



## News

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## ANALYSIS

### [Human rights violations at Spain's southern border: steps towards restoring legality](#) (pdf)

In mid-August 2014, a group of around 80 people attempted to enter Melilla, a Spanish enclave in North Africa, by climbing the three razor-wire topped fences that divide the territory from Morocco. The majority remained balanced atop a fence for around nine hours while some held onto their perches for up to 16 hours, "despite the suffocating heat and the lack of food and water," as one news report noted at the time. But regardless of how long they held on, as soon as they came down from the fence they were all returned to Morocco by officers from Spain's Guardia Civil.

Although the Article 3 claim was dismissed by the Court [ECHR], the other complaints were accepted, and on 3 October the Court found that the Spanish government had indeed violated the prohibition on the collective expulsion of aliens (Article 4 of Protocol No. 4 to the European Convention on Human Rights) and the right to an effective domestic remedy (Article 13 of the Convention).

## NEWS

### 1. [European Court of Human Rights finds insufficient evidence of degrading treatment of three Afghans in detention in Chios, Greece](#)

The ECHR : [Detention of three Afghan nationals in Vial migrant centre in Greece](#) (Press release, pdf) found that only one of four complaints could be upheld - Article 5 § 2 (right to be informed promptly of the reasons for arrest). It did not uphold the complaint of Article 3 (prohibition of inhuman or degrading treatment).

### 2. EU: [Security Union: Commission follows up on terrorist radicalisation](#) (press release, pdf):

*"Today, the European Commission reports on progress made towards an effective and genuine Security Union, including priorities like countering radicalisation, enhancing cybersecurity and protecting public spaces.*

*As security is identified as a key priority in the Joint Declaration on the EU's legislative priorities for 2018-19, the Commission is also setting out a number of measures to be taken over the coming months to strengthen support to Member States and speed up EU work. The Commission will continue to drive progress ahead of the September informal leaders' meeting on security, announced in the Leaders' Agenda."*

And see: European Commission: [Thirteenth progress report towards an effective and genuine Security Union](#) (COM(2018) 46 final, pdf)

### 3. [EU migration control: easier access to satellite intelligence](#) (Matthias Monroy, link):

*"Earth observation is playing an increasingly important role in European security and defence policy. Greater synergies are to be achieved between civil and military capabilities in future. This is being trialled in the field of migration control: satellites are providing information about refugees' "hiding places", among other things. The border agency Frontex is one of the organisations using this information."*

### 4. MEDITERRANEAN: [Human smugglers operate as 'independent traders', study finds](#) (University of Cambridge, link):

*"First study to model the organisation behind trade in illegal border crossings shows no "Mafia-like" monopoly of routes from Africa into Europe via Mediterranean. Instead, myriad independent smugglers compete in open markets that have emerged at every stage of the journey.(...)"*

*Dr Paolo Campana from Cambridge University's Institute of Criminology conducted the research using evidence from the 18-month investigation by Italian prosecutors that followed the Lampedusa shipwreck, in which 366 people lost their lives.*

*The work included data from wiretapped telephone conversations between smugglers at all stages, testimonies collected from migrants, interviews with police task force members, and background information on offenders.*

*"The smuggling ring moving migrants from the Horn of Africa to Northern Europe via Libya does not appear to have the thread of any single organisation running through it," said Campana, whose findings are published today in the [European Journal of Criminology](#)."*

5. EU: ['Follow the money' - new report examines spending of EU's €3.1bn Asylum, Migration and Integration Fund](#)

*"In 2018, the European Commission (EC) is to carry out a mid-term review of the AMIF, taking into account interim evaluation reports prepared by MS on the implementation of their National Programmes. The EC's interim evaluation report is to be submitted to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions by 30 June 2018.*

*This report presents a critical analysis of the design, the programming and to the extent possible, the implementation of the AMIF via AMIF national programmes."*

6. USA: Section 702 of the Foreign Intelligence Surveillance Act: [Trump signs bill renewing NSA's internet surveillance program](#) (Reuters, link):

*"U.S. President Donald Trump on Friday said he signed into law a bill renewing the National Security Agency's warrantless internet surveillance program, sealing a defeat for digital privacy advocates. (...)*

*The law renews for six years and with minimal changes the National Security Agency (NSA) program, which gathers information from foreigners overseas but incidentally collects an unknown amount of communications belonging to Americans.*

*The measure easily passed the U.S. House of Representatives last week despite mixed signals posted on Twitter by Trump and narrowly avoided a filibuster in the Senate earlier this week that split party lines. The measure had drawn opposition from a coalition of privacy-minded Democrats and libertarian Republicans."*

And see: [NSA deleted surveillance data it pledged to preserve](#) (Politico, link): *"The National Security Agency destroyed surveillance data it pledged to preserve in connection with pending lawsuits and apparently never took some of the steps it told a federal court it had taken to make sure the information wasn't destroyed, according to recent court filings."*

7. UK: [Biometrics: MPs concerned over huge police mugshot database that still has "no real rules"](#)

*"Ministers face a parliamentary inquiry over the storing by police of 20 million mugshots – including of many people not convicted of any crime – after a senior MP warned the practice raises “fundamental civil liberty issues”.*

*A Commons committee is poised to launch the probe after running out of patience with the Government, which has failed to act on the controversy almost six years after it was ruled unlawful by the High Court.*

*The court warned of the “risk of stigmatisation of those entitled to the presumption of innocence”, adding that it would be particularly harmful in the cases of children."*

8. GREECE-EU: [Monika Gattinger: How can Europe be more traumatising than Mosul?](#) (British Medical Journal Opinion, link):

*"The people living in Moria, a refugee camp in Greece, have been abandoned by Europe and treated like criminals for nothing more than wanting to be safe (...)*

*Perhaps the only positive aspect of Moria, if I am forced to find one, is that because it is so crowded, those attempting suicide have no place or privacy to do it. People are stopped from harming themselves by others walking by or by those who sleep next to them. For example, there was a young Syrian man\* who tried to hang himself outside the container he slept in. He was brought to the MSF*

mental health clinic by an older Somali man who stopped him. Now they come to all of his appointments together and he ensures that the young Syrian takes his medicine."

9. [The Government of Hungary has proposed a new bill to tackle illegal immigration](#) (About Hungary, link):

"On the frontier of Europe, Hungary is particularly exposed to the effects of illegal immigration, and the government is proposing measures to stop it."

And see: [Hungary's Government Strengthens its Anti-NGO Smear Campaign](#) (HRW, link): "Draft "Stop Soros" Law Announced Ahead of National Elections in April."

10. UK: UNDERCOVER POLICE INQUIRY: [Cover names](#) (link):

"The [table immediately below sets out details of the Special Demonstration Squad](#) officers whose cover names have been confirmed by the Inquiry. It will be updated as further details can be published.

The details given of groups/areas of deployment are provisional, and are provided to enable members of the public to identify whether they may have known officers who were deployed undercover and to prevent cases of mistaken identity. They are not intended to be a comprehensive list of groups with which the officer may have interacted, and do not constitute a factual finding by the Chairman that any group was or was not targeted. These are matters which remain under investigation.

As the former Chairman said in his opening remarks, all those with relevant evidence to give about the deployment of any of these officers are encouraged to contact the Inquiry in confidence. If you had contact with any of the following undercover police officers whilst they were using the cover names set out below then we would like to hear from you. [Please see the contacts page for ways to get in touch with the Inquiry in confidence.](#):"

11. [Civil society under threat, Fundamental Rights Agency finds](#) (link):

"A thriving democracy needs a healthy civil society. Unfortunately, the EU's own civil society is facing a pattern of threats and pressures in many parts of the EU. Addressing this unacceptable situation should be a high priority for policy makers at EU and national levels," says FRA Director Michael O'Flaherty."

See: [Challenges facing civil society organisations working on human rights in the EU](#) (pdf)

12. [Military intelligence for Europol](#) (link):

"The EU plans to strengthen the linkages between its internal and external security structures. In future, military information will increasingly be used in combating terrorism and organised crime. Cooperation is being tested first in the field of migration.

The European Union is [planning the establishment of "Crime Information Cells" \(CIC\)](#) for the exchange of data between the police, military and secret services. The intention of the players involved is to reinforce the "external dimension of internal security".

13. EU: [Speech on interoperability proposals given to LIBE committee by Security Commissioner Julian King, 15 January 2017](#) (pdf):

"National authorities should have the information they need, when and where they need it, with all the safeguards offered by our fundamental rights framework. And our information systems should provide them with data that is timely, complete, accurate and reliable.

*By closing down the gaps terrorists and criminals can exploit, we can cut down on identity fraud, strengthening our external border and internal security.*

*The question now is how to turn this general consensus on the objectives into practical action: to agree swiftly, and then implement, a legislative text that can make a real and significant operational difference for those on the ground."*

14. [Conditions are horrific at Greece's 'island prisons' for refugees. Is that the point?](#)

(Washington Post, link):

*"For years, the turquoise-ringed vacationer's paradise known as Lesbos has been on the front lines of Europe's struggle to contain its part of a global refugee crisis. But conditions at the Greek island's vastly overcapacity, razor-wired main camp have rarely if ever been as bad as they are this winter.*

*The deterioration has occurred even though far fewer refugees are arriving on Lesbos now than at the height of the influx to Europe in 2015 and 2016.*

*That seeming paradox has led aid workers, island officials and human rights activists to a disturbing conclusion: The appallingly bad conditions are no accident, but rather the result of a deliberate European strategy to keep people away. "*

15. UK-EU: [Brexit doesn't mean Brexit for migration control initiatives: UK to stay on Khartoum Process steering committee](#)

Despite the UK's foreseen departure from the EU in March 2019 it plans to remain on the steering committee of the Khartoum Process, an EU-funded migration control initiative that involves partnerships with dictatorships such as Egypt, Eritrea and Sudan.

16. EU: [Public consultation on EU funds in the area of security](#) (European Commission, link):

*"In 2018, the Commission will make comprehensive proposals for the next generation of financial programmes for the post-2020 Multiannual Financial Framework, which is the EU's long-term budget. The Commission's proposals will be designed to make it possible for the EU to deliver on the things that matter most, in areas where it can achieve more than Member States acting alone. This requires a careful assessment both of what has worked well in the past and what could be improved in the future. This consultation is an integral part of the process and its objective is to collect the views of all interested parties on how to make the most of every euro of the EU budget."*

See: [Market Forces: the development of the EU security-industrial complex](#)

17. [Torture in Libya and Questions of EU Member State Complicity](#) (EJIL: Talk!, link):

*"Amnesty International has [reported](#) that 'tens of thousands' of refugees and migrants are being subject to torture and other human rights abuses at the hands of Libyan state officials and non-state actors operating in, and out of, Libya (the full report can be accessed [here](#)). The publication of the report has led to [allegations](#) that the European Union (EU) is complicit in torture. One finding of the report is that 'EU member states are and have been well aware of the widespread human rights violations and abuses suffered by refugees and migrants in Libya' (p. 56). Amnesty International has claimed that EU states 'are complicit' in torture. Whether the complicity spoken of can trigger the responsibility of these states under international law is implied, but far from clear.*

*There are many tangents to questions of 'European complicity' in the torture of Libyan refugees and migrants. For example, issues regarding the obligation of non-refoulement (p. 53 of report), or the extraterritorial application of human rights obligations (pp. 54-56) (for insights on these particular matters see [Gauci](#) and [Jackson](#) respectively). The following post will briefly analyse the applicable secondary rules relating to how EU states could be held responsible for complicity in torture under general international law in light of the facts contained in the Amnesty report."*

18. ITALY-LIBYA: [New "Control Centre against transnational crime, human smuggling and terrorism" links Italian and Libyan agencies](#)

"On Friday, Italy revealed that a new Control Centre against transnational crime, human smuggling and terrorism was set in motion in Rome by Italy and Libya in presence of the Italian Interior Minister Marco Minniti.

*This Centre will result in enhanced judicial and police cooperation, strengthened rule of law, rights and guarantees, and increased information exchange. It will consist of representatives from the coastguard, the illegal migration department, the Libyan Attorney General and the intelligence services, along with their Italian counterparts."*

19. UK: [Britain increases arms exports to world's most repressive regimes by nearly a third since Brexit vote](#) (i, link):

"Britain has dramatically increased the value of weaponry and defence equipment it sells to the world's most repressive regimes since vows by senior ministers to expand arms exports after the Brexit vote.

*Figures seen by i show that the Government cleared export licences worth £2.9bn in the 12 months after June 2016 to 35 countries considered "not free" by Freedom House, a respected international think-tank. The figure represents a 28 per cent increase on the 12 months before the Brexit vote."*

20. [What is the Spanish migration control industry, and why does it matter?](#) (ODI, link):

*"In the last decade, [€896 million of public funding](#) was channeled through 1,000 contracts to 350 companies involved in the Spanish migration control industry. These companies both run the machinery, and profit from it. How these companies use and exploit the industry will have long-term effects on any sensible, global migration policy."*

And see: [New report provides an "x-ray" of the public funding and private companies in Spain's "migration control industry"](#) (Statewatch News Online, 23 November 2017)

21. UK: [Biometric database advances raise major issues of control and accountability](#)

The total number of DNA profiles held by the police in the UK at 31 December 2016 was: **6,530,647**.and

Number of fingerprints held on IDENT 1 for all forces as at 30 September 2016: Arrest Records: **23,836,130** and Subject Ten-Print Fingerprints: **7,962,091**.

**"big data' will change the relationship between the citizen and the state in a country that has sometimes thought of freedom as having a civil realm over which the state has minimal knowledge or control; that privacy and liberty are conjoined. As in the specific case of facial images discussed above, these developments have been the subject of little public or Parliamentary scrutiny and it is unclear under what governance arrangements they will operate.."** (...)

*some of the emerging biometrics will be more complicated to assure. Some commercially available biometric software now uses **machine learning or neural networks to improve analytic ability but, by doing so, it can be difficult, if not impossible, to understand how that software is determining possible matches.** This is often referred to as the 'Black Box Problem' because it runs the danger of black box modelling, **unchecked by human intervention, becoming the basis for decision making.** This scientific problem raises issues for ethics and governance (...)*

*Last year's report drew attention to this rapid development in the **police's use of facial images** and the need to consider technical quality, management, interpretation and governance. The recent Review proposes leaving all these issues solely **in the hands of the police without any***

***independent oversight*** or assurance to reassure the public, especially those individuals whom the 2012 Court judgment described as "entitled to the presumption of innocence". ***It is now almost five years since the Court held that the police retention of facial images was unlawful, yet we still do not have a clear policy in operation to correct that situation.*** [emphasis added]

See: [Biometrics Commissioner Annual Report 2016](#) (pdf)

22. Italy/Sudan: [ASGI and ARCI appeal against mass deportation to Sudan deemed admissible by the ECtHR](#)

At a press conference in Rome's Federation of the Italian Press (FNSI) on 11 January 2018, lawyers of the Associazione Studi Giuridici sull'Immigrazione (ASGI) and members of ARCI (vice-president Filippo Miraglia and Sara Prestianni, in charge of its observatory on externalization), spoke about the case they brought before the European Court of Human Rights, after it was admitted. Lawyer Salvatore Fachile, who submitted the case, noted that there were numerous violations of the ECHR regarding the expulsion of over forty Sudanese citizens from Italy in August 2016, and that the case was submitted following a mission the following December by ASGI lawyers alongside Sara Prestianni and some MEPs during which they met five of the deportees.

Their interviews did not focus too much on their treatment after their return to Sudan in order to protect the applicants from any possible reprisals, a decision which appeared to be justified after even the delegation were subjected to an "unpleasant" interrogation, Prestianni noted. Hence, it focused on the treatment they received in Italy, which is the key issue in the complaint.

23. [Spanish activist in Moroccan court over people smuggling charge](#) (Guardian, link)

*Helena Maleno is thought to have saved hundreds of lives by alerting maritime authorities to plight of vulnerable migrants.*

*A Spanish journalist and human rights activist who is thought to have saved hundreds of lives by alerting maritime authorities to the plight of vulnerable migrants in the Mediterranean has appeared in court in Morocco over allegations that she has been colluding with people traffickers.*

*Helena Maleno and her Walking Borders NGO have, over the past few years, fielded distress calls from people crossing from north Africa, passing on their details and locations to the Spanish coastguard so they can be rescued."*

24. [Decision in case 1328/2017/EIS on the refusal by Frontex to grant access to a document concerning the vessels used in the Poseidon and Triton border control operations](#)

*"The case concerned the refusal by the European Border and Coast Guard Agency (Frontex) to grant full public access to a document concerning the vessels used in the Poseidon and Triton operations on border control and surveillance. Frontex refused to grant access to the document on the grounds that doing so would undermine public security.*

*The Ombudsman inquired into the issue and found that Frontex's position was justified, so she closed the case with a finding of no maladministration."*

25. EU: [Eurodac: Austria dismisses fundamental concerns over coercive fingerprinting of six-year-olds](#)

- Letter from human rights organisations offered cursory reply
- Council proposals for Eurodac database would see all Member States introduce "administrative sanctions including the possibility to use means of coercion... for non-compliance with providing biometric data"
- See the Austrian letter: [Trilogue meeting on the Reform of the Common European Asylum System \(EURODAC\)](#) (20 December 2017, pdf)



26. [After EU agencies jointly test maritime surveillance drones, Frontex moves on to aerostats](#)

The use of drones and manned aircraft for maritime and border surveillance was a key focus of a recently-concluded pilot project involving Frontex, the European Maritime Safety Agency (EMSA) and the European Fisheries Control Agency (EFCA).

The project's final report (see the summary, below) was published in December 2017 and states that "the Host Member States (Spain, Italy and Greece) appreciated the surveillance services delivered," and considers that "the best way forward for cooperation between Agencies might be a new framework contract for aerial surveillance."

27. [Calls for Government to limit 'collateral damage' caused to families by immigration enforcement](#) (Bristol University, link):

*"Political pledges to reduce immigration are splitting up families, according to new research which urges the Government to revise its policies in order to reduce 'collateral damage' inflicted on partners and children.*

*In the first study of its kind, funded by the Economic and Social Research Council (ESRC), researchers at the University of Bristol explored how a precarious immigration status impacts on family life.*

*Between 2014 and 2017, they followed 30 families consisting of foreign national men at risk of deportation and their British or European partners and children."*

28. [Mediterranean Migrant Arrivals Reached 171,635 in 2017; Deaths Reach 3,116](#) (IOM, link):

*"Geneva – IOM, the UN Migration Agency, reports that 171,635 migrants and refugees entered Europe by sea during 2017, with just under 70 per cent arriving in Italy and the remainder divided between Greece, Cyprus and Spain. This compares with 363,504 arrivals across the region through the same period last year."*

**UNHCR figures for 2017 (1.1.18)**

Total in 2017: 171,332; Arrivals in Italy: 119,249; Arrivals in Greece: 29,716; Arrivals in Spain: 23,253; Arrivals in Cyprus: 1,111. Dead/missing 3,061.

29. EU-AFRICA: [New EU External Investment Plan risks sidelining development objectives](#) (Counter Balance, link)

29 November 2017: "As EU leaders meet their African counterparts in Abidjan for the 5th European Union/African Union summit, the European External Investment Plan (EIP) is in the spotlight. It is portrayed as the perfect recipe for the EU to combine development aid with migration control and economic interests. But such a plan risks deviating from genuine development goals unless strong safeguards and control procedures are put in place, claims a new report published today by Counter Balance.

*Going back to the premises of the European Commission's initiative – to tackle „the root causes of migration“ and leverage private sector investments – the study points out that linking development and migration objectives can have dangerous consequences and end up using aid money to finance „fortress Europe“."*

30. [PNR for all: UN Security Council mandates worldwide air travel surveillance and profiling, biometric collection, terrorist watchlists](#)

In the name of "preventing, detecting and investigating terrorist offenses and related travel," all UN Member States must develop systems for processing and analysing Passenger Name Record (PNR),

Advance Passenger Information (API) and "fingerprints, photographs, facial recognition, and other relevant identifying biometric data", according to a UN Security Council resolution (no. 2396) agreed on 21 December 2017.

31. [Europe sends Afghans back to danger](#) (IRIN, link):

*"In a cafe in Kabul, Mohammad Elham's eyes dart back and forth between a steaming cup of tea and the front entrance: the months since his return to Afghanistan have been spent in a state of constant fear.*

*Elham left Afghanistan on a cold night in 2010, he says, after the Taliban killed his wife and two children. Last year, he returned to the country he fled — this time, in handcuffs, one of a surging number of Afghan deportees ousted from Europe.*

*"It was hurtful and humiliating," Elham said of his journey from Germany, where his asylum application was rejected, to Afghanistan, where he says his presence may again jeopardise his family's safety.*

*As European countries tighten borders and asylum policies, the number of Afghan asylum seekers pushed out of Europe has soared. But returnees like Elham are being forced back to a volatile country, where conflict has uprooted more than one million people over the last two years and civilian casualties are at near-record levels."*

32. UK: [Blacklisting: the need for a public inquiry \(including a Manifesto Against Blacklisting\)](#) (IER, link):

A new book by Dave Smith and Alex Just: *"In his thoughtful account of the conspiracy, which incorporates the first-hand experiences of blacklisted workers and their families, the author leads readers through the multitude of obstacles faced by the victims. It concludes with a call for a public inquiry that forces those involved to publically account for their actions; and a detailed Manifesto Against Blacklisting"*

33. [Taking the EU-Turkey Deal to Court?](#) (Verfassungsblog, link):

*"The three orders have been appealed to the Court of Justice of the EU (CJEU). The strict admissibility requirements laid down in the Plaumann ruling place an important constraint on the CJEU. If the case had been brought by the European Parliament, which was entirely sidestepped in the process leading to the deal, instead of dealing with issues of admissibility, the CJEU would be looking at the substance of the matter. **This case illustrates how the checks and balances built into the system can be completely bypassed when the EU institutions collude with Member States to act outside the Treaty framework.**" [emphasis added]*

See also: [The EU-Turkey Statement or the 'Refugee Deal': The Extra-Legal Deal of Extraordinary Times?](#) and: [The EU-Turkey Deal in Front of the Court of Justice of the EU: An Unsolicited Amicus Brief](#) (SSRN, links)

34. UK: [The road to anti-racism](#) (IRR News, link):

*"A unique project tells the tale of how militant anti-racists in the 1970s helped create the multicultural London now taken for granted."*

35. Sicily/Italy/EU/Africa: [EU and Italian authorities accused of "system crimes" as court calls for the recognition of migrants as a "people" and as holders of rights](#) (pdf):

*"The People's Permanent Court held a session on the rights of migrants and refugees in Palermo from 18 to 20 December 2017 following a request to do so, and submissions of evidence by over 100 international associations and organisations in Barcelona on 7-8 July 2017.*

*The session focused extensively on issues including deaths at sea, policies denying hospitality and rights and the externalisation of the EU's and Italy's immigration policies to the African coast and mainland, particularly in Libya, with the violence, abuses and deaths this entails."*

36. [A. Sivanandan 1923 – 2018](#) (IRR News, link): **A. Sivanandan, the Director Emeritus of the Institute of Race Relations and founding editor of Race & Class has passed away.**

*"The Institute of Race Relations would like to thank everyone who has sent tributes and messages of condolences following the death of A. Sivanandan on Wednesday 3 January. As his family and friends mourn his passing, we invite you to leave tributes and personal memories below."*

See links: [Read about A. Sivanandan here](#)

Race & Class: [The A. Sivanandan Collection](#) (free to download)

Soundcloud: [An interview with A. Sivanandan by Avery Gordon for the 2013 Historical Materialism conference](#)

37. **UNHCR: IN THE MED:** 2017 (1.1.18)

Total in 2017: 171,332: Arrivals in Italy: 119,249; Arrivals in Greece: 29,716; Arrivals in Spain: 23,253; Arrivals in Cyprus: 1,111. Dead/missing 3,061.

2016: Total arrivals: 362,753. Dead/missing: 5,096

2015: Total arrivals: 1,015,078. Dead/missing: 2,051

2014: Total arrivals: 216,054. Dead/missing: 3,538

38. UK: [Government admits 'losing' thousands of papers from National Archives](#) (Guardian, link)

*"Documents on the Falklands, Northern Ireland's Troubles, and the infamous Zinoviev letter among those 'misplaced', leaving historians suspicious.*

*Thousands of government papers detailing some of the most controversial episodes in 20th-century British history have vanished after civil servants removed them from the country's National Archives and then reported them as lost.*

*Documents concerning the Falklands war, Northern Ireland's Troubles and the infamous Zinoviev letter – in which MI6 officers plotted to bring about the downfall of the first Labour government - are all said to have been misplaced. (...)*

*An entire file on the **Zinoviev letter scandal** is said to have been lost after Home Office civil servants took it away. The Home Office declined to say why it was taken or when or how it was lost. Nor would its say whether any copies had been made."*

And see: [Theresa May must search for missing archive papers, say human rights groups](#) (Guardian, link): *"Human rights groups say 'lost' historical documents could provide evidence of rights violations."*

39. UK: **HIDDEN FROM HISTORY: The Zinoviev Letter: This notorious "Letter" led to the fall of the first Labour government in 1924:**

*"The 1,200 word letter, produced on the official notepaper of the Third Communist International, purported to be a communication between Gregory Zinoviev, the President of the International, and Mr A McManus, a member of the Communist Party and the the British representative of the International's executive committee. The letter suggested that British comrades should be working to create a revolutionary insurrection (...)"* (Tony Bunyan, "The Political Police in Britain" see pp158-161). The forged letter, originating from a group of White Russian conspirators, found its way to MI6, Tory Party HQ and then to the Daily Mail newspaper four days before the election that Labour lost..

Historian Christopher Andrew also concludes in "Secret Service" (1985) that: *"There seems little doubt, however, that the "political bomb" which exploded in the last days of the Labour government was planted by the intelligence community"* (p308).

40. [EU language biometrics projects: research for police and intelligence services](#) (Matthias Monroy, link):

*"Voice samples can be analysed in order to identify unknown persons in tapped telephone conversations, audio chats and video files. If the technology were applied to internet nodes, then it would be of particular interest to intelligence services."*

The project was funded by the EU's FP7 security research theme. See: [Market Forces: the development of the EU security-industrial complex](#)

41. EU: [Press release: Libyan coast guard attacks rescuers after training by EU military operation](#) (Andrej Hunko, MdB, pdf):

*"The support for Libyan militias in the framework of the EUNAVFOR MED military operation is helping them in the brutal persecution of refugees. It has nothing whatsoever to do with training in sea rescue. This is proved by the answer received from the German Federal Foreign Office regarding an incident on 6 November, in which the crew of a Libyan patrol boat once again caused the death of a number of people. Eight of the thirteen crew members had previously been trained in the framework of EUNAVFOR MED", stated Andrej Hunko, European policy spokesman for the Left Party parliamentary group in the German Bundestag."*

42. EU: [Future-proof migration management: European Commission sets out way forward](#) (Commission press release, pdf):

*"Ahead of the EU leaders' thematic debate on migration to be held on 14 December, the Commission is today proposing a political roadmap to reach a comprehensive agreement by June 2018 on how to pursue a sustainable migration policy.*

*As Europe is moving away from crisis management, an agreement on a stable and future-proof EU migration and asylum policy for the long term is needed in order to maintain the momentum on all fronts – internal and external.*

*European Commission President Jean-Claude Juncker said: "Even if we are now moving away from crisis mode, it is evident that migration will remain a challenge for a generation of Europeans. Europe urgently needs to equip itself with future-proof means of managing migration responsibly and fairly. We have made solid progress in the past three years but now is the time to turn proposals into law, and law into practice."*

See the Commission Communication: [Commission contribution to the EU Leaders' thematic debate on a way forward on the external and the internal dimension of migration policy](#) (COM(2017) 820 final, pdf) and: numerous papers available [online here](#) (Commission, link) including on Frontex, budgets, "working with partner countries", EU-Turkey statement and more.

43. UK-BREXIT: European Council: [European Council \(Art. 50\) meeting \(15 December 2017\) - Guidelines](#) (pdf):

*"The European Council welcomes the progress achieved during the first phase of negotiations as reflected in the Communication from the Commission and the Joint Report (...)*

*It calls on the Union negotiator and the United Kingdom to complete the work on all withdrawal issues, including those not yet addressed in the first phase, in conformity with the European Council guidelines of 29 April 2017, to consolidate the results obtained, and to start drafting the relevant parts of the Withdrawal Agreement. It underlines that negotiations in the second phase can*

***only progress as long as all commitments undertaken during the first phase are respected in full and translated faithfully into legal terms as quickly as possible.*** [emphasis added]

This means that contrary to some official UK comments the Joint Report is going to be legally binding agreement drawn up between January and March before the second phase (Trade, CSDP and JHA issues) can start - it includes the "no hard border" agreement in the island of Ireland.

See: [Joint report from the negotiators of the European Union and the United Kingdom Government on progress during phase 1 of negotiations under Article 50 TEU on the United Kingdom's orderly withdrawal from the European Union](#) (pdf)

#### 44. [EU-USA: Passenger vetting](#)

The USA House of Representatives Homeland Security Committee has approved the 'Screening and Vetting Passenger Exchange Act of 2017' which says:

*"Not later than 270 days after the date of the enactment of this Act, the Secretary of Homeland Security shall develop best practices for utilizing advanced passenger information and passenger name record data for counterterrorism screening and vetting operations."*

See: [PNR Directive: USA offers a helping hand to EU air travel surveillance and profiling efforts](#) (Statewatch News).

#### 45. EU: [Data retention and the ePrivacy Regulation: Member State positions revealed](#)

The European Commission's January 2017 proposal for a new EU ePrivacy Regulation (which would replace the current e-Privacy Directive) has provided a forum for discussions on the issue of data retention, as it opens up the possibility of including data retention rules in the forthcoming Regulation. A Council working paper obtained by *Statewatch* prepared on the basis of responses to a questionnaire issued by the Estonian Presidency shows the positions of a wide number of EU Member States, and Europol, on the possibility of including mandatory data retention rules in the e-Privacy Regulation.

See: WORKING DOCUMENT from: General Secretariat of the Council to: Delegations: [Contributions by delegations](#) (WK 9374/2017 REV 1, LIMITE, 15 September 2017, pdf)

#### 46. EU: [Military Union: Council agrees new cooperation measures, MEPs seeking Commission DG on defence](#)

The Council of the European Union has established 'Permanent Structured Cooperation' (PESCO) on military issues with the participation of 25 Member States, including a commitment for "regularly increasing defence budgets in real terms"; while the European Parliament will vote tomorrow (12 December) on a resolution that calls for creation of a Commission Directorate-General on Defence.

#### 47. EU: [Frontex training materials for Libyan Coast Guard come up short on human rights](#)

*"Respect and protection of human rights are a negligible part of the EU's training to the Libyan Coast Guard, as revealed by the training materials the European Border and Coast Guard Agency (Frontex) disclosed in response to an access to documents request. From a total of 20 documents – including a video – released, only 0,5% of the content is dedicated to ensuring the protection of human rights."*

48. EU: Frontex asks for greater access to databases under interoperability proposals: [Non-paper by Frontex on its access to central EU systems for borders and security](#) (LIMITE doc no: 15174-17, pdf):

Frontex says it has less access to data than national authorities. Thus it needs greater access to check third country nationals at external borders with "hotspot" style roles of screening, registration,

debriefing and fingerprinting and its role in "returns".

49. [Fatal Journeys Volume 3 Part 2: Improving Data on Missing Migrants](#) (IOM link):

*"This report, the third volume in the Fatal Journeys series, focuses on improving data on migrant fatalities. It is published in two parts. Part 1 critically examines the existing and potential sources of data on missing migrants. Part 2 focuses on six key regions across the world, discussing the regional data challenges and context of migrant deaths and disappearances.*

*The second part of Fatal Journeys Volume 3 makes five key recommendations that emerge from the comparison of regions and innovative methodologies discussed in both parts of the report."*

See: [Report](#) (link)

50. [Germany accused over 'illegal' deportation of Afghan asylum seeker](#) (Guardian, link):

*"Lawyers say decision to return 26-year-old contradicts government's own rules on removals.*

*The German government has been accused of breaking its own rules on removing Afghan asylum seekers with a decision to deport a 26-year-old who fears he will be killed if returned.*

*The man, who the Guardian is not naming, is due to be flown out of Germany on Wednesday to a country he has not set foot in since he was five years old.*

*The case has focused attention on Germany's acceleration of deportations, which have doubled over the past year. In all, 78 people are due to be deported on Wednesday."*

See also: [EU-Afghanistan returns plan: Another "dodgy" deal](#) (Statewatch News) and [Council Working Party on Humanitarian Aid and Food Aid \(COHAFA\) casts doubt on EU policy of "safe" return of refugees to Afghanistan](#) (Statewatch News)

51. EU: Commission: [Reporting on the follow-up to the EU Strategy towards the Eradication of trafficking in human beings and identifying further concrete actions](#) (COM 728-17, pdf):

*"Perpetrators and abusers exploit people's vulnerabilities, exacerbated by factors such as poverty, discrimination, gender inequality, male violence against women, lack of access to education, conflict, war, climate change, environmental degradation, and natural disasters for the purposes of sexual or labour exploitation, begging, criminal activities and more."*

The Commission refers to both "trafficking" and "migrant smuggling" each of which has a different legal basis while also highlighting the exploitation of women and children.

measures and the co-legislators (the Council of the European Union and the European Parliament).

52. EU: [HQ of the Atlas Network's 38 Special Intervention Units to be based at Europol](#)

A Report from the Council Presidency, dated 16 November 2017: [Draft Council Conclusions on the strengthening of the ATLAS Network](#) (LIMITE doc no: 12583-REV-5-17, pdf) seeks amongst other things to create a permanent ATLAS Support Office based at Europol. The Network's:

***"Special Intervention Units (SIUs) of the Member States may be called to intervene in a variety of situations not necessarily linked to terrorism."***

DOCUMENTATION

1. [UK: Brexit: Home Affairs Committee: Oral evidence: Home Office delivery of Brexit: policing and security co-operation](#)

The Home Affairs Select Committee is carrying out an Inquiry into the effect of Brexit on Justice and Home Affairs issues. The last [Oral evidence session](#) (pdf) was on 23 January 2018. The Committee Chair asked Mr Nick Hurd (Minister of State for Policing and the Fire Service, Home Office):

*"Q117 Chair: Can you confirm it is still the Government's intention to stay in all of the existing information databases?"*

*Mr Nick Hurd: Correct."*

2. UK-FRANCE: ['Sandhurst Treaty' on border control cooperation: full-text, plus other documents agreed at UK-France summit](#)

*"French President Emmanuel Macron met Theresa May, UK Prime Minister, during a French-UK Summit at Sandhurst on 18 January 2018, where they signed a new protocol on migration control.*

*The "Sandhurst Treaty" is an addition to the Touquet Agreement, which is a bilateral treaty dating back to 2003 and signed between France and the UK that has allowed for juxtaposed border controls. The agreement has been criticized as imbalanced in making France responsible for all asylum seekers refused entry into the UK."*

3. EU: [Council of the European Union: latest text of the proposed e-Privacy Regulation](#)

*"While covering a complex subject matter, this proposal is one that the Presidency recognises as important for the completion of the Digital Single Market and is therefore committed to put considerable efforts towards seeking compromise solutions in order to strike the delicate balance between an adequate level of privacy protection and sufficient incentives for innovation."*

4. EU: Council of the European Union: [Data protection and EU institutions, bodies and agencies](#)

• [Proposal for a Regulation on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation \(EC\) No 45/2001 and Decision No 1247/2002/EC \[First reading\] - Progress report](#) (15861-17, 373 pages, pdf) Includes 4-column positions of the Commission, Council, European Parliament and "compromise":

*"In these meetings, many issues were agreed upon, subject to the condition that nothing is agreed until everything is agreed. However, **it proved not possible to reach an overall agreement on the Regulation by the end of this year, mainly due to the differing positions of the co-legislators regarding the scope of the draft instrument.***

*With this note, the Presidency informs delegations about the state of play in the negotiations between the Council and the European Parliament on the Regulation on data protection by Union institutions and bodies."*

5. EU: Council of the European Union: [International Protection: latest version of the proposed Dublin Regulation, chapters I-III](#)

DUBLIN: [Proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person \(recast\)](#) (LIMITE doc no: 15991-17, pdf) and see [COR 1](#) (pdf)

*"Delegations will find below the revised texts of chapters I to III of the Dublin Regulation. The suggested modifications are based on the outcome of multilateral and bilateral discussions held under*

*the Slovak, Maltese and Estonian Presidencies, and on the on oral and written comments made by Member States in the Asylum Working Party during the first examination (...)*

*It is understood that all delegations have general scrutiny reservations on the whole proposal. The following delegations have indicated previously that they also have parliamentary scrutiny reservations: CZ, ES, HR, HU, LT, LV, PL, SI, UK."*

#### 6. EU: [Commissioner to face awkward questions from MEPs over EU home affairs and migration spending](#)

On the morning of Tuesday 23 January European Commissioner Dimitris Avramopoulos, responsible for home affairs and migration, is to appear before the European Parliament's Committee on Budgetary Control to answer: [Written Questions on the 2016 Discharge to the Commission](#) (pdf). They pose a number of awkward questions.

#### 7. [UK planning to consolidate biometric databases, consider expanding Surveillance Camera Code application](#) (Biometric Update, link):

*"The UK's Home Office is planning to consolidate its IDENT 1 and IABS biometric databases into one central platform for fingerprint, DNA, and facial image data by spring of 2019, UKAuthority reports.*

*The contracts for IDENT 1 and the Asylum Biometric System (IABS) expire in March and April of next year, and rather than renew them, they will be combined as part of the Home Office Biometric (HOB) Programme. A previously posted information notice suggests the new contract could run from six to ten years, and cost £198 million to £308 million, and UK Authority reports the Home Office has begun testing the market for single service management capability. (...)*

*The government's Surveillance Camera Commissioner, Tony Porter, has called on the government to bring major surveillance camera deployments such as the one used by Transport for London to be included in the Surveillance Camera Code, which is currently only required for local government systems, in his fourth annual report."*

See: Surveillance Camera Commissioner: [Annual Report 2016/17](#) (pdf)::

***"The future capabilities of surveillance camera systems is a key theme within this report. The advent of integrated surveillance technologies (cameras, sensors, analytics, biometrics, smart systems) means that the ability of the State and indeed the commercial sector to physically and intrusively track the citizen in public spaces is well and truly upon us."***

#### 8. EU: [Civil Liberties Committee divided over dual status and inclusion of facial images on new database of third country nationals convicted of a crime in the EU](#)

On Thursday 11 January the Civil Liberties Committee (LIBE) discussed its negotiating position on: [On 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 \(ECRIS-TCN system\)](#) (pdf).

The Committee was divided on two major issues: inclusion of those with dual status and the inclusion of facial images on the central database.

#### 9. EU: [Common European Asylum System \(CEAS\): Qualification Regulation trilogue document](#)

Four-column document outlining the institutions' positions and potential compromise text, for discussion in a secret trilogue meeting today (10 January 2017).

See: [Qualification Regulation](#) (pdf)



10. Council of the European Union: [Return of Ethiopians, Cybercrime, Legal Migration, Money-laundering and Eurojust](#)

Including: READMISSION: [Admission procedures for the return of Ethiopians from European Union Member States](#) (LIMITE doc no: 15762-17, pdf) Note this is **not** a readmission agreement (to which the European Parliament would have to agree).

11. Council of the European Union: [EU-Africa, European Investigation Order, Radicalisation and SIRENE-SIS](#)

- EU-AFRICA: [Fifth African Union - European Union Summit \(Abidjan, 29 - 30 November 2017\) - Political declaration](#) (LIMITE doc no: 15554-17, pdf). Text of Declaration

- EIO: [Directive 2014/41/EU of 3 April 2014 regarding the European Investigation Order in criminal matters - Competent authorities and languages = Paper by EJM](#) (15211-REV-1-17, pdf): Detailed report on 18 Member State implementation including the UK: "ENTRY INTO FORCE: 31 July 2017 for England, Wales, Scotland and Northern Ireland; 22 May 2017 for Gibraltar."

- RADICALISATION: [Interim report of the High Level Commission Expert Group on Radicalisation \(HLCEG-R\)](#) (LIMITE doc no: 14816-REV-1-17, pdf): "Interim Report (Preliminary Findings and Recommendations)"

- SIRENE: [Development of the SIRENE Bureaux in the framework of the Schengen Information System - Council conclusions \(7 December 2017\)](#) (15560-17,

*"Delegations will find in the annex the Council conclusions on the development of the SIRENE Bureaux in the framework of the Schengen Information System, as adopted by the Council (Justice and Home Affairs) on 7 December 2017 (...) Welcomes the considerable contribution of the Schengen Information System, including SIRENE cooperation, in protecting the area without internal border checks, especially in the context of the current challenges of migration and terrorism within the Schengen area."*

12. EU-TURKEY DODGY DEAL: [Letters between the Commission and the Turkish and Greek governments April-July 2016](#) (ordered as in the pdf):

1. Letter to Commission from Permanent Delegation of Turkey in EU (12 April 2016)
2. Letter from the Director General of the Commission to Greek government (5 May 2016)
3. Letter from the Director General of the Commission to Greek government (27 April 2016)
4. Letter to Commission from Permanent Delegation of Turkey in EU (24 April 2016)
5. Letter from Commissioner for EU DG Home to Greek Alternate Minister for Migration (29 July 2016)

13. EU: [Visa liberalisation: Commission reports on implementation of benchmarks for Western Balkans and Eastern Partnership countries](#) (Commission press release, pdf):

*"The Commission is today reporting on the continuous fulfilment of the visa liberalisation benchmarks by the Western Balkan countries (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia) as well as the Eastern Partnership countries (Georgiam Moldova and Ukraine). The report shows that, whilst the visa liberalisation requirements for the countries concerned continue to be fulfilled, action is required in a number of specific areas to preserve their sustainable implementation.(...)"*

*Today's report is the first assessment under the new monitoring mechanism for the eight countries that have concluded visa liberalisation dialogues with the EU. The assessment shows that all eight Western Balkan and Eastern Partnership countries have demonstrated strong commitment to meeting the necessary requirements and have undertaken important efforts to implement a number of far-reaching reforms set out under the visa liberalisation process. It is now imperative that those reforms are sustained and that the countries do not backtrack on their achievements. Today's report focuses*

on the areas where further actions are required, in particular irregular migration and readmission, fight against corruption and money laundering as well as public order and security."

See: [First Report under the Visa Suspension Mechanism](#) (COM(2017) 815 final, pdf) and: [Staff Working Document](#) (SWD(2017) 480 final, pdf)

14. Council of the European Union: [Eurojust, ECRIS, ETIAS](#)

- Eurojust: [Proposal of the European Parliament and of the Council for a Regulation on the European Union Agency for Criminal Justice Cooperation \(Eurojust\) - Follow up of the third trilogue of 6 December 2017](#) (LIMITE doc no: 14306-REV-2-17, pdf): 296 pages: Four column trilogue document with Commission proposal, Council position, European Parliament "Orientation" position and "compromise" position.

- ECRIS: [Proposal for a Directive amending Council Framework Decision 2009/315/JHA, as regards the exchange of information on third country nationals and as regards the European Criminal Records Information System \(ECRIS\), and replacing Council Decision 2009/316/JHA- Outcome of the discussions in the \(JHA\) Council on 8 December 2017](#) (LIMITE doc no: 15450-17, pdf):

*"On 8 December 2017, the Council (Justice and Home Affairs) reached a general approach in relation to the above mentioned proposal for a Directive, as revised in the light of the proposal for a Regulation ([see doc. 15448/17](#)).*

*UK still maintains a Parliamentary scrutiny reservation.*

*The text of the draft Directive as agreed, which is set out in the Annex, will constitute the basis for the negotiations with the European Parliament in the framework of the ordinary legislative procedure (Art. 294 TFEU)."*

- ECRIS: [General approach to above agreed by the Council prior to trilogue meetings with the European Parliament](#) (LIMITE doc no: 15448-17, pdf)

- ETIAS: [Proposal for a Regulation establishing a European Travel Information and Authorisation System \(ETIAS\) and amending Regulations \(EU\) No 515/2014, \(EU\) 2016/399, \(EU\) 2016/794 and \(EU\) 2016/1624](#) (LIMITE doc no 15840-17, pdf):

*"ETIAS is an automated system set up to identify security, illegal migration or public health risks associated with visa-exempt visitors travelling to the Schengen Area. It will gather information to allow for advance processing on those visitors prior to their travel.(...)"*

*At the last trilogue, the main political issues, as listed in **document 15127/17** (+ COR 1), have been provisionally agreed, pending confirmation by the co-legislators. The Presidency debriefed delegations on the outcome of this trilogue at the JHA Counsellors meeting on 18 December. All delegations that took the floor regarded the compromise reached on these issues as generally positive. Some delegations used this opportunity to ask the Presidency some clarifications and to outline their views."*

- ETIAS: See as referred to above: [151217-17](#) (LIMITE doc, pdf) and: [15127-17-COR-1](#) (LIMITE doc no: pdf)

15. European Parliament Study: [Integration of Refugees in Greece, Hungary and Italy Comparative analysis](#) (pdf):

*"This study presents a comparative overview of recent policy developments in Greece, Hungary and Italy, which present some similarities as regards their position in the migration routes, but also very different approaches. The focus of the analysis is on progress achieved in the last three years in the*

adaptation of the reception and integration system for the high numbers of new arrivals and on the main challenges encountered, with a focus on labour market integration measures.

Further, special attention is given to changes in perceptions, public opinion and political discourse with respect to the asylum and integration of refugees and how this influenced policy strategies.(...)

**These countries show higher and growing rejection rates compared to the EU average in first-instance decisions on asylum applications, ranging from 60.6 % in Italy, to 76.3 % in Greece, and more than 91.6 % in Hungary compared to 39.2 % in the EU28 on average.** [emphasis added]

16. European Parliament Study: [The implications of the United Kingdom's withdrawal from the European Union for the Area of Freedom, Security and Justice](#) (pdf):

*"It maps the various policy areas in which the UK is currently participating and analyses the requirements for the disentanglement of the UK from them, as well as the prerequisites for possible UK participation in AFSJ policies after withdrawal. Furthermore, it provides an assessment of the political and operational impact of Brexit for the EU in the Area of Freedom, Security and Justice."*

17. EU: [European Data Protection Supervisor calls for consistency in EU approach to criminal records](#) (EDPS press release, pdf):

*"There is a clear need for the EU to develop a more efficient system for exchanging information on the criminal records of non-EU citizens. At the same time, any proposal to update the current system must ensure consistency with the EU Charter of Fundamental Rights and the Lisbon Treaty and fully respect data protection principles, the European Data Protection Supervisor (EDPS) said today, as he published his Opinion on the Commission's Proposal for a Regulation on ECRIS-TCN."*

See: [EDPS Opinion on the proposal for a Regulation on ECRIS-TCN](#) (pdf)

18. [EU to agree plans to link all Justice & Home Affairs databases into one centralised system - repeated references to migration, internal security and terrorism](#)

On 12 December the European Commission put forward proposals to link all Justice and Home Affairs databases - existing and future - into one centralised system: [Security Union: Commission closes information gaps to better protect EU citizens](#) (Press release, pdf) covering: "security, border and migration management." The plans are set out in two proposed Regulations:

- [Regulation on establishing a framework for interoperability between EU information systems \(borders and visa\) and amending Council Decision 2004/512/EC, Regulation \(EC\) No 767/2008, Council Decision 2008/633/JHA, Regulation \(EU\) 2016/399 and Regulation \(EU\) 2017/2226](#) (COM 793-17, pdf) and: - [Regulation on establishing a framework for interoperability between EU information systems \(police and judicial cooperation, asylum and migration\)](#) (COM 794-17, pdf)

19. EU: Trilogue discussions on: [Regulation establishing a European Travel Information and Authorisation System \(ETIAS\)](#) (pdf). State of play as at 11 December 2017, 4-column document with the Commission proposal, positions of the Council and European Parliament and the draft "compromise"..

20. European Council: [European Council meeting \(14 December 2017\) – Conclusions](#) (pdf):

Although unable to agree to on how to handling future refugees and migration issues the Council Conclusions showed unanimity on developing the EU Military Union - an ironic by-product of UK's withdrawal as it consistently opposed such a move.

21. UK-EU-BREXIT: Justice and Home Affairs: The Home Affairs Select Committee has started an inquiry into: Home Office delivery of Brexit: policing and security co-operation: [Oral evidence to the Committee, 5 December 2017](#) (pdf)

22. UPDATED: 5 December 2017: EU: Trilogue on ETIAS: [Regulation establishing a European Travel Information and Authorisation System \(ETIAS\) and amending Regulations \(EU\) No 515/2014, \(EU\) 2016/399, \(EU\) 2016/794 and \(EU\) 2016/1624](#) (pdf): Four column document giving the Commission proposal, the positions of the Council and the European Parliament and "Compromise" position for discussion in secret trilogue o/n 12 December 2017.

23. [EU: EDPS "Reflection paper" on the interoperability of JHA databases poses fundamental questions](#)

***"Technology should always come in support of policies and user needs, not the other way around. What is technically feasible might not necessarily be legally justifiable or ethically desirable."***

***"We are concerned that repeatedly referring to migration, internal security and fight against terrorism almost interchangeably brings the risk of blurring the boundaries between migration management and fight against terrorism."***

**How many terminals and how many officials have or will have access to all the existing and planned JHA databases? In 2003 the SIS alone could be accessed from 125,000 terminals!**

The European Data Protection Supervisor (EDPS) has published a ["Reflection Paper on the interoperability of information systems in the area of Freedom, Security and Justice"](#) (17 November 2017, pdf) which poses fundamental questions for the Commission who will draft new

24. EU: Council of the European Union: [Registration of Identity in EU Member States](#)

• [Questionnaire on issues related to Registration of Identity - Updated assessment of the replies](#) (LIMITE doc no:12004-REV-1-17, pdf): *"Delegations will find enclosed an updated version of the assessment of the replies to the questionnaire related to Registration of Identity prepared by the Commission services."*

*"Registration or evidence of identity refers to processes enabling the tracing, linkage and verification of identity against breeder documents (e.g. birth certificate, ID cards, etc.) (...)"*

*It is divided into six parts which seek to follow a logical approach from registering the identity to issuing breeder documents and control mechanisms:*

- 1. Population registers*
- 2. Initial/ foundational identity (first time registration)*
- 3. Identity verification (subsequent registration)*
- 4. Breeder documents*
- 5. Other identity-related procedures*
- 6. Control mechanisms."*

Only three Member States/SAC (Austria, Spain and Latvia) use biometric identifiers in the process of registering the identity in the population registers. Many others Member States/SAC (17: BG, CH, HR, CZ, DE, DK, EE, FI, FR, LU, NL, LV, RO, SE, SI, NO, UK) do not take any biometrics.

And see: [Previous version](#) (LIMITE doc no: 12004-17, pdf)