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ANALYSES

1. Statewatch Briefing: [The interoperability of Justice and Home Affairs databases](#) (pdf) by Tony Bunyan:

The Commission's proposal for interoperable centralised EU databases is justified on the threat posed to internal security by migration and terrorism. This conflation of threats based on fear of the "other" is a classic case of state racism.

Building on the above the message is that as the plans only affect 218 million non-EU citizens, so there is no reason for EU citizens to be concerned as it will not affect them. The assumption that EU citizens are not concerned with the rights and freedoms of non-EU citizens is insulting.

The present plans would mainly affect non-EU citizens but once the centralised EU database is set up it will be extended to include Prüm (vehicle registration, DNA and fingerprint data), ECRIS (criminal records) and the EU Passenger Name Record system (PNR, which will cover internal flights as well as those in and out of the EU) – affecting millions and millions of EU citizens. It is yet another step in EU state-building.

From the late 1970s onwards each new stage of the technological revolution has been justified on the grounds that there is nothing new, it is just making life easier for law enforcement and border control agencies to get access to the information they need to do their job more efficiently. Whereas the reality is that at each stage databases become ever more intrusive as security demands cumulatively diminish freedoms and rights.

2. Statewatch Analysis: [Irregular migration to Spain: a state of exception](#) (pdf) by Chris Jones

"In late 2017, a prison-to-be was converted into a detention centre by Spain's interior ministry, and used to hold some 500 Algerian nationals travelling to the country by dinghy. One of them subsequently died, isolated in his cell. The majority of detainees have now been deported, and an

official investigation into the death remains open, despite a preliminary verdict of suicide. The penitentiary centre, meanwhile, has now officially opened as a prison, but the episode highlights how the treatment of such situations as 'emergencies' – despite the fact that they have been ongoing for decades – leads to numerous and serious human rights violations."

NEWS

1. EU: [European Investment Bank proposes giving €2bn per year to "dual-use technology, cybersecurity and civilian security"](#)

The European Investment Bank (EIB) has proposed providing financing of up to €6 billion over three years "in the areas of dual-use technology, cybersecurity and civilian security", in response to a December 2016 invitation from the European Council and ongoing suggestions from the Commission that more money is needed for EU security and military policies.

2. [SPAIN. Thousands protest in Madrid over migrant death](#) (YouTube, link):

"Thousands of people held a peaceful protest in central Madrid on Friday (March 16) to demand better police treatment of street vendors, a day after the death of a Senegalese man sparked clashes with riot police."

3. [Italy to temporarily close Lampedusa 'hotspot' refugee centre - Lampedusa refugee centre to be closed for 'renovation work' following protests over dire conditions and rights abuses](#) (aljazeera.com, link):

"Rome, Italy - Italy's interior ministry decided this week to temporarily close a refugee detention centre, known as a "hotspot" in Lampedusa, a Mediterranean island between Sicily and Tunisia.

The decision follows protests and a fire that took place at the centre on March 8.

The European Union set up five hotspots each in Italy and Greece, conceived as transit centres where migrants and refugees arriving on European coasts should be formally identified, registered, and channelled on to other centres shortly afterwards - normally within 48 hours - to either wait for deportation or continue with their asylum application.(...)

"The problem is that in a place where it is inhumane to stay even for a day, people sometimes stay for months, and that includes vulnerable cases," Gennaro Santoro, a lawyer with the Italian Coalition for Civil Liberties and Rights (CILD), told Al Jazeera.

Together with the Association for Juridical Studies on Immigration (ASGI) and IndieWatch, the organisation had requested the closure of the centre, which saw "dramatic living conditions and systematic human rights violations".

4. Greece, Lesbos: [Eight police officers injured during in clashes at Lesbos refugee camp](#) (ekathimerini.com, link):

"A riot by refugees and migrants at the Moria reception center on the eastern Aegean island of Lesbos on Wednesday night led to injury of eight policemen (...)

In the last few days, three refugees and migrants threatened to commit suicide, and one of them was hospitalized after getting electrocuted while climbing up a pole."

5. [The UK penal system is designed by men, for men](#) (The Guardian, link):

"Ten years after the Corston report was published, calling for a radical change to the way women are treated throughout the criminal justice system, little has changed. The need for a distinctive approach to meeting the needs of women in trouble with the law is well established; it's a system largely

designed by men, for men. Despite the harmful impact of women's imprisonment being well known, with worrying increases in incidences of self harm and suicide, it is still happening.

There are an estimated 4,000 women in prison today. That's less than 5% of the total prison population but many more have been affected at some point in their lives. Seven in 10 women entering prison are sent there to serve sentences of six months or less. Last year, one in four was sentenced to 30 days or less, and almost 300 women were given sentences of two weeks or less. That may sound short but can be so disruptive that women lose their jobs, homes and contact with their children. One in five women in prison is released without somewhere to live.

And for what? The vast majority of women in prison have been sent there for non-violent offences. In the year to June 2017, more women were imprisoned to serve a sentence for theft than for violence, robbery, sexual offences, fraud, drugs and motoring offences combined.

On 13 March, our group [the all-party parliamentary group on women in the penal system] will launch a major inquiry into the sentencing of women in England and Wales. We are still pushing for the recommendations of the 2007 Corston report to be implemented in full. "

6. [Shadow of British undercover police officer hangs over French "anarchist cell" trial](#)

The role of exposed British undercover police officer Mark Kennedy has been raised in court proceedings in France, where eight members of an alleged "anarchist cell" are on trial charged with sabotaging high-speed railway lines in 2008 in what is known as the Tarnac affair.

7. [European arms exports on the rise](#) (EurActiv, link):

"According to a study published by the Stockholm International Peace Research Institute (SIPRI), the international weapons trade has increased by 10% over the last five years compared to the 2008-2012 period.

France and Germany are among the five biggest exporters in the world, placing third and fourth with 6.7% and 5.8%, respectively, of total arms exports, behind the US and Russia.

Spain is seventh with 2.9%, a 12% increase compared to the 2008-2012 period, after exploiting export markets mainly in Australia, Turkey and Saudi Arabia.

Once again, the US is the world's largest arms exporter and India the world's largest importer. But SIPRI notes an increase in arms flow to Asia, Oceania and the Middle East and a decline in Africa, America and Europe."

Official EU figures on arms exports can be explored further: [European Union Arms Exports](#) (ENAAAT, link)

8. EU: [Joint statement: Coercion of children to obtain fingerprints and facial images is never acceptable](#)

Brussels, February 28, 2018: We, the undersigned civil society and UN organizations, are concerned by proposals now under consideration as part of the ongoing reform of the Common European Asylum System which would allow the use of coercion to take the fingerprints and facial images of children.

9. [Spain's free speech problems laid bare in ECHR ruling and new Amnesty report](#)

The European Court of Human Rights ruled on Tuesday 13 March that Spain violated the freedom of expression of two men who were convicted of "incitement to hatred and violence against the king and the monarchy" after burning photographs of the king during a demonstration in Girona in September 2007.

On the same day, Amnesty International published a new report highlighting numerous cases in which Spain's anti-terrorism laws have been used to target "social media users, journalists, lawyers and musicians", breaching the country's human rights obligations and leading to "increasing self-censorship and a broader chilling effect on freedom of expression in Spain."

10. EAW: POLAND-IRELAND: [High Court judge wants ruling over 'immense' law changes in Poland](#) (RTE, link):

"A High Court judge has asked the European courts for a ruling on the effect of recent legislative changes in Poland because they are "so immense" the High Court has been forced to conclude that "the common value of the rule of law" has been "systematically damaged" and "democracy in Poland" has been breached.

The referral was made in the extradition case of Artur Celmer, who is wanted to face trial in his native Poland on drug trafficking charges. He was arrested in Ireland on foot of a European Arrest Warrant last May.(...)

Referring the case for a ruling from the Court of Justice of the European Union today, Ms Justice Aileen Donnelly said a number of legislative changes in Poland in the last two years were "so immense" that the High Court was forced to conclude that the rule of law in Poland has been "systematically damaged"."

See: [Full-text of ruling](#) (pdf)

11. EU: [Only three EU Member States have transposed the PNR Directive into national law - the deadline for the rest is 25 May 2018](#)

The EU-PNR Directive came into force in November 2016 and has to be implemented by 25 May, which seems highly unlikely. A Council report includes the latest Commission assessment of progress: [Directive \(EU\) 2016/681 on the use of Passenger Name Record \(PNR\) data for the prevention, detection, investigation and prosecution of terrorist offences and serious crime - Implementation of the PNR Directive - Exchange of views](#) (LIMITE doc no: 6017-18, pdf).

The report shows that only three Member States have transposed the Directive into national law. Six other Member States are at "an advanced stage" of doing the same,

But thirteen states are at a "intermediate stage" and five are only just starting the transposition stage.

12. UK: [Regulator takes tougher line than expected on surveillance warrants](#) (Computer Weekly, link):

"The investigatory powers commissioner will take a critical approach to scrutinising surveillance warrants requested by government departments and intelligence agencies to spy on the public's email, telephone and internet activities.

An advisory notice issued last week by the investigatory powers commissioner, Sir Adrian Fulford, goes further than many commentators had expected in giving judicial commissioners the right to challenge the necessity and proportionality of surveillance warrants issued by ministers.

David Anderson QC, former independent reviewer of terrorism and author of an influential report on bulk surveillance powers, said the Investigatory Powers Commissioner's Office (IPCO) had "planted a flag on the government's lawn" in guidelines for approving surveillance warrants issued last week.

"IPCO appears to be rolling up its sleeves and demonstrating that in all the ways that matter, it will be holding the authorities properly to account," he told Computer Weekly. "If this makes them feel a little uncomfortable, then the new commissioner is doing his job."

See: [Advisory Notice](#) (pdf)

13. Italy: [Severe Human Rights Violations Found at Lampedusa Hotspot](#) (Liberties.eu, link):

"A delegation from three human rights groups has found inhuman conditions and systematic violations of human rights inside the Lampedusa hotspot.

Dramatic living conditions and systematic violations of human rights: that's the situation discovered just days ago inside of the Lampedusa Hotspot by a delegation of lawyers, researchers and cultural mediators from Liberties member the Italian Coalition for Civil Liberties and Rights (CILD), the Association for Juridical Studies on Immigration (ASGI) and Indiewatch. "

14. [How U.K. Spies Hacked a European Ally and Got Away With It](#) (The Intercept, link):

"For a moment, it seemed the hackers had slipped up and exposed their identities. It was the summer of 2013, and European investigators were looking into an unprecedented breach of Belgium's telecommunications infrastructure. They believed they were on the trail of the people responsible. But it would soon become clear that they were chasing ghosts – fake names that had been invented by British spies.

The hack had targeted Belgacom, Belgium's largest telecommunications provider, which serves millions of people across Europe.

15. ENGLAND: [House of Commons paper examines antisocial behaviour powers and the criminalisation of homelessness](#)

"This briefing paper discusses the use of anti-social behaviour powers to ban activities often associated with rough sleeping, and concerns that an increase in the use of these powers is criminalising homelessness and is not addressing the root cause of the problem."

16. EU: [Justice and Home Affairs agencies' counter-terrorism roles continue to expand](#)

Two papers recently circulated to the Member States by the EU's Counter-Terrorism Coordinator set out the EU Justice and Home Affairs (JHA) agencies' current roles in implementing counter-terrorism policy and raise a number of suggestions for how things could develop in the future - pointing to a significantly increased role for EU agencies which the Coordinator says will require more money, more cooperation between the agencies themselves and with non-EU states, a greater role for the Council's internal security committee (COSI) in decision-making on operational issues and more staff for the agencies.

17. EU-LIBYA: [A 'blind spot' in the migration debate? International responsibility of the EU and its Member States for cooperating with the Libyan coastguard and militias](#) (EU Immigration and Asylum Law and Policy, link):

"The discussion on the restrictive migration management policies of the European Union (EU) and its Member States (MS) has so far focused on the potential violation of the primary rules of international law that determine the conduct of subjects of international law. The question of applicability of the secondary rules of international responsibility that provide for the consequences of the commitment of a wrongful act has attracted less attention. The main question in the current context is whether the cooperation of the EU and its MS with the Libyan coastguard and militias with the view of stemming irregular migration flows to Europe generates international responsibility for the above actors. More specifically, it is asked whether there is an autonomous basis in the law of international responsibility for holding the EU and its the MS responsible for the violations of human rights occurring in Libya, even if they do not exercise directly jurisdiction over migrants. Three aspects of this theme will be developed here: first, the nature and scope of the cooperation of the EU and its MS, in particular Italy, with the Libyan authorities, coastguard and militias in view of restricting the access of migrants to the EU; second, the extent of human rights violations of migrants in Libya; and third, the alleged complicity and responsibility of the EU and MS for the violations of these rights."

See also: [Torture in Libya and Questions of EU Member State Complicity](#) (EJIL: Talk!) and: [EU and Italian authorities accused of “system crimes” as court calls for the recognition of migrants as a “people” and as holders of rights](#) (pdf)

18. NORTHERN IRELAND: [Foster decision on inquests 'unlawful and flawed'](#)

"A judge has ruled that Arlene Foster's decision to block funding for the lord chief justice's plan for legacy inquests was unlawful and flawed.

He said the former first minister was wrong to think she could postpone the decision until after political agreement on dealing with the past."

19. [Pilot project blurs military and police lines on migration](#) (euobserver, link):

"Migrants rescued at sea under an EU naval military operation will have their information expedited to the EU's police agency Europol.

The plan is part of a pilot project set for launch in the coming weeks, marking a further shift towards the blurring of lines between law enforcement and the military. (...)

The military is generally meant to fight the enemies of the state, while police protect the people of that state. The blurring of the two raises important legal and ethical questions.

To get around it, a small team of agents, plucked from the EU agencies like Frontex and Europol, will be dispatched onto the EU's naval flagship Operation Sophia."

And see: [Documents: Operation Sophia anti-migrant smuggling mission to host "crime information cell" pilot project](#) (Statewatch News, 29 November 2017)

20. GREECE: [Individual testimonies highlight "systematic pushbacks" of refugees in the Evros region](#)

The Greek Council of Refugees' latest report documents pushbacks of refugees at the Greek border in the Evros region, which the organisation says violate "basic international obligations of Greece, and more specifically the principle of non-refoulement, the right of access to asylum and constitute inhuman or degrading treatment as well as exposure to threat to life or torture according to Article 3 of the ECHR."

21. HUNGARY: [Helsinki Committee Wins Lawsuit Against Cabinet Office Over Stop Soros National Consultation](#) (Hungarian Helsinki Committee, link):

"Today the Metropolitan Court of Budapest in its first instance ruling found that in the 'National Consultation' questionnaire, the Cabinet Office of the Prime Minister had violated the Hungarian Helsinki Committee's right to good reputation. The court found that the statements in Question 5 of the questionnaire related to the Hungarian Helsinki Committee (HHC) are false and misrepresent the human rights organization. The Court called on the government to issue an apology as well as pay the HHC HUF 2 million for damages. The ruling is subject to appeal."

22. EU: [New report: The Globalisation of Countering Violent Extremism Policies: Undermining human rights, instrumentalising civil society](#)

The globalisation of Countering Violent Extremism (CVE) policies is the most significant development in counterterrorism policy in the last decade. What began as a rhetorical commitment from a handful of agencies has developed into a plethora of policies, deployed from Finland to the Philippines.

23. UK: [Surveillance watchdog investigates security risks of GCHQ IT contractors](#) (Computer Weekly, link):

"The UK's surveillance watchdog is investigating potential security risks for highly classified intelligence records amid GCHQ disclosures that about 100 external IT contractors have privileged, systems administrator access to its most sensitive data.

GCHQ has previously denied in court hearings that external contractors from companies that supply software and computer equipment have administrator rights to live computer systems holding some of the most sensitive data gathered through electronic interception of people's internet and phone activity.

But Computer Weekly has learned that GCHQ has submitted new evidence to a hearing in the UK's most secretive court revealing that about 100 IT industry contractors have "privileged user" access to the surveillance agency's live computer systems following a policy change "a few years ago".

24. [The UN Security Council, Global Watch Lists, Biometrics, and the Threat to the Rule of Law](#) (Just Security, link)

"While much of the world was not paying attention, on Dec. 21 2017, the UN Security Council adopted a worrying resolution urging states to deal with foreign terrorist fighters by strengthening their efforts in three key areas; border security, information-sharing, and criminal justice in ways that could have serious consequences for civil liberties, human rights, and the rule of law worldwide.

UN Security Council Resolution (UNSCR) 2396 is a direct follow-up to the council's 2014 resolution that mandated member states establish ways of prosecuting people attempting to become foreign terrorist fighters, UNSCR 2178 (more on this below). The latest resolution is the result of investigations by members states into the patterns in fighting, return, and location of persons who joined terrorist organizations in order to assess the threat that foreign fighters pose while in transit to and from their home countries.

Taken together these resolutions contain a number of new regulatory departures at the international and domestic level. Both resolutions engage the Security Council in directing national legislative practice in expanded ways."

And see: [PNR for all: UN Security Council mandates worldwide air travel surveillance and profiling, biometric collection, terrorist watchlists](#) (Statewatch News, 8 January 2018)

25. GREECE: [Three Spanish firefighters accused of trafficking people in Lesbos](#) (euronews, link):

"Manuel Blanco, Julio Latorre, and Enrique Rodriguez, three firefighters from Seville, Spain, who have helped out in multiple refugee rescue missions on the Greek island of Lesbos, could be sentenced to 10 years in prison.

Greek authorities accuse them of smuggling refugees into the European Union.

The authorities say the firefighters "attempted to smuggle people into Greece" because "the night (they refer to) they didn't have anyone on board," Manuel Blanco, one of the firefighters and vice-president of the Spanish NGOs Proemaid, told Euronews."

And see: [Humanitarianism: the unacceptable face of solidarity](#) (IRR, link)

26. EU: [Foreign Affairs Council on defence: first meeting in 'PESCO format'](#)

"Defence ministers met in 'PESCO format' for the first time. This means that, although ministers from all member states were present, only those representing member states participating in PESCO were involved in adopting legal acts. Today they adopted a decision formally establishing the list of projects to be developed under PESCO and a recommendation on an implementation roadmap."

27. HUNGARY: [UN High Commissioner for Human Rights reaffirms his view that Viktor Orban is "a racist and xenophobe"](#)

"So yes, I did call the increasingly authoritarian – though democratically elected – Viktor Orbán a racist and xenophobe. I did not, in point of fact, compare him to 20th century dictators, because there are plenty of examples around us today of the horrors that awake when minorities are vilified or abused. And no, I will not resign "with no delay", as a letter from his Minister demanded. Because it is time to stand up to the bullies of Mr Orbán's ilk. Hatred is a combustible force; and it will not win – not in Europe; and not today."

28. [Crete court reverses ruling on Baris migrant smuggling ship, acquits defendants](#) (ekathimerini.com,link):

"A court in Iraklio, Crete, has reversed a previous decision to convict to more than 500 years in prison five crewmen of the Baris, a freighter found packed with 586 men, women and children trying to enter Europe clandestinely in 2014.

The charges against all five defendants were dropped on Monday after the court ruled that it does not have the jurisdiction to try the case since the Baris was towed to Crete after suffering engine failure in international waters on November 25, 2018.

The court said they should be tried in Kiribati, the Central Pacific island republic, whose flag the Baris was flying."

29. [Greece: 13,000 Still Trapped on Islands As EU-Turkey Anniversary Nears, Move Asylum Seekers to Mainland Safety](#) (HRW, link):

"Thousands of asylum seekers are trapped on the Aegean islands in deplorable conditions and without access to adequate protection and basic services, nine human rights and humanitarian organizations said today as part of the #OpenTheIslands campaign. The Greek government should act immediately to end the "containment policy" that traps asylum seekers in these conditions on the islands and move them to safety on the mainland.

As the two-year anniversary of the EU-Turkey deal nears on March 18, 2018, more than 13,000 men, women, and children are trapped on the islands, according to Greek government figures.

"The containment policy has turned the Greek islands, once a symbol of hope and solidarity, into open prisons that put the lives of refugees on hold for months on end, causing them additional suffering," said Gabriel Sakellaris, director of Amnesty International in Greece. "The Greek authorities, with the support of the EU, need to immediately bring refugees to safety on the mainland."

30. SPAIN: ["Racial profiling of people of African descent is endemic"](#)

The UN's Working Group of Experts on People of African Descent said last week that "racial profiling of people of African descent is endemic" in Spain, upon the conclusion of a fact-finding visit to the country. A host of other criticisms and shortcomings are contained in a statement issued by the group.

31. EU: [New Snowden archive disclosures focus on 'SIGINT Seniors' and the 'Alice Springs resolution'](#)

A series of new articles in The Intercept based on documents acquired by Edward Snowden, the former US National Security Agency contractor, shed more light on the workings of the global surveillance apparatus of the USA and its international allies.

32. UK: [MI5 agents can commit crime in UK, government reveals](#) (Guardian, link):

"Secret order on authorised criminality by spies made public after legal battle by rights groups.

MI5 agents are allowed to carry out criminal activity in the UK, the government has acknowledged for the first time.

The prime minister was on Thursday forced to publish the text of a direction to the Investigatory Powers Commissioner's Office, the spying watchdog, on governing "security service participation in criminality".

It instructs the IPCO to oversee the participation of MI5 agents in criminal activity, which was previously conducted by the now-defunct office of the Intelligence Services Commissioner, under a secret order referred to as the "third direction".

See: IPCO: ["Security Service guidelines on the use of agents 01/03/2018"](#)

The Prime Minister today published the text of a direction to the Investigatory Powers Commissioner to keep under review the application of the Security Service guidelines on the use of agents who participate in criminality and the authorisations issued in accordance with them. This means that the Commissioner will in effect continue the oversight conducted by the Intelligence Services Commissioner, which since 2014 was conducted on a statutory basis under the previously SECRET 'Third Direction'

And the 'Third Direction': [Investigatory Powers Commissioner Additional Directed Oversight Functions \(Security Service agent participation in criminality\)](#) (pdf)

33. UK: Orgreave: Mlners Strike 1985: Home Affairs Select Committee: [Letter to Home Secretary](#) (pdf):

"Orgreave: information held by police forces

As I noted in my letter to you of 15 February, a number of police forces have responded to the Home Affairs Select Committee with details of information they hold on events at Orgreave, including information that has yet to be placed in the public domain. Material from five forces, which is not yet publicly available, is set out in the table."

Namely Merseyside Police, Metropolitan Police, Norfolk Constabulary, Northumbria Police and West Yorkshire Police (which covers Orgreave).

See also: [Orgreave: Truth and Justice Campaign](#) (link)

34. EU: [Cross-border law enforcement data access: Commission to present proposal, Council LIMITE document outlines ongoing issues](#)

A proposal on cross-border access to data for the purpose of criminal proceedings ("e-evidence") will be published soon by the European Commission, according to a report from Reuters, while Member States have invited by the Bulgarian Presidency of the Council to present "their ideas for the way ahead" on the issue.

35. EU: [Militarising Europe: Parliamentary committee report on the €500m Defence Industrial Development Programme](#)

The Industry, Research and Energy Committee of the European Parliament (ITRE) has reached a position on the proposal for a Regulation on a European Defence Industrial Development Programme which is now awaiting approval by European Parliament plenary meeting in March. The programme is designed to "foster a competitive, innovative and efficient defence industry throughout the Union" and will run from 1 January 2019 to 31 December 2020 with a budget of €500 million, if agreed as proposed.

36. UN: [Migrant detention must be "last resort", UN rights group underlines in its Revised Deliberation on deprivation of liberty of migrants](#)

GENEVA (26 February 2018) – Placing migrants and asylum seekers in detention should be seen as a last resort to be used only in strictly limited circumstances, the UN Working Group on Arbitrary Detention has stated in its position document based on international law and its own jurisprudence.

The group's intervention comes amid concern over the increasing use of detention of migrants, a worldwide practice which has grown steadily over recent years.

37. EU: [Sharp increase of secret alerts in the Schengen Information System](#) (link):

"European police forces and secret services use SIS II for covert surveillance of persons and property. The authorities are informed about suspects' itineraries and persons accompanying them. The EU interior ministries are now discussing the further expansion of this surveillance method. Hits could be reported to several or all member states.(...)"

Secret alerts are being issued for increasing numbers of people in the European Union. This emerged from the Federal Ministry of the Interior's response to a written inquiry. According to that, 129,412 persons were placed under secret surveillance using the Schengen Information System (SIS II) last year. In 2016, this figure was around 80,000. No information is available regarding the reasons for this sharp increase."

And see: EU: [Council's internal security committee discusses use of "discreet checks" in the Schengen Information System](#)

38. [No public interest in whether the EU-Turkey refugee deal respects EU Treaties and international human rights?](#) (European Law Blog, link):

"In practice, this Court jurisprudence turns the concept of overriding public interest and the subsequent public interest test established by the Transparency Regulation into a ghost concept with no practical relevance."

At the same time, the case also revealed something we would not have wished to learn: that the refugee deal was made based on extremely limited and hasty legal analysis, the substance of which was not and has not been made public. The implications of this for the substance of the legal advice is clear: if the analysis confirmed that the agreement was legally sound, then the Commission would have had no problem in allowing its disclosure, however its being kept in the dark all but confirms the suspicions regarding its contents. While this is something we already knew, it demonstrates the difficulty of running a Union in a manner consistent with its values, such as respect for fundamental rights. When things get rough, other matters tend to take priority. We refuse to believe that settling this balance is a matter of no significant public interest."

See: Judgment of the Court of Justice of the EU: [Case T-851/16: Access Info Europe v European Commission](#) (pdf)

39. [Interoperability of EU databases - The Meijers Committee](#)

- Unintended consequences?
- Targeting third country nationals
- Casting a very wide net?

The Meijers committee have prepared: [Comments on the Proposal for a Regulation of the European Parliament and of the Council on establishing a framework for interoperability between EU information systems \(police and judicial cooperation, asylum and migration\) 12 December 2017, COM \(2017\) 794](#) (pdf).

DOCUMENTATION

1. UK: BREXIT: IRELAND: House of Commons Select Committee on Northern Ireland report: [The land border between Northern Ireland and Ireland](#) (pdf):

*"The Committee has heard numerous proposals for how the UK and the EU could ensure customs compliance without physical infrastructure at the border. This is currently the case for enforcement in relation to fuel, alcohol and tobacco. These proposals address the question of compliance through mobile patrols, risk analysis, data-sharing and enforcement measures away from the border. However, **we have had no visibility of any technical solutions, anywhere in the world, beyond the aspirational, that would remove the need for physical infrastructure at the border.**" [para 82]*

2. EU: Court of Auditors: [Special report 07/2018: EU pre-accession assistance to Turkey: Only limited results so far](#) (link):

"As a key foreign policy partner and candidate for EU membership, Turkey is the top beneficiary of EU aid outside the EU. We audited the effectiveness of 3.8 billion euro in pre-accession assistance in the areas of the rule of law, governance and human resources. We found that the assistance is generally well-designed and projects deliver outputs.

*However, **mainly due to a lack of political will and because the Commission has made little use of conditions, EU assistance has insufficiently addressed some fundamental needs and the sustainability of results is often at risk.** We therefore consider the effectiveness of the funding to be only limited and make a number of recommendations for improvements, including better targeting of funds and increased conditionality."*

See: [CoA: Report](#) (pdf)

3. European Parliament Study: [The Use of Chip Implants for Workers](#) (pdf):

"This paper briefly explains the technology of RFID chip implants; explores current applications; and considers legal, ethical, health, and security issues relating to their potential use in the workplace. Compulsory use would be likely to encounter legal and ethical challenges. Even voluntary use might be subject to challenges, for example, on data protection grounds. It seems that the risks of adverse health effects in humans might be considerably less than some have suggested, although they cannot be entirely discounted without better evidence. Contrarily, although there are indications of improvements in recent years, the benefits in terms of enhanced security might not be deliverable with the vulnerability of current RFID chip technology."

4. European Commission: [European Agenda on Migration: Continuous efforts needed to sustain progress](#)

"Ahead of the March European Council, the Commission is reporting today on progress made under the European Agenda on Migration and sets out further key actions to be taken, including as set out in the Commission's roadmap from December 2017 towards a comprehensive deal on migration by June 2018."

See: [Press release](#) (pdf)

5. EU: [Frontex documents: Risk Analysis for 2018 and report on functioning of Eurosur in 2017](#)

Frontex has recently published its Risk Analysis for 2018 and its report on the functioning of Eurosur, the European Border Surveillance System, during 2017.

6. EU: [European Travel Information and Authorisation System \(ETIAS\): latest four-column document from trilogue negotiations](#)

Statewatch is publishing the latest four-column document from the secret trilogue negotiations between the Council, Parliament and Commission on the European Travel Information and Authorisation System (ETIAS), which will introduce an electronic system for travel authorisation for nationals of countries who do not require a visa to visit the EU.

The document shows the text of the Commission proposal, the the European Parliament and the Council positions on the text, and compromises, where they have been reached.

7. EU: [Fingerprint identification searches now possible in Schengen Information System](#)

After a little less than two years of intense efforts, the eu-LISA Internal Security Systems Sector successfully launched the first phase of the SIS II AFIS platform. The platform enables the identification of a person from his/her fingerprints alone. The introduction of a biometric search capability in SIS II was achieved by eu-LISA in tight cooperation with ten Member States who showed both interest and willingness to use biometric queries once deployed at the Central System level. Austria, Switzerland, Germany, Liechtenstein, Luxembourg, Latvia, the Netherlands, Poland, Portugal and Slovenia will soon be followed by more Member States.

See: [SIS II Technical Report](#)

8. EU: [Asylum Procedures Regulation: Documentation](#)

The new Asylum Procedures Regulation is now being discussed by the co-legislators - the Council of the European Union and the European Parliament. To aid public discussions on the issues involved we publish here the key documents in historical order.

9. European Parliament Study: [The Future of the Schengen Area: Latest Developments and Challenges in the Schengen Governance Framework since 2016](#) (pdf):

"It analyses the legitimacy of a number of States' decisions to maintain internal border controls. Also, most recent policy proposals in the field of internal police checks are assessed in light of relevant EU legal standards. The paper also questions the legality of the border walls and fences, which have been recently erected at the EU external borders and within the Schengen area."

And see Briefing: [Revision of the Visa Code \(Regulation 810/2009\) and Visa Information System Regulation 767/2008](#) (pdf)

10. UK: Home Affairs Select Committee on BREXIT: [Oral evidence: Post-Brexit migration policy](#) (pdf)

11. EU: [Council's internal security committee discusses use of "discreet checks" in the Schengen Information System](#)

The Council of the EU is discussing how to improve the use of Article 36 alerts in the Schengen Information System (SIS), which mandate "discreet checks or specific checks" on objects or persons linked to "serious criminal offences" and "for the prevention of threats to public security".

See: [Travel movements of foreign terrorist fighters/returnees and persons involved in terrorism or terrorism related activities: Article 36, SIS II post-hit follow-up - Exchange of views](#) (5635/1/18 REV 1, LIMITE, 13 February 2018, pdf)

12. EU: [End of the infamous EU refugee "relocation" scheme](#)

Tony Bunyan, Statewatch Director, comments: *"The states that failed to respond deserve to be named and shamed and will go down in history for their inhumanity."*

In the autumn of 2015 the EU set up a relocation scheme to move 160,000 refugees and migrants

fleeing from war, persecution, poverty and climate change from front line EU states - especially from Greece and Italy - to the other 26 Member States. Later this was reduced to 98,253: 63,302 from Greece and 34,953 from Italy to be relocated.

The scheme ended at the end of 2017 when just 21,729 had been relocated from Greece and 11,853 from Italy: The [final summary was published by the Commission on 5 February 2018](#) (pdf) and one of the last full summaries was dated [3 November 2017](#) (pdf). A number of Member States took no refugees, some a few and some met or nearly met their commitments.

13. European Commission: [Delivering on commitments: new programmes to protect migrants and support return and reintegration in Africa worth €150 million adopted](#) (Press release, pdf):

"The European Union is adopting today three new programmes worth over €150 million under the European Union Emergency Trust Fund for Africa, directly following up on the commitments made by the Joint African Union – European Union – United Nations Task Force to address the migrant situation in Libya."

And see EEAS Press release: [High level mission of the AU, EU and the UN visits Tripoli to enhance co-operation on migration and protection issues in Libya](#) (pdf):

*"The Joint Mission also underlined the **need to implement a comprehensive and systematic registration** at disembarkation points and in detention centres by Libyan authorities, with the support of IOM and UNHCR. **This is to ensure the safety and traceability of all refugees and migrants.**"* [emphasis added]

14. EU [Law enforcement information exchange guidelines](#)

The Council of the European Union has produced a proposal for a: [Practical Advisor for Law Enforcement Information Exchange](#) (LIMITE doc no 6243, pdf) covering Interpol, Europol, SIRENE and the Liaison Officers' network.

It should be read together with: [Manual on Law Enforcement Information Exchange](#) (EU doc no: 6261-18, 283 pages, pdf). This is not a LIMITE document but it should have been see: [COR 1](#) (pdf).

15. [Bundestag study: Cooperation with Libyan coastguard infringes international conventions](#) (link):

"Libya is unable to nominate a Maritime Rescue Coordination Centre (MRCC), and so rescue missions outside its territorial waters are coordinated by the Italian MRCC in Rome. More and more often the Libyan coastguard is being tasked to lead these missions as on-scene-commander. Since refugees are subsequently brought to Libya, the MRCC in Rome may be infringing the prohibition of refoulement contained in the Geneva Convention relating to the Status of Refugees. This, indeed, was also the conclusion reached in a study produced by the Bundestag Research Service. The European Union and its member states must therefore press for an immediate end to this cooperation with the Libyan coastguard", says Andrej Hunko, European policy spokesman for the Left Party."

See: Research Services: [Maritime rescue in the Mediterranean Rights and obligations of vessels under the SAR Convention and manifestations of the principle of non-refoulement on the high seas: Overview](#) (pdf)

See also: [The refugee crisis in the Med and inside the EU](#)