"That possibility continues to exist until such time as the withdrawal agreement is formally concluded."*

12. **Refugee crisis: latest news from across Europe** (27.11-3.12.18) including:

- Sea Rescue: A trade union statement
- EP lawyers back EU plans for migrant centres in Africa
- CEAS: State of play: International protection, Resettlement, Reception and Return

13. ITALY: **Legal changes and climate of hatred threaten migrants' rights in Italy, say UN experts**

Italy's proposed tightening of immigration rules will have a serious impact on migrants' lives, and are of grave concern, UN human rights experts said today, urging the Government to reverse course.

14. BELGIUM: **Crimes of solidarity: In Belgium, an increasingly brutal crackdown on migrant workers' collectives**

"Muscular searches, preventive detention lasting for weeks, legal proceedings... For several months, the Belgian authorities have been particularly severe towards people who help migrants. A first correctional trial was held in early November in Brussels. Several Belgian citizens are accused of having participated in human smuggling after having aided and accommodated migrants, being charged and designated as smugglers. Faced with these increasingly repressive policies, a collective was created to highlight that 'solidarity is not a crime'."

15. EU-LIBYA: **The humanitarian fleet #United4Med calls on Europe to open its ports to the people rescued by the fishing boat *Nuestra Madre de Loreto* and condemns the negotiations between Spain and Libya**

*Open Arms*, *Sea Watch* and *Mediterranea* strongly condemn the negotiations between the countries of the European Union and Libya to return to the latter country the people rescued by the fishing boat *Nuestra Madre de Loreto*.

16. **Joint UK-France centre opens in Calais to tackle criminality at border**

Today the Home Secretary confirmed that a new UK-France Coordination and Information Centre has opened in Calais as part of the ongoing co-operation between the UK and France to tackle criminality at the border.

The centre will see Border Force working closely alongside Police Aux Frontieres as part of a 24/7 operation.

17. EU-USA**: Justice & Home Affairs Ministerial meeting, 8-9 November: Exchange of e-evidence**

The Council has circulated a Note with the: **Outcome of proceedings of the EU-US Justice and Home Affairs Ministerial Meeting (Washington, 8-9 November 2018)** (LIMITE doc no: 12894-18, pdf).

18. EU: **CEAS: State of play: International protection, Resettlement, Reception and Return**

Four key measures of the proposed new Common European Asylum System (CEAS) which are currently going nowhere fast.

19. **Refugee crisis: latest news from across Europe** (20-26.11.18) including:

- Slovakia becomes 8th EU country to oppose global migration pact
- Latest Council test of EU Reception Conditions Directive
- Greek camps: "A scar on the conscience of Europe"

20. **Northern Ireland**: **"It's us today, tomorrow it could be you" - No Stone Unturned**

The National Union of Journalists (NUJ) ethic code's first obligation is:

"*a journalist at all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed"*.

NUJ members, Trevor Birney and Barry McCaffrey, upheld this principle and were arrested as a consequence

## NEWS

1. **"Our action saved lives" says Stansted 15 campaigner found guilty on terror-related charges** (Left Foot Forward, link):

*"For peacefully stopping a deportation flight from taking off, fifteen people were found guilty yesterday of breaching an obscure and rarely-used piece of anti-terror legislation.*

*Thirty-three year old Jo Ram is one of the Stansted 15, a group of campaigners who went to Stansted Airport in March 2017 to stop a Titan Airways plane deporting up to 60 people to Nigeria and Ghana.*

*On the day after she was found guilty of terror-related charges because of this protest, she told Left Foot Forward that she does not regret it.*

*"We couldn't have not acted knowing what we did: that people due to be deported that night were being deported to their deaths.""*

2. **160+ Academics request MEPs to vote in favour of Humanitarian Visas Motion Today - And it gets Approved!** (link):

*"Fernando López Aguilar, is the result of a long process of consultation with many stakeholders, including civil society actors and organisations as well as academics, adopted with the agreement of the Political Groups represented in the LIBE Committee."*

3. **Europe's Shameful Silence – An Open Letter to EU Leaders from Jean Monnet Chairs** (verfassungsblog.de, link):

*"Because we share a commitment to a European Union based on democratic values, we are writing to you to express our profound disappointment and outrage about the EU's failure to respond more robustly to recent developments in Hungary. On 1 December 2018, after a long running campaign of egregious harassment, the Hungarian government forced the Central European University to leave Hungary.*

*The fact that an independent university could be expelled from an EU member state is a galling attack on academic freedom that contravenes the Union's core democratic values. Sadly, we are accustomed to seeing such attacks on academic freedom in authoritarian regimes such as Russia and Turkey, but the fact that this could occur within the EU is a truly shameful moment in the history of European integration. (...)*

4. ECHR: **Slovakian authorities failed to investigate possible racist motive in shooting by off-duty police officer at Roma family's home** (Press release, pdf):

*"The case concerned a shooting spree in 2012 by an off-duty police officer at the home of a Roma family. The two applicants in the case, a married couple, were seriously injured and three members of their family were killed. When questioned by the police, the officer stated that he had been thinking about "a radical solution" for "dealing with" Roma people. He was ultimately given a reduced sentence of nine years' imprisonment owing to diminished responsibility."*

5. **Marrakesh UN forum adopts migration pact despite withdrawals** (euractiv, link):

*"A United Nations conference adopted a migration pact in front of leaders and representatives from over 160 countries in Morocco on Monday (10 December), despite a string of withdrawals, including several EU countries, driven by anti-immigrant populism.*

*The Global Compact for Safe, Orderly and Regular Migration — finalised at the UN in July after 18 months of talks — was formally approved with the bang of a gavel in Marrakesh at the start of a two-day conference.*

*But the United States and at least 16 other countries either opted out or expressed concerns, with some claiming the pact infringes national sovereignty."*

6. Council of Europe: **Special Representative on migration and refugees supports UN Global Compact at conference in Morocco** (link):

*"The Council of Europe, with its system for human rights protection, is ready to engage in the implementation of the Global Compact. The initiatives undertaken in the Council of Europe Action Plan on Protecting Refugee and Migrant Children represent some of the most ambitious and successful actions of our organisation in the migration field. In particular they can offer a valuable contribution to our member states, but also to other regions and the international community as a whole seeking to secure the practical implementation of the laudable objectives of the Global Compact on Safe, Orderly and Regular Migration.(...)*

Read: **Statement in full** (link)

7. UK: **Stansted 15: Activists who stopped deportation flight found guilty of 'endangering' airport** (The Independent, link):

"*A group of activists who stopped a deportation flight leaving Stansted Airport have been convicted of disrupting flights and "endangering an aerodrome".*

*The defendants, who have become known as the Stansted 15, said they were "guilty of nothing more than intervening to prevent harm".*

*But a judge at Chelmsford Crown Court had told the jury that their intentions were not a defence.*"

See: **The Home Office is guilty of harm, not us: Stansted 15 respond to guilty verdict** (End Deportations, link)

8. UK: **Pepper spray used in non-violent situations in prison pilot** (The Guardian, link):

"*A pepper spray intended for use on violent prisoners in England and Wales has been approved despite being used in non-violent incidents more than a third of the time in a recent trial, contravening official guidance, the Guardian has learned.*

*The Pava incapacitant spray, which is notably stronger than CS gas, causes acute pain if sprayed directly into the eyes. One officer described its effects as "unbearable, like your skin peeling off" after being affected when it was deployed.*"

9. UK-EU: **Brace for Brexit criminal data-sharing 'cliff-edge', Home Office told** (Civil Service World, link):

"*MPs have urged the Home Office to prepare for the possibility it will face a "cliff edge" in the exchange of data needed to protect public safety after the Brexit transition period, in a report that warns existing arrangements for leaving the EU could compromise the UK's security.*

*The UK has yet to negotiate access to EU-wide criminal databases used by police and intelligence agencies after Brexit, and it will be "near impossible" to secure access by the time the transition period ends in December 2020, the Home Affairs Select Committee said in a report today.*"

See the report: House of Commons Home Affairs Committee: **Home Office preparations for the UK exiting the EU** (pdf)

10. **The rise of hipster colonialism** (Al Jazeera, link) by Nanjala Nyabola:

"*Last week, Germany's Africa Commissioner Gunter Nooke said that European countries should be allowed to lease land and to build and run cities in Africa as a means of stemming what he views as the unchecked expansion of migration from Africa to Europe. For Nooke, allowing the "free development" of these areas would stimulate African economies and create "growth and prosperity" and therefore, reduce the attractiveness of Europe as a destination for migration.*

*...The easiest way to get to the heart of what's wrong with this proposal is to go back to basics - what is colonialism and why is it bad? The dictionary defines colonialism as "a policy or practice of acquiring full or partial political control over another country occupying it with settlers, and exploiting it economically". Ultimately, it's about exploiting a power differential in order to reorganise one society for the economic and social benefit of another: saying that one society's economic and social imperatives are more important than the other's.*

*So, Nooke's proposal is fundamentally hipster colonialism - attempting to reclaim colonialism by couching it in neoliberal trends or ideology while advocating for a return to an essentially exploitative system of social and economic organisation.*"

11. **EU to process "confidential security information" with Libyan Coast Guard** (link)

*"The EU Border Agency has massively strengthened its surveillance capabilities. To make better use of this information, it will now be passed to the Libyan Coast Guard. This is legally impossible, now Frontex is pressing for the relevant regulations to be renewed. The navy in Libya, however, is using a Gmail address."*

12. **Syrian aid worker who swam refugees to safety freed from Greek jail** (Guardian, link):

"*Sarah Mardini had been held since August on people-smuggling charges criticised by rights groups.*

*After 107 days of incarceration, Sarah Mardini – the Syrian human rights worker who saved 18 refugees in 2015 by swimming their waterlogged dinghy to the shores of Lesbos with her Olympian sister – has been freed from Greece's toughest jail.*

*The 23-year-old was released late on Wednesday from the high-security Koryallos prison in Athens, where she was being held in pre-trial detention on charges of people-smuggling.*

*She was allowed to walk free after her lawyers posted €5,000 (£4,450) in bail.*"

13. **Greece, EU: Move Asylum Seekers to Safety: End Containment Policy, Organize Transfers Now** (HRW, link):

*"The Greek government and its European Union partners should urgently ensure that all asylum seekers on the Aegean islands are transferred to suitable accommodation on the mainland or relocated to other EU countries as winter approaches, 20 human rights and other organizations said today."*

Statewatch comment: The official Greek Ministry figures shows that as of 5 December there are 15,790 refugees on the Greek islands with 7,825 on Lesvos, 4,182 on Samos and 1,476 on Kos,.

14. **The CEU Leaves – Hungarian Students are Left in the Lurch** (verfassungsblog.de,link):

*"For 27 years Central European University has operated in Hungary's capital. That era has come to an end. The December 1st deadline, given by the Board of Trustees of CEU to the Hungarian government, set the stage for a final showdown to see if an agreement would be signed allowing CEU to operate legally in the country. The Hungarian government balked, and now, all incoming students will study at a new campus in Vienna beginning in the academic year 2019-20."*

15. EU: **Growing concerns on "e-evidence": Council publishes its draft general approach** (EDRI, link):

*"On 30 November 2018, the Council of the European Union **published a draft text** for its general approach on the proposal for a regulation on European Production and Preservation Orders in criminal matters – also known as "e-evidence". The text is to be adopted by EU Member States, represented in the Council."*

See also: **E-Evidence: A threat to people's fundamental rights?** (euractiv, link): *"EU justice ministers are set to approve a regulation this Friday (5 December) that will require EU-based tech companies to turn over electronic evidence within hours of a court order. The regulation, however, could pose a threat to people's fundamental rights."*

16. UK: **Country returns guide: Guidance on returning immigration offenders to their country of origin** (gov.uk, link):

"*Home Office guidance on the documents required and processes for returning immigration offenders to their country of origin.*"

17. **GCHQ Propose A 'Going Dark' Workaround That Creates The Same User Trust Problem Encryption Backdoors Do** (TechDirt, link):

"*Are we "going dark?" The FBI certainly seems to believe so, although its estimation of the size of the problem was based on extremely inflated numbers. Other government agencies haven't expressed nearly as much concern, even as default encryption has spread to cover devices and communications platforms.*

*There are solutions out there, if it is as much of a problem as certain people believe. (It really isn't… at least not yet.) But most of these solutions ignore workarounds like accessing cloud storage or consensual searches in favor of demanding across-the-board weakening/breaking of encryption.*

*A few more suggestions have surfaced over at Lawfare. The caveat is that both authors, Ian Levy and Crispin Robinson, work for GCHQ. So that should give you some idea of which shareholders are being represented in this addition to the encryption debate.*

*The idea (there's really only one presented here) isn't as horrible as others suggested by law enforcement and intelligence officials. But that doesn't mean it's a good one.*"

See the article by GCHQ staff: **Principles for a More Informed Exceptional Access Debate** (Lawfare, link)

18. EU: **Accountability of the European Border and Coast Guard Agency: Recent developments, legal standards and existing mechanisms** (Refugee Law Initiative, link to pdf):

"*The paper assesses the political, administrative, professional and social accountability of Frontex, including parliamentary oversight and the newly introduced individual complaints mechanism.*

*The final part of the paper focuses on legal accountability, a strong, yet highly complex, form of accountability. There, we introduce the concept of systemic accountability and investigate possible courses of legal action against Frontex. In sum, Frontex is subject to moderately increased scrutiny under its renewed founding Regulation and to various EU accountability mechanisms of general application. But several procedural and practical hurdles could render legal accountability difficult to achieve in practice.*"

19. FRANCE: **44 organisations ask Macron to give up antiterrorism censorship project** (La Quadrature du Net, link):

"*44 NGOs, professionals, hosting services and non profit Internet access providers ask Emmanuel Macron to renounce to its European Regulation project to censor the whole Web for dubious security reasons.*

*European governments will meet on the 6th of December to find a common position on this text. This Regulation will use the fear of terrorism to silence all of the Internet. It will do nothing but reinforce Google and Facebook (read **our article**) and threaten the confidentiality of our exchanges online (read **our article**).*"

See the letter: **Opposition to the Anti-terrorism Censorship Regulation** (pdf) signed by 44 organisations including *Statewatch*.

20. **Malta says Spain will accept migrants rescued by fishing vessel near Libya** (El País, link)

*"Spain will accept at least 11 of the 12 migrants rescued several weeks ago by the Spanish fishing vessel Nuestra Madre Loreto off the coast of Libya, according to Maltese authorities. The migrants were rescued by the fishermen while fleeing the Libyan Coast Guard on a rubber dinghy. Three of them scrambled on board while another eight threw themselves into the water and were picked up by the ship."*

See: **The humanitarian fleet #United4Med calls on Europe to open its ports to the people rescued by the fishing boat Nuestra Madre de Loreto and condemns the negotiations between Spain and Libya** (Statewatch News, 28 November 2018)

21. European Parliament: **Humanitarian visas would reduce refugees' death toll** (link):

*"Asylum-seekers should be able to request humanitarian visas at EU embassies and consulates abroad, allowing them to access Europe safely, say Civil Liberties MEPs.*

*With 37 votes to 10 and 3 abstentions, the Civil Liberties Committee agreed on Monday to ask the European Commission to table, by 31 March 2019, a legislative proposal establishing a European Humanitarian Visa. Holders would be allowed into Europe - only to the member state issuing the visa - for the sole purpose of submitting an application for international protection."*

22. European Parliament: **Better ID card security to curb document fraud** (link):

*"Civil Liberties Committee MEPs agreed on common security features for EU identity documents to reduce identity fraud.*

*Ensuring that identity documents are tamper- and fraud-proof is a key element in the fight against terrorism and organised crime. Currently the security features in ID cards, as well as residence documents issued to EU nationals and/or their family members, vary significantly across EU countries. This increases the risk of documents being falsified and of identity fraud, which are increasingly big problems in the EU."*

See: Analysis: **Fingerprints in identity cards: who will oppose an unjustified and unnecessary proposal?** (pdf)

23. **How European secret services organise themselves in "groups" and "clubs"** (link)

*"For cross-border cooperation, Europe's secret services or their responsible ministries join together in non-transparent formats. These networks are difficult to monitor and control."*

24. **Rise of killer robots seems inevitable at EU conference** (EUobserver, link):

*"Either Europe's military-industrial complex is incredibly shy - or it thinks that the debate about whether Europe should use lethal autonomous weapons is already over before it began.*

*The European Defence Agency held its annual conference in Brussels on Thursday (29 November), titled 'From unmanned to autonomous systems: trends, challenges and opportunities'.*

*At the last panel, one of the speakers said that it was inevitable that Europe would develop such military systems, because its adversaries would."*

25. CYPRUS: PASSENGER NAME RECORD (PNR): **House passes law requiring airlines to hand over passengers' travel history** (Cyprus Mail, link):

*"Parliament on Friday approved a law transposing the EU PNR (passenger name record) directive, which requires air carriers to transfer to member states the passenger name record they have collected in the normal course of their business.*

*The vote was passed by 24 to 16.*

*The information passengers must provide includes in addition to full name, address and contact details, all payment details including billing address, passenger's travel history including booking confirmations, ticket checks, passenger arrival information, ticket number, date of issue, seating number and all baggage information.*

*The plenum also passed an amendment increasing the penalties for violations relating to the management of the data.*"

26. NORTHERN IRELAND: **Bail extension for No Stone Unturned journalists "a travesty of justice"** (NUJ, link):

*"The decision of the Police Service of Northern Ireland (PSNI) to extend the bail of journalists Trevor Birney and Barry McCaffrey has been described as "a travesty of justice" by the National Union of Journalists in the UK and Ireland (NUJ).*

*The journalists will remain on bail until Friday 1 March 2019.*

*Trevor and Barry reported for questioning to Musgrave PSNI station today as a consequence of their arrest in August 2018 and in connection with their work on the award winning documentary film about the Loughinisland massacre called **No Stone Unturned**."*

*27.* **Turkish court rejects European rights court ruling to release top Kurdish politician** (DW, link):

*"A Turkish court has defied a European Court of Human Rights ruling demanding the release of Selahattin Demirtas. The decision comes after Turkey's president said the European court's decisions were non-binding."*

28. **Are You Syrious** (30.11.18, link):

Denmark unveils plan for Nauru-style deportation center on Lindholm island

"*As part of their yearly budget, the Danish government has unveiled a new plan, seemingly modelled on Australia's offshore detention centers, to house asylum seekers in removal centers on the isolated island of Lindholm. The center will be established over the course of the next three years and will eventually house asylum seekers from the controversial Kærshovedgård deportation center."*

29. **Can 'voluntary colonialism' stop migration from Africa to Europe?** (BBC News, link):

*"A controversial proposal by a senior German official that foreign powers acquire land in Africa to curb migration has been rejected by the African Union, writes the BBC's Dickens Olewe. (...)*

*This will mean African countries leasing their land to a foreign body to "allow free development for 50 years", Mr Nooke said."*

*30.* UK: **Police facial recognition 'needs considerable investment'** (BBC News, link):

"*"Considerable investment" is needed to get consistency from the police's use of facial recognition, according to a Cardiff University study.*

*South Wales Police has used automated facial recognition (AFR) technology at several events in Cardiff since the Champions League final in June 2017.*

*The study found the accuracy of AFR has improved since its introduction, but does worsen in bad light or big crowds.*

*Richard Lewis from the force said the report gave a "balanced perspective"'*

See the full report: **An evaluation of South Wales Police's use of automated facial recognition** (pdf): "*This report details findings from an evaluation of South Wales Police's deployment of Automated Facial Recognition (AFR) between May 2017 and March 2018, conducted by Cardiff University. It is possibly the first, large-scale, independent academic evaluation of the application of AFR by police conducted in a naturalistic environment.*"

31. **Unprecedented Suspension of UN- Hungary Visit as Detention Experts are Denied Access** (ECRE, link):

"*A team of United Nations experts have been denied access by the Hungarian government to visit two border 'transit zones' where refugees and migrants, including children, are being detained. According the Working Group the visit had been planned in response to "a number of credible reports concerning the lack of safeguards against arbitrary detention in these facilities".*

*The United Nations Working Group on Arbitrary Detention had been invited by Hungary to conduct the visit from 12 to 16 November 2018 in order to follow up on its 2013 recommendations...*

*In an unprecedented step, they were obliged to suspend their visit after they were denied access to the Röszke and Tompa "transit zones" at the border with Serbia, on the basis that they would be unable to fulfil their mandate because under the terms of reference for these visits, governments are required to guarantee full freedom of inquiry, particularly with regards to "confidential and unsupervised contacts with persons deprived of their liberty".*

*The investigators stated "There can be no doubt that holding migrants in these 'transit zones' constitutes deprivation of liberty in accordance with international law."'*

32. UK: **Immigration detainee killed himself after self-harming, inquest hears** (The Guardian, link):

"*A Slovenian waiter killed himself while being held in an immigration detention centre, an inquest jury has found.*

*Branko Zdravkovic, 43, had self-harmed while in detention and had problems with alcohol, Bournemouth coroner's court was told. The jury returned a verdict of suicide.*

*Although detention centre staff recognised his vulnerability and put him on self-harm watch, no report was sent to the Home Office flagging up suicidal intentions, as required under guidance known as rule 35 (2).*

*...The Home Office said he was facing administrative removal because he was not exercising his treaty rights to work in the UK. But his lawyers dispute that claim, saying that, while his schedule was not always predictable, he worked for many of his eight years in London as a waiter in establishments including the House of Lords, the Guildhall and the Gherkin.*"

33. EU: **Antiterrorism Censorship: Macron teams up with the Web giants to set up mass surveillance** (La Quadrature du Net, link):

"*Two months ago, the European Commission published a **proposal** for a Regulation on terrorist censorship. We **denounced** it, explaining that this project would destroy the entire decentralized Web. Since then, we have met the French Ministries in charge of the file: our fears have increased.*

*France, with the support of Germany and the European Parliament, will do everything to prevent a democratic debate on this text: the government does not talk about it in the press, wants to force its urgent adoption and invokes "national security secrets" to avoid any facts-based debate.*

*Why so many secrets? Probably because this text, **written with Google and Facebook**, will submit the whole Web to these giants, to whom the State is already selling out its role in the fight against terrorism online. The **collaboration** announced on Monday by Macron between the State and Facebook is just a small, but revealing, step towards such a broader alliance.*"

34. **Greece sued over migrant death** (ekathimerini.com, link);

"*Nearly two years after an Egyptian migrant died at the Moria reception and identification center on the eastern Aegean island of Lesvos, his family has filed a lawsuit against Greek authorities over his death, saying it was caused by the negligence of responsible officials.*

*Ahmed Elgamal, 20, was found dead on January 24, 2017, a few weeks after reaching Lesvos on a rubber dinghy with 12 more asylum seekers. His death was attributed to carbon monoxide poisoning from a makeshift heating device used to warm his freezing tent.*"

35. EU: PASSENGER NAME RECORD (PNR): **Airlines to Provide Greek Police with Passenger Info** (Greek Reporter, link):

"*Airlines will now be required to provide the Hellenic Police (ELAS) with detailed information on passengers travelling into and out of Greece under an EU directive to curb terrorism and crime, according to a Greek Travel Pages (GTP) report.*

*The European Commission has called on Greece and thirteen EU member states to comply with the new Passenger Name Record (PNR) Directive, which requires travelers to provide detailed personal information before traveling. Airlines will be responsible for collecting and storing the data, which will be exchanged between EU countries and Europol.*"

36. SPAIN: **Thousands march in Spain to oppose violence against women** (The Guardian, link):

"*Tens of thousands of demonstrators have marched through the streets of Madrid and dozens of other Spanish towns and cities to oppose violence against women.*

*Protesters chanted slogans and carried signs reading "For those who aren't with us" and "Justice" as they marked the UN's International Day for the Elimination of Violence against Women.*

*In Madrid, tens of thousands joined a feminist group calling for a massive protest and shouted "No more victims, we want freedom!" as they marched through the centre of the capital.*

*The Madrid demonstration ended with a reading of the names of the 44 women killed by their partners or former partners over the past 12 months.*"

See also: **The Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention): Questions and answers** (pdf)

37. GREECE: **A scar on the conscience of Europe: Letter to Greek Prime Minister on conditions facing refugees in Greece** (Amnesty, link):

"*In early October, I visited Lesvos and the refugee camp in Moria, on behalf of Amnesty International. I would like to begin by stressing my admiration for the people of island who, in welcoming hundreds*

*of thousands of refugees and asylum-seekers over the past years are a beacon of solidarity and inspiration. It was clear to me from my visit, that the spirit of this solidarity is very much alive today despite the tides of fear and xenophobia.*

*...I would like to highlight the devastating situation I came across during my visit and to work towards solutions that respect human rights and are viable on local, national and international levels.*

*Moria is not the first refugee camp I have visited over the years but what I witnessed was quite simply shocking. Problems of overcrowding are well documented, and when I was there it was almost three times over capacity. The policy of containing refugees and asylum-seekers on the islands in order to implement the EU-Turkey deal means that thousands of people remain trapped there for months on end in squalid conditions. Their lives are in limbo, crushed by the prospect of being returned to a country that is not safe for them.*"

38. BREXIT: **The Brexit Withdrawal Agreement: Overview and First Observations** (EU Law Analysis, link) by Professor Steve Peers:

"*The recently agreed Brexit withdrawal agreement may turn out to be dead on arrival, or at some point not long after. Nevertheless, if the agreement is ratified, it is the basis on which the UK would leave the EU – unless the two sides agree to amendments to the text.*

*Since the agreement is both complex and legalistic, but also the subject of intense political debate, there's a need for a summary and explanation of the text for non-lawyers. This blog post aims to do that by outlining the structure of the agreement and the main content of each part of it in turn. It does not aim to be exhaustive, but only to give a broad indication of what the agreement entails.*

*Throughout the blog post, I've scattered the answers to 'key questions' which have been raised about what the withdrawal agreement does.(...)*

See also: **Political Declaration setting out the Framework for the future relatiionship between the EU and the UK** (pdf)

**DOCUMENTATION**

1. UK: National Audit Office report: **Handling of the Windrush situation** (pdf):

"*The Department had a duty of care to ensure that people's rights and entitlements were recognised and this has been re-emphasised by the Prime Minister. We do not consider that the Department adequately considered that duty in the way that it introduced immigration policy.*"

2. EU: Fundamental Rights Agency: **Preventing unlawful profiling today and in the future: a guide** (pdf)

"*Technological developments have triggered an increased use of profiling in a wide range of contexts, including marketing, employment, health, finance, law enforcement, border control and security. The use of profiling tools to support the work of law enforcement and border management officials has received greater attention from EU Member States in recent years...*

*This guide explains what profiling is, the legal frameworks that regulate it, and why conducting profiling lawfully is not only necessary to comply with fundamental rights, but also crucial for effective policing and border management. The guide also provides practical guidance on how to avoid unlawful profiling in police and border management operations. The principles and practices in the guide are supported by examples, case studies and case law from across the EU and beyond.*"

3. EU: **European Parliament civil liberties committee (LIBE): Draft mission report following the ad hoc delegation to Poland on the situation of the Rule of Law, 19-21 September 2018** (pdf):

"*The objective of this mission of the Committee on Civil Liberties, Justice and Home Affairs (LIBE) was to better understand the ongoing reforms of the Polish justice system as carried out by the Polish authorities, their objectives and their impact on the rule of law situation in Poland, within the framework of the Article 7(1) TEU procedure activated by the European Commission on 20 December 2017 in relation to the rule of law situation in Poland.*

*For this purpose, the delegation met with representatives of the Polish Government, the Sejm and the Senate, political parties, judicial institutions, representatives of the OSCE/ODIHR, legal practitioners, journalists and representatives of civil society.*"

4. European Council meeting, 13-14 December 2018: **Draft guidelines for conclusions** (CO EUR-PREP 50, LIMITE, 26 November 2018, pdf) covering multiannual financial framework (MFF), single market, migration, disinformation, external relations, racism and xenophobia, citizens' dialogues and strategic agenda:

"*With a view to the forthcoming meeting of the European Council, delegations will find below the state of progress regarding the various topics on its agenda. Where possible, first indications are given on the elements the President of the European Council intends to include in the draft of the conclusions.*

*Member States are invited to provide their reactions, in order to help guide the preparations for the draft European Council conclusions which will be submitted in one week.*"

5. EU-MED: **Sea Rescue: A trade union statement** (English, pdf) and **Sauvetage en mer: Déclaration syndicale** (French, pdf):

"*We, the trade unions and seafarers from various European countries, hereby emphasise our attachment to the tradition and age-old ideals of our profession: rescue is a fundamental obligation, regardless of the person and his/her circumstances. We take pride in rescuing whoever is in distress in the vicinity of our ships. Rescue, being an obligation, is not part of migration policy and must not be fashioned by it.*

*We refuse any criminalisation of the masters and crews of ships acting so. On the contrary,we insist upon the fact that they are acting pursuant to the obligations of international Law.Those violating International Law are the governments which refuse to provide sufficient resources to rescue people.*"

Signatories: La CGT (France), Ver.di (Germany), BTB.FGTB (Belgium), FSC.CC.OO. (Spain), CGIL, UIL, CISL (Italy), CGTP.IN (Portugal), PCS, Nautilus International (Great Britain), International Federation of Shipmasters' Associations (IFSMA).

6. UK: **The Windrush scandal exposes the dangers of scaremongering about 'illegal immigrants'**

The *Institute of Race Relations* (IRR) publishes today a background paper showing how the injustices meted out to the Windrush generation are not anomalies but the logical result of an immigration system that, over many years, has weaponised the idea of 'the illegal immigrant'.

7. Council of the European Union: **Multiannual Financial Framework (MFF) 2021-2027 - possible elements of the future draft Negotiating Box in relation to the protection of the Union´s budget in case of generalised deficiencies as regards the rule of law in the Member States** (LIMITE doc no: 14384-18, pdf):

"*Following discussions held in the Ad hoc Working Party on the MFF, in COREPER and in the Council, delegations will find in Annex possible elements of the future draft Negotiating Box elaborated by the Presidency in relation to the protection of the Union´s budget in case of generalised deficiencies as regards the rule of law in the Member States (...)*

*In the case of such deficiencies, the Commission will propose appropriate measures that will be deemed to have been approved by the Council, unless the Council decides, by qualified majority, to reject the Commission proposal."*

8. EU: Meijers Committee: **Comments on the proposal for a Directive on common standards and procedures in Member States for returning illegally staying third-country nationals (recast), COM(2018) 634 final** (pdf):

*"The Meijers Committee observes that the recast proposal is not based on an evaluation of the existing Returns Directive or accompanied by an Impact Assessment. Despite the Commission's earlier commitment to recast the directive only after a thorough implementation evaluation,1the present proposal is primarily based on "technical consultations with the Member States" (Explanatory Memorandum, p. 6). This makes it difficult to verify the proposal's effectiveness, necessity and proportionality.*

*Despite the proposal widening the grounds for detention of illegally staying third-country nationals and tightening procedural guarantees, the Explanatory Memorandum does not meaningfully engage with human rights. It merely declares that the proposal respects fundamental rights."*

and **Comments on the draft for a new Regulation on a European Border and Coast Guard, (COM (2018) 631 final) and the amended proposal for a Regulation on a European Union Asylum Agency (COM(2018) 633 final)** (pdf):

*"The Meijers Committee would like to take the opportunity to comment on the drafts for a new Regulation on a European Border and Coast Guard, incorporating also the EUROSUR system (COM (2018) 631 final) and the amended proposal for a Regulation on a European Union Asylum Agency (COM(2018) 633 final)".*

9. Council of the EU: **New Frontex Regulation: Presidency compromise proposals on cooperation with third countries** (LIMITE document 14091/18, 13 November 2018, pdf):

"*With a view to the JHA Counsellors meeting on 15 November 2018, delegations will find attached Presidency compromise suggestions in relation to Articles 72 to 79.*"

10. European Parliament: **New rules for temporary border controls within the Schengen area** (link):

*"Internal border checks within the Schengen area should be limited to a maximum of one year, instead of the current two-year period, say MEPs.*

*The Schengen Borders Code, currently under revision, allows member states to carry out temporary checks at internal borders within the Schengen area, in the event of a serious threat to public order or to internal security.*

*In a plenary vote on Thursday establishing Parliament's position for negotiating with EU ministers, MEPs agreed that: the initial period for border checks should be limited to two months, instead of the current six-month period, and border checks couldn't be extended beyond one year, halving the current maximum limit of two years."*