



News

25 April 2017 (06/17)

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ANALYSIS & BRIEFING

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1. [Viewpoint: Hindering humanitarianism: European Commission will not ensure protection for those supporting sans-papiers](#)

A new European Commission evaluation of EU laws on migrant smuggling concludes there is a need to improve the situation around "the perceived risk of criminalisation of humanitarian assistance" to "irregular" migrants. The Commission argues that the answer to the problem is "effective implementation of the existing legal framework" - but it is the laws currently in place, which let Member States decide whether or not to punish humanitarian assistance, that permits the existence in some EU Member States of a very real risk of criminalisation.

See: [Hindering humanitarianism: European Commission will not ensure protection for those supporting sans-papiers](#) (pdf)

2. UK-EU: [Guide to the Brexit Negotiations](#) (EU Law Analysis, link) by Professor Steve Peers:

"Last week the Brexit process formally got underway, as the UK formally sent the 'Article 50' withdrawal letter to the EU on March 29, and the EU in turn drew up a draft of its Brexit negotiating guidelines.

The following is a detailed annotation of the text of the EU's draft guidelines, which I compare throughout to the UK position – which is most fully set out in Theresa May's Chatham House speech

in January (discussed here). The draft guidelines might be changed before final adoption (due for April 29), but at present it seems unlikely there will be radical changes (if any), so my analysis is based on the text as it now stands. I will update this blog post if there are significant amendments."

NEWS

1. [German intelligence agency spied on Interpol and news organizations: Spiegel](#) (DW, link)

"The respected news magazine "Spiegel" has reported that Germany's BND spied both on international police agencies and media outlets for years. The latest revelations come as a result of another spy scandal in the US.

Germany's foreign intelligence agency, the BND, spied on Interpol, the international police agency based in Lyon, France, as well as national offices in dozens of countries, including the United States, Austria and Greece, the German news magazine "Spiegel" reported on Saturday.

The magazine cited documents it had viewed, reporting that the spying had taken place over many years. It said the BND included the email addresses and phone and fax numbers of police investigators in its sector surveillance list.....

The BND also monitored the European police agency, Europol, which is based in The Hague, the report said."

See also: [German intelligence BND spied on Interpol offices in dozen countries like in Greece and USA](#) (Keep Talking Greece,link):

"Germany's BND foreign intelligence agency spied on the Interpol international police agency for years and on the group's country liaison offices in dozens of countries such as Austria, Greece, Belgium, Spain, Denmark and the United States, German magazine Der Spiegel said. The BND spied also the Interpol headquarters in Lyon, France. The spying started in year 2000 the latest and continued over several year."

2. [Constructing a Deadly Void - How European authorities continue to use Migrant Death as Deterrent while criminalising Rescuers](#) (Alarmphone, link):

"The Easter weekend saw one of the biggest Search and Rescue (SAR) operations carried out in the Mediterranean Sea in the past few years, with 8,360 people rescued between Friday the 14th and Sunday the 16th of April 2017. The WatchTheMed Alarm Phone network was involved in 2 emergency cases and could observe first-hand both the sheer inadequacy of rescue efforts of EU authorities and the crucial contribution of non-governmental organisations (NGOs) in preventing instances of mass dying at sea, which we had to witness so often in the past."

3. [Biometric data exchange with the US military: Europol seconds liaison officer for Operation Gallant Phoenix](#) (link):

"Police forces in the EU member states could be able to use fingerprints and DNA traces collected by the US military in Syria and Iraq in the near future. Intelligence services would also be granted access....

Alongside Operation Gallant Phoenix, the US Government has offered to set up a database on "foreign fighters" for a number of EU member states and to compare this information with the biometric data of incoming refugees. According to another paper by the current Presidency of the Council of the European Union, this is "battlefield data from Syria and Iraq and other conflict zones".

See: [Outcome of the EU – US Justice and Home Affairs Senior Officials Meeting, Valletta, 1-2 March 2017](#) (LIMITE doc no: 7163-17, pdf) and [Security checks in case of irregular immigration - mapping exercise](#) (LIMITE doc no 6717-17, pdf)

4. SPAIN: [Report denounces the radicalisation of policies that violate fundamental rights at Spain's southern border](#)

[Press release](#) published by the Andalusian Association for Human Rights (*Asociación Pro Derechos Humanos de Andalucía*, APDHA) on 29 March 2017. Emphasis in original.

APDHA denounces the radicalisation of policies that violate fundamental rights at the southern border - During 2016 deaths increased 34% at European coasts and 125% at Spanish coasts.

5. GREECE: MEDECINS DU MONDE - DELEGATION HELLENIQUE: [Submission to the UN Human Rights Committee on the follow-up to the concluding observations on Greece](#) (pdf):

"MdM Greece has, since the first moment, been present and active in the refugee-migrant crisis, reinforcing its ongoing and already existing structures and programs to respond to the increasing and pressing needs of the high numbers of refugees arriving daily and residing for longer periods in Greece. At the same time, MdM Greece has undertaken new initiatives intervening in those places where third-country nationals concentrate, such as the usual entry and exit points for refugees in Greece."

6. PORTUGAL: [How to support refugees – European experiences of volunteer work for and with refugees](#) (EUalter, link):

"Refugees are one of the most vulnerable populations, and therefore need safe and professional care and support. Volunteers' contribution can be an important part of it as it is the collective work of people all around the world that will eventually make a difference."

7. [Return of the Fast Track?](#) (Detention Action, link):

"Justice Secretary, Liz Truss, announced proposals to introduce a fast track system to process the deportation of detained asylum-seekers and ex-offenders who have completed prison sentences in the UK. The new proposals will be considered by the Tribunal Procedure Committee (TPC), a non-departmental body, responsible for making rules that govern the practice and procedure in the First-tier Tribunal and the Upper Tribunal. Last year, the TPC refused to set rules for a new fast track system."

See also: [Government publishes plans for revamped express deportation system](#) (Statewatch)

8. Council of Europe: [CPT urges European states to hold persons in remand detention only as a measure of last resort and in adequate conditions](#) (link)

"The European Committee for the Prevention of Torture (CPT) urges the 47 Council of Europe member states to use remand detention only as a measure of last resort and to provide remand prisoners with adequate detention conditions. During visits to prisons throughout Europe, the CPT has often found that remand prisoners are held under very poor conditions and an impoverished regime..."

In many European countries the persistent problem of overcrowding in prisons is due to a large extent to the high proportion of remand prisons among the total prison population.

In its annual report, published today, the CPT stresses the need for member states to ensure the use, to the extent possible, of alternative measures to pre-trial detention such as provisional suspension of detention, bail, house arrest, electronic monitoring, removal of passports and judicial supervision."

See: [Annual report](#) (pdf)

9. UK: [CPT publishes report on its UK visit: criticism levelled at spiralling violence and lack of safety in prisons; and inadequate safeguards to protect patients in mental health settings highlighted](#) (link):

"raises serious concerns over the lack of safety for inmates and staff in prisons in England. Causes include prison violence spiralling out of control, poor regimes and chronic overcrowding. The report also examines the treatment afforded to patients in a number of psychiatric hospitals. It notes the caring approach by staff in these institutions but is critical of the safeguards concerning forced treatment, the use of force on patients and the use of long-term segregation and night-time confinement in high secure hospitals. Treatment of detained persons by the police and the situation in immigration centres are also covered in the report."

See: [Report](#) (pdf)

10. EU: [E-privacy: MEPs look at new rules to safeguard your personal details online](#) (press release, pdf):

"The EU could soon have new privacy rules to take account of new practices such as internet-based messaging and allow users better control of their privacy settings, especially when it comes to cookies. Parliament's civil liberties committee discussed the plans by the European Commission on 11 April. Marju Lauristin, the MEP responsible for steering the rules through Parliament, said that if companies providing communication services wanted to be trusted they needed to ensure confidentiality."

11. UK: [Probe into death at immigration detention centre](#) (Migrants' Rights Network, link):

"An investigation has been launched into the death of a 43-year-old man in an immigration removal centre on 9 April. The 43-year-old man, who has not yet been named, was being held at the Verne immigration removal centre in Portland, Dorset."

12. GREECE: **Detention centres for migrants and refugees on Greek islands at 150% of capacity**

The latest figures released by the Greek government show that the "structures" and "hosting facilities" used to hold migrants and refugees on Greece's Aegean islands - principally Lesbos, Chios, Samos, Leros and Kos - currently have 13,003 "guests" but officially room for just 8,696 people.

See: [Summary statement of refugee flows at 10:00 18.4.2017](#) (pdf)

13, EU-GREECE: [Report on asylum process: delays, lack of advice and assistance, controversial involvement of EU asylum office](#)

A new report by *AITIMA* details the problems faced by asylum-seekers in Greece, including a lack of access to the asylum procedure, the issues raised by restrictions on residence that confine people to islands in the Aegean, the "extremely limited" legal advice and assistance available, and the involvement of the European Asylum Support Office in the first instance asylum procedure that "raises issues of competence".

14. UK: [Charter flights: 'when politics come before people'](#) (Detention Action, link):

"The use of charter flights to facilitate deportation is not uncommon. A Freedom of Information request by End Deportations found that more than 1,500 people were deported on charter flights to Albania, Pakistan, Nigeria and Ghana and Jamaica in 2016. The flights come with little advance warning, people facing deportation often being informed shortly before the flight is due to depart."

After the departure of the flight to Jamaica in March, I caught up with one of our clients, David. Just days before the flight was due to take off, David was told that he would be removed on a charter flight. Not long before the flight took off he was granted a last minute reprieve following an intervention from his lawyer."*

15, UK-IRELAND: [Undercover policing: secret Garda report on Mark Kennedy's activities in Ireland: Information Commissioner's decision](#)

On 13 April 2017 the Irish Office of the Information Commissioner published a decision ordering the Department of Justice and Equality to release a 2011 report by *An Garda Síochána* (Ireland's police force) on the activities of exposed undercover police officer Mark Kennedy. A subsequent article in *The Times*, based on the report, said that it shows "the gardaí defended having a relationship with international police forces that allowed spies to work here and defended keeping such arrangements a secret from the government."

16. UK: [Government publishes plans for revamped express deportation system](#)

"A new fast-track system to deport detained asylum seekers and criminals who are foreign nationals has been proposed by the justice secretary, Liz Truss.

Her proposed rules will mean the time taken to hear the appeals of about 2,000 people against being removed from Britain each year will be capped at between 25 and 28 working days."

17. EU-LIBYA: [Circumventing International Law: The EU's Responsibility for Rights of Migrants Returned to Libya Under Operation Sophia](#) (The Comparative Jurist, link):

"From January to October 2016, nearly 160,000 refugees crossed the Mediterranean to Italy. In response to the smuggling and trafficking across the Mediterranean, the European Union created Operation Sophia. However, Operation Sophia has resulted in migrant and refugee boats being intercepted by the Libyan Coast Guard and being returned to Libya. Through the Operation Sophia training program, the EU has effectively delegated European border control to the Libyan Coast Guard. This practice allows the EU to evade both their duty of non-refoulement and duty to rescue distressed persons at sea. The EU has trained Libyans to conduct actions which the EU could not legally accomplish itself under international law, and is therefore violating international human rights law by aiding and assisting Libya's wrongful actions."

18. [Slovenia says tougher EU border checks 'unacceptable'](#) (euractiv, link):

"Newly-introduced tougher checks on the EU's external borders aimed at stopping suspected Islamist fighters from Iraq and Syria are "unacceptable" and should be amended, Slovenian Prime Minister Miro Cerar said."

See: [Statements by Slovenia and Croatia](#) (pdf):

Slovenia: "In Slovenia's view, checks carried out systematically on all persons crossing the external borders, including those enjoying the right of free movement under Union Law, without targeted checks as a basic principle for efficient border checks and without taking into consideration justified exemptions, is a disproportionate measure in relation to the pursued objective of the change. Additional doubts to the efficiency of the new provisions of Article 7(2) of the Code are related to the possible transitional period for border checks at air borders that are especially vulnerable part of the external borders."

Croatia: "the Republic of Croatia regrets that these measures are to be implemented not only at the European Union's external borders but also at internal borders between Member States fully applying the Schengen acquis and Member States not yet fully applying the Schengen acquis. The title of the Regulation itself implies its application at the European Union's external borders, not at Schengen borders. For that precise reason, all Member States should have been treated equally."

19. [CIA director brands WikiLeaks a 'hostile intelligence service'](#) (Guardian, link):

"Mike Pompeo said WikiLeaks founder Julian Assange portrays himself as a crusader but in fact helps enemies of the United States, including Russia"

20. UK-EU: House of Lords Select Committee on the EU: **Evidence given to short enquiry on Operation Sophia**

"Lord Horam: I think we should narrow it down a bit from this tour d'horizon, which is extremely interesting, and look from Europe's point of view at the migration issues that Operation Sophia was trying to cope with. We are now trying to get better co-operation on the ground. Is that at all realistic, given the scenario?"

Joseph Walker-Cousins: The chances of having any meaningful success as things are set up, under the political paradigm we have at the moment, are very limited. The EU and all its constituent parts and subordinate bodies now operating on the ground are being directed for political purposes to deal with the GNA.

Lord Horam: You think that is a mistake.

Joseph Walker-Cousins: The GNA are incapable as they currently stand of doing much."

See: [External Affairs Sub-Committee Corrected oral evidence: Operation Sophia](#) (pdf). Witness: Joseph Walker-Cousins, Senior Fellow, the Institute for Statecraft

And: [External Affairs Sub-Committee Unorrected oral evidence: Operation Sophia](#) (pdf).

Witnesses: Mr Simon Jones, Deputy Head, Euro Atlantic Security Policy, Foreign and Commonwealth Office; Mr Edward Hobart, Migration Envoy, Europe Directorate, Foreign and Commonwealth Office; Mr Nicholas Williams, Head of North Africa Joint Unit, Middle East and North Africa Directorate, Foreign and Commonwealth Office, and Department for International Development.

21. Ireland: [Ministers kept in the dark over British spy](#) (The Times, link):

"A secret report on a British police spy has revealed that the former garda commissioner refused to deny that he gave permission for an undercover UK officer to work in Ireland.

Martin Callinan defended "confidential" arrangements that the gardaí could have with British police that would allow undercover agents to spy in the Republic without the Irish government being informed.

Frances Fitzgerald, the justice minister, has been urged to demand answers from the gardaí. Labour has called on the Policing Authority to question Nóirín O'Sullivan, the current commissioner, on whether the gardaí sanctioned and relied on undercover agents from Scotland Yard."

22. [Central European Democratorship](#) (Vlsegrad Insight, link):

"Tens of thousands of protestors went to the streets of Budapest last Sunday marking the biggest demonstration current government has faced so far. It's time to accept that recent developments in Hungary and Poland, along with the alarming reports on democratic standards in the region, are not just temporary turbulence but a new type of political regime in the making."

23. UK: [Law Commission pulls back on official secrets laws plans after Reg exposes flawed report](#) (The Register, link):

"The UK government's Law Commission, reeling from a Reg-led torrent of press, political and even judicial criticism of proposals for punitive new official secrets laws, has branded their first report "only provisional".

Launching an extra round of public consultation this month, the Commission said that "our final recommendations will be influenced by our open public consultation". The deadline to respond "has now been extended to 3 May ... due to the large amount of interest in the project", they added."

See the report: [PDF](#)

24. [Europe's exports of spy tech to authoritarian countries revealed](#) (Information, link):

"In order to prevent dictatorships from abusing European technology to crack down on political opposition, the EU started regulating the export of surveillance technology a few years ago. But that has far from stopped the exports to problematic countries, a cross-border investigation reveals."

25. [Schengen Borders Code: Systematic checks of EU citizens crossing external Schengen borders mandatory as of today](#) (Commission, DG Home, link)

"Friday, 7 April, 2017: As of today, Member States are obliged to carry out systematic checks against relevant databases on EU citizens who are crossing the EU's external borders, in addition to the systematic checks already being carried out on all third-country nationals entering the Schengen zone. Proposed by the Commission in a direct response to the attacks in Paris in November 2015 and the growing threat from foreign terrorist fighters, the new rules - adopted by the Council on 7 March - strengthen the management of our external borders."

26. [New evidence shows Frontex "quibbled with definitions of distress" to avoid search and rescue](#)

A report recently published by *The Intercept* examines Frontex's Operation Triton - introduced as a meagre follow-up to the Italian-led Mare Nostrum search and rescue operation in the Mediterranean - and suggests that the available evidence shows that the EU border agency has been "deliberately patrolling in the wrong area and quibbling with definitions of distress, meaning that its ships would almost certainly arrive late [to distress calls], if at all." An accompanying article argues that recent claims by officials and politicians that non-profit search-and-rescue operations in and around Libyan waters act as a "pull factor" are overblown.

27. **Research paper on automatically tracking "hundreds of people in extremely crowded scenes"**

"Multi-object tracking has been studied for decades. However, when it comes to tracking pedestrians in extremely crowded scenes, we are limited to only few works. This is an important problem which gives rise to several challenges. Pre-trained object detectors fail to localize targets in crowded sequences. This consequently limits the use of data-association based multi-target tracking methods which rely on the outcome of an object detector. Additionally, the small apparent target size makes it challenging to extract features to discriminate targets from their surroundings. Finally, the large number of targets greatly increases computational complexity which in turn makes it hard to extend existing multi-target tracking approaches to high-density crowd scenarios. In this paper, we propose a tracker that addresses the aforementioned problems and is capable of tracking hundreds of people efficiently... We show that the proposed formulation can track hundreds of targets efficiently and improves state-of-art results by significant margins on eleven challenging high density crowd sequences."

See: [Binary Quadratic Programming for Online Tracking of Hundreds of People in Extremely Crowded Scenes](#) (IEEE, link)

28. [Council of Europe: Prison statistics for 2015: overcrowding still a problem](#)

The Council of Europe recently published its annual prison statistics report, covering the year 2015. The organisation highlighted the fact that from 2014 to 2015 the number of prisoners in Europe fell by 6.8%, but prison overcrowding remains a problem in 15 countries.

29. [Evidence mounting for Hungary's brutal treatment of migrants](#) (Atlatzo, link):

"There is an increasing number of reports that Hungarian authorities are extremely brutal to migrants trying to get to Western Europe. Two representatives of the Helsinki Committee human rights advocacy visited a transit site in February and told [Atlatszo.hu](#) about experiences, where defenseless refugees were tied up with barbed wire or had dogs set on them."

30. [NGOs Are Vital to Democracy – Here's Why](#) (Liberties.eu, link):

"Anti-democratic governments don't like NGOs. They help the public keep an eye on whether politicians are misusing public money or breaking the law. They help the public get organised and make their opinions known to our representatives, for example through petitions or peaceful protests. And they take governments to court when they try to take away our rights or steal our taxes."

31. AUSTRIA: [Attacks on refugee homes double in Austria](#) (New Europe, link):

"Attacks on refugee accommodation have doubled in Austria, according to data revealed by the interior ministry.

The data was presented at the request of Albert Steinhauser, an opposition Green party politician, who said he was dismayed to find out that more than three quarters of the 49 recorded cases remain unsolved.

"The most important thing is for the interior ministry to take these incidents seriously and make every necessary effort to investigate," he told the Austria Press Agency."

32. **The "shrinking space" for civil society: what does it mean and what are the problems with the concept?**

"Individual and collective activism is facing a global pushback from states, corporations and the Far Right. The metaphor of 'shrinking space' has been widely embraced as a way of describing a new generation of restrictions on political struggle. However there is a need to deconstruct this narrative and unpack some of the problems inherent in the concept."

See: [On "shrinking space" - a framing paper](#) (TNI, link)

33. ITALY: **Asylum system overhauled: "there are so many ways you can build walls: with concrete or with rules"**

A new decree (the Minniti-Orlando immigration decree) has been heavily criticised by Lorenzo Trucco, president of the Association for Legal Studies on Immigration (ASGI), who notes that the new rules mean "the entire asylum system will be changed, for the worse," and that "there are so many ways you can build walls: with concrete or with rules."

See: [Lorenzo Trucco \(Asgi\) on Minniti-Orlando decree : "A wall of laws that limit the right to asylum"](#) (ASGI, link)

34. SPAIN: [Interior minister announces three new migration detention centres](#)

On Tuesday 4 April the Spanish interior minister, Juan Ignacio Zoido, announced the creation of three new migration detention centres (*Centros de Internamiento de Extranjeros*, CIEs) in Malaga, Algeciras and Madrid.

35. Council of Europe: Commissioner for Human Rights: [The Shrinking Space for Human Rights Organisations](#) (CoE, link):

"In recent years I have noticed a clear trend of backsliding in several European countries in the area of freedom of association, particularly in respect of human rights organisations and defenders. The growing pressure and increased obstacles can take a variety of forms: legal and administrative

restrictions; judicial harassment and sanctions, including criminal prosecution for failure to comply with new restrictive regulations; smear campaigns and orchestrated ostracism of independent groups; and threats, intimidation and even physical violence against their members.

In some cases, the climate is so negative that it forces human rights work to the margins or even underground."

36. [Why is Hungary trying to shut down a university? The attack on CEU is a reminder of the dark path the Hungarian government is on](#) (aljazeera.com, link):

"The cabinet led by Prime Minister Viktor Orban pushed through a proposal which on the surface looks like it is to reform the regulation of international private universities working in Hungary.....

The fate of the CEU might now be in the hands of the Constitutional Court, which despite leaning strongly towards the government, will have plenty of reasons to annul the law. In rare occasions the court has already annulled some governmental decisions and if international pressure continues to grow, the government might be tempted to use the court to withdraw the measure without losing political face. However it may be, the CEU case is yet another reminder that the Hungarian government is heading down on a dark path from which there might be no return."

See also: [Hungarian charities fear proposed law aims to 'discredit' them - Hungarian charities fear proposed law aims to 'discredit' them](#) (politico, link)

37. European Parliament: [Data Privacy Shield: MEPs alarmed at undermining of privacy safeguards in the US](#) (Press release, pdf):

"New rules allowing the US National Security Agency (NSA) to share private data with other US agencies without court oversight, recent revelations about surveillance activities by a US electronic communications service provider and vacancies on US oversight bodies are among the concerns raised by MEPs in a resolution passed on Thursday.

In the resolution, adopted by 306 votes to 240, with 40 abstentions, MEPs call on the EU Commission to conduct a proper assessment and ensure that the EU-US "Privacy Shield" for data transferred for commercial purposes provides enough personal data protection for EU citizens to comply with the EU Charter of Fundamental Rights and new EU data protection rules. The first annual review of the Privacy Shield framework is expected in September...

New rules that from January 2017 allow the NSA to share vast amounts of private data, gathered without warrant, court orders or congressional authorisation, with 16 other agencies, including the FBI,....

the fact that neither the Privacy Shield Principles nor letters from the US administration demonstrate the existence of effective judicial redress rights for EU individuals whose data are transferred to the US. [emphasis added]

38. [Trump signs repeal of U.S. broadband privacy rules](#) (Reuters, link):

"U.S. President Donald Trump on Monday signed a repeal of Obama-era broadband privacy rules, the White House said, a victory for internet service providers and a blow to privacy advocates.

Republicans in Congress last week narrowly passed the repeal of the privacy rules with no Democratic support and over the strong objections of privacy advocates."

See also: [First EU-US Privacy Shield annual review to take place in September - Framework continues to draw criticism from campaigners](#) (The Register, link)

39. EU: [Member States enthusiastic about Commission's "how low can you go?" deportation recommendations](#)

The EU's Member States have given a warm welcome to recent proposals from the European Commission to lower human rights standards in order to increase the number of deportations, according to the secret minutes of a meeting of one of the Council's migration working parties which *Statewatch* is publishing here in full.

40. BELGIUM: **European Court of Human Rights: Detention of asylum-seeker at Belgian border did not infringe right to liberty and security**

"In today's Chamber judgment¹ in the case of Thimothawes v. Belgium (application no. 39061/11) the European Court of Human Rights held, by a majority, that there had been:

no violation of Article 5 (right to liberty and security) of the European Convention on Human Rights.

The case concerned the five-month detention of an Egyptian asylum-seeker at the Belgian border.

The Court found in particular that any measure depriving a person of his liberty had to be prescribed by law. Where the legal provision in question originated in international law, only the domestic courts, except in the case of an arbitrary or manifestly unreasonable interpretation, were empowered to interpret domestic law pursuant to the supranational provisions in question. The Court only scrutinised the conformity of the effects of that interpretation with the Convention.

In the present case, the scrutiny of lawfulness conducted by the domestic courts of the detention order had taken account of the case-law of the Court. Moreover, the issue of the applicant's mental health was not, on its own, sufficient for a finding that his detention had been arbitrary. Finally, the assessment of the facts of the case supported a finding that his period of detention had not been unreasonably long."

See: press release: [Detention of an asylum-seeker at the Belgian border did not infringe the right to liberty and security secured under the Convention](#) (pdf) and judgment: [AFFAIRE THIMOTHAWES c. BELGIQUE](#) (French only, application no. 39061/11, pdf)

41. UK: [Prediction, pre-emption and limits to dissent: Social media and big data uses for policing protests in the United Kingdom](#) (New Media & Society, link) by Lina Dencik, Arne Hintz and Zoe Carey:

A detailed article examining the use of data extracted from social media for the policing of protests in an environment dominated by concerns over "domestic extremism". The article provides some crucial context, based on interviews with senior officers, on the role human agency plays in the interpretation and "operationalisation" of big data in a policing context.

"The collection and analysis of social media data for the purposes of policing forms part of a broader shift from 'reactive' to 'proactive' forms of governance in which state bodies engage in big data analysis to predict, pre-empt and respond in real time to a range of social problems..."

For this article, we [interviewed] five senior members of the British police force identified at the time of interview as:

- *Head of Open Source and Social Media, National Counter Terrorism Police Functions Command (Interviewee A)*
- *Head of Digital Engagement at the College of Policing (Interviewee B);*
- *Previous Head of NDEDIU and the Chief Officer Lead for the National Police Co-ordination Centre (NPoCC) (Interviewee C);*
- *Head of the Communications Data Investigators team (Interviewee D);*
- *Regional Prevent Officer leading a social media taskforce (Interviewee E)."*

42. EU: [16 Member States press ahead with European Public Prosecutor's Office](#)

"16 member states notified the three institutions of their intention to launch an enhanced cooperation to establish a European public prosecutor's office (EPPO). The EPPO will be in charge of investigating, prosecuting and bringing to justice the perpetrators of offences against the Union's financial interests."

43. EU: [Commission visits Silicon Valley to "step up voluntary cooperation with internet companies" on counter-terrorism](#)

A meeting between EU and Member State officials and representatives of Facebook, Google, Twitter took place in Silicon Valley in mid-March in order to "step up voluntary cooperation with the internet companies" on topics such as "the automatic detection of abusive content", access to electronic evidence and the EU's Civil Society Empowerment Programme, which was launched this year and promises to support "civil society, grass roots organisations and credible voices... to provide effective alternatives to the messages coming from violent extremists and terrorists."

45. OPEN ARMS: [PRESS RELEASE: Common Statement from the SAR NGOs operating in the Mediterranean Brussels – Badalona 31st March 2017](#) (pdf):

"As individual organisations, the attendees have come together in Brussels with the support of MEP Miguel Urban because of the on-going humanitarian crisis on Europe's southern borders, and the Search and Rescue (SAR) NGOs ongoing essential efforts to save life at sea..."

all attendees and representatives have agreed the objective and intent of the First Edition of the voluntary 'Code of Conduct for Search and Rescue Operations undertaken by civil society Non-Governmental Organisations in in the Mediterranean Sea' on the basis that the Code aligns with the three core areas for undertaking lawful SAR operations, those being; following accepted international humanitarian principles, defending fundamental human rights and the professionalization of operational conduct."

46. UK-EU: The "Great Repeal Bill" - White Paper: [Legislating for the United Kingdom's withdrawal from the European Union](#) (pdf)

See: [The White Paper on the Great Repeal Bill: Invasion of the Parliamentary Control Snatchers](#) (EU Law Analysis, link)

See also: ['Great repeal bill' will create sweeping powers to change laws for Brexit - David Davis tells critics bill transposing EU legislation into UK law will allow for technical but not substantive changes](#) (Guardian, link)

Statewatch comment: **Statutory Instrument law-making:** SIs are a form of legislation that allow the provisions of an Act of Parliament to be brought into force or altered without a formal Act of Parliament (they are also referred to as secondary, delegated or subordinate legislation). **SIs are subject to "parliamentary approval" only in the sense that they "laid before Parliament". Draft SIs in fact automatically become law after a short period if no-one objects.**

DOCUMENTATION (Annotated)

1. [EU-USA Justice and Home Affairs meeting - March 2017](#)

- USA expresses "interest" in EU plan for Big Brother database
- PNR, returns and readmission, Privacy Shield. Visas reciprocity, bilateral agreements on access to ISP data

The meeting of EU-USA Justice and Home Affairs Senior Officials in Valletta on 1-2 March 2017

discussed a number of key issues: [Outcome of the EU – US Justice and Home Affairs Senior Officials Meeting, Valletta, 1-2 March 2017](#) (LIMITE doc no: 7163-27, pdf)

2. EU-AFRICA: [Africa-Frontex Intelligence Community report 2016: "an unparalleled platform for information-sharing and joint analysis"](#)

The Africa-Frontex Intelligence Community (AFIC) "has now reached an enhanced level of maturity," according to the body's annual report for 2016, and is an "unparalleled platform for information-sharing and joint analysis with African countries" which has "captured further attention from the key policy makers in Europe and Africa."

3. Council of the European Union: [Relocations, Eurodac & Skilled migrants](#)

• [Implementation of Relocation Commitments](#) (LIMITE doc no.: 8168-17, pdf):

The Note asks: "How many applicants for international protection will you be relocating from Greece and Italy over the coming five months (May-September) and how many will you be relocating per month?"

The latest [11th Report on relocation](#) by the Commission says that: "Right now, Malta and Finland are the **only two Member States so far on track** to meet their obligations in time for both Italy and Greece."

And records that since September 2015 only 11,339 refugees have been relocated out of 63,302 from Greece (just 18%) and 5,001 of 34,953 from Italy (just 14%)

• Eurodac Regulation: [Inclusion of colour copies of passport or ID documents in Eurodac](#) (LIMITE doc no: 8221-17, pdf):

"Where available, a scanned colour copy of an identity or travel document, and if not available, of any other document which could facilitate the identification of the third-country national or stateless person for return purposes.... Most Member States indicated that while the document should be scanned and uploaded in Eurodac immediately, establishing the authenticity of the documents should be done at a later stage."

• [Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment](#) (LIMITE doc no: 8280-17, 76 pages, pdf): Latest Council negotiating position with 152 Member State positions in Footnotes

4. [Council of the European Union: Developing its position on the Asylum Procedures Regulation](#)

• [Cross-cutting definitions: Qualification Regulation, Asylum Procedures Regulation, Dublin Regulation, Reception Conditions Directive](#) (LIMITE doc no: 8044-REV-1-17, pdf): With Member States' positions in Footnotes:

"Annex modifications suggested by the Presidency for cross-cutting definitions from the Qualification Regulation, Asylum Procedures Regulation, Dublin Regulation and Reception Conditions Directive."

• [Theme: 'Guarantees for those with special needs'](#) (LIMITE doc no: 8043-17, pdf)

• [Theme: 'Limiting abuse and secondary movements' - Asylum Procedures Regulation](#) (LIMITE doc no: 8045-17, pdf): Includes 51 Member States' positions

5. European Parliament Study: [Shrinking space for civil society: the EU response](#) (pdf):

"The shrinking space phenomenon is getting worse. The global clampdown on civil society has deepened and accelerated in recent years. Over a hundred governments have introduced restrictive laws limiting the operations of civil society organisations (CSOs)..."

The closing space is part of a general authoritarian pushback against democracy, but it is not only that..."

6. EU: Council of the European Union: Qualifications Regulation: [Proposal for a Regulation on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection and for the content of the protection granted and amending Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents](#) (LIMITE doc no: 7827-17. pdf): With 150 Footnotes with Member State positions:

"JHA Counsellors examined new Presidency compromise proposals on 24 March 2017. Taking into account comments made by delegations on that occasion, this document contains compromise proposals suggested by the Presidency.."

Suggested modifications are indicated as follows:

- new text compared to the Commission proposal is in **bold**;
- new text compared to the previous version of this document is in **bold underlined**;
- deleted text compared to the Commission proposal is marked with [...]."

7. EU: Council of the European Union: [Reflection process on data retention issues - Issues to be discussed](#) (LIMITE doc no: 7597-17, pdf): The ongoing debate in the Council to react to the CJEU judgment of 21 December 2016 - Tele 2 and Watson and Digital Rights Ireland of 8 April 2014 - the latter found that the EU's data retention policy had been unlawful since its adoption in 2006.

"the Working party on information exchange and data protection (DAPIX) will meet in a Friends of the Presidency format to facilitate a common reflection..."

Targeted data retention criteria: What limitation factors e.g. geographical, technical, or other could be considered regarding:

- categories of data
- the means of electronic communications
- persons concerned
- type of serious crime
- period of retention

Access criteria for competent authorities

*What kind of measures could satisfy the Court's criteria on access to data to meet the requirement of limiting the intervention of competent authorities to what is "**strictly necessary and justified within a democratic society**"?*

And by-passing democratic control and accountability by: "Exploring the possibility to compensate availability of data by other measures, e.g. ensuring availability of necessary data through fast track direct cooperation with ISPs.."

8. European Commission: [11th report on relocation and annexes](#)

- [Relocation and Resettlement: Steady progress made but more efforts needed to meet targets - Today, the Commission adopted its eleventh progress report on the EU's emergency relocation and resettlement schemes, assessing actions taken since 2 March 2017](#) (Press release, pdf):

*"Whereas some Member States (Luxembourg and Portugal) are steadily progressing on their obligations for Greece and Italy, others (Bulgaria, Croatia and Slovakia) are relocating on a very limited basis. Whilst Austria has announced it will start relocating soon, others (Hungary and Poland) are still refusing to participate in the relocation scheme at all. **So far, only two Member States (Malta and Finland) are on track to meet their obligations for both Italy and Greece in time.**"*

- [Eleventh report on relocation and resettlement](#) (COM 212-17, pdf)
- [Annex 1: Greece](#) (pdf): Formally pledged: 19,603, Effectively Relocated: 11,339, Commitment legally foreseen in the Council Decisions: 63,302, % of legal commitment effectively relocated: 18%
- [Annex 2: Italy](#) (pdf): Formally pledged: 10,659, Effectively Relocated: 5,001, Commitment legally foreseen in the Council Decisions: 34,953 % of legal commitment effectively relocated: 14%
- [Annex 3](#): (pdf): Relocations from Italy and Greece by 10 April 2017:
- [Annex 4](#): (pdf): Resettlement State of Play as of 10 April 2017, under 20 July 2015 Conclusions and under the "1:1 mechanism" with Turkey (in application since 4 April 2016)
- [A European Agenda: On security: State of play: April 2017](#) (pdf): In same press release on terrorism and organised crime..

9. European Commission:

- [Protecting all children in migration: Commission outlines priority actions](#) (Press release, pdf): *"Over the past two years, a growing number of children in migration have arrived in the EU, many of them without their families."*
- [The protection of children in migration](#) (COM 211-17, pdf)
- [Implementation of the Action Plan on UAMs \(2010-2014\)](#) (SWD 129-17, pdf)

10. European Parliament Study: [Legal Frameworks for Hacking by Law Enforcement: Identification, Evaluation and Comparison of Practices](#) (pdf):

"This study, commissioned by the European Parliament's Policy Department for Citizens' Rights and Constitutional Affairs at the request of the LIBE Committee, presents concrete policy proposals on the use of hacking techniques by law enforcement. These proposals are driven by a comparative examination of the legal frameworks for hacking by law enforcement across six EU Member States and three non-EU countries, in combination with analyses of the international and EU-level debates on the topic and the EU legal basis for intervention in the field."

11. European Parliament Study: [Research for CULT Committee - European Identity](#) (pdf):

"This study seeks to examine the concept, challenges and prospects of 'collective identity' in a European context. The text acknowledges the complex nature of collective identities in general and a common 'European identity' in particular. On that basis, the study critically assesses the potential of cultural and political approaches to foster allegiances with a supranational body politic such as the European Union. Particular attention is paid to the role of history and historical remembrance, as well as that of bottom-up initiatives aimed at active civic engagement, in strengthening a European sense of belonging."

12. EU: Council of the European Union: [High Level Working Group on Asylum and Migration \(HLWG\)](#) (LIMITE doc no: 7430-17, pdf): With pages 5-32 on:

"GAMM UPDATE: 8 March 2017

*This document provides an updated overview of the main external migration dialogues and processes implemented in the framework of the **EU Global Approach to Migration and Mobility (GAMM)**. The document is compiled for the information of the EU High Level Working Group on Asylum and Migration by the responsible European Commission services, in association with the EEAS."*

This covers: Part 1 - The regional processes; (A) The Prague Process (B) The Eastern Partnership Panel on Migration and Asylum (C) The Africa-EU Migration and Mobility Dialogue (D) The Rabat Process (E) The Budapest Process (F) The Khartoum Process (G) The ACP-EU Migration Dialogue (H) The EU-CELAC Migration Dialogue (I) The Valletta Summit

Part 2 - The bilateral dialogues (A) Turkey (B) Southern Mediterranean countries (Morocco, Tunisia, Algeria, Egypt, Jordan, Lebanon) (C) Eastern Partnership countries (Armenia, Azerbaijan, Georgia, Moldova, Ukraine, Belarus) (D) Russia (E) African countries (Cape Verde, Nigeria, Senegal, Ethiopia, South Africa) (F) Asian countries (China, India) (G) United States of America (H) Brazil

Part 3 - The global processes: Global Forum for Migration and Development, United Nations

And see: [EU: Beyond the borders: overview of "external migration dialogues and processes"](#) (Statewatch database)

13. [EU: Council of the European Union: Discussion on Audio-Visual Media Services \(AVMS\)](#)

The Council is discussing its position on: [AVMS: Definitions, hate speech and terrorism, accessibility and protection of minors - Presidency compromise proposals](#) (LIMITE doc no: 6597-17, pdf) Audio-Visual Media Services (AVMS) is discussing an ever-widening list of types of content that should be censored by internet companies. It includes: Provisions related to HATE SPEECH AND TERRORISM: Article 6.

14. EU: Council of the European Union: [Eurodac and Posted Workers](#)

- Extending Eurodac' reach: [Eurodac: Addition of persons registered for the purpose of conducting a resettlement and humanitarian admission procedure to Eurodac](#) (LIMITE doc no: 7558-17, pdf):

"Delegations will find in Annex suggestions from the Presidency on the possible addition to Eurodac of data on persons registered for the purpose of conducting a resettlement or humanitarian admission procedure..."

Article 1 **Purpose of "Eurodac"**

*(b) assist with the control of illegal immigration to and secondary movements within the Union and with the identification of illegally staying third-country nationals **and stateless persons** for **determining the appropriate measures to be taken by Member States, including removal and returns of persons staying illegally** [...].*

*(c) lay down the conditions under which **Member States' designated authorities and the European Police Office (Europol)** may request the comparison of biometric [or alphanumeric] [...] data with those stored in the Central System for law enforcement purposes for the prevention, detection or investigation of terrorist offences or of other serious criminal offences.*

Article 2 **Obligation to take biometric data [...]**

*1. Member States are obliged to take the biometric data [...] of persons referred to in Article 10(1), 12a(1), 12d, 13(1) and 14(1) for the purposes of Article 1(1)(a), (aa) and (b) of this Regulation **and***

shall impose on the data-subject the requirement to provide his or her biometric data [...]
[emphasis added]

- And more powers for Eurodac? [Possible inclusion of colour copies of passport or ID documents in Eurodac](#) (LIMITE doc no: 7549-17, pdf):

*"During the discussion on the draft Eurodac Regulation under the Slovak Presidency, **certain Member States requested the inclusion in the Eurodac database of coloured copies of travel or identity documents, if available, in order to facilitate the identification of third country nationals during the return process...***

*The inclusion of coloured copies of passports or ID documents has an **impact on the capacity of the database. With today's traffic, the current Eurodac capacity of 7 million records** will be enough to sustain the volume of transaction if coloured copies or ID documents are included, without considering the additions foreseen in the Proposal. On the other hand, if all proposed changes in the Eurodac Proposal are applied in parallel with the addition of coloured copies or ID documents, **the system should be sized closer to 13 million records to be able to sustain the traffic of the next 5 years.** Moreover, it is pertinent to note that this Assessment does not take into account the possible inputting of data on admitted persons"*

- Posted workers : [Proposal for a Directive amending Directive 96/71/EC of The European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services](#) (LIMITE doc no: 6933-17, pdf): Council Presidency puts forward substantial changes:

*"a Presidency compromise proposal. The changes in relation to the Commission proposal are marked by **bold**; deletions are marked by [...]. The changes in relation to the previous Presidency compromise proposal (doc. 6002/17) are marked by **bold underline**, deletion are marked by [...].*

15. EU: Council of the European Union: [Resettlement and the SIS](#)

- Resettlement: [Proposal for a Regulation establishing a Union Resettlement Framework and amending Regulation \(EU\) No 516/2014 of the European Parliament and the Council \(First reading\)](#) (LIMITE doc no: 7396-17, pdf): Extends its scope to include a "Humanitarian Admission Framework". With 128 Footnotes with Member States' positions.

- New measures for checks at external borders and internally - so-called "police checks": [Proposal for a Regulation on the establishment, operation and use of the Schengen Information System \(SIS\) in the field of border checks](#)

[Proposal for a Regulation on the establishment, operation and use of the Schengen Information System \(SIS\) in the field of police cooperation and judicial cooperation in criminal matters - Revised compromise version of articles common to both instruments](#) (LIMITE doc no: 6158-17, pdf)

Two column chart for each aspect. A lot of Member State scrutiny reservations.

[Statewatch Observatory on the refugees crisis in the Med and inside the EU](#)

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