News
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STATEWATCH ANALYSIS

EU: **New criminal records database for non-EU nationals is "disproportionate and discriminatory"**.

A new EU database for holding information on convicted non-EU nationals is "disproportionate and discriminatory", says an **analysis** (pdf) published today by *Statewatch*.

The European Criminal Records Information System for Third-Country Nationals (ECRIS-TCN) will allow Member States to search for information on non-EU nationals ("third-country nationals", in the EU jargon) convicted in other Member States.

The system, to be managed by the EU Agency for Large-Scale IT Systems (eu-Lisa), will contain biographic data and fingerprints of non-EU nationals convicted in one or more EU Member States, as well as facial images, if permitted by the national law of the Member State uploading a file to the database.

STATEWATCH NEWS

1. UK: **Expansion of the national DNA database accelerates**

The number of DNA profile records held in the UK's National DNA Database (NDNAD) increased by over 172,000 in the year up to March 2018, the biggest annual increase since over a million records were deleted from the system following the entry into force of the Protection of Freedoms Act.

2. EU: **Entry/Exit System: progress report outlines "major issues" and "major risks"**

A report on the development of the EU's Entry/Exit System (EES), designed to record the border crossings of almost all non-EU nationals entering or leaving the Schengen area, highlights a number of "major issues" and "major risks".

3. EU: **Migration and asylum: European Court of Auditors to examine "hotspots" in Greece and Italy**

The European Court of Auditors (ECA) is to conduct an audit of the "hotspots" set up in Greece and Italy, which "will assess whether support for Greece and Italy has achieved its objectives, and whether the asylum, relocation and return procedures have been effective and swift."

4. EU: **EP civil liberties committee against proposal to give Frontex powers to assist non-EU states with deportations**

The European Parliament's civil liberties committee (LIBE) has agreed its position for negotiations with the Council on the new Frontex Regulation, and amongst other things it hopes to deny the border agency the possibility of assisting non-EU states with deportations.

5. **World Health Organisation report: "No public health without refugee and migrant health"**

"The Report on the Health of Refugees and Migrants in the WHO European Region is the first WHO report of its kind, creating an evidence base with the aim of supporting evidence-informed policy-making to meet the health needs of refugees and migrants and the health needs of the host populations."

6. **Refugee crisis: latest news from across Europe** (5-11.2.19) including:

- How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry
- Libya: Parallel forces under interior ministry dominating decision making in Tripoli
- Spain: APDHA, EntreFronteras and the Andalusia Union of Journalists call for an end to the information blackout at the southern border

7. EU: **European Parliament studies: EU enforcement of the rule of law; the "parliamentary" nature of the Council of the EU**

Two recent studies undertaken for the European Parliament examine the EU's framework for enforcing the rule of law in its Member States; and "the parliamentary nature of the Council."

8. UK: **Liberty calls for ban on 'predictive policing'**

"Police forces in the UK should abandon their tests of computer programs to predict where crimes are likely to happen and whether individuals are likely to re-offend, human rights pressure group Liberty says today. According to the group, at least 14 forces in the UK are testing or in the process of developing 'predictive policing' systems based on machine-learning algorithms."

9. SPAIN: **APDHA, EntreFronteras and the Andalusia Union of Journalists call for an end to the information blackout at the southern border**

- They consider it a priority to guarantee compliance with the right to life, that rescues respect the legal requirements and that the right to information is preserved
- They denounce the fact that the rescued and deceased persons have remained completely invisible

10. **Council and European Parliament agree provisionally two Regulations establishing "interoperable" Big Brother database**

A press release from the Council of the European Union says:

*"Today, the Romanian Presidency of the Council and representatives of the European Parliament **reached a preliminary agreement on the two proposed regulations establishing a framework for interoperability between EU information systems in the area of justice and home affairs.** The preliminary agreement will now be presented to EU ambassadors for confirmation on behalf of the Council."*

The Romanian Council Presidency said: *"To make sure **we detect those who pose a security threat or who are lying about their identity**, competent authorities carrying out checks need to have a full picture of the person in front of them."*

See: **Statewatch Observatory: Creation of a centralised Justice & Home Affairs database is "a point of no return"**.

11. **Refugee crisis: latest news from across Europe** (29.1-4.2.19) including:

- Summit of the Southern European Union Countries – Nicosia Declaration
- An "Informal" Turn in the European Union's Migrant Returns Policy towards Sub-Saharan Africa
- An average of six deaths every day in the sea in 2018

NEWS

1. **Italy's asylum rejection rate at record high** (euobserver, link);

*"The rate of rejection of would-be asylum seekers has reached a record high in Italy, according to figures released by the **Institute for International Political Studies (ISPI)**. It says some 24,800 asylum applications in Italy were denied in the last four months. It noted rejected asylum applications went from 17,500 from October 2017 to January 2018, to almost 25,000 between October 2018 and January 2019."*

2. **German jump in anti-Semitic crimes 'worrying, but no surprise'** (DW, link)

"*The number of anti-Semitic incidents has increased by 10 percent over the previous year. Jewish leaders said the numbers merely reinforced what people had already seen in their daily lives.*

3. **EU asylum applications fall to below half crisis peak** (Reuters, link):

"*The number of people seeking asylum in the European Union fell for a third straight year in 2018 to less than half the peak during the 2015-2016 migration crisis, data released on Wednesday showed.*

The bloc's asylum agency reported 635,000 applications in 2018, still more than double the figures typical before the 2011 "Arab Spring" uprisings spread war and instability across North Africa and the Middle East.

The 2018 figure was slightly below 641,000 asylum applications filed in 2014, the last year before a surge in arrivals by the Mediterranean sea created a high-profile humanitarian and political crisis.

The asylum figures peaked at 1.4 million and 1.3 million in 2015 and 2016. One of the main sea routes used by asylum seekers to reach Europe - from Turkey to Greece - was largely shut in 2016, and another - from Libya to Italy - was sharply curbed last year. "

See: EASO report: **EU+ asylum trends: 2018 overview** (pdf)

4. SPAIN: **Catalan leaders go on trial in Madrid over independence bid** (Reuters, link):

"*Twelve Catalan politicians go on trial on Tuesday for their role in Catalonia's failed 2017 independence bid, putting the spotlight back on Spain's biggest political crisis in decades which could make it flare once again.*

...The trial will decide if Catalan nationalist leaders stay in jail. The public prosecutor is seeking prison terms of up to 25 years on charges of rebellion and misuse of public funds. At stake are Spain's stability, the future of Catalonia's independence movement as well as the region's and the central government's image abroad.

"It's the most important trial we have had in democracy", Supreme Court president Carlos Lesmes told reporters on Feb. 1, referring to the return to democracy in Spain after dictator Francisco Franco's death in 1975. "

5. IRELAND: **Second fire attack on proposed refugee housing branded 'unacceptable and worrying'** (Irish Legal News, link):

"*A hotel which was earmarked as a possible Direct Provision centre has been subjected to an arson attack for the second time in five weeks.*

Repairs to the Shannon Key West Hotel in Rooskey, which was attacked last month, had just been completed when it was set on fire again last night.

Justice Minister Charlie Flanagan said he was "deeply concerned and disappointed" at the news. Gardaí are now examining the site."

6. GERMANY: **New #NRW state police law used for the first time against climate activists: 3 people imprisoned** (Enough is Enough, link):

"*Last Saturday, the first use case of the so-called "Lex Hambi" occurred: after environmental activists had blocked an excavator in the Garzweiler opencast mine, they were arrested for alleged trespassing. For activists whose identity could not be verified, the Erkelenz District Court ordered police custody until Thursday (February 14) for the time being. For her decision, the judge cited the tightening of the North Rhine-Westphalian police law decided in December, which allows detention for up to seven days to verify identity. Until the end of 2018, these were allowed to last a maximum of 12 hours in NRW. Experts and interior experts regard this regulation as unconstitutional.*"

7. EU: **'I'll talk, but then I have to call Putin': steakhouse at centre of EU spy alert** (The Guardian, link):

"*The EU's diplomatic and foreign wing, the European External Action Service (EEAS), alerted member states' embassies last week to the presence of about 250 Chinese and 200 Russian spies said to be roaming the embassy-lined streets of the Belgian capital.*

The missive suggested diplomats should avoid a popular steakhouse and cafe within walking distance of the commission headquarters, according to a report in the German newspaper Die Welt.

"I'm the only steakhouse around here, it has to be me," admitted a flabbergasted Weiner when visited during a busy lunchtime. "It is nonsense, but, OK, I will talk to you for five minutes. Then I have to call Putin.""

8. Council of Europe: **Hungary should address many interconnected human rights protection challenges** (link):

"Challenges include civil society space, gender equality, refugee protection and independence of the judiciary.

"Hungary faces many interconnected human rights challenges," said today Dunja Mijatovic, Council of Europe Commissioner for Human Rights, after her five-day visit to Hungary last week. "The space for the work of NGOs, human rights defenders and journalists critical of the government has become very narrow and restricted.""

9. **Study: Germany needs 260,000 immigrants a year to meet labor demand** (DW, link):

"Germany needs at least 260,000 new migrant workers per year until 2060 in order to meet labor shortages caused by demographic decline, according to a study published on Tuesday.

Of that number, 146,000 people each year would need to immigrate from non-EU member states, the research published by the Bertelsmann Foundation said.

Due to an aging population, the labor force in Germany is estimated to shrink by a third, or around 16 million people, by 2060 without immigration. Absent immigration, the labor shortage could have a devastating impact on world's fourth largest economy."

10. **Libyan coast guard taking drifting migrants back to Libya - Salvini** (Times Malta, link):

"Some 150 migrants have been picked up by the Libyan Coastguard from a drifting boat and are being taken back to Libya, from where they had departed, Italian Home Affairs Minister Matteo Salvini said on Monday evening.

Earlier, the NGO Alarm Phone expressed its concern over the migrants and said the Maltese and Italian maritime rescue authorities have been alerted about them.

The boat, which Alarm Phone said was believed to be carrying "50-60 women and 30 children", was drifting after its engine stopped working."

11. **Italy: 'Migrant menace': Salvini accused of targeting refugees and ignoring mafia** (Guardian, link):

"...last Thursday night, when 90 carabinieri paramilitary police officers surrounded several apartment buildings in Caserta, the provincial capital, many residents thought an anti-mafia blitz was under way. The targets were in fact immigrants, under scrutiny for sanitary inspections of their homes.

It is part of a trend since Matteo Salvini of the far-right League became interior minister in June 2018. Senator Pietro Grasso, a member of the national anti-mafia commission and former prosecutor responsible for the 2006 arrest of the Sicilian mafia boss Bernardo Provenzano, said: "Unfortunately, the Italian government […] is prioritising immigration, making people believe it is an emergency, rather than fighting the real problems, such as the mafia. Meanwhile, the bosses are getting richer and richer.""

12. **Government permission to travel: "Authority to Carry"** (Papers, Please!):

"A white paper on the use of PNR and API data (airline reservations), published by the Organization for Security and Co-operation in Europe (OSCE) in January 2019, lays out more starkly than ever before the goal of governments around the world: a permission-based system of government control and prior restraint in which a common carrier must receive "Authority to Carry" with respect to each passenger, before allowing them to board any flight.

We've talked about this sort of permission-based travel control before, including in this 2013 overview of the system of US government surveillance and control of travel. (See our slides from that presentation). But we've rarely seen governments spell out so explicitly their intent to convert travel from a right to a privilege which can be exercise only by permission of the police..."

See: **Overview of the use of Advance Passenger Information (API) and Passenger Name Record (PNR) in the OSCE Area** (pdf)

13. EU: **Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry** (ECRE, link):

"*This week the Hungarian Helsinki Committee, in conjunction with ECRE and a number of European project partners, launched their report* **"Crossing a Red Line: How EU Countries Undermine the Right to Liberty by Expanding the Use of Detention of Asylum Seekers upon Entry."** *By examining four case studies; Bulgaria, Greece, Hungary and Italy, this research explores how asylum seekers' rights to liberty are undermined upon entry, with a specific focus on de facto detention.*

"Crossing a Red Line" explains that while there has been a significant decrease in asylum applications in Bulgaria, Hungary and Italy, the use of detention upon entry has been increasing since 2015 and continues to do so. Practises of de facto detention- which indicates the deprivation of an individual's liberty without the requirement of a detention order- are widespread and specific to country context. Hot spots, transit zones, pre- removal centres, border zones at which migrants have been 'pushed- back' and boats- including search and rescue vessels- have all become spaces in which people can be detained. In other cases "protective detention" results in unaccompanied children having their freedom of movement restricted.

With no procedural guarantees and no opportunity to seek judicial review, the only possibility for release from de facto detention is to leave to another country."

14. **Munich Security Report 2019: The great puzzle: who will pick up the pieces?** (pdf):

"*Looking at the current state of international affairs it is difficult to escape the feeling that the world is not just witnessing a series of smaller and bigger crises. Rather, the entire liberal international order appears to be falling apart – nothing will we be as it once was. Since the collapse of the Soviet Union, the global security landscape has never been more dangerous. We are experiencing an epochal shift, as one era is coming to an end, and for now only rough outlines of a new geopolitical age are visible. Although some states are committed to maintaining the liberal international order, it is questionable whether they – often distracted by other domestic and foreign policy challenges – are able to assume this role.*

...This year's report analyses the reshuffling of core pieces of the international order. Besides looking at major powers like the United States, China and Russia, the report also highlights actors of the "second row": liberal democracies such as France, Germany, the United Kingdom, Canada and Japan. In addition, the report assesses current security policy developments in selected regions such as in the Western Balkans, in the Sahel region and in the Middle East. It examines the global challenge to arms control against the background of the recently suspended INF Treaty and emerging technologies such as hypersonic weapons. Other global issues covered are the security policy implications of current developments in the areas of international trade, transnational organized crime and artificial intelligence."

15. EU: **Relying on relocation: ECRE's proposal for a predictable and fair relocation arrangement following disembarkation** (link to pdf)

"*EU countries need to set up a relocation arrangement that guarantees predictability and certainty. The reinvigoration of discussions on responsibility-sharing in the Council presents a window of opportunity, with a French-German proposal calling for a solidarity mechanism "based on relocation as a rule", and a European Commission Communication suggesting that "temporary arrangements of*

genuine solidarity and responsibility could be put in place… as a bridge until the new Dublin Regulation becomes applicable".

In this policy paper, first, ECRE sets out its legal and political concerns with the current "ship by ship" approach to relocation of rescued persons, as well as questioning its compatibility with CEAS standards. The paper then elaborates on ECRE's recommendation for a relocation mechanism for asylum seekers disembarked in EU ports based on fair and effective implementation of rules set out in the existing EU acquis."

16. **German rescue ship named after drowned toddler Alan Kurdi** (DW, link):

"*The photograph of three-year-old Alan Kurdi's lifeless body washed up on a Turkish beach shocked the world in 2015. A German rescue organization has now named a ship after the toddler.*

A German migrant rescue ship operating in the Mediterranean was renamed on Sunday after Alan Kurdi, the three-year-old Syrian Kurdish boy whose lifeless body washed up on a Turkish shore during the height of Europe's migrant crisis, galvanizing global opinion.

German charity Sea-Eye renamed the ship in the presence of Alan's father, Abdullah Kurdi, and aunt, Tima Kurdi, in Palma on Spain's Balearic Island of Mallorca."

17. **Interpol investigates war crimes in Syria and Iraq** (Matthias Monroy, link):

"Many „foreign fighters" return to their home countries, 40 Germans and 130 French citizens alone are to be transferred from Kurdish prisons. The authorities are collecting "battlefield evidence" to bring them to court."

18. **Fusion Centres in Six European Countries: Emergence, Roles and Challenges** (pdf):

"In the six European countries that this report covers, namely Belgium, Germany, Italy, The Netherlands, Spain and the United Kingdom (UK), there are different contexts that lead to the establishment of their respective fusion centres. The current contexts in which they function are also different, particularly concerning their mandate and their organisational structures. The provided selection of fusion centres and their descriptions are based on the responses to the call for contributions issued by ICCT among members of EENeT, focusing on exactly these points."

19. **Countdown to Brexit: the key dates as UK's EU exit approaches**, (Guardian, link):

"With 50 days remaining, here are some of the deadlines and events that will be coming up"

20. **Cotonou successor: EU-Africa relations at the crossroads** (euractiv, link):

"Negotiators are hoping to break the back on talks for the successor to the Cotonou Agreement, which expires in May 2020, between the EU and 79 countries in Africa, the Caribbean and the Pacific (ACP).

EU policymakers are aware of a growing assertiveness of African governments and institutions in their dealings with Brussels. That is starting to be seen in the relationship between the EU and African institutions."

21. **Criminalising Dissent: the Stansted 15 and the Hostile Environment** (IRR News, link):

"A lecture examining political resistance to the UK's 'deport now, appeal later policy', the value of direct action and what the judgement on the Stansted 15 means for the future of political dissent.

Wednesday 20 February, 6pm – 8pm Room 313, School of Law, Queen Mary, University of London, Mile End, London, E1 4NS

The event, hosted by the International State Crime Initiative, will feature Ali Tamlit and Helen Brewer – two members of the Stansted 15 – their legal counsel, and experts on policing and protest."

And see: T**he Stansted 15 will not spend time in jail** (pressenza.com, link)

22. **Hungary blocks joint EU-Arab League statement over migration issue** (New Europe, link):

"The EU's High Representative for Foreign Affairs and Security Policy Federica Mogherini had hoped to secure a leadership role for the 28 members of the European Union in their relations with the members of the Arab League, but much to the chagrin of the Brussels establishment, Hungary stepped in and cratered the plan from within when blocked the issuance of a joint statement by both parties due to the migration issue.".

23. **New UN deal with data mining firm Palantir raises protection concerns** (IRIN News, link):

"*CIA-linked software firm Palantir will help the UN's World Food Programme analyse its data in a new partnership worth $45 million, both organisations announced Tuesday, drawing immediate flak from privacy and data protection activists.*

The California-based contractor, best known for its work in intelligence and immigration enforcement, will provide software and expertise to the UN's food relief agency over five years to help WFP pool its enormous amounts of data and find cost-saving efficiencies."

24. EU: **Follow the Money II – Report** (ECRE, link):

"*The Asylum, Migration & Integration Fund (AMIF) 2014-20 aims to contribute, via financial assistance, to the effective management of migration flows and to the implementation and development of a common EU approach to asylum and migration. The AMIF reflects efforts to simplify and streamline the implementation of the European Union budget in the area of home affairs. For the 2014-2020 period, approximately 88% (€2.39bn) of the total AMIF resources of €3.1bn were allocated to Member States that adopted multiannual national programmes.*

*...The first '**Follow the Money: Assessing the use of AMIF funding at the national level**' study, published in January 2018, assessed the programming and design of national AMIF funds from a civil society perspective. **This second 'Follow the Money'** study presents:*

- *A comparative critical analysis of the use of AMIF funding at national level during 2014-18, drawing on the outcomes of national and European interim evaluations of the Fund and the perspectives of civil society and other actors involved in national AMIF implementation.*
- *Detailed case studies assessing national AMIF implementation in four Member States (Bulgaria, Estonia, Germany and Spain).*
- *A critical overview of the use of AMIF emergency assistance to implement actions in Member States during 2014-17.*"

25. UK-ECHR: **Prisoners' Voting Rights: Case Closed?** (UK Constitutional Law Association, link):

"*On 6 December 2018, the Committee of Ministers of the Council of Europe closed the supervision of the prisoners' voting rights cases against the United Kingdom (UK) and adopted final resolution **CM/ResDH(2018)467**. Thirteen years after **Hirst v United Kingdom (No.2)** (2006) 42 EHRR 41 (Hirst) was made final, the protracted prisoner voting stalemate is over. Case closed. Or is it?*

This post provides an overview of the background context to the prisoners' voting rights clash and assesses the Government's administrative amendments to prisoners' voting rights. This post will contend that the amendments are disappointing and inadequate. At the domestic level, the

amendments bypassed Parliament's involvement and at the supranational level, the Committee of Ministers' approval of the amendments undermines the effectiveness of rights protection. It will be argued that the amendments fail to satisfy the case law of the European Court of Human Rights (ECtHR) on prisoner voting. The issue of prisoners' voting rights therefore remains open in the UK."

26. UK-JAMAICA: **Six Jamaican detainees given last-minute deportation reprieve** (The Guardian, link):

"*At least six Jamaican detainees are understood to have been granted a last-minute reprieve from a deportation flight.*

The Home Office has not confirmed the timing of the private Titan Airways jet's takeoff or the location.

Campaigners say Owen Haisley, a musician from Manchester who has lived in north-west England since the age of four, is among them."

And see: **Stop the new deportation flights to Jamaica. They shouldn't be happening** (link) by Zita Holbourne

27. LIBYA: **Minister: Parallel forces under interior ministry dominating decision making in Tripoli** (Libya Observer, link):

"*The Interior Minister of the Presidential Council, Fathi Bashagha, said there are armed groups and forces that are by name operating under the ministry, but in reality they are executing their own agendas away from the government's orders.*

In an interview with BBC Arabic, Bashagha said the parallel forces have some kind of hegemony in the decision making of the government in all fields, including politics, security and economy.

"We have now a parallel interior ministry in Tripoli." He remarked, saying they do own a very huge amount of money to run their operations."

28. EU: **Captured states: When EU governments are a channel for corporate interests** (Corporate Europe Observatory, link):

"*Corporate lobbies are actively influencing decision-making, via national ministers and officials, to ensure that EU laws and policies suit them. These corporate lobbies include famous national brands such as Volkswagen and Telefónica; iconic sectors like the finance industry in the City of London or the Polish coal industry; and high-spending EU trade associations such as BusinessEurope and CEFIC (the European Chemicals Industry Council). And whether it is on climate change, finance, chemicals, data privacy, or many other issues, when corporate interests win, the public interest loses out.*

Many of the ways in which member states feed into EU decision-making are shrouded in secrecy and not commonly studied. Our new report "Captured states: when EU governments are a channel for corporate interests" breaks new ground by providing an overview of how member states act as a channel for corporate influence, whether it is in the Council of the European Union (where member states' ministers and officials input into EU law-making and policy-making); the European Council (where the heads of government of EU nations make pronouncements on the EU's direction of travel); or the EU's committee structure (which provide member states with key seats at the table to discuss the technical and scientific detail of EU laws)."

29. **European Commission wants to facilitate access to servers in third states** (Matthias Monroy, link):

"Police and judicial authorities are to have easier access to cloud data in the USA. To this end, a decree of the US government will also apply in the EU member states. As part of the "Budapest Convention", US authorities could also knock directly on the door of European Internet companies."

30. Greece: **A Home for Refugees: The Need for Housing Throughout Asylum Procedures and Beyond** (pdf):

"Having a place that can be called home is a universal need and a human right. Individuals fleeing violence and asking for asylum in the European Union strive to be safe and to rebuild their lives stepby- step in a country they do not know, often separated from the people they love and with little certainty about their future."

31. **Italy asks Sudan secret police to testify in mistaken identity case** (Guardian, link):

"Defence lawyer criticises use of witnesses from regime of 'cold-blooded dictator'.

Italian prosecutors have controversially invited two high-ranking Sudanese officials to Sicily to testify in the case against a suspected human trafficker who appears to be the victim of mistaken identity.

Magistrates in the case are relying on testimony from the members of the feared secret police in Sudan, which is ruled by Omar Hassan al-Bashir, who has been charged with war crimes."

32. **No more civilian rescue boats off Libyan coast** (Info Migrants, link):

"The civilian rescue vessel Sea Watch 3, which was detained in Italy on Friday, is the latest of such boats to stop operations in the central Mediterranean. Now, only the Libyan Coast Guard is able to save migrants risking their lives at sea in an attempt to reach Europe from North Africa."

33. **More needs to be done to improve the situation of migrants and refugees on the Greek islands** (Reliefweb, link):

"The humanitarian situation of asylum seekers in the Reception and Identification Centres on Lesbos, Samos and Chios have remained critical for many years, the Committee on Migration warned. Many are housed in tents with inadequate sanitary installations, insufficient food, lacking health services and poor security."

34. UK: **It's Time to Close Down the Police's "Domestic Extremism" Databases** (Netpol, link):

"A European Court of Human Rights (ECtHR) judgment in January, in a case brought by veteran peace campaigner John Catt, is extremely significant for the future of protest surveillance.

For seven years John has argued that the decision by the police to retain extensive surveillance data about him on the secretive National Domestic Extremism Database was a violation of his privacy."

35. **Summit of the Southern European Union Countries – Nicosia Declaration** (Cyprus Presidency, link):

"17. Effective reform of the Common European Asylum System, through the swift adoption of the entire comprehensive package of interconnected legislative proposals, should guarantee solidarity and responsibility among the Member States. In addition, the disembarkation of rescued migrants in the Mediterranean should be addressed through permanent solutions, based on the principles of solidarity, responsibility and in the framework of international law, ensuring their order to safeguarding of lives in the Mediterranean. We take into account the pressure on those Member States that are most exposed and already contribute to the rescue of people in danger.

18. Progress has already been achieved, as reflected by the decrease of detected illegal border crossings but migratory routes, such as those running through the Eastern, Central and Western

Mediterranean, continue to require close attention. In this regard, the sustained and non-discriminatory implementation of the EU-Turkey Joint Statement of 18 March 2016 and the full and effective implementation of the EU-Turkey readmission agreement and cooperation with all EU Member States in Justice and Home Affairs matters remains essential..."

36. **An "Informal" Turn in the European Union's Migrant Returns Policy towards Sub-Saharan Africa** (Migration Policy Institute, link):

"*A not-insignificant share of the European Union's resident irregular migrant population comes from sub-Saharan Africa. Even though estimates of the unauthorized population in EU Member States are notoriously imprecise, comparing the number of non-EU nationals (formally known as third-country nationals) ordered to leave with the number who departed suggests that the resident unauthorized population has grown by up to 3 million persons over the past ten years. And sub-Saharan African nationals accounted for around one-fourth of this growth, with a significant share coming from Nigeria (13 percent), Senegal (8 percent), and Eritrea (7 percent). Despite increased EU efforts in recent years to work with sub-Saharan countries to accept the return of their nationals, return rates remain low.*

...An initial focus by the European Union on formal readmission agreements with migrant-origin countries has given way since 2016 to informal ones. This article examines this informal turn and explores the potential effect that nonbinding readmission pacts could have on migrant returns to sub-Saharan Africa, challenging the assumption that such agreements will have a significant effect on future return levels agreed upon by EU and African policymakers. The analysis also evaluates EU reliance on return totals as an indicator of policy effectiveness and questions whether policy success can be quantified, considering data and other limitations."

37. **Why Hungary's state-sponsored schoolbooks have teachers worried** (CNN, link):

"*Budapest, Hungary (CNN) - Flick through a Hungarian history book for high school students, and you're left in no doubt about the government's view on migrants.*

The section on "Multiculturalism" opens with a photo of refugees camped under a Budapest railway station. Flanking the image is a speech given by strongman Prime Minister Viktor Orban on the perils of migration: "We consider it a value that Hungary is a homogenous country," he says.

The state-sanctioned textbooks are part of a government shakeup of Hungary's education system that is causing deep unease among some teachers and publishers.

Critics say the textbooks are just one front in a government crusade to remake the education system -- and the country -- in its Christian, nationalist image. Orban has also scrapped academic programs that don't fit with his conservative values, effectively forcing one of Hungary's leading universities to move its courses abroad."

38. A useful summary: **Europe's Determination to Halt African Migration Makes Friends of Dictators** (The Globe Post, link):

"*The integration of the Sudanese security services means that Europeans are working directly with officials involved in propping up al-Bashir's regime. Among these agencies are the Rapid Support Forces, an organization fashioned out of the notorious Janjaweed, which terrorized the Darfur region in Western Sudan.*

An agreement between European and African states, signed in Malta in 2015, laid the foundations for this cooperation...

This close cooperation has continued and been enhanced, despite the notoriety of the African regimes with which the E.U. has to work. Early in 2019 the role of chairing the Khartoum Process, which regulates this E.U.-African cooperation, will be taken by Eritrea. The fact that Eritrea has one of

the worst human rights records in Africa – and is regularly referred to as the "North Korea" of the continent – appears to have given E.U. officials few sleepless nights."

39.EU-BELARUS: **Rights of refugees and migrants violated at EU-equipped borders** (Danwatch, link):

"*For many years, Belarus has served as a transit country for refugees travelling from the former Soviet Union to Europe, primarily Poland, in search of asylum. Most of the refugees come from Russia, especially from the Chechen Republic.*

To limit irregular migration, the EU has made it a priority to provide training and border control equipment to the border authorities in countries along the EU's eastern land borders. This includes Belarus, whose border authorities have received surveillance cameras, patrol cars and boats, from the EU in order to better detect people crossing their borders.

The border authorities that received the equipment have been implicated in the pushbacks of refugees, however, in violation of their rights, in both 2017 and 2018."

See also: **New detention centres part of €7 million EU migration project in Belarus** (Statewatch News Online, 1 February 2017)

40. **Outcry in Sweden Over Footage of Pregnant Black Woman Being Dragged From Train** (The New York Times, link):

"*STOCKHOLM — Footage of security officers dragging a pregnant black woman off a Stockholm subway train and pinning her to a bench has caused an outcry in Sweden, raising questions about the treatment of minorities in a country often seen as a beacon of tolerance.*

Two security guards have been suspended and the police have begun an investigation into the encounter, officials said.

Footage showed the woman shouting in protest and a child crying as the episode unfolded. The video was widely shared on social media, with many Swedes complaining that a black woman had been unfairly targeted. Some expressed shock that the child had been left crying while the woman was being overpowered by the guards.

Many asked whether the guards, who appeared to be white, would have forcibly removed a pregnant white woman from the subway."

41. FRANCE: **France's top court upholds police use of controversial crowd control weapon** (RFI, link):

"*France's highest court, the Council of State has rejected calls to suspend the use of controversial non-lethal munitions that have been linked to several serious injuries at Yellow Vest protests, a day ahead of Act 12 of nationwide demonstrations.*

In a much anticipated response ahead of Saturday's next round of Yellow Vest demonstrations, the court rejected a call by France's Human Rights League and CGT trade union, which argued the weapons are unfit for use at demonstrations.

The weapons in question are lanceurs de balles de defense, or LBDs, referred to as flash balls.

They shoot projectiles such as rubber bullets that collapse or disperse on impact."

See also: **MANIFESTE CONTRE LES ARMES DE POLICE – APPEL A SIGNATURES** (Désarmons-les!, link)

42. European Parliament: **Meetings between MEPs and lobbyists to be made public** (euractiv, link):

"A revision of the European Parliament's rules of procedure, which was adopted on 31 January, increases transparency obligations for meetings between elected officials and lobbies, despite the EPP's attempts to scupper the amendment. EURACTIV France reports."

43.. **Are You Syrious** (31.1.19, link):

An average of six deaths every day in the sea in 2018

"The UN Refugee Agency published 2018 Desperate Journey report showing a very dark picture of Europe today. Closed borders and hostile policies killed at least 2,275 people in the sea last year, while at least 44 per cent of people who crossed the sea to arrive to Italy, witnessed death on their journeys.

At the same time, Save the Children organization issued a statement saying that among those who died since 2014, there are at least 640 children. Only this year, during 31 days, 64 children died not being able to reach the safety of EU." (...)

DOCUMENTATION

1. EU: Meijers Committee: **Comments on the proposal for a Regulation on preventing the dissemination of terrorist content online (COM(2018) 640 final)** (pdf):

"regulating the way platforms deal with online illegal content touches upon the freedom of expression and therefore requires high standards of fundamental rights protections in democratic societies.(...)

The proposed Regulation contains far-reaching obligations to take proactive measures. These are not limited to detection of re-uploads of already removed content, but include the identification of new material (including by automated tools)."

2. European Parliament Studies:

• **Misuse of Interpol's Red Notices and impact on human rights – recent developments** (pdf):

"International organisations continue to report the abuse by some states of Interpol's Notice System to persecute national human rights defenders, civil society activists and critical journalists in violation of international standards of human rights."

• **Cross-border nuclear safety, liability and cooperation in the European Union** (pdf):

"Specific attention is paid to citizen and NGO involvement in decision-making concerning nuclear power plants. The study analyses the case law in that respect and formulates various recommendations to improve the regime concerning cross-border nuclear safety, liability and corporation in the EU."

• **Strategies: Truth, reconciliation and justice for addressing antigypsyism** (pdf):

"The study explores concrete proposals to upscale the post-2020 Roma framework strategy via a Rule of Law, Democracy and Fundamental Rights (DRF) Periodic Review/Mechanism and a Truth and Reconciliation Process at the EU level. It proposes ways to strengthen the role of the European Parliament in ensuring democratic accountability and the right to truth and effective justice for past and current human rights violations."

3. European Parliament: **3rd WORKING DOCUMENT (A) on the Proposal for a Regulation on European Production and Preservation: Orders for electronic evidence in criminal matters (2018/0108 (COD)) - Execution of EPOC(-PR)s and the role of service providers** (pdf)

4. EU: **Report to the EU Parliament on Frontex cooperation with third countries in 2017**

A recent report by Frontex, the EU's border agency, highlights the ongoing expansion of its activities with non-EU states.

5. Council of Europe: **Discrimination, artificial intelligence, and algorithmic decision-making** (pdf):

"The most relevant legal tools to mitigate the risks of AI-driven discrimination are non-discrimination law and data protection law. If effectively enforced, both these legal tools could help to fight illegal discrimination. Council of Europe member States, human rights monitoring bodies, such as the European Commission against Racism and Intolerance, and Equality Bodies should aim for better enforcement of current non-discrimination norms.

But AI also opens the way for new types of unfair differentiation (some might say discrimination) that escape current laws. Most non-discrimination statutes apply only to discrimination on the basis of protected characteristics, such as skin colour. Such statutes do not apply if an AI system invents new classes, which do not correlate with protected characteristics, to differentiate between people. Such differentiation could still be unfair, however, for instance when it reinforces social inequality.

We probably need additional regulation to protect fairness and human rights in the area of AI. But regulating AI in general is not the right approach, as the use of AI systems is too varied for one set of rules. In different sectors, different values are at stake, and different problems arise. Therefore, sector-specific rules should be considered. More research and debate are needed."

6. EU: **"Interoperable" databases or rather the creation of a centralised Justice and Home Affairs database: First two measures agreed between the Council and the European Parliament - full text of Regulations**

• Police cooperation, asylum and migration: **Regulation on establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration) and amending [Regulation (EU) 2018/XX [the Eurodac Regulation],] Regulation (EU) 2018/XX [the Regulation on SIS in the field of law enforcement], Regulation (EU) 2018/XX [the ECRIS-TCN Regulation] and Regulation (EU) 2018/XX [the eu-LISA Regulation]** (326 pages, pdf): Four column document with the Commission proposal, the Council position, the European Parliament position and the a agreed "compromise" text.

• Borders and visa: **Regulation on establishing a framework for interoperability between EU information systems (borders and visa) and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Regulation (EU) 2018/XX [the ETIAS Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks] and Regulation (EU) 2018/XX [the eu-LISA Regulation]xx** (437 pages, pdf). Four column document with the Commission proposal, the Council position, the European Parliament position and the a agreed "compromise" text.

7. UPDATED: : **Day 2: Judicial cooperation** (pdf)

EU: **Romanian Council Presidency: ınformal meeting of justice and home affairs ministers – home affairs session** (link):

"MIGRATION – "A STEP FORWARD TOWARDS THE IDENTIFICATION OF THE APPROPRIATE SOLUTION"

"Facing with the multiple problems that illegal migration represents, a single solution is needed in order to respond to all reported concerns at the level of European Union States. We do not need now antagonistic solutions that fuel populism, extremism and disrupt political cohesion within the EU. But, of course, we need to be constructive in order to find a common solution based on consensus. Migration is supposed to represent a vector of development for each Member State and not an additional burden, "said the Romanian Minister of Internal Affairs, Mrs. Carmen Dan."