



## News

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## NEWS

1. EU: Justice and Home Affairs Council, 11-12 October, Luxembourg: [Press release](#) (pdf) See also: ["B" Points Agenda](#) (for discussion, pdf), ["A" Points agenda legislative](#) (adopted without discussion, pdf) and ["A" Points agenda non-legislative](#) (adopted without discussion, pdf)

2. EU: [Reform of the Common European Asylum System \(CEAS\) is in a mess](#)

### - disagreement amongst Member States blocking adoption

The Austrian Presidency of the Council has produced a report on the state of play in the while trying to agree its negotiating position: [From: Presidency To: Permanent Representatives Committee/Council](#) (LIMITE doc no: 12420-18, pdf). There are no fewer than six previous versions.

Each of the seven measures are held up because a minority of delegations (Member States) in the Council are opposed to changes made or proposed unacceptable changes to the Council's original, agreed, negotiating position on which trilogue talks are based.

On its part the European Parliament - after many trilogue meetings - stands by the agreement reached in June on three measures: the Qualifications Directive, Reception Directive and the Resettlement Regulation.

3. EU: European Council: Updated Draft Conclusions: [European Council meeting \(18 October 2018\) – Draft conclusions](#) (LIMITE doc no: 11837-18, pdf)

4. EU: **The European Border and Coast Guard**: The Justice and Home Affairs Council is discussing: [Policy debate](#): Doc no; 12768-18 (this is not a LIIMITE document, pdf) which includes proposals for:

*"strengthening the cooperation with third countries by **giving the agency a wider scope for action (not limiting it to neighbouring countries)**;*

*- supporting Member States on a technical and **operational level with return operations; Agency staff can communicate directly with third countries.**"*

Some "concerns" have been expressed as to the mandate of the standing corps of 10,000 officers.

5. EU: [The next phase of the European Border and Coast Guard: towards operational effectiveness](#) (EU Law Analysis, link):

*"Two years after the establishment, in record time, of the European Border and Coast Guard (EBCG), the Commission's new proposed Regulation opens the way for a standing corps of 10,000 border guards, with its own equipment and greater executive powers."*

6. [Greek court orders inquiry into use of EU migrant funds](#) (euobserver, link):

*"Greek Supreme Court prosecutor Xenia Dimitriou on Monday ordered an investigation of how €570m of EU funds for migrant aid was spent after the sacked head of hotspot reception centres, Andreas Iliopoulos, indicated in a newspaper interview that EU funds for migration were being mismanaged. Iliopoulos was responsible for reception centres on Lesbos, Chios, Samos, Leros and Kos and in Evros, northern Greece. He was dismissed last week."*

And see: [Prosecutor launches probe into alleged mismanagement of EU Funds for refugees](#) (Keep Talking Greece, link)

7. CoE: [Commissioner for Human Rights: Commissioner calls on Croatia to investigate allegations of collective expulsions of migrants and of violence by law enforcement officers](#) (link):

*"Commissioner Mijatovic reiterates that all efforts to manage migration should be made strictly in line with the rule of law and binding international legal principles and urges the authorities to ensure that anyone who intends to make an asylum application gets access to a fair and effective procedure."*

See: [Letter to Croatia PM](#) (pdf) and [PM reply](#) (pdf)

8. GREECE-TURKEY: [Unprepared and overwhelmed: Greece's resurgent river border with Turkey](#) (IRIN News, link):

*"Locals in Evros are used to new faces. People have been quietly slipping across the river that forms a natural barrier for all but 12 kilometres of the tense, militarised border between Greece and Turkey since Greece joined the European Union in 1981.*

*But everyone on the Evros River was puzzled when a crush of hundreds of migrants and asylum seekers began crossing their sleepy riverine border every day in March. Six months later, arrivals have slowed but worries persist that the region is still poorly prepared for any new influx."*

9. [Libya is a war zone. Why is the EU still sending refugees back there?](#) (Guardian, link)

10. [MI5 can authorise agents to commit crimes, tribunal told](#) (Irish Times, link):

*"Calls for tribunal to order MI5 to release information about the Third Direction policy."*

MI5 officers can authorise agents to commit criminal acts under a secret policy dating back decades that operated without oversight until 2012, an investigative powers tribunal in London has heard. The policy, known as the Third Direction, has no legal basis and its existence has been secret until now.

In November 2012, former prime minister David Cameron wrote to Mark Waller, the intelligence services commissioner, asking him to keep the policy under review. (...)

The letter was sent two weeks before the publication of an independent report into the 1989 murder of solicitor Pat Finucane. Mr Cameron said there were "shocking levels state collusion" in the murder and that agents "in the pay of the state" were involved."

11. [European Council: 18 October 2018: Migration, internal security and Big Brother database](#)

European Council: [European Council meeting \(18 October 2018\) – Draft guidelines for conclusions](#) (LIMITE doc no: 11816-18.pdf) target migration, disinformation and the interoperable centralised database.

12. [A brutal life for migrants in Libya: trafficking, detention or death en route to Europe](#) (pbs.org, link)

13. [Morocco's foreign minister rejects EU's migrant centers](#) (DW, link):

"Morocco's foreign minister said his country should play a greater role in EU decisions on migration in a newspaper interview. Nasser Bourita said Morocco was opposed to the migrant centers that the EU has suggested."

14. EU: [European Court: Parliamentary Allowances Are 'Personal'](#) (OCCRP, link):

"The European Parliament has no obligation to tell the public what its 751 members do with their tens of millions of Euros annually in tax-free allowances, according to a verdict released Tuesday by the European Court of Justice (EC).

"I don't know if they realize what they've done. To put it mildly, we are shocked," said Anuska Delic, an investigative journalist affiliated with the OCCRP."

Court press release: [The General Court confirms the Parliament's refusal to grant access to documents relating to MEPs' subsistence allowances, travel expenses and parliamentary assistance allowances](#) (25 September 2018, pdf) and: [Judgment](#) (Cases T-639/15 to T-666/15, pdf)

15. Global Counterterrorism Forum: [New 'Terrorist Travel Initiative' to expand global biometric watchlists](#)

The USA and Morocco, acting as part of the Global Counterterrorism Forum (GCTF), launched on 28 September the 'Terrorist Travel Initiative' designed to identify and address "potential weaknesses and gaps in a country's capacity to watchlist, share information, and utilize that information for screening purposes."

16. EU: [The shrinking space for solidarity with migrants and refugees: How the European Union and Member States target and criminalize defenders of the rights of people on the move](#) (TNI, link):

"Europe's "refugee crisis" triggered a wave of solidarity actions by both civil society organisations and ordinary citizens. Their efforts were part of a wave of compassion, as people organised convoys to refugee reception centers, warmly greeted arrivals at train stations and lined highways to provide food and water to those making the journey from Syria and elsewhere. Just a few years later those same activists are treated as criminals and humanitarian search and rescue missions are criminalised.

*The current onslaught originated in the intensification of the EU's restrictive approach to immigration policy from late 2014 and the EU's treatment of Italy and Greece, front-line states on the EU's migration routes. Today in Europe, solidarity with migrants and refugees can lead to arrest, legal troubles, or harassment. The actions of national police, judiciaries, political powers and far-right militants have created and compounded hostility to solidarity with refugees and migrants.*

*This report looks at how EU policy has played out and offers a glimpse into the ways citizens and movements are resisting xenophobic and securitarian policies."*

17. EU: **[On the fifth anniversary of the Lampedusa shipwreck that took 368 lives: Save the Aquarius, Save Lives - Joint NGO Letter](#)** (Human Rights Watch, link):

*"Five years to the day after the Lampedusa tragedy in which at least 368 people died, rescue operations in the Mediterranean Sea are more vital than ever. It is alarming that the last rescue ship in the Central Mediterranean may be forced to stop operating. We call on European leaders to ensure the Aquarius can continue to save lives at sea.*

*The decision by Panamanian authorities to strike the Aquarius, a nongovernmental rescue ship operated by SOS MEDITERRANEE and Médecins Sans Frontières (MSF), from its ships' registry, apparently in response to pressure from the Italian government, is a reprehensible move. It will deny potentially life-saving assistance to vulnerable people at risk, including injured people, pregnant women, torture survivors, people traumatized by shipwrecks and unaccompanied minors.*

*This is just the latest in a series of moves to delegitimize and block nongovernmental groups performing vital search-and-rescue operations in the central Mediterranean. It risks forcing the last remaining NGO ship away from the deadliest stretch of water in the world, resulting in the end of nongovernmental rescue in the area, which for years, has courageously contributed to saving thousands of lives. All other NGOs are blocked in Italian or Maltese ports by legal actions or have been forced to suspend operations given unconscionable delays or refusals to disembark rescued persons in European ports."*

18. UK: **[Police super-database prompts Liberty warning on privacy - Human rights group boycotts Home Office consultations on vast cloud system, saying they are a sham](#)** (Guardian, link):

*"A new super-database being built for the police represents a "grave" risk to privacy, a leading human rights group has said.*

*Liberty claims the government is glossing over concerns that the database, the largest built for British law enforcement, threatens civil liberties. The group fears it gives massive power to the state at the expense of millions of Britons.*

*The Home Office has had consultation meetings with groups and experts concerned about privacy ahead of the super-database becoming operational later this year. Liberty said it has quit them in protest, damaging government hopes of neutralising civil liberties concerns."*

See: **[Why we're no longer taking part in a consultation on the police's new super-database](#)** (Liberty, link): *"We can't be part of a process that gives a free pass to the creeping expansion of digital policing that shows contempt for our privacy rights."*

19. Greece: **[Lesbos refugee camp at centre of Greek misuse of EU funds row - European anti-fraud agency investigates irregularities after report alleges defence minister benefited from camp funds](#)** (Guardian, link):

*"The conditions in which thousands of asylum seekers are being detained on Lesbos has unleashed a furious political backlash in Greece, as financing of the island's overcrowded Moria detention camp comes under scrutiny.*

Tensions mounted after the defence minister, Panos Kammenos, filed a defamation action against three journalists, including the editor-in-chief of the *Fileleftheros* daily, after the publication of a report alleging misuse of EU funds. (...)

The European anti-fraud agency confirmed on Tuesday it was investigating "alleged irregularities concerning the provision of EU-funded food for refugees in Greece". Athens has received a total of €1.6bn in financial aid for refugees since 2015"

20. [France: Aid Worker Convicted for Tweet - First Such Conviction in French Courts](#) (HRW, link);

"A humanitarian worker's defamation conviction on September 25, 2018, for an ironic tweet represents a dangerous escalation in official harassment of groups providing crucial aid to migrants, Human Rights Watch said today. It is the first conviction of its kind in France.

A court in Boulogne-sur-Mer, northern France, found Loan Torondel guilty of criminal libel for a tweet he sent out at the beginning of January and sentenced him to pay a fine, which it suspended, and court costs."

21. [Frontex begins testing unmanned aircraft for border surveillance](#) (press release, link):

"This week, Frontex, the European Border and Coast Guard Agency, has begun testing the use of Remotely Piloted Aircraft Systems (RPAS) in Greece, Italy and Portugal to monitor the European Union's external borders.

Frontex is exploring the surveillance capability of the medium altitude long endurance RPAS and evaluating the related cost efficiency and endurance. The agency will test the unmanned aircraft in several operational situations. These include surveillance of the sea, support of Search and Rescue operations, detection of vessels suspected of criminal activities, such as drug and weapon smuggling and information sharing with multiple users in real time."

22. [Morocco navy fires on migrant boat, one dead: local officials](#) (France 24, link):

"Morocco's navy on Tuesday fired on a boat carrying migrants which refused to respond to its orders, leaving a Moroccan woman dead and three other people wounded, local officials said.

The patrol was "forced" to open fire on a speedboat driven by a Spaniard who "refused to obey" orders in waters off the Moroccan locality of M'diq-Fnideq, the authorities said in a statement.

Four migrants were wounded, including a Moroccan woman who died of her injuries in hospital, a local official told AFP."

23. [Press release: UK intelligence agency admits unlawfully spying on Privacy International](#) (Privacy International, link):

- "- MI5 collected Privacy International's private data and examined it
- GCHQ, MI5, and MI6 unlawfully collected data relating to UK charity Privacy International
- Privacy International has written to the UK's Home Secretary demanding action against spy agencies
- Disclosures come less than a fortnight after UK laws on mass surveillance ruled unlawful at European Court of Human Rights

The UK's domestic-facing intelligence agency, MI5, today admitted that it captured and read Privacy International's private data as part of its Bulk Communications Data (BCD) and Bulk Personal Datasets (BPD) programmes, which hoover up massive amounts of the public's data. In further startling legal disclosures, all three of the UK's primary intelligence agencies - GCHQ, MI5, and MI6 - also admitted that they unlawfully gathered data about Privacy International or its staff."

24. BELGIUM: ['Crimes of solidarity' in Europe multiply as 11 stand trial in Belgium for helping migrants](#) (Global Voices, link):

*"Eleven people who had been arrested and charged with human trafficking in October 2017 appeared in court in Brussels on September 6, the first hearing of a trial that activists say is yet another case of "criminalization of solidarity" in Europe.*

*The defendants have allegedly assisted 95 undocumented migrants, including 12 minors, to travel from Belgium to the United Kingdom last year, either by hosting them in their homes, by lending them phones and thereby indirectly helping them cross the channel.*

*On the day of the trial, three hundred people protested in front of the courthouse. Demonstrators say this is a political trial, aimed at dissuading people from helping migrants by establishing an intimidating judicial precedent."*

25. UK: [Breaking: anti-fracking protesters become first environmental campaigners to be jailed since 1932](#) (Drill or Drop, link):

*"Three men who took part in what's believed to be the longest single anti-fracking protest in the UK have been sent to prison.*

*The packed public gallery at Preston Crown Court listened in silence as the judge sentenced Richard Roberts and Simon Blevins to 16 months and Rich Loizou to 15 months [for public nuisance]...*

*A fourth man who also took part in the protest was given a 12 month prison sentence suspended for 18 months.*

*The four had climbed onto lorries delivering to Cuadrilla's shale gas site in Lancashire in July 2017 and stayed there for a total of 99.5 hours.*

*The three who received jail sentences are thought to be the first people to be sent to prison for taking part in a UK anti-fracking protest. The barrister for one of them said they were the first environmental campaigners in the country to be jailed since the Kinder Scout mass trespass in 1932."*

26. [Italian government adopts measures to narrow asylum rights - New rules would make it easier to expel migrants and limit who is granted protection](#) (Politico, link):

*"Italy's populist government approved a package of new migration measures Monday, aimed at making it more difficult for migrants to obtain asylum and humanitarian protection.*

*Under the legislation — which still needs parliamentary as well as presidential approval — migrants could have their asylum requests suspended and face immediate repatriation if they are considered "socially dangerous" or convicted of certain crimes, including drug dealing and sexual assault."*

27. EU: [Missing at the Borders: the website for the project dedicated to the families of migrants deceased, missing or victims of enforced disappearances](#)

*"People not numbers". This is the fundamental principle that guides Missing at the Borders, the project aimed at giving voice to the victims of enforced disappearances and the families of migrants who have become deceased or missing while attempting to reach Europe.*

*The self-financed initiative is promoted by a network of organizations that works on both sides of the Mediterranean to combine forces with the families of migrants.*

28. UK: [Prison expansion programme will turn Britain into a "prison island", says report](#)

This August, Corporate Watch is releasing its new report on prison expansion in England, Wales and Scotland: Prison Island. It shines a light on one of the biggest prison building programs in generations.

This once-in-a-generation prison building programme represents a significant expansion of the repressive apparatus of the British state, entrenching the power of corporations in the criminal justice system even further. This report aims to document and contextualise this escalation in mass incarceration and provide information to support those fighting against it.

29. [Italy acquits Tunisian 'migrant smuggling' fishermen](#) (BBC News, link):

*"Six Tunisian fishermen arrested earlier this month by Italian authorities for "aiding illegal migrants" have been cleared.*

*One of the men's lawyers and their fishermen's association confirmed the acquittal to the BBC.*

*The arrests outraged Tunisian fishermen and activists who demanded their release.*

*Supporters of the fishermen, from the south-east coastal town of Zarzis, said the men were aiding a boat in distress."*

For in-depth background and context to the case and the role of Tunisian fishermen in carrying out rescues at sea, see: [When rescue at sea becomes a crime: who the Tunisian fishermen arrested in Italy really are](#) (OpenDemocracy, link)

30. UK: [Crushing terrorism online – or curtailing free speech? The proposed EU Regulation on online terrorist content](#) (EU Law Analysis, link):

*"In moving from non-binding to legislative form, the Commission is stepping up action against such content; this move may also be seen as part of a general tightening of requirements for Internet intermediaries which can also be seen in the video-sharing platform provisions in the revised Audiovisual Media Services Directive and in the proposals regarding copyright. Since the proposal has an "internal market" legal base, it would apply to all Member States."*

See the proposed Regulation and supporting documentation here: [Security and migration proposals dominate Juncker's 'State of the Union' announcements - full documentation](#) (Statewatch News Online, 14 September 2018)

31. [African Union 'dismayed' at Salvini, says 'migrants aren't slaves' - Body asks interior minister to retract statement](#) (ANSA, link):

*"The African Union expressed "dismay" on Wednesday after Italian Interior Minister and Deputy Premier Matteo Salvini reportedly compared migrants to slaves. "The African Union Commission expresses dismay at the comments made by the Italian Deputy Prime Minister, Mr. Matteo Salvini, at a recent conference in Vienna at which he likened African immigrants to slaves," the AU said in a statement. "It is the view of the African Union that name-calling will not resolve the migration challenges facing Africa and Europe"."*

32. [EUCAP Sahel Niger: Council extends the mission for two years](#) (Council of the EU, link):

*"On 18 September 2018, the Council extended the mandate of EUCAP Sahel Niger until 30 September 2020 and agreed on a budget of €63.4 million for the period 1 October 2018 to 30 September 2020.*

*The Council also updated the mission's mandate. EUCAP Sahel Niger provides advice and training to support the Nigerien authorities in strengthening their security capabilities since its launch in 2012. The mission supports the capacity building of the Nigerien security actors to fight terrorism and*

organised crime. Since 2016, the mission has also assisted the Nigerien central and local authorities, as well as security forces, in developing the procedures and techniques to better control and address irregular migration.

*EUCAP Sahel Niger contributes to the development of an integrated, multidisciplinary, coherent, sustainable, and human rights-based approach among the various Nigerien security actors."*

33. [German government seeks greater cooperation with Algeria on deportations](#)

The German government wants to classify Algeria as a safe country of origin in terms of asylum law, as it has already done with Tunisia and Morocco. Rejected asylum seekers could be deported more quickly.

34. [German police launch Europe-wide search for G20 riot suspects](#) (DW, link):

*"The "top culprits" are accused of committing crimes amid leftist demonstrations during the Hamburg G20 summit in 2017. It comes as one man was arrested in Hamburg, where police conducted raids relating to the protests."*

35. EU: [Frontex tests drones for border surveillance: €6.5m for Leonardo and Israel Aerospace Industries](#)

Frontex has recently signed two contracts for tests on border surveillance drones with the companies Leonardo (formerly Finmeccanica) and Israel Aerospace Industries, worth €1.7 million and €4.75 million respectively.

36. GREECE: [19 organizations demand decongestion of the islands and immediate improvement of refugee reception conditions](#)

Athens, September 13, 2018 - Over 17,000 people remain crammed in Greek island reception centers with a total capacity for only 6,000, living in desperate conditions which do not meet humanitarian standards. This, despite public assurances from the Greek Minister of Migration Policy, Dimitris Vitsas, that the islands would be decongested by September and that thousands of new places would be created on the Greek mainland. As conditions continue to deteriorate, 19 civil society organisations once again urge authorities to engage in the creation of sustainable solutions for the decongestion of the islands and to immediately improve reception conditions for refugees. It is nothing short of shameful that people are expected to endure such horrific conditions on European soil.

37. UK: The "deport first, appeal later" policy: [Afghan father who sought refuge in UK 'shot dead by Taliban' after being deported by Home Office](#) (The Independent, link):

*"An Afghan man who sought refuge from the Taliban in the UK has been shot dead in his home town after being deported by the British government.*

*Zainadin Fazlie had lived in London with his wife, who had refugee status, and their four British-born children. But after committing a number of minor offences, the 47-year-old was sent back to Afghanistan after 16 years in Britain, despite threats to his life.*

*Last Friday, his wife Samira Fazlie found out he had been shot by Taliban forces after seeing an image of his dead body on Facebook."*

38. GREECE: [Update on Moria: mainland travel permitted for some; concerns over growing EASO role in asylum procedure; deportations without due process](#)

Lesvos Legal Centre reports that on Friday 7th September the Greek government began lifting the geographical restrictions for individuals classified as vulnerable who are attempting to claim asylum in Lesvos.

This is supposed to enable around 5,000 people to leave the Moria detention centre/hotspot and travel to the mainland.

This 'solution' to the overcrowding in Moria will not, however, be sufficient to address the needs of the estimated 11,000 people trapped on Lesbos.

39. ECHR-UK: [GCHQ surveillance powers violate human rights](#)

The European Court of Human Rights (ECHR) has ruled that various aspects of the surveillance powers used by the UK's signals intelligence agency, Government Communications Headquarters (GCHQ), violate the rights to privacy and freedom of expression.

40. EU: [Engagement-based Alternatives to Detention in Europe](#) (EPIM, link):

*"EPIM has commissioned a first independent evaluation report on the three Alternatives to Detention pilot projects it funds in Bulgaria, Cyprus and Poland. These pilot projects provide holistic case management as engagement-based alternatives to confinement-focused migration control measures such as immigration detention. The work is supported by the European Alternatives to Detention Network.*

*In the context of increased pressure across Europe to detain migrants, the evaluation provides evidence that engagement-based case management can be effective in helping migrants to work towards resolving their cases in the community:*

- *97% of migrants participating in the pilot projects stayed to cooperate with case management, including in countries with high overall rates of secondary movement*
- *Holistic case management provided in the pilots had a positive impact towards case resolution in 88% of cases*
- *Community-based support led to improved coping and well-being for 100% of clients*

*The report also provides insight into how, practically, a case management pilot project can be set up, and the challenges faced, which can support further pilots for evidence-building."*

See: [Briefing paper](#) (pdf) and full report: [Alternatives to detention from theory to practice: Evaluation of three engagement-based alternative to immigration detention pilot projects in Bulgaria, Cyprus and Poland](#) (link to pdf)

41, GREECE: [Lesvos: support at court for journalists in social media abuse case](#)

Fifty journalists and supporters gathered at the court in Mytilini on the Greek island of Lesbos on Tuesday 11th September for the initial court procedure in a case involving the abuse of journalists for reporting on fascist activities.

42. NORTHERN IRELAND: [Loughinisland killings: arrests an "attempt to intimidate journalists and whistleblowers"](#)

*"A search and arrest operation during an investigation into the suspected theft of confidential documents from the Police Ombudsman's Office was an attempt to intimidate journalists and whistleblowers, the High Court heard today.*

*Counsel for the company behind a documentary into the loyalist murders of six men in the 1994 Loughinisland massacre claimed police had abused their powers.*

*Two award-winning journalists involved in the film 'No Stone Unturned', Trevor Birney and Barry McCaffrey, were arrested, questioned and released last week as part of the probe."*

## DOCUMENTATION

1. EU: [Security and migration proposals dominate Juncker's 'State of the Union' announcements - full documentation](#)

A reinforced Frontex, a new European Asylum Agency, more measures against online terrorist content, a strengthened European Public Prosecutor's Office, lowering the standards in the Returns Directive and changes to decision-making in foreign policy were just some of the security and migration-related proposals announced in the 'State of the Union' speech given by European Commission President, Jean-Claude Juncker, on 12 September

2. EU: [Renewed Internal Security Strategy: draft of the latest Council implementation report](#)

A [draft version of the latest implementation report on the Renewed Internal Security Strategy](#) (Council document 12009/18, pdf) jointly prepared by the Bulgarian and Austrian presidencies of the Council whilst the former was preparing to hand over to the latter. It contains an extensive 'to-do' list for the Council's working parties that helps to demonstrate the current scope of the EU's internal security priorities.

3. Council of the European Union: [Commission Implementing Decision establishing the report of the 2017 evaluation of the United Kingdom on the application of the Schengen acquis in the field of the Schengen Information System](#) (LIMITE Document no: 11474-18, pdf)

*"On this basis, the Presidency will suggest that Coreper recommends, as a I/A-item, that the Council invite the Commission to present a proposal for a Council Implementing Decision setting out a recommendation **to address the very serious deficiencies identified in the evaluation of the United Kingdom in view of fulfilling the conditions necessary for the application of the Schengen acquis in the field of the Schengen Information System**, pursuant to Article 15 of Regulation (EU) No 1053/2013...."*

4. EU: [ATLAS network of special forces: Council examines ways to improve cooperation](#)

ATLAS is the network of EU Member States' 'Special intervention Units' concerned primarily with anti-terrorism operations. According to a Council document, "the majority of the Member States deems the existing range of legal possibilities in cross-border cooperation available to the Special Intervention Units related to the ATLAS Network sufficient or nearly sufficient," however a number of possibilities for enhancing cooperation are suggested, principally concerning the legal basis for cross-border operations and "mapping" the capabilities of Member States' "special intervention units".

See: NOTE from: Presidency to: Law Enforcement Working Party: [Strengthening of the ATLAS network - follow-up discussion on the way forward](#) (12232/18, LIMITE, 21 September 2018, pdf):

5. EU: Meijers Committee: [Note to the Presidency of the Council concerning the General Secretariat draft policy paper on legislative transparency](#) (pdf):

*"On 13 July, the General Secretariat of the Council of the EU circulated a draft policy note to the Members of the Council with proposals for reform of the policy on legislative transparency (document 11099/18 LIMITE). An initial discussion on these proposals was held at the Coreper meeting of 18 July. On 20 July, Agence Europe reported on the substance of the document. On 24 August, the document was published on the website of Statewatch (...)*

*As a general guideline, we propose that any access to legislative documents policy in the Council should meet three standards. It should:*

- 1. Allow European citizens to see who is responsible for decisions made by the Council and in what way, particularly as regards their own national representatives.*
- 2. Allow European citizens to comprehend the main lines of disagreement among Member States, and the reasons that Member States offer for disagreeing.*

3. Offer sufficiently detailed and timely information to allow European citizens to participate in ongoing legislative procedures, particularly to make their voice heard concerning proposals that effect their personal situation or significant public interests."

See: [Document 11099-18 LIMITE](#) (pdf)

6. EU: [Document round-up: Council discussions on European Production and Preservation Orders for electronic evidence in criminal matters](#)

Discussions are ongoing in the Council on proposals for new rules on cross-border access to electronic evidence, which are intended to make it easier for criminal justice agencies in one Member State to obtain material from telecommunications service providers located in one or more other Member States. The proposals contain some controversial provisions and the documents from the Council reflect some of these issues.

7. EU-USA Meeting: [Draft agenda of the EU-US Justice and Home Affairs Senior Officials Meeting \(Vienna, 25-26 September 2018\)](#) (LIMITE doc no: 11859-18, pdf). Includes access to electronic evidence and "Cambridge Analytica".

8. EU: [Interoperability Regulation for borders: Council discussing its position](#)

The Council of the European Union is discussing its negotiating position, prior to trilogues, on: [Proposal for a Regulation OF THE COUNCIL amending Regulation \(EC\) No 767/2008, Regulation \(EC\) No 810/2009, Regulation \(EU\) 2017/2226, Regulation \(EU\) 2016/399, Regulation XX/2018 \[Interoperability Regulation\], and Decision 2004/512/EC and repealing Council Decision 2008/633/JHA - Presidency compromise proposals after the first reading](#) (LIMITE doc no: 11778-18, pdf): 78 pages of detailed changes to Commission proposal.

9. EU: [Trilogue discussions on the European Criminal Records System for Third-Country Nationals \(ECRIS-TCN\)](#)

The Council of the European Union is in trilogue discussions on: [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 - Four column table](#) (LIMITE doc no: 11300-18, 6 September 2018, pdf) with the parliament. Covers ECRIS and records on third country nationals. It is a multi-column document showing the Commission proposal, the views of the Council and European Parliament and the agreed "compromises".

10. European Parliament Study: [An assessment of the Commission's proposals on electronic evidence](#) (pdf):

*"This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, analyses the added value and the shortcomings of the Commission's proposals on cross-border access to electronic evidence, with a special focus on the proposals' implications for territoriality and state sovereignty and fundamental rights of service providers and users."*

The study argues that the use of production and preservation of electronic evidence will create a legally binding obligation on the territory of another member state, compared with the current framework of the mutual recognition of judicial decisions. This will affect the territorial sovereignty of the Member State where the service provider will carry out injunctions and will override the responsibilities of Member States for effective protection of fundamental rights on their territory.

11. European Parliament Study: [Cyber violence and hate speech online against women](#) (pdf):

"This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the FEMM Committee, looks into the phenomenon of cyber violence and hate speech online against women in the European Union. After reviewing existing definitions of the different forms of cyber violence, the study assesses the root causes and impact of online violence on women. It continues by analysing and mapping the prevalence, victims and perpetrators. The document ends with an outline of the existing legal framework and recommendations for action within the EU remit."

12. European Parliament Study: [The future partnership between the European Union and the United Kingdom](#) (pdf):

"This study looks at the respective aims for, and principles underpinning, the negotiations, as expressed publicly to date by each party, and analyses some of the legal constraints and existing practices or precedents shaping EU cooperation with third-country partners. This allows assessment of the possibilities and limits of any future EU-UK partnership, in light of the stated objectives and 'red lines' officially announced, leading to the conclusion that, notwithstanding several common aims, significant divergences still persist with respect to the means of achieving the stated objectives."

13. ECHR-BELGIUM: [Exclusion from a courtroom of a woman wearing the Islamic headscarf \(hijab\): violation of Article 9 of the Convention](#) (press release, pdf)

"The Court found that the exclusion of Mrs Lachiri – an ordinary citizen, not representing the State – from the courtroom had amounted to a "restriction" on the exercise of her right to manifest her religion. It also held that the restriction had pursued the legitimate aim of "protecting public order", with a view to preventing conduct that was disrespectful towards the judiciary and/or disruptive of the proper conduct of a hearing. The Court found, however, that Mrs Lachiri's conduct on entering the courtroom had not been disrespectful and had not constituted – or been liable to constitute – a threat to the proper conduct of the hearing. The Court therefore held that the need for the restriction in question had not been established and that the infringement of Mrs Lachiri's right to freedom to manifest her religion was not justified in a democratic society."

See the judgment: [Lachiri v Belgium](#) (application no. 3413/09, French only, pdf)

14. EU: Meijers Committee: Letter to Chair of LIBE Committee: [Registration of criminal records of Union citizens in ECRIS-TCN](#) (pdf):

"With regard to the suggested compromise proposal, the Meijers Committee is still not convinced that the 'discrimination' of dual citizenship is 'solved.' The negative symbolic effects of the proposed treatment in Article 2(2), which introduces for the first time in Union law the treatment of Union citizens as third-country nationals will negatively affect large numbers of EU nationals of immigrant origin."

15. CoE: [Hungary: anti-torture Committee observed decent conditions in transit zones but criticises treatment of irregular migrants when 'pushed back' to Serbia](#) (link):

"The report highlights that in the context of 'push-backs', there was no procedure which would assess the risk of ill-treatment following the forcible removal, and the CPT recommends that the Hungarian authorities put an end to the practice of 'push-backs' to the Serbian side of the border.

The CPT expresses its misgivings about the fact that all foreign nationals seeking international protection, including families with children and unaccompanied minors (14 to 18 years of age), are compelled to stay in the transit zones at Röszke and Tompa while their asylum claims are being processed."

See: [Report](#) (pdf)

16 UK: [White people make up largest proportion of British terror arrests](#) (The Guardian, link):

"White people make up the largest proportion of arrested terrorism suspects for the first time in 13 years, official British figures show.

There were 351 arrests for terrorism-related activity in the year to 30 June, a fall of 22% compared with the 449 arrests in the previous year, Home Office statistics show.

The proportion of suspects recorded as white by the arresting officer increased by four percentage points to 38% in the period, while those deemed to be from an Asian background fell by seven percentage points to 37%. The proportion recorded as black fell by two points to 9%.

It is the first time, since the year ending June 2005, the month before the 7/7 bombings, that more of those arrested were recorded as white rather than Asian."

See: [Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to June 2018](#) (pdf). Further documentation is available on the [Home Office website](#).

17. EU: [Official evaluation of the European Border Surveillance System \(Eurosur\)](#)

The European Commission has published an evaluation of the European Border Surveillance System (EUROSUR), which recommends that the system be expanded for the "systematic inclusion" of all border crossing points; the monitoring of "secondary movements" of migrants within the EU; and to develop new services and better cooperate with "third parties", for example through "big data analysis" of EU databases such as the Schengen Information System, the Visa Information System and Europol's computer systems.

18. EU: [Joint Action Plan on Counter-Terrorism for the Western Balkans to be signed on behalf of the EU with Western Balkans Partners](#) (11848/18, LIMITE, 5 September 2018, pdf)

"Delegates will find attached the draft Joint Action Plan on Counter-Terrorism for the Western Balkans as approved by the Commission.

The Commission informed delegations about this Joint Action Plan at the informal joint COTER/TWP meeting on 10 July 2018 in Vienna. Comments received by the Commission in bilateral contacts with Member States and Western Balkans partners are to a large extent reflected in this Joint Action Plan.

The Western Balkans partners will be asked for confirmation that they can accept this Joint Action Plan.

The document is to be signed by the Commission on behalf of the EU and by Western Balkans partners at the JHA Ministerial meeting in Tirana on 5 October 2018."

19. UK-BREXIT: Security Cooperation: [Government response](#) (pdf) to [Home Affairs Committee report](#) (pdf)

20. EU: Court of Justice: [A person cannot be excluded from eligibility for subsidiary protection if he is deemed to have 'committed a serious crime' on the basis of the sole criterion of the penalty provided for under the law of the Member State concerned](#) (press release, pdf):

"...the Court takes the view that, even though the criterion of the penalty imposed under national criminal legislation is of particular importance for the purpose of assessing the seriousness of the crime justifying exclusion from subsidiary protection, the competent authority of the Member State concerned may apply the ground for exclusion only after undertaking, for each individual case, an assessment of the specific facts brought to its attention with a view to determining whether there are serious grounds for taking the view that the acts committed by the person in question, who otherwise satisfies the qualifying conditions for the status applied for, come within the scope of that ground for exclusion."

See the judgment: [Shajin Ahmed v Bevándorlási és Menekültügyi Hivatal](#) (case C-369/17, pdf)

21. Council of Europe: [Despite challenges in managing mixed migration Spain should guarantee effective access to asylum also in Melilla and Ceuta](#)

Strasbourg, 06.09.2018 - "Every person arriving in Spain, including those jumping the border fences in Melilla and Ceuta, should be protected against refoulement and collective expulsions with a real possibility to have access to an effective and fair asylum procedure", says the Secretary General's Special Representative on migration and refugees Ambassador Tomáš Bocek in a report published today.

22. [The Keys to Data Protection: A guide for policy engagement on data protection](#) (Privacy International, link):

*"In this section, you can access the different parts of our guide for policy engagement on data protection "The Keys to Data Protection". The guide is intended to help organisations and individuals improve their understanding of data protection, by providing a framework to analyse the various provisions which are commonly presented in a data protection law.*

*The guide was developed from Privacy International's experience and expertise on international principles and standards applicable to the protection of privacy and personal data, and our leadership and research on modern technologies and data processing."*

The guide covers: Data Protection Explained (Part 1); General provisions, definitions and scope (Part 2); Data protection principles (Part 3); The rights of data subjects (Part 4); The grounds for processing personal data (Part 5); The obligations of controllers and processors (Part 6); and Oversight and enforcement structures (Part 7).