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ANALYSES

1. Analysis: [The seizure of the Open Arms boat as a paradigm of the European Union's war against human rights](#) (pdf)

This analysis is based on the charges levelled at *Proactiva Open Arms* and was published in the wake of the crew's interrogation and the impounding of the Open Arms rescue boat. It was written by the steering group (direttivo) of the *Osservatorio Solidarietà della Carta di Milano*, which was formally constituted in January 2018. It was originally published in Italian. A prosecutor has now ordered the freeing of the Open Arms, although judicial proceedings are ongoing.

And see: [Sequestration of the Open Arms rescue boat and the case against the crew: background, documentation and sources](#)

2. Analysis: [The Tarnac affair: the shipwreck of the French 'counter-terrorism struggle'](#) (pdf) by Franck Richard:

Ten years after the 'Tarnac affair' began with accusations of terrorism against a group of people from a libertarian community, the key individuals in the case, subsequently accused of sabotaging railway lines, have been cleared of all charges. The process has demonstrated a set-up designed to create an internal enemy.

NEWS

1. UK: [Who is immigration policy for? The media-politics of the hostile environment](#) (Corporate Watch, link):

"Most basically, migration figures continue to rise, while the ineffectiveness of vicious Immigration Enforcement measures is an open secret amongst Home Office officials. In fact the level of resources – and violence – required to really seal borders would go well beyond anything yet seen.

So what really drives the hostile environment policies? Our new report "Who is immigration policy for?" examines the following key points:

- *Immigration policy isn't really about controlling migration, it's about making a show of control. It is a spectacle, an emotional performance. In practice, this means attacking a few scapegoats seen as "low value" by business – often, the most vulnerable migrants such as refugees, so-called "illegals", or others without the right documents.*
- *The primary audiences for the spectacle of immigration control are specific "target publics": some older white people who are key voters and media consumers, and who have high anxiety about migration – but who make up only around 20% of the population.*
- *Policies are drawn up by politicians and advisors in close interaction with big media. Political and media elites share a dense "ecosystem", and anti-migrant clampdowns are part of their internal jostling for power – votes, promotions, audience share.*
- *Migration scares and clampdowns are part of a broader pattern – the anxiety engine that drives much of politics today, fuelled by stories of threat and control.*

You can read the full report [here on the web](#) – or download it here as [a PDF document](#) (60 pages)."

See also: Summary: [Who is immigration policy for? Hostile Environment and anxiety media-politics](#) (link to pdf)

2. UK: [UN human rights experts says deaths in custody reinforce concerns about 'structural racism' in UK](#)

GENEVA (27 April 2018) - UN human rights experts* have expressed serious concerns over the deaths of a disproportionate number of people of African descent and of ethnic minorities in the United Kingdom as a result of excessive force by State security.

"The deaths reinforce the experiences of structural racism, over-policing and criminalisation of people of African descent and other minorities in the UK," they said.

3. EU: ['Accept and continue': billions are clocking into digital sweat factories without realising it](#) (EDPS, link):

"The digital information ecosystem farms people for their attention, ideas and data in exchange for so called 'free' services. Unlike their analogue equivalents, these sweatshops of the connected world extract more than one's labour, and while clocking into the online factory is effortless it is often impossible to clock off."

4. Lesvos, Greece: [Moria 35 Trial Ends in Conviction of 32 – But After 9 Months of Unjust Detention, the 35 will Finally be Free!](#) (Lesvos Legal Centre, link):

"While all 35 defendants should soon be released from detention, a gross miscarriage of justice took place today at the Mixed Jury Court in Chios, Greece where a ruling of guilty was declared against 32 of the 35 defendants. The 35 were arbitrarily and violently arrested in Moria camp in Lesvos on 18 July 2017 following what started as a peaceful protest outside of an EASO office. This inherently unsafe verdict, reached despite an overwhelming lack of evidence, follows a week long trial which continuously violated fundamental principles of a fair trial under Article 6 of the European Convention of Human Rights and brings into serious question the impartiality of both the Judges and Prosecutor in the case.

32 of the 35 defendants were found guilty of injury to public officials, but acquitted on all other charges. The three individuals detained by a firefighter outside Moria Camp were found innocent of all

charges; the testimony against them discredited as inconsistent and lacking credibility as the firefighter misidentified the defendants in court. (...)

5. UK: [Liberty wins first battle in landmark challenge to mass surveillance powers in the Investigatory Powers Act](#) (link):

"In a landmark victory for privacy rights, the High Court has today ruled part of the Government's flagship surveillance law, the Investigatory Powers Act, is unlawful – following a legal challenge from human rights campaigning organisation Liberty.

In this first stage of its comprehensive challenge to the law, Liberty focused on government powers to order private companies to store everybody's communications data, including internet history, so that state agencies can access it. Liberty argued that retaining every person's data in this way without limits and safeguards violates the UK public's right to privacy. "

See: [Judgment](#) (Full-text, pdf)

6. [Southern rim rebels against EU migration proposal - Opposition lowers chances of a deal by June](#) (Politico, link):

"Five EU countries that sit on the bloc's external borders are bucking a proposed overhaul of asylum rules, putting in peril efforts to strike a deal by June's summit of European leaders.

The pushback from Italy, Spain, Greece, Cyprus and Malta — laid out in a three-page position paper obtained by POLITICO — comes as Bulgaria, which currently holds the rotating presidency of the Council of the EU, is pushing a proposal aimed at revising the so-called Dublin Regulation and ending one of the bloc's most bitter policy fights.

Their hard position comes on top of the longstanding opposition by the Visegrad countries — Czech Republic, Hungary, Poland and Slovakia — to any effort by Brussels to force countries to accept refugees, or to set new restrictions on how asylum seekers might be returned to the first EU country they entered."

See: [Dublin Regulation: Position paper of Cyprus, Greece, Italy, Malta and Spain on the Proposal recasting the Dublin Regulation](#) (pdf)

7. Germany-Tunisia: [Germany assists Tunisia with electronic border surveillance system](#)

The German Ministry of Defence is supporting Tunisia in the development of an electronic border surveillance system. An already-existing barrier is now being extended along the Libyan border to the border town of Borj Al Khadra in the Sahara. The recipient of the initiative is the Tunisian military, while the overall project is planned in cooperation with the US government and is being implemented by the US Defense Threat Reduction Agency (DTRA). The financial assistance received from Germany is vaguely stated by the government as a "double-digit million amount".

8. [Brave new world? the new EU law on travel authorisation for non-EU citizens](#) (EU Law Analysis, link): Professor Steve Peers:

"Yesterday it was announced that a [new EU law on travel authorisation](#) for non-EU citizens to visit the EU had been agreed. This will affect millions of travellers a year, probably including British citizens after Brexit. In fact, as a UK citizen who often travels to the continent, it's the first EU law on non-EU immigration that will have a direct impact on me. The law won't apply for awhile, but in light of its future significant impact and some public confusion about who it will apply to and how it works, it's worth explaining in detail."

9. [Activists slam EU plan to force migrant kids to give fingerprints](#) (rfi.fr, link):

"Activists have raised concerns about new EU plans to allow police to force migrant children to have their fingerprints taken. The aim is to prevent unaccompanied minors from going missing or ending up in the hands of criminal gangs. Critics say coercion is not the answer.

Under the proposal, EU member countries would be able to take the fingerprints of children as young as six, compared to the current age of 14."

10. Lesbos, Greece: [Law And Order No Longer Applies 24/04/2018](#) (Eric Kempson Youtube, video, link)

11. European Parliament: [MEPs support reforms to speed up assessment of asylum requests in the EU](#) (Press release, link):

- "• Asylum requests registered in three days, admissibility assessed in one month*
- Protection granted in six months (nine in exceptional circumstances)*
- Right to a personal interview, free legal assistance and appeal*
- Turkey cannot be considered a safe country of origin."*

12. UK: [The Infiltrator and the Movement: Infiltration into left-wing groups is just the sharp edge of an entire armory of political policing](#) (Jacobin, link):

"...we know that around 150 undercover police officers infiltrated over one thousand British political groups across four decades, forming long-term relationships with women, fathering children, and engaging in some of the most radical direct action.

Police officers appeared in court under false names, stole the identities of dead children, and spied on the grieving families of black people killed in police custody. These sensational revelations have captured extensive media attention, but much of the scandal's coverage has decontextualized the operations, neglecting their political aims and impacts. Undercover policing, in fact, is just the sharp edge of an entire armory of political policing."

13. [EU wrestles with plan to force fingerprinting of migrant children](#) (Politico, link):

"EU plans that would allow police to forcibly fingerprint migrant children have become the focus of intense wrangling among the bloc's major institutions.

Under plans to recast the Eurodac system that established a fingerprint database for asylum seekers from outside the EU, the European Commission has proposed letting police take fingerprints from children aged 14 and older. Rights activists have condemned the idea, saying coercion amounts to violence and could traumatize children.

The proposal is the subject of negotiations between the Commission, the Council of the EU and the European Parliament that began in September 2017. The next round of the talks takes place on Wednesday."

See: EUODAC: [Trilogue document from 21 February 2018 including differing positions on forced fingerprinting of children](#)

14. GREECE: [Government Defies Court on Asylum Seekers: Reinstates Containment Policy That Keeps People Trapped on Islands](#) (joint NGO statement, pdf):

"The Greek government's move on April 20, 2018, overturning a binding court ruling ordering it to end its abusive policy of trapping asylum seekers on Greece's islands raises rule of law concerns, 21 human rights and humanitarian organizations said today.

Rather than carrying out the April 17 ruling by the Council of State, the country's highest administrative court, the government issued an administrative decision reinstating the policy, known

as the "containment policy." It also introduced a bill on April 19 to clear the way to restore the policy in Greek law. Parliament members should oppose such changes and press the government to respect the ruling."

15. IRELAND: [Tenders sought for facial-image software for public services card](#) (The Irish Times, link):

"The Department of Employment Affairs and Social Protection is seeking tenders for new facial matching software to support up to 20,000 registrations a week for the public services card and to transfer up to four million facial biometric records of Irish residents to a new database.

The department expects the contract value to be about €700,000, excluding VAT.

The card project has cost about €60 million to date and more than three million cards have been issued.

The public services card and its associated databases have been the subject of an investigation by the Data Protection Commissioner amid concerns about privacy and the legal basis on which it was built."

And see: [DPC investigation into Public Services Card](#) (Digital Rights Ireland, link): "We welcome the Data Protection Commissioner's decision to extend her investigation into the Public Services Card. The Commissioner's investigation is unprecedented in the Irish public sector. The card is essentially a national identity card. The database that lies behind it is an unofficial national population register in all but name. There is no apparent legal basis for a national population register, and no obvious requirement for it."

16. EU: [Scientists step up opposition to EU funding of military research](#) (Science Business, link):

"Researchers opposed to the EU's decision to start funding military research are stepping up their pressure on Brussels with a fresh call for the new defence research programme to be axed.

A petition organised jointly by civil society groups in Belgium, the UK, Italy and Germany demanding the EU restrict its research vision to tackling the causes of conflicts now has more than 400 signatories.

"The EU, recipient of the Nobel Peace Prize in 2012, should instead fund more innovative and courageous research which helps to tackle the root causes of conflict or contributes to the peaceful resolution of conflict," the petition says."

And see: [Obscurity surrounds EU military fund's expert groups](#) (EUobserver, link)

17. EU-LIBYA: [Refugees International report: "Death Would Have Been Better": Europe Continues to Fail Refugees and Migrants in Libya](#)

Today, European policies designed to keep asylum seekers, refugees, and migrants from crossing the Mediterranean Sea to Italy are trapping thousands of men, women and children in appalling conditions in Libya. This Refugees International report describes the harrowing experiences of people detained in Libya's notoriously abusive immigration detention system where they are exposed to appalling conditions and grave human rights violations, including arbitrary detention and physical and sexual abuse.

18. EU-ITALY-LIBYA: [Pushing Migrants Back to Libya, Persecuting Rescue NGOs: The End of the Humanitarian Turn \(Part I\)](#) (Border Criminologies, link):

"The vessel Open Arms of the NGO Proactiva Open Arms... was informed by the Italian MRCC that the responsibility for coordinating the rescue lay with the Libyan authorities from that moment on.

When the Libyan Coast Guard arrived, it requested the Open Arms to hand them over the migrants. The NGO crew refused, because Libyan ports are no 'places of safety' where rescued people can be brought according to international law...

This was not to be the end of the matter, however. Instead, the Italian authorities responded, first, by denying the Open Arms permission to bring the migrants to Italy, which has always been the landing point for NGO vessels acting under the coordination of the Italian MRCC. When the Open Arms was finally allowed to dock in the Sicilian port of Pozzallo, the Italian authorities confiscated the ship. The captain and the head of mission were subsequently charged with aiding 'illegal immigration'.

...In this post, I argue that these incidents are part of a series of developments, which show that Italy is tightening its policy of containment to prevent 'unwanted' migrants from reaching European soil, while at the same time waging a war against humanitarian organizations. Through these actions, the government facilitates returns to Libya, which are carried out on Italy's behalf by the Libyan coast guard and navy. In so doing, Italy is putting an end to its humanitarian turn and moving towards a more exclusionary management of the space of the sea."

19. [Torture victims and EU law](#) (EU Law Analysis, link) by Professor Steve Peers:

"What happens if an asylum seeker faces severe mental health problems that cannot be treated in the country of origin? Today's [judgment of the ECJ in the MP case](#), following a reference from the UK Supreme Court, goes some way towards answering this question. (...)

In the Member States bound by the Returns Directive, the finding that the Charter applies to prevent such removal simplifies the process of guaranteeing the non-removal of "medical cases". Furthermore, it should be recalled that the case law on that Directive guarantees health care and medical assistance.

Overall, then, today's judgment has gone some way to ensuring greater protection, where necessary, for the most vulnerable migrants: torture victims and the terminally ill."

20. UK: [Letter delivered to the Home Secretary by Neville Lawrence and others](#) (Police Spies Out of Our Lives, link):

"Neville Lawrence and other victims of the spycops delivered a letter to Amber Rudd today, on behalf of 'non-State core participants' in the Undercover Policing Inquiry.

The letter asks for the Home Secretary to intervene, and ensure that this Inquiry succeeds in its mission: to uncover the truth about undercover policing, and provide answers to those targeted by these covert, political policing units."

21. GREECE: [Protest by migrants against imprisonment on Greek islands attacked by far-right](#)

"Police forced dozens of migrants, most Afghan asylum-seekers, who had been camped out on the main square of Lesbos island's capital since last week, onto buses and transported them to the Moria camp in the early hours of Monday after downtown Mytilini turned into a battleground on Sunday.

The operation was intended to end clashes that raged all night in the center of the eastern Aegean island's capital after a group of some 200 men chanting far-right slogans attacked the migrants who had been squatting on the square since last Wednesday in protest at their detention in Moria camp and delays in asylum processing."

22. UK: **Police mugshot database: [IT failings hinder deletion of facial images](#)** (UKAuthority, link):

"Millions of facial images of innocent people cannot be deleted because IT failings make it too expensive, a Government minister has claimed.

The work would have to be done manually by local police forces, making the costs “difficult to justify”, a House of Commons committee investigating the controversy has been told.

The Home Office also admitted it does not hold the data on how many people have successfully asked for their mugshots to be deleted – amid suspicions that the figure is very low.

The admissions have come despite a High Court ruling six years ago that the mass retention of facial images, including of people charged with no offence, is illegal."

23. EU: [The Khartoum Process: "needs-based reintegration assistance" for people returned to Sudan](#)

In response to a parliamentary question from Kathleen Van Brempt MEP, the European Commission has provided some information on the Khartoum Process concerning migration within and from the Horn of Africa and its efforts concerning return and "reintegration" to Sudan: *"The Facility will provide 4 200 already returned persons, including from Europe, with needs-based reintegration assistance that aims to address the social, economic and psychosocial dimensions of reintegration."*

24. EU: **Bulgarian Presidency of the Council and (lack of) transparency: [And the winner is: Most opaque Bulgarian institution is Pavlova's ministry](#)** (BulgarianPresidency.eu, link):

"Unlike any other EU country, Bulgaria created a ministry responsible for its EU presidency. It is led by Lilyana Pavlova, known for her devotion to Prime Minister Boyko Borissov and for her ability to find shortcuts when others fail.

[The research](#) was presented this week by the Access to Information Program, an authoritative NGO that has been doing such evaluations for nearly ten years.

The most opaque Bulgarian ministry is Pavlova's, the study finds. Despite the promises for transparency at the time of its launching, the institution's website lacks basic features. It has not even published a list of the services provided by the institution, nor the internal rules for those services. The laws and regulations that are relevant to the work of the ministry are not mentioned. There is no information about the registers and databases maintained by the institution. There is no mandatory electronic form for submitting applications. Additionally, the site is not compliant so that it can be used by visually impaired people."

25. UK: [Human rights groups publish 'how-to' guide to resist the 'Hostile Environment'](#) (Right to Remain, link):

"In addition to forcing undocumented people into exploitation and destitution, the effects of the hostile environment reverberate well beyond its stated targets. By effectively outsourcing immigration control to the public and private sectors, the Government has given a green light to racism and discrimination in all areas of life, by fuelling suspicion of anyone who does not appear sufficiently "British".

And ultimately, we increasingly live in a society in which we are all conditioned to show ID and have our interactions with the State logged, as the Government's obsession with monitoring and policing migrants demands surveillance of every one of us.

The Government's attempt to create a hostile environment is dependent on the willing participation of people across society – but that will also be its downfall. Written by nine human rights groups, A Guide to the Hostile Environment explains the Government's toxic vision and the action we can all take to dismantle it."

See: [A guide to the hostile environment: The border controls dividing our communities - and how we can bring them down](#) (pdf) and: [The Windrush Scandal Shows Why the 'Hostile Environment' for Migrants Must End](#) (Vice, link)

26. [France's lower house approves bill to tighten asylum rules](#) (Reuters, link):

"France's lower house approved by a large majority on Sunday a bill that would tighten asylum rules after tense debates that created the first cracks within President Emmanuel Macron's party.

One member of Macron's party, Jean-Michel Clement, voted against the bill and said he would leave the majority.

"I am not sure we're sending to world citizens the universal message that has always been ours," the lawmaker said in a statement following the vote late on Sunday.

The French National Assembly voted in favour of the legislation by 228-139, with 24 abstaining. Debates are due to follow in the upper house, the Senate, in June. The National Assembly will have the last word on the bill."

See: [Bill Could Undermine Asylum Seekers' Rights - Amend Draft to Safeguard Access to Protection](#) (Human Rights Watch, link)

27. [Austria to seize refugees' mobiles and demand cash](#) (The Local.at, link):

"Asylum seekers will be forced to hand over their mobile phones and up to 840 euros (\$1,040) in cash to the authorities, under measures approved by the Austrian cabinet on Wednesday.

The money will be put towards the costs of their applications, while authorities will examine whether geo-location data from refugees' phones match their accounts of how they arrived in the country.

If the applicant is found to have previously entered another European country where the so-called "Dublin regulation" is in force, they could be sent back there."

28. CoE: [Anti-torture committee: effective complaints mechanisms should be available to detainees across Europe](#) (link):

"European states should ensure that persons deprived of their liberty have access to effective complaints mechanisms in prisons, police stations, immigration detention centres, psychiatric institutions and other places of detention.

This is a fundamental safeguard against torture and inhuman or degrading treatment, warns the Council of Europe's anti-torture committee (CPT) in its annual report, published today."

See: [CPT Annual Report](#) (pdf)

29. UK: [Prevent in the NHS: safeguarding or surveillance?](#) (IRR News, link):

"A new and important report by Warwick University investigates counterterrorism in the NHS, revealing how lines are blurred between safeguarding and surveillance, security risk and social care and mental health and radicalisation."

30. ECHR: [Belgium's execution of a European arrest warrant in order to surrender the applicant to the Italian authorities did not breach the Convention](#) (press release, pdf):

"In today's Chamber judgment¹ in the case of Pirozzi v. Belgium (application no. 21055/11) the European Court of Human Rights held, unanimously, that there had been:

no violation of Articles 5 § 1 (right to liberty and security) and 6 § 1 (right to a fair trial) of the European Convention on Human Rights.

The case concerned Mr Pirozzi's detention by the Belgian authorities and his surrender to the Italian authorities under a European arrest warrant (EAW) with a view to enforcing a criminal conviction imposing 14 years' imprisonment for drug trafficking."

31. UK: [IOPC direct gross misconduct charges for five police officers in connection with the death of Sean Rigg, as High Court orders Met to reconsider suspension of one of those officers](#)

The Independent Office for Police Conduct (IOPC) has today announced that they have directed gross misconduct charges for five officers involved in the death of Sean Rigg. Also today, an unprecedented second attempt by PC Andrew Birks to challenge a decision to block his resignation was successful, after the High Court ordered the Met Commissioner to reconsider a decision made in July 2017 to continue Birks' suspension, pending decisions on disciplinary action.

32. ITALY: [Sequestration of the Open Arms rescue boat and the case against the crew: background, documentation and sources](#)

On 16 April 2018 Statewatch published an analysis entitled 'The seizure of the Open Arms boat as a paradigm of the European Union's war on human rights', examining the charges levelled at the crew of the boat and the vessel's sequestration in Sicily. This page provides background information and documentation relevant to the case and the broader situation.

33. Council of Europe: [Prison statistics for 2016: increases in prison population rate and average length of imprisonment](#)

The Council of Europe's recently-published annual prison statistics reports cover the year 2016 and show an increase from 2015 in the prison population rate (the number of prisoners per 100,000 of a country's population), the average length of imprisonment, the number of entries into penal institutions and the proportion of prisoners serving sentences for theft.

34. GREECE: [Persisting problems in the asylum procedure](#) (Aitima, pdf):

"One year ago, our organization released the report Asylum Seekers "ON HOLD" whereby we highlighted serious problems in the asylum procedure. We remain very concerned, because most of these problems persist and at the same time new ones have emerged.

PERSISTING PROBLEMS

- The access to the asylum procedure at the mainland remains difficult, given that all unregistered asylum seekers are referred to the problematic Skype procedure.*
- The authorities still impose a geographical restriction on all new-comers to remain on the islands with disregard to the principle of proportionality.*
- The European Asylum Support Office is still involved in the asylum procedure exceeding its competence under the relevant Regulation.*
- Everyday service of the asylum seekers at the Regional Asylum Offices remains problematic.*
- The authorities do not yet provide free of charge legal aid at 1st instance to asylum applicants.*
- The Asylum Service cannot yet ensure adequate 1st instance examination of the asylum applications in all cases.*
- The problem of the 3.100 appeals pending for over two years remains and what is more over 400 backlog cases have been added to that."*

35. UK-LIBYA: [Belhaj case: UK ordered to hand over file on Libyan torture](#) (MEE, link):

"The British government has been ordered to hand over a top secret Metropolitan Police file that recommended charges against a senior MI6 officer for his role in the alleged illegal rendition and torture of opponents of former Libyan leader Muammar Gaddafi.

The High Court in London made the order on Thursday after lawyers for torture victims, including Libyan dissident Abdel Hakim Belhaj and his wife Fatima Boudchar, challenged a decision not to release a 400-page report which called for Sir Mark Allen of MI6 to be charged with misconduct in private office.

Government lawyers have been resisting its release in the ongoing legal claim by Belhaj and his wife who claim there were unlawfully "rendered" from Thailand to Libya in March 2004."

36. EU: [Schengen Information System for returns: latest trilogue document](#)

As part of its ongoing efforts to beef up the 'Security Union', the EU is establishing a new legal basis for the Schengen Information System which will increase the role that the database plays in deportations from the EU. The legal basis is currently being negotiated in secret 'trilogue' meetings between the Council, the Parliament and the Commission. Statewatch is today publishing the latest trilogue document showing the Commission's original proposal, the positions of the Council and the Parliament and any compromises that have been reached so far.

37. Italy: [The Taranto Hotspot: Unveiling the Developments of EU Migration Management Policies](#) (Border Criminologies Blog, link):

"Guest post by Carlo Caprioglio, Francesco Ferri and Lucia Gennari. Carlo is a researcher and activist. He is currently a PhD Candidate in Legal Philosophy at Roma Tre University. Carlo's research focuses on migration law, administrative detention, labour exploitation and clinical legal education.(...)

In this piece, we take the hotspot of Taranto as a case study through which to explore the changes that migration and border control policies have undergone in the country. Since 2014, the EU Commission has played a leading role in defining migration management policies in member states. As depicted in EU official documents (such as the 'Agenda on migration' and the Commission's proposals for new regulations on the European asylum system; see here, here and here), these policies aim to prevent the arrival of migrants in Europe, as well as migrants' mobility across the EU internal borders."

38. EU: CJEU: [An unaccompanied minor who attains the age of majority during the asylum procedure retains their right to family unification](#) (Press release, pdf):

"Such an application for family reunification must however be made within a reasonable time, in principle within three months of the date on which the minor concerned is recognised as having refugee status.!

See: [Judgment](#) (pdf) and: [Childhood's End? The Court of Justice upholds unaccompanied child refugees' right to family reunion](#) (EU Law Analysis, link)

39. EU: [UNHCR Desperate Journeys report provides snapshot of changing refugee movements to Europe](#)

Despite a drop in the number of refugees and migrants reaching Europe last year, the dangers many face along the way have in some cases increased, according to a new report by UNHCR, the UN Refugee Agency, setting out changing patterns of movement.

The Desperate Journeys report found that sea arrivals to Italy, mostly from Libya, have drastically reduced since July 2017. This decrease has continued in the first three months of 2018, with a 74 per cent drop compared to last year.

40. GERMANY: [NOTHING TO HIDE documentary examines "passive public acceptance of massive corporate and governmental incursions into individual and group privacy and rights"](#)

"NOTHING TO HIDE is an independent documentary dealing with surveillance and its acceptance by the general public through the "I have nothing to hide" argument. The documentary was produced and directed by a pair of Berlin-based journalists, Mihaela Gladovic and Marc Meillassoux. It was crowdfunded by over 400 backers.

NOTHING TO HIDE questions the growing, puzzling and passive public acceptance of massive corporate and governmental incursions into individual and group privacy and rights."

41. CoE: [Anti-Torture Committee calls for a co-ordinated European approach to address mass migratory arrivals in Italy](#) (link):

"The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published today a report on an ad hoc visit conducted in Italy to examine the situation of foreign nationals deprived of their liberty in the so-called "hotspots" and immigration detention centres, in a context of large-scale arrivals from North Africa.

The CPT recognises the significant challenges faced by the Italian authorities regarding the influx of new arrivals by sea. It also acknowledges the substantial efforts in carrying out rescue operations and in providing shelter and support to the hundreds of thousands of refugees, asylum seekers and migrants currently present in the country. In this framework, the CPT recalls the need for a co-ordinated European approach and support system to address the phenomenon of mass migratory arrivals."

And see: [Executive Summary](#) (pdf) and [Full report](#) (pdf)

42. [EU Court Condemns the EU Legislative Process for Lack of Transparency: Time to Open Up?](#) (Opinion Juris, link):

"It is sometimes cases on obscure administrative processes that become landmark judgments in the ever constant building of our democratic legal systems. In the US Marbury v. Madison was a case that at the time attracted little attention as the subject matter related to respect of procedures in judicial appointments. This notwithstanding it came to be the legal milestone of constitutional review in the US legal system.

In the European Union one of these cases was decided on 22 March: Emilio De Capitani v. Parliament. As it will be outlined below, it is a technical case that goes to the heart of the procedure of one of the fundamental institutions in a democracy: Parliament."

And see: Statewatch Briefing: [Another step towards ending EU law-making through secret trilogue meetings](#) (March 2018)

DOCUMENTATION

1. EU: [Fundamental Rights Agency: interoperability will give authorities unwarranted access to additional personal data](#)

Interconnecting the EU's policing and migration databases would make "additional data visible to authorities who would otherwise not have access," according to the EU's Fundamental Rights Agency (FRA), despite the Commission's claims that its "interoperability" proposals would make no such changes.

See: [Interoperability and fundamental rights implications: Opinion of the European Union Agency for Fundamental Rights](#) (pdf)

2. [Revamping the Schengen Information System: trilogue documents on police cooperation, border checks and returns](#)

Statewatch is today publishing the most recent documents from the secret "trilogue" meetings on the new rules that will govern the Schengen Information System (SIS). The documents concern the rules on the use of the system for police cooperation, border checks and returns.

3. EU: Council of the European Union: [Third country nationals \(TCN\) criminal records and creation of European Criminal Records -TCN database](#)

[Proposal for a Regulation establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons \(TCN\) to supplement and support the European Criminal Records Information System \(ECRIS-TCN system\) and amending Regulation \(EU No 1077/2011 - Revised four column table](#) (LIMITE doc no 7521-18, pdf):

Council discussing its negotiating position - how dodgy deals are done - European Parliament to agree the procedure at the expense of the principle of collecting facial images?

"Political questions a) Use of delegated act for 'facial images'

*The Presidency has the impression that the EP might agree to keeping Article 10 on 'implementing acts' basically as it stands - without prejudice to the time-limits, which still have to be discussed - on condition that **the use of facial images** be decided in accordance with the procedure for 'delegated acts' as proposed by EP in its Article 34a (AM 102). **PRES understands the sensitivity of EP towards the use of facial images and considers that such a deal, if proposed, would be reasonable.**"*

And see: [Revised four column table](#) (LIMITE doc no: 7520-18,119 pages, pdf)

4. EU: Council of the European Union: [Revision of DUBLIN rules](#)

[Proposal for a Regulation of the European Parliament and of the Council 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 \(recast\)](#) (pdf). The Council developing its negotiating position which includes:

*"discourage abuses and **prevent secondary movements of the applicants within the EU**, in particular by including clear **obligations for applicants to apply in the Member State of first entry and to remain in the Member State** that has been determined as responsible under the Dublin list of criteria."*

And see: [New Dublin: Reversing the Dynamics](#) (LIMITE doc no: 7674-18, pdf). In the second and third phases of a (refugee) "crisis" the European Council takes over:

*"The third phase of the mechanism (marked in red in graphic 2) defines the **broad parameters that will come into play in the event of a severe crisis. The main responsibilities in this phase lie at the European Council level.** Any measures adopted when this level of pressure is reached should be based on political direction from the leaders. As well as the European Council being able to upgrade or prolong some or all of the measures triggered during the previous phases, **leaders may also decide upon extraordinary measures, depending on the scope and specific characteristics of the crisis at hand.** All measures decided upon by the leaders will be operationalised by the Council and implemented by the Commission and Member States, in line with the directions and guidelines given by the leaders."*

Tony Bunyan, Statewatch Director, comments: "A familiar pattern is emerging. Like in the financial crisis the response to a new "refugee crisis" will lie with the European Council (EU "Leaders"). Responsibility will thus not rest with the Justice and Home Affairs Council, the Commission, the European Parliament or with Member States (and their governments)."

5. EU: Council of the European Union: [Eurojust and Money laundering](#)

• EUROJUST: [Proposal of the European Parliament and of the Council for a Regulation on the European Union Agency for Criminal Justice Cooperation \(Eurojust\)](#) (LIMITE doc no: 7928-18, 331 pages, pdf): 4-column trilogue document with colour coding.

• MONEY LAUNDERING: [Proposal for a Regulation on the mutual recognition of freezing and confiscation orders - Revised four column table following the third trilogue on 20 March and the technical meeting on 22 March 2018](#) (LIMITE doc no: 7525-18, pdf):

"In the fourth column, the texts as provisionally agreed during the technical trilogues are marked by green. Issues that were also discussed, but on which no (full) provisional agreement was reached yet, are marked by yellow."

And see: [Draft consolidated text](#) (7526-18, pdf) Also colour coded.

6. EU: Council of the European Union: [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 - Analysis of the final compromise text with a view to agreement](#) (LIMITE doc no: 7986-18, pdf): Final compromise text as agreed in trilogue:

"approve the final compromise texts, as set out in Annex I and II to this note, as well as the draft declaration regarding the Schengen Associated Countries, as set out in Annex III to this note."

7. [Prepare to be fingerprinted: new EU proposals foresee mandatory biometrics in national ID cards](#)

The European Commission has proposed a host of new measures aimed at "denying terrorists the means to act" which include the mandatory inclusion of two biometrics - fingerprints and a facial image - in all ID cards and residence documents for Union citizens and their family members issued by EU Member States.

See: [Proposal for a Regulation on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement](#) (COM(2018) 212 final, pdf) and [Impact assessment](#) (SWD(2018) 110 final, pdf)

8. EU: ["Renewable retention warrants": a new concept in the data retention debate](#)

A document circulated by the Bulgarian Presidency of the Council makes the case for "renewable retention warrants", which are "intended to ensure the law enforcement needs to have certain data categories being retained by the electronic service providers and provide additional safeguard that the data retention regime would comply with the strict necessity principle as prescribed by the ECJ [Court of Justice of the EU]."

See: WORKING DOCUMENT from: Presidency to: DAPIX (Friends of the Presidency - Data Retention): [Renewable retention warrants = initial exchange of views](#) (WK 3974/2018, LIMITE, 12 April 2018, pdf)

9. EU: EURODAC: [Trilogue document from 21 February 2018 including differing positions on forced fingerprinting of children](#)

A document from the ongoing "trilogues" on the upgrading of the EU's Eurodac database highlights the differing positions of the Council and the Parliament over proposals to make it possible for children's fingerprints to be taken by force by national authorities.

10. EU: [Europol: European Migrant Smuggling Centre report: January 2017-January 2018](#) (pdf):

"Ruthless and violent criminals are increasingly providing smuggling services to irregular migrants to evade border controls, migration regulations and visa requirements. Most irregular migrants resort to the assistance of profit-seeking smugglers. With improved border controls, migrants are deterred from attempting to illegally cross borders by themselves and are diverted into the hands of smugglers who put migrants' lives at serious risk and therefore pose a security challenge to the internal security of the European Union (EU). A pan-European response to efficiently disrupt migrant smuggling activities is still needed and the European Migrant Smuggling Centre (EMSC) is leading it by strongly supporting EU Law Enforcement Agencies (LEAs).

Migrant smuggling continues to represent a highly-profitable business in which criminal syndicates enjoy low risk of detection and punishment. The business model of criminals involved in migrant smuggling is continuously evolving and responding to the dynamics and the needs of the migratory flows impacting the EU. Migrant smugglers are becoming more and more organised, establishing sophisticated professional networks, operating transnationally from source towards destination countries.

According to the vast amount of data and information reported to the EMSC in recent months, targeting migrant smuggling therefore persists as one of the most relevant priorities. These factors highlight the need to continue developing comprehensive and coordinated responses across and between affected continents to efficiently combat migrant smuggling."

Press release: [All you need to know about migrant smuggling in the EU](#) (pdf)

11. EU: Meijers Committee: [Note on the use of soft law instruments under EU law, in particular in the area of freedom, security and justice, and its impact on fundamental rights, democracy and the rule of law](#) (pdf):

"The Meijers Committee notes an increase in recent years of the use of soft law instruments in EU law in areas relevant to fundamental rights, democracy and the rule of law.1 Soft law instruments may have different denominations, such as opinions, recommendations, guidelines or best practices.(...)

This is in particular problematic in the areas of EU law where fundamental rights of individuals are most at stake: the area of freedom, security and justice, and related areas. (...)

The European Commission and other EU bodies do not only adopt opinions and recommendations, but also other documents which can be called soft law, such as guidelines, communications, codes of conduct, notices, inter-institutional agreements, conclusions, statements, resolutions,⁵ as well as working documents/non papers and best practices. These instruments are often used but they do not have a basis in the Treaties."

12. Council of the EU: Note from the Bulgarian Presidency on international law enforcement cooperation and information exchange: [Proposal for a Practical Advisor for Law Enforcement Information Exchange](#) (6243/1/18 REV 1, 28 March 2018, pdf):

"Delegations will find in annex a proposal for the Practical Advisor for Law Enforcement Information Exchange.

The Practical Advisor aims to provide the Member States' law enforcement officers with brief practical information. It is presented in a user-friendly and structured way to support everyday work and to be used for training purposes or for instant consultation.

With regard to this, the Presidency invites the Member States to discuss the document and to share their opinion about the appropriate place of the Practical Advisor - as an Annex to the Manual on Law Enforcement Information Exchange, as a standalone document, etc."

Includes an overview of existing channels for international law enforcement cooperation and "Recommended DOs and DON'Ts" on information exchange.

13. European Commission: [Fourteenth progress report towards an effective and genuine Security Union](#) (COM(2018) 211 final, pdf):

"This is the fourteenth Progress Report on the progress made towards building an effective and genuine Security Union and covers developments under two main pillars: tackling terrorism and organised crime and the means that support them; and strengthening our defences and building resilience against those threats."

14. EU: [Commission's "e-evidence" proposals: "maximising risks for fundamental rights violations"](#)

New proposals from the European Commission to make cross-border access to electronic data by police and judicial authorities "easier and faster" have been described as "a new legal shortcut to bypass existing measures, maximising risks for fundamental rights violations," by the civil society organisation European Digital Rights (EDRi), of which Statewatch is a member.

See: [Proposal for a Regulation of the European Parliament and of the Council on European Production and Preservation Orders for electronic evidence in criminal matters](#) (COM(2018) 225 final, pdf) and: [Annexes 1 to 3](#) (pdf)

[Proposal for a Directive of the European Parliament and of the Council laying down harmonised rules on the appointment of legal representatives for the purpose of gathering evidence in criminal proceedings](#) (COM(2018) 226 final)

Supporting documents [Impact assessment accompanying both proposals](#) (SWD(2018) 118 final, pdf) [Executive summary of the impact assessment](#) (SWD(2018) 119 final, pdf)

15. EU: Common European Asylum System: [Qualification Directive: 6th trilogue - State of Play](#) (178 pages, pdf): Four column document with the Commission proposal, Council and European Parliament positions and "compromise" column:

"In order to facilitate the reading, these parts have been highlighted in in the table below as follows:

- *the parts in yellow concern cross-references to other proposals which depend on the finalisation of the CEAS package;*
- *the parts in in green mark the elements upo which agreement has been confirmed;*
- *the parts in blue mark the elements upon which the agreement reached at technical level has to be confirmed at political level.*

New text in the fourth column compared to the COM proposal is marked in bold and new text compared to the previous version of the table is marked in underline. Deleted text in the fourth column compared to COM proposal is marked with [...]."

And see: [LIBE Commitee Agenda](#) (pdf)

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