



## News

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## NEWS

1. EU: [Research agenda considers "non-lethal force by unmanned platforms" for civil and military use](#)

The EU should prioritise research into the development of autonomous non-lethal weapons systems that can be used by both civilian and military agencies, according to a research agenda drawn up on the basis of input from EU institutions, Member States and "industry representatives".

### Civil weaponry

According to the "civil-military research agenda for maritime security", which was compiled by the EU's Joint Research Centre at the end of last year, armaments may appear to be "a purely military topic" - but they are in fact something that "needs to be considered" by civilian institutions.

This is because to be "fully successful for both civil and military use," a "platform... should not exclude the option to host armed modules... systems used for guarding purposes in civil security may need to be capable to fend off attacks or disable intruders."

- 2, [New Council returns and readmission strategy to target African countries](#)

**- By-passing formal readmission agreements: "a number of non-legally binding informal arrangements aimed at reinforcing cooperation in the area of return policy have been concluded with a number of relevant third countries."**

**- "The gap between the orders to leave the territory and the effectively implemented returns remains significant. In particular, cooperation with relevant African countries is still totally unsatisfactory."**

**- "Partnership Framework" in Africa: Tony Bunyan, Statewatch Director, comments: "This policy is best seen as asking EU Member States to use their histories of imperialism, oppression and exploitation to get African states to sort out the EU's problem."**

See: Bulgarian Council Presidency "Draft" Note to Member States on: ["Enhancing the returns from the European Union"](#) (LIMITE doc no: 6047-18, pdf)

3. European Data Protection Supervisor (EDPS): [Towards a digital ethics: EDPS Ethics Advisory Group](#) (pdf):

*"Ethics and the law each have an important role in our societies. Convergence allows us to put the human being, their experience and dignity at the centre of our deliberations.*

*This report by the members of the EDPS's Ethics Advisory Group engages thoughtfully with this question. The report presents the main shifts provoked by the digital revolution and the impact they have on the values we hold dear."*

4. [Far-right parties re-register to access EU funds](#) (euobserver, link):

*"Two far-right European political parties are now officially registered, opening European parliament funding opportunities for 2019.*

*The far-right nationalist Alliance for Peace and Freedom (APF) was listed as registered at an independent oversight authority on Wednesday (14 February).*

*APF members include politicians from the Greek neo-nazi Golden Dawn party and Germany's NPD, another ultra-nationalist political party with a neo-nazi ideology."*

5. INDIA: [What Is It Like To Live In The World's Biggest Experiment In Biometric Identity?](#) (Huffpost, link):

*"As of October 2017, India had issued 1.18 billion identity cards. There are big differences between states, but across the entire country, Aadhaar now covers 99 percent of the adult population, 75.4 percent of children between five and 18 years old, and 41.2 percent of children between zero and five. The system is meant to make it possible to "target delivery" of essential government services; there are at least 87 different schemes linked to it, including education access, pensions, scholarships for minorities, farming subsidies, school meals, and healthcare. (...)*

*In closing old gaps in service provision, Aadhaar has opened new ones, and the system has thrown settled lives into disorder and confusion. Many of those who need government services the most are also the most likely to fall through these new gaps in the system: poor migrants, children, the rural elderly, caste and tribal minorities, the visually impaired, the physically disabled, and more." (...)*

*Throughout history, identity systems—from the first paper passports to modern digital programs like Aadhaar—have been used to define people in different ways. Who's eligible for government welfare, and who isn't; who gets treated with humanity by the state, and who doesn't. They define individuals as either acceptable or unacceptable in the eyes of people with power."*

See also: International Telecommunication Union: [Review of National Identity Programs](#) (pdf): *"The status and characteristics of 48 national identity programs and initiatives in 43 developing countries were reviewed, including an evaluation of how these programs are being connected to—or used for—service provision. The identity programs reviewed are mainly government-issued national IDs. However, other types of national identity programs with links to various services including voter cards, passports, and two programs targeting the poor and the banking population were also reviewed."*

6. UK: DEATHS IN CUSTODY: [CPS decides not to charge Sussex police officers involved in the events surrounding Duncan Tomlin's death](#) (INQUEST, link):

*"The Crown Prosecution Service (CPS) has announced today that criminal charges will not be brought against any of the Sussex police officers involved in the events surrounding Duncan Tomlin's death. This is the second time that the CPS has decided not to bring charges against the officers. The original decision was reconsidered by the CPS following a Victim's Right to Review by the family in January 2017.*

Duncan died on 29 July 2014 in Haywards Heath. He became unresponsive after being restrained by police and placed into a police van.

The question of whether there will be disciplinary proceedings in respect of any of the officers are still being considered by the IOPC and Sussex Police."

And: [Six Devon and Cornwall police and detention officers to face gross misconduct action following the death of Thomas Orchard](#) (INQUEST, link)

7. [Spain proposes EU-Morocco accord to Frontex](#) (InfoMigrants, link):

"Madrid has proposed to the European Union an agreement with Morocco similar to the deal with Turkey to stem the flow of migrants entering the country illegally. In 2017, there was a 100 percent increase compared to the year before.

"Morocco is making an enormous effort to loyally ensure cooperation with Spain on immigration", Security Minister Jose Antonio Nieto was quoted as saying by newspaper ABC. The government of Mariano Rajoy "is constantly conveying to Frontex", the European border agency, "the need to start a strategically organized policy to deal with migrant issue", added Nieto.

The minister recalled that what he called a "very solid alliance" established with Turkey had given results as illegal arrivals in Greece went down 77 percent last year."

8. [Five million euros for Europol's "decryption platform"](#) (link):

"The EU is looking to improve its capabilities to circumvent and crack encryptions. Member states are to invest in hardware and software with Europol coordinating these efforts.

The police agency Europol is set to receive a further 5 million euros to reinforce its capabilities with regard to decrypting content, as was reported by the European Commission in its Thirteenth progress report towards an effective and genuine Security Union. According to the report, the money will be set aside in the Europol budget for 2018. The Commission had already pledged these funds in its twelfth progress report, but did not disclose the amount until 24 January. Prior to this, the EU home affairs ministers had called for further support at their December meeting."

9. Council of Europe: [Protection of children against sexual abuse in the circle of trust: workable strategies](#) (link):

"In a new [report](#) published today, the Council of Europe's [Lanzarote Committee](#) analyses the strategies used by 26 European countries(\*) to protect children against sexual abuse in the circle of trust (extended family and persons close to the child who exercise influence over the child)."

10. ECHR: [Two members of the terrorist organisation ETA sustained inhuman and degrading treatment after their arrest](#) (Press release, pdf):

"In today's Chamber judgment<sup>1</sup> in the case of *Portu Juanenea and Sarasola Yarzabal v. Spain* (application no. 1653/13) the European Court of Human Rights held, unanimously, that there had been:

- a violation of Article 3 (prohibition of inhuman and degrading treatment) of the European Convention on Human Rights, in its substantive and procedural aspects.

The case concerns allegations of ill-treatment sustained by Mr Portu Juanenea and Mr Sarasola Yarzabal when they were arrested in 2008 by officers of the Guardia Civil and at the beginning of their incommunicado police custody.(...)

The Court held, by four votes to three, that Spain was to pay 30,000 euros (EUR) to Mr Portu Juanenea and EUR 20,000 to Mr Sarasola Yarzabal, in respect of non-pecuniary damage."

11. Statewatch: [Market Forces: the development of the EU security-industrial complex - Executive Summary now available in Spanish](#) (pdf)

12. [Cybercrime: UK response to Council of the EU's recommendations](#)

The UK has set out its response to 12 recommendations on preventing and combatting cybercrime made in a September 2015 report by the Council of the EU, covering issues ranging from investigation and prosecution, to legislation and mutual legal assistance.

13. HUNGARY: [Operation Starve & Strangle: how the government uses the law to repress Hungary's civic spirit](#) (Hungarian Civil Liberties Union (TASZ) and Hungarian Helsinki Committee, pdf)

*"On 18 January 2018, the Hungarian government launched the 'Stop Soros' package, a proposal of three laws that target civil society organisations... These laws follow up on the 2017 NGO Law on foreign-funded organisations (Act LXXVI of 2017) over which the European Commission has decided to refer Hungary to the EU Court of Justice. The 2017 NGO Law requires that NGOs receiving foreign funding over €24,000 register on a separate list, report and publicly label themselves as 'foreign-funded' or face sanctions.*

*The latest proposal comes amidst a wider effort to stigmatize specific individuals and non-governmental organisations, and has been presented as a bid to stop 'illegal migration', to 'strengthen the protection of borders' and to 'protect Hungary's national security interests'. The proposed measures will affect a number of areas key to the functioning of civic life in Hungary. Despite their name, they not only target those who allegedly engage in supporting or funding 'illegal migration', but through less-conspicuous provisions also target the wider group of NGOs."*

And see: ["Observer": The Stop Soros bills—Hopefully only propaganda and nonsense](#) (Hungarian Spectrum, link)

14. EU: [The Hierarchy of Hate: Mixed Signals in the Combat against Hate Speech](#) (Verfassungsblog, link):

*"There is a number of varying thresholds to free speech regulation set out by relevant legal tools, namely Article 4 of the International Convention on the Elimination of all Forms of Racial Discrimination, Article 20(2) of the International Covenant on Civil and Political Rights, the EU's Framework Decision on Racism and Xenophobia and the Additional Protocol to the Cybercrime Convention.*

*These variations, discussed below, can do nothing but confuse countries. Moreover, threshold or no threshold, anti-hate speech legislation developed on an international and European level has a major flaw, which goes against principles such as solidarity and equality. More particularly, apart from the justifiable direction of the ICERD, these frameworks are marred by what I refer to as the hierarchy of hate, namely the arbitrary focus on particular types of hate speech, such as racist speech, and the simultaneous disregard for other genres such as homophobic speech."*

15. EU: [Enforcing the Rule of Law in the EU: What can be done about Hungary and Poland? Part II, Michel Waelbroeck and Peter Oliver](#) (blogdroiteuropéen, link):

*"In an earlier post, we set out our concerns about the decline of the rule of law in the EU with particular reference to the two Member States where the problem is most acute and indeed systemic. First of all, we showed how the harmful effects of such persistent unlawful action are not confined to the Member States concerned, because the principle of mutual recognition is undermined and because the ensuing corruption (which is especially evident in Hungary) is almost bound to have a negative impact on the EU's budget.*

Next, we concentrated on two recent and unprecedented developments, namely the Commission's proposal to the Council to take action under Article 7(1) of the Treaty on European Union and the Court's Order to Poland to put an immediate end to logging in the primeval forest of Bialowieza, failing which it would be required to pay a fine of €100,000 per day.

In the present post, which is likewise based on our very recent article in the *Cahiers de droit européen* (see the bibliography below), we shall focus on the steps – other than recourse to Article 7 TEU – which the EU can usefully take to exert pressure on these regimes to observe the principles of democracy, the rule of law and respect for human rights, as they are required to do by Article 2 TEU."

16. Statewatch has updated its: [Observatory on the European security-industrial complex](#)

What is the European security-industrial complex?

The European security-industrial complex is a term used to describe the confluence of interests within the European Union between the 'homeland security' industry and politicians and state officials dealing with security policies..

17. BREXIT: [The Running Commentary Begins: Annotation of the proposed Withdrawal Agreement](#) (EU Law Analysis, link): by Professor Steve Peers:

" Yesterday, the EU Commission for the first time proposed the text of part of the Brexit withdrawal agreement. From the legal point of view, ultimately the withdrawal agreement (if it is successfully negotiated and comes into force) will be the key legal text governing the Brexit process as such (there will be post-Brexit treaties governing the future relationship between the EU and the UK).

Due to its importance, I will provide what the UK's Prime Minister once disdainfully referred to as a 'running commentary' on the draft text of the agreement as it develops. Several caveats apply (...)"

See also: [Guide to Brexit sources](#) (link)

18. EU: Intergroup on LGBT Rights: [Parliament urges Commission and Member States to guarantee freedom of movement LGBTI families](#) (ep.eu/press-releases, link):

"Today, the European Parliament **adopted** a non-binding resolution on protection and non-discrimination with regard to minorities in the EU Member States. The resolution contains strong wording on the free movement of LGBTI families."

19. [How refugee and migrant solidarity groups are confronting the hostile environment](#) (IRR News, link) by Frances Webber:

"A review of recent pan-European developments in the criminalisation of solidarity. New developments are emerging in the criminalisation of solidarity, as the hostile environment principle, familiar to us in the UK, is adapted to other European contexts, further shrinking the space for solidarity.(...)

It was back in November 2017 that the IRR published its research, *Humanitarianism: the unacceptable face of solidarity*. At that time, we sent a copy the European Commission, asking them in a covering letter to reconsider the decision they made in March 2007. Two months later, at the end of January, the Commission finally replied. Their response ([read it here](#)) does not address the cases we presented, but argues that it is for member states to decide whether conduct is criminal or not. This entirely misses the point: a mandatory humanitarian exemption would not only set clear limits on states' ability to criminalise acts such as rescue assistance if a humanitarian motive was established. It would also – and this perhaps explains the Commission's reluctance – send a clear signal to states that there are limits to an anti-humanitarian political culture that, in abandoning refugees, criminalises humanity."

20. GREECE/TURKEY: [Investigation: Coercive 'voluntary' deportations leave refugees trapped in jail and facing torture](#) (Al Araby, link):

"A "voluntary" returns programme being heavily marketed to refugees is leaving them stranded in inhumane conditions in Greek and Turkish jails for months at a time, and facing imprisonment and torture once they return to their home countries - if they are ever able to get there at all.

For many refugees arriving in Greece and Turkey, whose claims for asylum are rejected, the International Organisation for Migration's Assisted Voluntary Return and Reintegration (AVRR) programme is effectively the only alternative to brutal jail systems. They are forced to give up their right to appeal their asylum decision in order to escape six or 12 months of confinement by accepting "voluntary" return.

...asylum seekers who have experienced the programme told *The New Arab* they were misled into accepting inhumane conditions, detention and torture, after joining a programme one lawyer called "a fist in a velvet glove... wrongful, coercive and distasteful".

21. UK: [‘A brick wall of silence’: the latest from the Undercover Policing Inquiry](#) (CCJS, link):

"On Monday 5 February, 2018, the Undercover Policing Inquiry held another hearing in the Royal Courts of Justice. The hearing dealt with seven more requests from former undercover police officers who wish to have their real and cover names concealed from the public.

Although the Inquiry was due to be nearly completed by now, substantive evidence hearing are not likely to even begin before 2019.

Extraordinarily, although the Inquiry has a budget in the millions, a 33-person team, and 25 legal representatives working on behalf of the various 'core participants', the amount of useful information to have emanated from its operations is thus far dwarfed by the tiny Undercover Research Group operating, in its own words, on a 'shoe-string budget'.

22. UK: [Deaths during or following police contact: Statistics for England and Wales 2016/17](#) (pdf):

"This report presents figures on deaths during or following police contact that happened between 1 April 2016 and 31 March 2017. It provides a definitive set of figures for England and Wales, and an overview of the nature and circumstances in which these deaths occurred.

This publication is the thirteenth in a series of statistical reports on this subject, published annually by the IPCC. To produce these statistics, the circumstances of all deaths referred to the IPCC are examined. We decide whether they meet the criteria for inclusion in the report under one of the following categories:

- road traffic fatalities [there were 32 in 2016/17]
- fatal shootings [six]
- deaths in or following police custody [14]
- apparent suicides following police custody [55]
- other deaths following police contact that were subject to an IPCC independent investigation [124]"

23. UK: [More questions than answers raised by official report on undercover policing in Scotland](#)

A report published today by Her Majesty's Inspectorate of Constabulary Scotland (HMICS) says that there is "no evidence" that officers from Police Scotland "infiltrated social justice campaigns", and that the inspectorate "believes" that between 1997 and 2007 the Special Demonstration Squad (SDS) deployed 11 undercover officers to the country, while the National Public Order Intelligence Unit (NPOIU) deployed nine. The review does not suggest that there were any issues with these deployments - a view that has been questioned by campaigners.

24. IRELAND: **National biometric database for accessing public services: [Identifying problems with mooted Public Services Card](#)** (Irish Examiner, link):

*"If you aren't currently registered for the PSC or its SAFE2 database in Ireland, you can be denied access to essential services in violation of your human rights.*

*The PSC requires users to provide a facial image biometric scan. Other pieces of identifying information can be combined across agencies into the Single Customer View database accessible by certain public agencies. (...)*

*One way to push back against this regime is to refuse it. However, you are not allowed to refuse the PSC card in many circumstances which appear to be inconsistent.*

*...the PSC has now been made the only acceptable form of identity verification for services including social welfare payments, child benefit, school transport, treatment benefits, driver's license applications, age verification, school grant appeals, and online health and revenue portals. (...)*

*If a person is does not consent to their private details being held in databases in order to access essential services, there needs to be legislative basis for it. There is no clear legislative basis for the PSC."*

25. EU: **[Hamburg police searching for G20 protesters Europe-wide](#)**

*"The Hamburg police want to significantly expand their controversial search operation for alleged "rioters" and "violent criminals" on the periphery of the G20 summit in July 2017. The measure is part of a massive stepping up of state powers at home and corresponds to the plans of the Social Democrats (SPD) and the Union parties (Christian Democratic Union-CDU/Christian Social Union-CSU) for coordinated policing practices across Europe."*

26. EU: **[Greece: Chios: NGO complaints about the treatment of refugees to the European Commission and its response](#)**

***"After considering your response, we found your assessment of the current situation to be at considerable odds with the factual situation we daily witness on the ground"***

NGOs on Chios complained to the European Commission about the treatment and conditions of refugees on the island: **[Complaints to the Commission signed by 11 NGOs](#)** (dated: 6 November 2017, pdf):

***"We, the undersigned voluntary organisations, have been providing humanitarian aid on the Greek island of Chios for more than two years. We are writing to express our deepest concerns with regard to the situation of refugees on the island. Whilst the inhumane conditions on Chios for refugees is not a new issue, the situation has reached tipping point in recent weeks with an increase in arrivals, the withdrawal of most NGOs, and the closure of Souda camp in the city, which has left the EU hotspot Vial as the sole facility that accommodates refugees on the island."***

27. **European Center for Constitutional and Human Rights: [Closing of investigation in 6 February 2014 Ceuta police operation causing 15 deaths](#)** (Press release, pdf)

*"Four years of impunity: Spanish judge refuses to hear survivors and to fully investigate lethal push-back at Ceuta border Berlin/Madrid 5 February 2018 Four years ago on 6 February at least 15 people died and several more were injured during a brutal push back operation by the Spanish Guardia Civil - a paramilitary police force - at the border between Morocco and the Spanish enclave of Ceuta on the beach of El Tarajal.*

*On 28 January 2018 the judge in charge of investigating these events closed the case against officers of the Guardia Civil for the second time. This decision came though the regional court already quashed a similar decision in January 2017, explicitly ordering the identification, location and hearing*

*of direct victims and witnesses. Subsequently two victims now residing in Germany informed the judge of their willingness to testify. However the judge hindered their participation in the investigation by closing it without hearing them."*

See also: [Case study](#) (pdf) and: [More than 125 NGOs call on the European Parliament to declare 6 February the 'Day of Victims of Borders'](#) (El Diario, link): More than 125 European organisations will call this Tuesday, on the fourth anniversary of the death of 14 migrants at El Tarajal in Ceuta, for the EU institutions to officially recognise 6 February as the 'European day of Victims of Borders'. It is foreseen that the petition will be registered during the morning at the Spanish office of the European Parliament, in Madrid.

28. UK: [Police Self-Investigators are Doorstepping Spycop Victims](#) (COPS,link):

*"Once again, police self-investigations have been contacting activists who were spied on, asking for co-operation.*

*The latest activity centres around Operation Sparkler/Operation Nitrogen, which is examining evidence that undercover police officer Bob Lambert planted incendiary devices in the Harrow branch of Debenham's in 1987."*

29. EU: [Centralised biometric database for convicted third-country nationals: European Parliament negotiating position published](#)

On 25 January the European Parliament's civil liberties committee (LIBE) adopted its position on the proposed European Criminal Records Information System for Third-Country Nationals, which will be a centralised EU database holding identity data on non-EU nationals convicted in a Member State. This will allow national authorities to see which Member State(s) hold information on previous convictions of non-EU nationals, to whom they will then be able to make a request for that information.

30. ITALY: [From Overcrowding to Dirty Mattresses: A Visit to Lampedusa](#) (Liberties, link):

*"After the suicide of a Tunisian migrant on 5 January and the outbreak of a large fight at the end of the month, Italy's national guarantor for people deprived of liberty, Mauro Palma, visited the hotspot of Lampedusa. The results of this visit were presented at a press conference on 24 January.*

*During his press conference, Palma said he was extremely concerned to find that, both legally and materially, the situation he found on Lampedusa was exactly the same as one year ago, meaning that none of the recommendations he gave a year ago has been implemented by the authorities."*

31. [Inside the EU's flawed \\$200 million migration deal with Sudan](#) (IRIN, link):

*"As millions of dollars in EU funds flow into Sudan to stem African migration, asylum seekers say they are increasingly trapped, living in a perpetual state of fear and exploitation in this key transit country.*

*In interviews with over 25 Eritrean and Ethiopian asylum seekers in Khartoum and the eastern city of Kassala, as well as local journalists, and lawyers working on behalf of refugees, IRIN has documented allegations of endemic police abuse, including extortion, violence, and sexual assault.*

*The pattern of corruption and rights violations uncovered feeds into broader concerns over whether the EU's migration policies are making a difficult situation worse."*

32. UK: [Woman reveals police spy tricked her into relationship in 1970s](#) (The Guardian, link):

*"A woman has disclosed how she has discovered after 40 years that she was deceived into a sexual relationship by a police spy.*

The woman, known as Mary, said the discovery was "very embarrassing and upsetting". "I feel very used by him, and by the state, invading my privacy and my body," she added.

She was a young leftwing student in the 1970s when she was tricked by the undercover officer, who had adopted the fake identity of Rick Gibson.

The woman made the discovery last month after a public inquiry, led by a judge, Sir John Mitting, confirmed in August that Gibson had infiltrated leftwing groups between 1974 and 1976. "

33. UK: [Liverpool: A Broken Prison in a Broken System](#) (Centre for the Study of Crime, Criminalisation and Social Exclusion, link) by Joe Sim:

"On January 19th, the Chief Inspector of Prisons published a lacerating report on the state of Liverpool prison. It highlighted, in bleak detail, the 'abject failure of HMP Liverpool to offer a safe, decent and purposeful environment'. Conditions were the worst the Inspectorate had ever seen. (...)

Government ministers, old and new, should be ashamed of the callous immorality displayed in Liverpool, as should prison service managers and many, though not all, of those who work in the institution. The report demonstrates a moral and political dereliction of duty which, if it happened in other organisations, would be unequivocally condemned, and indeed, could result in prosecutions. Why has this not happened in this case? As ever, a culture of immunity and impunity prevails when it comes to taking any action against those who either fail to do their job, or fail in their duty of care towards prisoners. Until such action is taken, and state servants are held accountable for their actions, through the utilisation of provisions in the Corporate Manslaughter and Corporate Homicide Act 2007 to investigate deaths in custody, as the charity INQUEST has called for in the case of Woodhill prison, then this will not be the last report of its kind."

See: Her Majesty's Inspectorate of Prisons: [Report on an unannounced inspection of HMP Liverpool](#) (pdf)

34. POLAND: [Calling Murders by Their Names as Criminal Offence – a Risk of Statutory Negationism in Poland](#) (Verfassungsblog, link):

"On the eve of the international commemoration of the Holocaust Remembrance Day (27th of January), the lower chamber of the Polish Parliament approved a law on the defamation of the Polish State and Nation, causing extremely harsh reactions from the Israeli side, joined within days by tens of international organisations, the US Administration, and, most importantly, Holocaust survivors themselves. None of the arguments against the law convinced the Polish legislator to reconsider the legislation and just five days later, during a nightly sitting, the Senat, the upper chamber of the Polish Parliament, approved the memory law. It now awaits the signature of the Polish President to become a binding law.(...)

the official reason for submitting the new law to the Polish Parliament, or rather an amendment to existing legislation, has been fully justified – to stop the use of the term "Polish concentration camps" and "Polish death camps" anywhere in the world, a reason with which we have no argument whatsoever. Clearly, no such camps have ever existed. There have been, however, a number of German Nazi concentration camps designed and operated fully by the German occupiers of Poland. And yet, the idea has been abused, and instead of introducing civil remedies supporting requests of withdrawal of the term "Polish camps" from the media, the Polish Parliament decided mistakenly to use criminal sanctions and extending the sanction to any case of "attributing responsibility to the Polish State or Polish Nation". This approach appears not only to be ineffective but also to suppress the freedom of historical debate and generally the freedom of speech by restricting the range of acceptable interpretations of historical events with a view, primarily, to eliminating those that present Poles as anything less than heroic, in particular as those who assisted Germans in committing Nazi crimes against Jewish people."

35. [EU and military and security industry meet on future of EUROSUR](#) (Stop Wapenhandel, link):

"On 6 and 7 February EU and member states' officials meet up with military and security companies for the 'Industry Day on Border Surveillance and Integrated Border Management' in Brussels. The aim of the day is to discuss the future development of EUROSUR, the EU border monitoring and surveillance system. This shows again the close connections between the EU and the European military and security industry and the influence the industry has on EU border policies.

The [Industry Day](#), organised by the Directorate-General for Migration and Home Affairs (DG HOME) of the European Commission, includes speeches and presentations by leading officials from DG HOME, the border security agency Frontex and the European Defence Agency. A speech on 'The role of industry' will be delivered by Giorgio Gulienetti, Head of National and International Technical Collaborations with Italian arms producer Leonardo (formerly Finmeccanica) and chair of the Integrated Border Security Working Group of the [European Organisation for Security](#) (EOS). EOS is one of the main lobby organisations of the European military and security industry."

36. [Antisemitic incidents in UK at all-time high](#) (The Guardian, link):

"Antisemitic hate incidents have reached a record level in the UK, with the Jewish community targeted at a rate of nearly four times a day last year, figures indicate.

There were 1,382 antisemitic incidents recorded nationwide in 2017 by the Community Security Trust.

This was the highest tally that the trust, a charity that monitors antisemitism, has registered for a calendar year since it began gathering such data in 1984. The figure rose by 3%, compared with a total, in 2016, of 1,346 incidents – a tally that itself was a record annual total."

37. IRELAND: PNR: [Government approves proposals on counter-terrorism legislation](#) (RTÉ, link):

"Minister for Justice Charlie Flanagan has said the Government has approved his proposals on counter-terrorism legislation, which will require details of passengers on flights entering or leaving the State.

The proposals come under the European Union directive - Passenger Name Record (PNR) - that Ireland signed up to and must be implemented by 25 May this year.

PNR means airlines will have to provide advance passenger information to authorities here and in other EU countries.

Mr Flanagan said the shared intelligence resource is significant in the fight against terrorism."

38. [Irish court refuses man's extradition because of Brexit](#) (Guardian, link):

"Supreme court judges rule UK will have left EU by the end of the company director's sentence.

Ireland's supreme court has declined to extradite a company director wanted for fraud to London because by the time he finishes his prison sentence the UK will have left the EU.

The surprise decision in Dublin is an early sign of the disruption Brexit may inflict on legal cooperation across the continent. A fresh extradition treaty between the two countries could be needed."

39. [Amnesty denounces Italy-Libya migration deal, says time to release thousands trapped in misery](#) (New Europe, link):

"Ahead of the first anniversary of Italy signing a deal with Libya on measures to stop refugees and migrants from travelling to Europe, thousands of people remain trapped in Libyan detention camps where torture is commonplace, Amnesty International said Wednesday.

"One year ago, the Italian government, backed by their European counterparts, agreed on a dodgy deal with the Libyan government that has trapped thousands. People are being forced to endure torture, arbitrary detention, extortion and unthinkable conditions in detention centres run by the Libyan government," said Iverna McGowan, Director of the Amnesty International, European Institutions Office."

40. EU: [Jo Leinen – Visegrad Four ‘attack European democracy’](#) (euractiv, link):

"The recent statement by the Visegrad Four on the future of Europe is "an attack on European democracy", Jo Leinen, a respected federalist MEP (S&D, Germany), said in a strongly-worded statement on Tuesday (30 January), ahead of a key summit in February focusing on the 2019 European elections.

Leinen reacted on his blog to the statement by the four Central European countries (Hungary, Poland, Czech Republic and Slovakia) adopted at a meeting in Budapest last Friday."

See: [Visegrad Statement](#) (pdf)

## Documentation

### 1. [ECRIS-TCN trilogue discussions: four-column document and Council position on EP amendments](#)

Council of the European Union: ECRIS-TCN: [Proposal for a Regulation establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons \(TCN\) to supplement and support the European Criminal Records Information System \(ECRIS-TCN system\) and amending Regulation \(EU No 1077/2011 - Four column table with Presidency suggestions/comments](#) (LIMITE doc no: 5505-18,104 pages, pdf): Four column document setting out: Commission proposal, European Parliament amendments, Council general approach and "compromise" position. "

And see: [Questions concerning the EP amendments](#) (LIMITE doc no: 5730-18, pdf):

"In view of the first trilogue, which is scheduled for Wednesday 7 March, the Presidency (PRES) would like to obtain a view of the positions of the Member States on the EP amendments. PRES would also very much appreciate Member States bringing forward arguments that could be used during the negotiations.(...)

### 2. [Council of the European Union gets to work on the interoperability of EU databases](#)

The Council of the European Union is working out its negotiating position - prior to trilogue discussions - on the: [Proposal for a Regulation on establishing a framework for interoperability between EU information systems \(borders and visa\) and amending Council Decision 2004/512/EC, Regulation \(EC\) No 767/2008, Council Decision 2008/633/JHA, Regulation \(EU\) 2016/399 and Regulation \(EU\) 2017/2226 - Examination of Presidency revised text of Articles 1-32](#) (LIMIITE doc no: 5758-18, pdf):

"Changes to the Commission proposal are marked in **bold italics** and strikethrough. (...)

Footnote 1: **General scrutiny reservations by:** CY, CZ, DE, EE, ES, FI, FR, IT, LT, LV, MT, NL, PL, PT, SE, SK, SI, UK, CH."

### 3. Council of the European Union: European Investigation Order (EIO): [Directive 2014/41/EU on the European Investigation Order - Transposition](#) (5908-REV-1-18,pdf):

"Member States will find attached information provided by the Commission services on the transposition by Member States of the Directive and on the measures that have been transmitted to

the Commission in application of Article 36(3) of the EIO Directive (situation on 12 February 2018). Twenty-two Member States have notified measures to the Commission: BE, CZ, DE, EE, EL, FR, HR, IT, CY, LV, LT, HU, MT, NL, PL, PT, RO, SI, SK, FI, SE, UK."

See: [Directive regarding the European Investigation Order in criminal matters](#) (pdf)

And see: European Judicial Network: [Summary](#) (link)

4. CoE: Commissioner for Human Rights: [Sweden should enhance protection of asylum seekers and persons with disabilities](#) (link):

*"Sweden's renewed commitment to participate in the relocation of asylum seekers and to increase resettlement are positive signals, but it's time to lift the restrictions imposed on asylum seekers at the height of the 2015 migration crisis", says the Council of Europe Commissioner for Human Rights, Nils Muižnieks, in a report released today following his visit to the country in October 2017."*

See: [Report](#) (pdf) and [Swedish government response](#) (pdf)

5. European Ombudsman: [Ombudsman says Member States must open up their opaque negotiations on EU laws](#)

*"The Ombudsman specifically criticises the Council's failure systematically to record the identity of Member States taking positions during discussions on draft legislation, and the widespread practice of disproportionately marking documents as not for circulation, or LIMITE (,,,"*

*"It's almost impossible for citizens to follow the legislative discussions in the Council between national government representatives. This 'behind-closed-doors' approach risks alienating citizens and feeding negative sentiment," said Ms O'Reilly."*

See: [Recommendation of the European Ombudsman in case OI/2/2017/TE on the Transparency of the Council legislative process](#) (link)

And: see: Statewatch [Observatory on FOI in the EU](#) (from 1992 onwards)

6. EU: [Commission responses to parliamentary questions: Dublin returns to Greece; arrivals in Sardinia; European Tracking Solution; Europol internet monitoring platform](#)

Recent responses from Dimitris Avramopoulos, Commissioner for Migration and Home Affairs, to questions from MEPs on

- Resumption of return of refugees from other countries to Greece;
- Measures to restrict the exceptional number of illegal migrants on the Algeria-Sardinia route;
- Technical details of Europol's European Tracking Solution;
- Europol platform SIRIUS.

7. UK: [Post-Legislative Scrutiny of the Identity Documents Act 2010: Memorandum from the Home Secretary to the Home Affairs Committee](#) (pdf):

*"This memorandum provides a preliminary assessment of the Identity Documents Act 2010 and has been prepared by the Home Office for submission to the Home Affairs Committee. It is published as part of the process set out in the documents Post Legislative Scrutiny – The Government's Approach (Cm 7320). (...)*

*All of the provisions of the Act have now been commenced in full (see Annex A)."*

8. EU: ETIAS: Trilogue discussions on: [Proposal for a Regulation establishing a European Travel Information and Authorisation System \(ETIAS\) and amending Regulations \(EU\) No 515/2014, \(EU\) 2016/399, \(EU\) 2016/794 and \(EU\) 2016/1624](#) (377 pages, pdf): State of play: Commission proposal, Council position, European Parliament position and "compromise" position.

See also: [Four-column on the amendments to the Europol Regulation based on ETIAS](#) (pdf)

9. EU: [What's next for acquired rights of EU27 and UK citizens? Anticipating the draft Brexit withdrawal agreement](#) (EU Law Analysis, link) by Professor Steve Peers:

*"While attention during the Brexit talks has been focussed on the two sides' negotiation positions, and on the measure of agreement reached so far (notably the December [joint report](#), discussed further [here](#)), in the long term the most important text on EU and UK citizens' acquired rights after Brexit will be the withdrawal agreement itself – assuming it is agreed and ratified. Once a draft withdrawal agreement is produced (which is reportedly likely soon) we can offer a 'running commentary' on it, but in the meantime here are some thoughts about what to look for."*

10. EU: **Council Legal Service note ponders how to involve the Council's EU Military Committee in decision-making on Defence Industrial Development Programme**

See: [Speaking Note of the Council Legal Service representative at the EUMC meeting held on 15 January 2018](#) (5490/18, LIMITE, 19 January 2018, pdf)

11. EU-UK: [Brexit: Commission position paper on "transitional arrangements" and EP briefing on implications for readmission of migrants](#)

The European Commission has published a position paper on "Transitional Arrangements in the Withdrawal Agreement" that "translates into legal terms the principles laid down in the European Council Guidelines of 29 April and 15 December 2017 and in the supplementary negotiating directives annexed the Council Decision [sic] of 29 January 2018." Meanwhile the European Parliament has published a briefing paper on the implications of Brexit for readmission: "the act of returning... persons to their state of origin, or in limited circumstances, to another state."

12. Council of the European Union: [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):

*"Document ST 6261/17 ADD 1 REV 1 should bear the distribution marking "LIMITE"."*

13. EU: [Asylum Procedures Regulation: latest Council text with Member State positions](#)

The Council is developing its negotiating position on the proposed Asylum Procedures Regulation, part of the legislation on the revamped Common European Asylum System. There are 300 footnotes showing Member States' positions, many of which have been deleted in the censored version officially published by the Council.

14. BREXIT: [EU withdrawal bill needs major rewrites, Lords committee says](#) (The Guardian, link):

*"The EU withdrawal bill is fundamentally flawed and needs to be rewritten in several ways, peers have said, as the House of Lords prepares to debate the legislation this week."*

*The Lords constitution committee said that the bill as it currently stands risked "undermining legal certainty" and should be substantially changed, even though it has already been voted through the House of Commons.*

*The bill will be subject to fierce debate when it reaches the Lords on Tuesday and Wednesday, with remain-supporting peers expected to vote for a motion of regret that the public is not getting another say over Brexit."*

See the report: House of Lords Select Committee on the Constitution: [European Union \(Withdrawal\) Bill](#) (pdf)

15. Council of Europe: [Commissioner for Human Rights: Annual Activity Report 2017](#) (pdf):

*"In the introduction to last year's annual report, I claimed that 2016 would be remembered as a turning point for human rights protection in Europe. In a positive scenario, 2016 would be remembered as the year we hit bottom and began to bounce back. In a darker scenario, it would mark the beginning of the end of the post-war human rights system. Needless to say, **there were few signs of an upturn in 2017.***

*What more can be done to arrest the negative trend? How can we turn the tide? In circumstances of serious backsliding in certain countries and issue areas, the Council of Europe needs to reinforce its core "business" - rule of law and human rights monitoring and the provision of advice. It needs to demonstrate to member states the benefits and the added value of this work. While navigating an extremely challenging environment in the short and medium-term, we also need to think strategically. In my view, **one key strategic priority should be children and youth. Otherwise, Europe in the near future may lack a critical mass of people with a willingness and ability to defend Europe's acquis of human rights, tolerance, and transnational co-operation.***

***My concern stems from the fact that children and youth were among the hardest hit by the economic crisis in many countries. Child poverty and youth unemployment were among the most widespread side effects of austerity policies. If we do not address these ills more effectively, what can we expect of many in this generation in the future? What will Europe mean to them, if anything? Why should they care about European integration, solidarity, even democracy? We cannot continue to leave so many young people behind.*** (emphasis added)

And see: [Transcript of oral presentation of the report: Annual activity report 2017 by the Council of Europe Commissioner for Human Rights](#) (pdf)