News Online
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NEWS

1. Council: Exit-Entry, Discrimination, Equal treatment, Maritime Security and Banned exports
2. Greece: GISTI report on Greek hotspots in Lesbos and Chios after the EU/Turkey deal
3. UK: Growing calls to extend undercover policing inquiry remit beyond England and Wales
4. EU: Commission and High Representative "playbook" on "countering hybrid threats**"**
5. EU: Proposals for EU intelligence-gathering abroad and "civmil convergence and synergies"
6. EU-ITALY: Refugee relocation scheme "has clearly failed", says Italy's immigration chief
7. UK: Delayed "counter-extremism" plans denounced again
8. UK: Post-Brexit racism update (IRR News Service)
9. Europol: TE-SAT report 2016
10. UK: Met puts extra police on patrol to curb spread of London disturbances
11. Bulk data collection only lawful in serious crime cases, CJEU indicates
12. European Data Protection Supervisor (EDPS): Data protection and Whistleblowing in the EU Institutions
13. Race and class: the colour of struggle
14. UK: Post-Brexit racism
15. Council of Europe: Annual Activity Report 2015)
16. EU: Informal Justice and Home Affairs Ministers meeting under the Slovakia Council Presidency, 7 July 2016
17. EU-USA: Commission Implementing Decision adequacy of the protection by the EU-U.S. Privacy Shield
18. OSI: Case Watch: Discrimination Dressed up as Neutrality in European Headscarf Bans
19. EU: Trilogues: "space to think" (in secret) defended by EU Ombudsman
21. EU: Police chiefs: nine-point programme on keeping the 'Balkan Route' closed
22. EU: Implementing the Internal Security Strategy: May 2015 update
23. EU: Money laundering terrorist financing: Commission to adopt first EU-wide list of "high-risk third countries"
24. UK: Mass surveillance mandated in secret
 25. EU: New counter-terrorist financing rules: the "threat has grown and evolved recently"
26. UK: Government condemned for overseas police training secrecy
27. EU: Procedural rights "package" completed with agreement on legal aid Directive
28. UK: Chilcot inquiry into the Iraq war: case closed?
29. EU: Decision establishing 'High-Level Expert Group on Interoperabilty and Information Systems'
31. EU: Council: "capacity building" in non-EU countries; implementation of Cyber Defence Policy Framework
32. UK: Getting off lightly: police and personal data breaches
33. EU: Rush to pass new terrorism law continues with LIBE vote
34. EU: European Parliament: thumbs up for beefing up Frontex
35. UK: UNDERCOVER POLICING: Core Participant? Your Name's Not Down, You're Not Coming In
36. EU: Securing the high seas: Maritime Security Strategy progress report
37. EU says "soft power is not enough" as German and French ministers call for "European Security Compact"
38. EU: Frontex: Annual Report 2015, Western Balkans risk analysis January-March 2016
39. EU: Fingerprinting for all? Inclusion of all travellers in new border database
40. Rendition: ECHR hearings continue; CIA officer could be imprisoned in Italy
41. UK: Call for information on racist incidents in order to "build a national picture"
42. UK: Undercover policing guidance: contradictions made clear
43. USA: Secret Rules Make It Pretty Easy for the FBI to Spy on Journalists
44. UK-EU-BREXIT: House of Lords Library: Leaving the EU: Parliament's Role in the Process
45. UK The Carlile Inquiry 10 years on: The use of restraint, solitary confinement and strip-searching on children
46. EU: European Parliament study on reintroduction of border controls in the Schengen area

Observatory: Refugees crisis: latest news across Europe – a daily service

And see: **News Digest:** dozens of news links every month:
http://www.statewatch.org/news/Newsinbrief.htm

NEWS

1. Council of the European Union**: Exit-Entry, Discrimination, Equal treatment, Maritime Security and Banned exports,capital punishment, torture etc**

1. EXIT-ENTRY SYSTEM (EES): **Proposal for a Regulation of the European Parliament and of the Council establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third country nationals crossing the external borders of the Member States of the European Union and determining the conditions for access to the EES for law enforcement purposes and amending Regulation (EC) No 767/2008 and Regulation (EU) No 1077/2011** (LIMITE doc no: 10880-16, pdf):

"Delegations will find in the Annex to this Note compromise suggestions submitted by the Presidency on the operative part of the draft Regulation setting up the Entry/Exit System. The compromise suggestions reflect the discussions and the relevant contributions by delegations put forward during the first reading of the draft Regulation.

The new changes are highlighted in bold/underline and bold/strikethrough. The changes already included in the previous version of the text (doc. 9578/16) are highlighted in underline/strikethrough."

Includes extending access to "designated authorities" not just law enforcement agencies:

"This Regulation also lays down in its Chapter IV the conditions under which Member States' designated (law enforcement - deleted) authorities and the European Police Office (Europol) may obtain access for consultation of the EES for the purposes of the prevention, detection and investigation of terrorist offences or of other serious criminal offences."

2. EQUAL TREATMENT: **Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation** (LIMITE doc no: 9332-REV-1.16, pdf): Council developing its negotiating position prior to entering trilogue with the European Parliament:

"At its meeting on 24 May 2016, the Working Party on Social Questions continued its work on the above proposal. The discussion focused on a set of drafting suggestions prepared by the Presidency. PL reaffirmed its general scrutiny reservation and its parliamentary scrutiny reservation."

3. As above: **Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation** (LIMITE doc no: 10561-16, pdf): "*Delegations will find attached a set of drafting suggestions prepared by the Presidency."*

4. As above: **Proposal for a Council Directive on implementing the principle of equal treatment between persons irrespective of religion or belief, disability, age or sexual orientation** (LIMITE doc no: 9729-16, pdf) Consolidated Council negotiating text with Member States' position.

5. MARITIME SECURITY: **Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency** (LIMITE doc no: 10545-REV-1.16, pdf):

*"The Presidency therefore suggests to include the modifications to that proposal, which were agreed with the Parliament at the trilogue on 21 June 2016, in this proposal without changes. For ease of reference, those **modifications are marked in bold/ strikethrough italics**."*

"The Agency shall, in cooperation with the European Border and Coast Guard Agency and the European Fisheries Control Agency, each within their mandate, support national authorities carrying out coastguard functions at national and Union level, and where appropriate, at international level."

See also: **Securing the high seas: Maritime Security Strategy progress report** (Statewatch News):

"There seems to be significant interest in the CISE (Common Information Sharing Environment Initiative), which is supposed to join up all maritime surveillance systems operated by EU and national agencies - for example EUROSUR, maritime safety systems, fisheries monitoring systems, military surveillance tools and beyond."

6. EXPORTING BANNED GOODS: **Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1236/2005 concerning trade in certain goods which could be used for capital punishment, torture or other cruel, inhuman or degrading treatment or punishment (First reading) - Confirmation of the final compromise text with a view to agreement** (LIMITE doc no: 10562-16, pdf). Amends Council Regulation (EC) No 1236/2005.

Final "compromise" text and: *"It has been signaled that the European Parliament might be in a position to adopt its position at first reading in the plenary session on 12-15 September 2016."*

2. Greece: **GISTI report on Greek hotspots in Lesbos and Chios after the EU/Turkey deal**

"On 25 July 2016, GISTI published a report on its fact-finding mission to the hotspots set up on the Greek islands of Lesbos and Chios and on the effects the EU/Turkey deal, entitled "Accord UE-Turquie: la grande imposture. Rapport de mission dans les hotspots grecs de Lesbos et Chios, juillet 2016....

The facts speak for themselves: in order to put an end to the serious violations of the rights of migrants detained in the Greek "hotspots" under threat of an expulsion to Turkey, it is indispensable for the EU and its member states to, at the very least:

Give up on the idea of implementing the 18 March 2016 Statement;

Conduct an in-depth review of the system for allocating responsibility to an EU member state (the "Dublin III" regulation) to evaluate an asylum application in order for the asylum application to be examined in the applicant's country of choice."

3. UK: **Appalling situation in prisons laid bare in latest annual report of chief prisons inspector**

The new Chief Inspector of Prisons for England and Wales issued his first annual report last week, noting that the "grim situation" highlighted by his predecessor has "not improved, and in some key areas it has, if anything, become even worse."

The number of assaults within prisons in 2015 grew to 20,000, a 27% increase on the previous year, while incidents of self-harm between April 2015 and March 2016 grew by a quarter to reach more than 32,000. In the same period there were 100 suicides, a 27% increase.

2. UK-GREECE: **European Arrest Warrant: judgments recognise that "certain Greek prisons are failing to protect prisoners' fundamental rights"**

"The appalling conditions in certain Greek prisons have long been a concern of Fair Trials International and of lawyers representing those whose extradition has been sought by Greece... [In many cases] the courts in the United Kingdom refused to recognise that there was a real risk that extradition to Greece would give rise to inhuman treatment within the meaning of Article 3 of the European Convention on Human Rights (Prohibition of torture).

"That has changed with the decision of the High Court in Marku v Nafplion Court of Appeal Greece and Murphy v Public Prosecutor's Office to the Athens Court that was delivered on the 20th July 2016. With this decision the Court has recognised that certain Greek prisons are failing to protect prisoners' fundamental rights and that the Greek Government appears to be unable to bring about the improvements that are needed to make these institutions safe."

3. UK: **Growing calls to extend undercover policing inquiry remit beyond England and Wales**

One of the targets of exposed British undercover police officer Mark Kennedy has taken the first steps towards legal action in an attempt to have the remit of the Pitchford Inquiry into undercover policing expanded to cover officers' activities outside England and Wales.

4. EU: **Commission and High Representative "playbook" on "countering hybrid threats"**

At the beginning of July the European Commission and the EU's High Representative for Foreign Affairs and Security Policy published a 'Joint Staff Working Document' on "countering hybrid threats".

See: European Commission and High Representative for Foreign Affairs and Security Policy: **EU operational protocol for countering hybrid threats - 'EU Playbook'** (SWD(2016) 227 final, Council document number 11034/16)

5. EU: **Proposals for EU intelligence-gathering abroad and "civmil convergence and synergies"**

A paper published by the European External Action Service calls for EU missions, officials and representatives abroad to be used for more information- and intelligence-gathering, and makes a number of proposals in relation to "civmil convergence and synergies" in security operations and activities overseas.

See: Working document of the European External Action Service: **CMPD Food for Through Paper: "From strengthening ties between CSDP/FSJ actors towards more security in EUROPE"** (EEAS(2016) 909, Council document 10934/16, pdf)

6. EU-ITALY: **Refugee relocation scheme "has clearly failed", says Italy's immigration chief**

The European Union's relocation scheme for refugees in Greece and Italy "has clearly failed", the Italian interior ministry's head of immigration, Mario Morcone, told a recent press conference hosted by the Italian Council of Refugees. The most recent European Commission report on the relocation scheme, published on 13 July, records a total of 843 people being relocated from Italy to other Member States since the scheme was put in place in September 2015. The Commission's aim is to relocate 6,000 people from Greece and Italy per month.

7. UK: **Delayed "counter-extremism" plans denounced again**

The UK government's plans for countering "non-violent extremism" have again been denounced, this time in a "pre-legislative scrutiny" report by the Parliamentary Joint Committee on Human Rights. Despite announcing on a number of occassions that it will introduce a Counter-Extremism Bill, the government is yet to do so - but given the numerous problems with defining "extremism", and the harsh criticism that has been directed at the Prevent programme, it may be better for any such bill not to be published at all.

The report: House of Lords/House of Commons Joint Committee on Human Rights: **Counter-Extremism** (pdf)

8. UK: **Post-Brexit racism update** (IRR News Service, 21 July 2016, link): *"Below we present an update of racially motivated attacks and other incidents of harassment that have taken place since the Brexit result, which indicate the types of attacks taking place across the UK. But of course, this account is in no way exhaustive."*

9. Europol: **TE-SAT report 2016** (pdf):

"This new edition of the EU Terrorism Situation and Trend Report (TE-SAT), which Europol has produced on an annual basis since 2006, provides an overview of the failed, foiled and completed terrorist attacks that took place in the EU during 2015, and of arrests, convictions and penalties issued. It has become clear that Europe currently faces a shifting and increasing range of threats emanating from jihadist groups and individuals"

And under: "Left-wing and anarchist terrorism": *"In recent years, Marxist-Leninist terrorist groups have carried out no attacks in the EU. Members of such groups – active in the 1980s, the 1990s, early 2000s, and now dismantled – currently engage in propaganda and ideological indoctrination but not in violence. Terrorist groups active in the EU largely adopt an anarchist, antiauthoritarian ideology and some of them occasionally use Marxist-Leninist propaganda elements."*

10. UK: **Met puts extra police on patrol to curb spread of London disturbances More officers to be deployed through to weekend and leave requests refused after Tuesday's violent clashes with youths** (Guardian, link):

"Scotland Yard said on Wednesday that it would put extra officers on the streets as it tried to stop a spread of disturbances that included violent clashes with youths at three events across London.

The extra officers would be deployed throughout London after the clashes on Tuesday night amid sweltering summer heat appeared to catch police by surprise."

The Metropolitan Police will be mindful of: **UK-LONDON: A variety of articles discussing the outbreak of the London riots on 6th and 7th August 2011** (Statewatch database)

11. **Bulk data collection only lawful in serious crime cases, ECJ indicates - Initial finding from top EU court backs David Davis and Tom Watson and could have serious impact on snooper's charter** (Guardian, link):

"Retaining data from telephone calls and emails is legal only if law enforcement agencies use it to tackle serious crime, the EU's highest court has indicated.

The preliminary finding by the advocate general of the European court of justice (ECJ) in Luxembourg came in response to a legal challenge that was brought initially by David Davis, when he was a backbench Conservative, and Tom Watson, Labour's deputy leader, over the legality of GCHQ's bulk interception of call records and online messages.

Davis, one of the most vociferous critics of the state's powers to collect data on its citizens, quietly withdrew from the case after his appointment to the cabinet. Many had commented on his involvement in the case at the EU's highest court after he was appointed secretary of state for leaving the EU."

See: **According to Advocate General Saugmandsgaard Øe, a general obligation to retain data imposed by a Member State on providers of electronic communication services may be compatible with EU law - However, it is imperative that that obligation be circumscribed by strict safeguards** (Press release,pdf)

And: Advocate General: **Opinion** (pdf)

Also: **Human Rights and National Data Retention Law: the Opinion in Tele 2 and Watson** (EU Law Analysis, link): *"The Advocate General goes beyond endorsing the principles in Digital Rights Ireland: even regimes which satisfy the safeguards set out in Digital Rights Ireland may still be found to be disproportionate."*

12. European Data Protection Supervisor (EDPS): **Data protection and Whistleblowing in the EU Institutions** (press release, pdf):

"Confidentiality is the most effective incentive to encourage staff to report wrongdoing at work said the European Data Protection Supervisor (EDPS) today as he published his Guidelines on Whistleblowing Procedures. Wojciech Wiewiórowski, Assistant EDPS, said:

"Whistleblowing procedures are meant to provide safe channels for staff or other informants to report fraud, corruption or other serious wrongdoing in organisations. Given that the information processed in whistleblowing procedures is sensitive and that leaks or unauthorised disclosure may have adverse consequences both for the whistleblowers and the accused, special care must be taken over that information. The EDPS Guidelines can help the EU institutions and bodiesto mitigate the risks."

See: **EDPS Guidelines** (pdf)

13. **Race and class: the colour of struggle** (IRR, link):

"The latest issue of Race & Class is devoted to black political struggle in the UK 1950s-1980s.

Race and class: the colour of struggle, 1950s-1980s, edited by Jenny Bourne, brings together the voices of unsung political heroes of the time, groundbreaking new research, and campaigning material from the archives, providing readers with key resources on Britain's history of black anti-racist activism – especially relating to policing, racial violence, workers exploitation and immigration controls. Those who speak from its pages – mothers, workers, students, exiles – testify to the common experience of colonialism and racism which made Black the colour of their fight."

14. UK: **Post-Brexit racism** (IRR News, 7.7.16, link):

"We present an overview of racially motivated attacks and other incidents of harassment that have taken place since the Brexit result, which indicate the types of attacks taking place across the UK. But of course, this account is in no way exhaustive."

15. Council of Europe: **Annual Activity Report 2015** (pdf)

"2015 was a year of fear and insecurity in Europe. In such an atmosphere, governments tend to neglect their human rights obligations and public opinion sometimes encourages this trend. Recurrent fears about possible military escalation in eastern Ukraine and ongoing economic malaise were increasingly overshadowed in 2015 by a growing sense of vulnerability to new terrorist threats and panic at the apparent inability of European governments to cope with the influx of asylum seekers.

The instinctive response in many quarters was to retreat back into one's "national fortress", to build fences, to grant enhanced powers to security services and to restrict freedoms. European co-operation faltered and European institutions struggled to formulate a response, as the divergent stances of member states often proved irreconcilable."

16. EU: **Informal Justice and Home Affairs Ministers meeting under the Slovakia Council Presidency, 7 July 2016**

Minimalist background documents provided:

- **Schengen Borders fit for the future** (pdf):

"Ministers will discuss the implementation of the European Border and Coast Guard Regulation as well as interaction of the new Agency with neighbouring countries....

The Presidency attaches great importance to the Smart Borders project and is committed to bringing it closer to reality. A proposal on the EU Travel Information and Authorisation System (ETIAS) is expected to complete the picture in a not too distant future. Ministers will discuss how the system should look like."

- **European Asylum Policy, addressing common challenges** (pdf)

"The Commission's legislative proposals, both those already adopted and those expected in the nearest future, aim at improving many aspects of the CEAS. One of the leading concepts of the proposals is solidarity."

Comment: There has not been much solidarity between Member States on the refugee crisis.

"Reforming the Common European Asylum System - the way ahead: The package of asylum proposals submitted by the Commission is one of the most important elements of the legislative work ahead."

17. EU-USA: **Commission Implementing Decision of 12.7.2016 pursuant to Directive 95/46/EC of the European Parliament and of the Council on the adequacy of the protection provided by the EU-U.S. Privacy Shield** (pdf)

And see: **Privacy Shield – Press Breakfast by MEP Jan Albrecht European Parliament, Brussels, July 12th 2016- Statement by Max Schrems, Summary** (pdf):

"Schrems: "Privacy Shield is the product of pressure by the US and the IT industry – not of rational or reasonable considerations. It is little more than an little upgrade to Safe Harbor, but not a new deal. It is very likely to fail again, as soon as it reaches the CJEU. This deal is bad for users, which will not enjoy proper privacy protections and bad for businesses, which have to deal with a legally unstable solution. The European Commission and the US government managed to make everyone miserable, when they could have used this opportunity to upgrade the protections that are crucial for consumer trust in online and cloud services.""

18. **Case Watch: Discrimination Dressed up as Neutrality in European Headscarf Bans** (OSF, link):

"The Court of Justice of the European Union has been asked to interpret this law in two cases, each about a Muslim woman dismissed by a private sector employer because she wore a religious headscarf at work. In the

*first cases to reach the Court of Justice on the question of religious discrimination, national courts in Belgium and France have asked whether the dismissals were direct discrimination or whether exceptions to Directive 2000/78 allow such dismissals. In our **legal briefing on the issue** , we argue that the Court should rule that targeting clothing because it is religious is direct discrimination not allowed by EU law."*

See also: **Religious discrimination in the workplace: which approach should the CJEU follow?** (EU Law Analysis, link)

19. EU: **Trilogues: Again citizens and civil society get half the cake: Institutional "space to think" (in secret) defended by EU Ombudsman**

"The European Ombudsman, Emily O'Reilly, has called on the European Parliament, the Council of the EU and the European Commission to further increase the transparency of law-making in the EU by publishing key documents related to their informal negotiations known as "trilogues".

20. **Prevent: UK anti-terror plan 'harms children's rights' Prevent policy limits freedom of expression in the classroom and leads to Muslims self censoring, rights group says** (Al Jazeera, link):

"The UK's counterterrorism strategy is stifling children's freedom in school classrooms, infringing young people's right to privacy and causing Muslim pupils to self-censor out of fear of being reported to authorities, according to a new human rights report.

***Rights Watch UK** called on Wednesday for the programme known as Prevent, which aims to stop people "becoming terrorists or supporting terrorism", to be abolished. Prevent is "leaving a generation of young Britons fearful of exercising their rights to freedom of expression and belief," said Yasmine Ahmed, the NGO's director."*

See report: **Preventing education? Human Rights and UK counyrr-terrorism policy in schools** (pdf)

21. EU: **Police chiefs: nine-point programme on keeping the 'Balkan Route' closed**

The declaration was adopted following a meeting on 30 June in Vienna of police chiefs from Austria, Bulgaria, Croatia, Czech Republic, Macedonia, Greece, Hungary, Poland, Romania, Serbia, Slovakia and Slovenia. It was circulated on 5 July by the Austrian delegation to the Council of the EU to other Member States' representatives.

See: **Joint Declaration on Managing Migration Flows - Police Chiefs Meeting in Vienna on 30 June 2016** (LIMITE doc no: 10933/16, 5 July 2016, pdf)

22. EU: **Implementing the Internal Security Strategy: May 2015 update**

A May 2016 version of the "living document" maintained by the Presidency of the Council giving an overview of the implementation of the EU's Internal Security Strategy. It outlines "results achieved" between December 2015 and May 2016; sets out work for the current Slovenian Presidency of the Council; and gives an overview of the work of the different Council working parties dealing with internal security issues (covering areas as diverse as "organised property crime", border control and wildlife trafficking).

See: NOTE from: Presidency to: Standing Committee on Operational Cooperation on Internal Security (COSI): **Renewed European Union Internal Security Strategy Implementation Paper: first half of 2016** (8587/16, 13 May 2016, pdf)

Background: **Implementing the Internal Security Strategy: planning documents** (Statewatch News Online, August 2015)

23. EU: **Money laundering and terrorist financing: Commission set to adopt first EU-wide list of "high-risk third countries"**

The European Commission is due to adopt this Friday a list of 11 "high risk [non-EU] countries with strategic deficiencies in their anti-money laundering/countering terrorist financing", establishing for the first time a common EU list of countries to which financial institutions will have to apply "enhanced customer due diligence measures when establishing business relationships or carrying out transactions with natural persons or legal entities established in listed countries."

See: **Commission Delegated Regulation (EU) .../... of XXX supplementing Directive (EU) 2015/849 by identifying high-risk third countries with strategic deficiencies** (pdf) and: **Annex to the Commission Delegated Regulation** (pdf)

24. UK: **Mass surveillance mandated in secret**

"There are 15 secret "directions" in force under the Telecommunications Act enabling the intelligence services to collect bulk data about online and phone traffic, a surveillance watchdog has revealed."

25. EU: **New counter-terrorist financing rules: the "threat has grown and evolved recently"**

The European Commission has published a proposal for new rules aimed at countering terrorist financing and money laundering that will amend the Fourth Anti-Money Laundering Directive, agreed in May 2015.

Proposed changes include obligations for "virtual currency exchange platforms" and virtual currency wallet providers to conduct due diligence checks on customers; limiting the anonymity of pre-paid cards by lowering the threshold (from 250 to 150 euros) at which sellers of cards will be obliged to undertake due diligence checks; strengthening the powers of Financial Intelligence Units; improving the ability of authorities to find out who owns bank and payment accounts; and introducing a harmoised EU approach towards "high-risk third countries".

26. UK: **Government condemned for overseas police training secrecy**

"Parliament's Home Affairs Committee has condemned the Government for the secrecy surrounding the approval of overseas police training, saying the current policy to guard against the human rights risks of such training may not be "fit for purpose."

The Committee's report, focused on the UK College of Policing, found that the College "has been put under pressure" by government departments "to raise revenue, including through providing overseas training", and that some of this training been provided "on the basis of opaque agreements, sometimes with foreign governments which have been the subject of sustained criticism." In a statement, the MPs warned that some of these programmes "threaten… the integrity of the very brand of British policing that the College is trying to promote and smacks of hypocrisy.""

See: **Government secrecy on overseas police training "unacceptable", say MPs** (Reprieve, link)

Home Affairs Committee news item: **"Alarming" inconsistencies in policing across forces must be addressed** (parliament.uk, link) and the full report: House of Commons Home Affairs Committee: **College of policing: three years on** (pdf)

27. EU: **Procedural rights "package" completed with agreement on legal aid Directive**

"After seven years the EU has reached political agreement on the final element of a package of laws to improve defence rights across the Union. Yesterday the Civil Liberties Committee of the European Parliament (LIBE) voted by 44 votes to 1 to approve the text of the Directive on Legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings, agreed in trilogue negotiations between the Council, Parliament and Commission.

Speaking after the vote, Mr Mark Kelly, consortium leader for the JUSTICIA European Rights Network, welcomed the new Directive saying,

"Already we have seen European leaders strengthen criminal justice systems across the EU by setting down minimum standards for countries to provide access to a lawyer when people are accused of crimes. The truth is that having access to a lawyer is meaningless if you do not have the money to pay for one. Particularly, this new law will make a huge difference to people who are detained in police stations, conferring them the absolute right to seek legal aid.""

See: **EU COMPLETES PACKAGE OF LAWS TO IMPROVE ACCESS TO JUSTICE ACROSS THE UNION** (JUSTICIA, link)

28. UK: **Chilcot inquiry into the Iraq war: case closed?**

"*The long-awaited Chilcot Report was finally released today, examining the UK's involvement in the Iraq War and occupation. Unfortunately, on the most important question, the report's conclusions are all but silent: why did the UK go to war?*

Chilcot takes at face value the Blair government's claim that the motive was to address Iraq's weapons of mass destruction, and limits its criticism to mistakes in the intelligence on WMD, and on insufficient administrative and military planning. He shows a remarkable lack of curiosity about the political factors behind the move to war, especially given the weakness (even at the time) of the WMD case."

See: **Chilcot's blind spot: Iraq War report buries oil evidence, fails to address motive** (OpenDemocracy, link) by David Whyte and Greg Muttitt

And: **Take it from a whistleblower: Chilcot has only scratched the surface** (The Guardian, link) by Katharine Gun: "*Following the damning Chilcot report, much will be said about the decision to go to war in Iraq. But one thing will be missing: the information I leaked in the runup to the war. It won't get an airing because I was never questioned or asked to participate in the Chilcot inquiry*"

The full, 12-volume, 2.6 million word report of the Inquiry is available on its website: **The Iraq Inquiry** (link)

29. EU: **Decision establishing 'High-Level Expert Group on Interoperabilty and Information Systems'**

"*(1) With a view to structurally improve the Union's data management architecture for border control and security in particular by addressing the current shortcomings and knowledge gaps of information systems at Union level, in accordance with the Communication from the Commission to the European Parliament and the Council entitled 'Stronger and Smarter Information Systems for Borders and security'1, the Commission needs to call upon the expertise of high level experts in an advisory body.*

(2) It is therefore necessary to set up a group of high level experts in the field of Information Systems and Interoperability and to define its tasks and its structure."

See: **Commission Decision of 17.6.2016 setting up the High Level Expert Group on Information Systems and Interoperability** (C(2016 3780 final, pdf)

Background: **Fingerprinting for all? Inclusion of all travellers in new border database to be discussed by 'High Level Expert Group'**

30. FRANCE: **Intelligence services should be merged, says parliamentary inquiry: 40 recommendations**

"*A French parliamentary commission of inquiry into the 2015 Paris terrorist attacks published a report recommending a fusion of the country's intelligence services. France currently has six different intelligence units answering to the interior, defense and economy ministries...*

The main proposals include creating a new domestic intelligence agency working specifically in the suburbs with the task to monitor radical Islamists. It also promotes better coordination between existing intelligence and security agencies and the creation of a coordinating agency that directly reports to the Prime Minister."

31. EU: **Council documents: responses to offensive cyber operations; "cyber capacity building" in non-EU countries; implementation report on Cyber Defence Policy Framework**

- Developing a joint EU diplomatic response against coercive cyber operations - final revised text (**5797/16**, **5797/5/16**, **5797/6/16**, pdfs)
- Cyber capacity building: towards a strategic European approach (**8732/1/16 REV 1**, pdf)
- Six Monthly Report on the Implementation of the Cyber Defence Policy Framework (**9701/16**, pdf)

32. UK: **Getting off lightly: police and personal data breaches**

Police staff in the UK were responsible for at least 2,315 data breaches between June 2011 and December 2015, according to a new report by Big Brother Watch. More than 800 staff accessed personal data "without a policing purpose" while data was shared with third parties over 800 times, with organised crime groups amongst the recipients. More than half of the cases led to "no disciplinary or formal disciplinary action being taken."

33. EU: **Rush to pass new terrorism law continues with LIBE vote**

"Today, on 4 July 2016, the European Parliament's Committee on Civil Liberties (LIBE) waved through a compromise text for a Directive on "combating terrorism". The compromise comes after a series of secret negotiations between a handful of parliamentarians.

Our freedoms and security are being threatened by unclear provisions on key issues like internet blocking and encryption. The text also includes undefined terms, such as "radicalisation" and the "glorification of terrorism" which can be subject to abuse. Due to political pressure, there was "exceptionally" no assessment of alternatives to the far-reaching measures contained in the proposal. This political expediency risks undermining the values on which the European Union is founded."

34. EU: **European Parliament: thumbs up for beefing up Frontex**

On Wednesday 6 July the European Parliament approved a proposal to turn the EU border agency Frontex into a 'European Border and Coast Guard Agency', with new powers that have been heavily criticised by some of the Parliament's political groups as well as civil society organisations. The new agency is expected to start operations in the autumn.

The text of the new Regulation - which was agreed in secret trilogue meetings between Council, Parliament and Commission negotiators before being voted on by the full Parliament - was adopted with 483 votes in favour, 181 votes against and 48 abstentions.

35. UK: UNDERCOVER POLICING: **Core Participant? Your Name's Not Down, You're Not Coming In** (COPS, link):

"When the [Pitchford] Inquiry was established there were over 200 applications for CP status. Most were accepted. A judgement made in October 2015 illustrates the open character of the Inquiry.

Based on this initial ruling we felt that the Inquiry was going to do two things, listen to those of us who were spied upon and investigate undercover policing of political groups who were engaging in their right to protest.

It was also said that there would continue to be an open door for those who wish to seek Core Participant status. We now question that initial promise, as recent refusals have thrown it into doubt."

36. EU: **Securing the high seas: Maritime Security Strategy progress report**

A recent joint report by the European Commission and the EU's High Representative for Foreign Affairs and Security Policy provides an overview of progress made in implementing the EU's Maritime Security Strategy, adopted in 2014 and supposed to ensure: *"effective and cost-efficient responses to the protection of the maritime domain, including borders, ports and offshore installations, in order to secure sea borne trade, address potential threats from unlawful and illicit activities at sea, as well as to make optimal use of the sea's potential for growth and jobs, whilst safeguarding the marine environment."*

37. **EU says "soft power is not enough" as German and French ministers call for "European Security Compact"**

The new 'Global Strategy for the European Union's Foreign and Security Policy' issues the same demands that some leading EU officials have been making for years: that greater unity in defence and security issues is required, not just politically but also financially. "Member States must channel a sufficient level of expenditure to defence," says the report, because "soft power is not enough." A statement issued by the German and French foreign ministers following the British referendum on EU membership makes some similar demands.

38. EU: **Frontex: Annual Report 2015, Western Balkans risk analysis January-March 2016**

At the end of June the EU's border control agency, Frontex, presented its Annual Activity Report 2015 to the Council of the EU. The report provides an overview of the agency's work during 2015 - for example, through the coordination of joint operations and joint return operations - as well as information in budgetary and management issues. Frontex has also recently published its Western Balkans "risk analysis" for the first three months of 2016.

39. EU: **Fingerprinting for all? Inclusion of all travellers in new border database to be discussed by 'High Level Expert Group'**

The possibility of subjecting all travellers entering and leaving the EU to the proposed Entry-Exit System - which would mean mandatory fingerprint checks and facial scans at the EU's external borders - is to be discussed by a new 'High Level Expert Group on Information Systems and Interoperability', which counts numerous law enforcement and security agencies amongst its members, but seemingly no data protection officials or authorities.

See: **Roadmap to enhance information exchange and information management including interoperability solutions in the Justice and Home Affairs area** (LIMITE doc no: 9368-REV-1, pdf),

40. **Rendition: ECHR hearings continue; CIA officer could be imprisoned in Italy**

Last week the European Court of Human Rights held confidential hearings on two cases concerning the CIA's rendition programme, Al Nashiri v Romana and Abu Zubaydah v Lithuania. Both men are currently imprisoned in Guantanamo Bay. An ECHR news item said: "Both cases concern the alleged "rendition" of the applicants, suspected of terrorist acts, to CIA secret detention sites, where, according to their submissions, illegal interrogation methods amounting to torture were used."

41. UK: **Call for information on racist incidents in order to "build a national picture"**

"*After years and years of struggle against racial hostility to new migrant communities, we are back there again – albeit post Brexit, which, seemingly, has taken the shame out of racism. And now, just like in the 1970s, communities up and down the country are experiencing an upsurge in racist and fascist violence. The IRR wants to help organisations at the grassroots by building up a national picture. Can you help us by sending regular updates about what is happening in your community?*"

See: **Brexit and xeno-racism – help us to build the national picture** (IRR, link)

42. UK: **Undercover policing guidance: contradictions made clear**

Last week the College of Policing launched a six week consultation on guidance regarding the use of undercover policing for intelligence and evidence-gathering in England and Wales. An article in online newspaper *The Canary* makes clear some of the problems with the draft guidance.

43. USA: **Secret Rules Make It Pretty Easy for the FBI to Spy on Journalists** (Intercept, link):

"Secret FBI rules allow agents to obtain journalists' phone records with approval from two internal officials - far less oversight than under normal judicial procedures.

The classified rules, obtained by The Intercept and dating from 2013, govern the FBI's use of national security letters, which allow the bureau to obtain information about journalists' calls without going to a judge or informing the news organization being targeted. They have previously been released only in heavily redacted form.

Media advocates said the documents show that the FBI imposes few constraints on itself when it bypasses the requirement to go to court and obtain subpoenas or search warrants before accessing journalists' information."

See: **DOMESTIC INVESTIGATIONS AND OPERATIONS GUIDE CLASSIFIED APPENDIX G** (pdf)

44. UK-EU-BREXIT: House of Lords Library: **Leaving the EU: Parliament's Role in the Process** (pdf):

"Following a vote in the referendum on 23 June 2016 in favour of the UK leaving the European Union, the Prime Minister said that this decision "must be accepted", adding that "Parliament will clearly have a role in making sure that we find the best way forward". Drawing on parliamentary material and recent legal and constitutional comment, this Library briefing examines what Parliament's role would be in the process of withdrawing from the European Union in several key areas."

45. UK: Howard League for Penal Reform: **The Carlile Inquiry 10 years on: The use of restraint, solitary confinement and strip-searching on children** (Press release, link) and **Report** (link):

"Force that causes the deliberate infliction of pain on children account for over a third of all approved 'techniques' that can be used on children. Pain is being used illegally to secure children's compliance."

46. EU: **European Parliament study on reintroduction of border controls in the Schengen area**

"*This study, commissioned by the European Parliament's Policy Department for Citizen's Rights and Constitutional Affairs at the request of the LIBE Committee, analyses the Schengen area in the wake of the European 'refugee crisis' and other recent developments. With several Member States reintroducing temporary internal border controls over recent months, the study assesses compliance with the Schengen governance framework in this context. Despite suggestions that the end of Schengen is nigh or arguments that there is a need to get 'back to Schengen', the research demonstrates that Schengen is alive and well and that border controls have, at least formally, complied with the legal framework. Nonetheless, better monitoring and democratic accountability are necessary.*"

47. UK: **Decriminalise sex work, says House of Commons Home Affairs Committee**

A report from the Home Affairs Committee of the House of Commons calls for changes to the law on sex work in England and Wales, recommending that "the Home Office change existing legislation so that soliciting is no longer an offence and so that brothel-keeping provisions allow sex workers to share premises, without losing the ability to prosecute those who use brothels to control or exploit sex workers."

48. UK: **Unaccompanied child asylum seekers: Home Office age assessment policy unlawful**

"The High Court has ruled that the Home Office policy on judging the age of unaccompanied children seeking asylum is unlawful. Ministers have, up until now, allowed immigration officers to treat as an adult anyone they believe seems to be 'significantly over the age of 18'."

49. EU: **Warning over new Frontex agency's data-gathering powers, lack of accountability and overseas deployments without oversight**

With the full European Parliament due to vote on the proposed new Frontex Regulation on 6 July, the Frontexit campaign has called on MEPs to reject the text, warning that it provides new powers to gather and exchange personal data without the necessary safeguards; establishes a new complaint mechanism that does not meet the required standards of independence; and permits increased overseas deployments by the agency "away from any oversight by the European Parliament or national parliaments."

49. LITHUANIA: **Lithuanian court prevents secret detention and rendition victim from participating in investigation into CIA secret prisons in Lithuania**

Press release from REDRESS: London, 1 July 2016 – Vilnius Regional Court has issued its final rejection of REDRESS' application for victim status for Mustafa al-Hawsawi in a pre-trial criminal investigation into CIA secret prisons (also known as black sites) in Lithuania. This status would have allowed Mr. al-Hawsawi to participate in the ongoing investigation, including to request access to pre-trial investigation material and to make requests to expand the investigation's scope.

50. FRANCE: **Number of children in detention doubles**

The number of families with children locked up in detention in France doubled in 2015 compared to the previous year, finds a new report entitled 'Centres and Sites of Administrative Detention' by *La Cimade* and four other organisations

In 2015, 48,000 people were held in detention, among them 52 families with 105 children. More than half were in mainland France (58%), with the rest in the overseas territories.

"Does it need to be recalled that the best interests of the child must take precedence over arrest and confinement which, however brief, can be deeply traumatic for children?" ask the authors of the report, five French NGOs: *Assfam*, *Forum Réfugiés*, *France terre d'asile*, *l'Ordre de Malte* and *La Cimade*.

Observatory: Refugees crisis: latest news across Europe – a daily service

Refugee crisis: latest news from across Europe (27.7.16)
Refugee crisis: latest news from across Europe (26.7.16)
Refugee crisis: latest news from across Europe (25.7.16)
Refugee crisis: latest news from across Europe (23-24.7.16)
Refugee crisis: latest news from across Europe (22.7.16)
Refugee crisis: latest news from across Europe (21.7.16)
Refugee crisis: latest news from across Europe (20.7.16)
Refugee crisis: latest news from across Europe (18.7.16)
Refugee crisis: latest news from across Europe (15.7.16)
Refugee crisis: latest news from across Europe (14.7.16)
Refugee crisis: latest news from across Europe (13.7.16)
Refugee crisis: latest news from across Europe (11.7.16)
Refugee crisis: latest news from across Europe (8.7.16)
Refugee crisis: latest news from across Europe (6.7.16)
Refugee crisis: latest news from across Europe (4.7.16)
Refugee crisis: latest news from across Europe (2-3.7.16)
Refugee crisis: latest news from across Europe (1.7.16)

See also our site: **Statewatch Observatory : January 2015 ongoing**

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