



## News

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### ANALYSES

1. Analysis: Decriminalising solidarity by promoting the regularisation of migrants by Fulvio Vassallo Paleologo (Osservatorio Solidarieta Carta di Milano)
2. Viewpoint: Morocco: Wherever EU immigration policy rears its ugly head, violence and abuses follow by Yasha Maccanico
3. Migration policy: From the "carrot and stick" to the "stick", from GAMM (the Global Approach to Migration and Mobility) to "Partnership Frameworks" in Africa by Tony Bunyan
4. Fingerprints in identity cards: who will oppose an unjustified and unnecessary proposal? by Chris Jones
5. Undercover policing: the "alphabet soup" of cross-border networks, groups and projects by Chris Jones.

### NEWS

1. Northern Ireland: "It's us today, tomorrow it could be you" - No Stone Unturned
2. Observatory: Creation of a centralised Justice & Home Affairs database (Updated 24.11.18)
3. UK: Could scanners like these solve Tube and train crowds?
4. Police informants in Germany: Money, attention and scandal
5. Italy orders seizure of migrant rescue ship over 'HIV-contaminated' clothes"
6. Are You Syrious (20.11.18): Special report: "Human rights in the trash."
7. EU greenlights new wave of military projects, secret agents training
8. Council of Europe: Parliamentary Assembly: Campaign to End Immigration Detention of Children
9. Refugee crisis: latest news from across Europe (13-19.11.18)
10. EU: Rebooted Schengen Information System rules adopted by Council
11. SPAIN: Hundreds of people demonstrate against institutional racism in Madrid
12. Germany opens new military camp in Niger
13. EU: Strengthening oversight of international data exchange - intelligence and security services
14. UK: Fair Trials makes submission on the review of UK's "torture guidance"
15. Are You Syrious (15.11.18)
16. EU: ENAAT: Joint statement The risks of the new EU Defence Fund (pdf): signed by 42 NGOs
17. EU: European Commission Brexit preparedness: visa-free travel to the EU for UK nationals
18. EU: Council Legal Service Opinion on the Commission's EU budget-related rule of law
19. Vulnerable refugees' transfer to Greek mainland continues
20. Cruel European migration policies leave refugees trapped in Libya with no way out

21. Six EU countries – and counting – back out from the global migration pact
22. UK: Information Commissioner- Investigation into the use of data analytics in political campaigns
23. Refugee crisis: latest news from across Europe (6-12.11.18)
24. UK: Off the Leash: How the UK is developing the technology to build armed autonomous drones
25. EU: New security system trialed at Luxembourg Airport
26. The Case of the Administrative Arrangement on Asylum-Seekers between Greece and Germany:
27. ROMANIA: OCCRP Strongly Objects to Romania's Misuse of GDPR to Muzzle Media
28. Socialist History Society Publication: Telling the Mayflower Story: Thanksgiving or Land Grabbing
29. Are You Syrious: Hundreds demonstrate as seven protesters in France face 10 years in prison
31. Tunisia: Privacy Threatened by 'Homosexuality' Arrests - Government Using Personal Data
32. Polish president attacks EU court on eve of divisive march
33. IRELAND: Ballymurphy massacre inquests set to open next week
34. UK: Stansted protesters believed deportees were at risk of death, court told
35. EU: The Administrative Arrangement between Greece and Germany on asylum-seekers
36. ECHR-SPAIN: in trial re. banned group ETA had justified fears about judges' lack of impartiality
37. Handbook on European data protection law: 2018 edition
38. Eurojust Regulation "completes the EU's work to create a new EU security architecture"
39. EU: Eurojust to host the European judicial counter-terrorism register
40. EU set to test AI guards to protect external borders
41. Greece: Rescuers at Sea Face Baseless Accusations to Criminalize Saving Lives
42. Brexit: Eurotunnel preparing for increased checks in Calais
43. EU lowers its ambitions on African migration control
44. Press release: International Declaration on Information and Democracy
45. Refugee crisis: latest news from across Europe (25.10-5.11.18)
46. EU: Europol foresees key role in "the EU travel intelligence architecture"
47. HUNGARY: Guilty of Homelessness – The Resurgence of Penal Populism in Hungary
48. The EU call it copyright, but it is massive Internet censorship and must be stopped
49. Statewatch Analyses: Biometric ID, Undercover policing, Criminalisation of solidarity;
50. UK admits only 20 unaccompanied child refugees in two
51. From market integration to core state powers: Eurozone crisis, refugee crisis & integration theory
52. Hungary's top court clears journalist who kicked refugees
53. GREECE: When Prosecuting Far-Right Violence Fails - An unbelievably drawn-out trial in Greece
54. Greece: NGO STATEMENT: implementation of the EU-Turkey Statement is an insult
55. EU Africa Relations: Tone Down the 'Newness' and Revisit History
56. FRANCE: Crimes of solidarity: freedom for the "7 of Briançon"
57. UK: Inquiry announced on 20th anniversary of Macpherson report
58. French *Gendarmerie* and Spanish *Guardia Civil* develop joint training cross-border operations
59. UN experts: concern over EU's attempts to seal borders, close protection space

## DOCUMENTATION

1. Council: court finds that nobody in the EU is responsible for the EU-Turkey deal of 16 March 2016
2. European Parliament: Studies: Humanitarian visas: European Added Value Assessment
3. The effectiveness of the right to family reunion of refugees: analysis of the K. & B. ruling of CJEU
4. EU: Terrorist content online: revised text of the proposed Regulation
5. EU: Council Presidency calls for action on "secondary movement" of refugees
6. CoE: Greece should safeguard social rights for all improve reception and integration of migrants
7. E-evidence: Council of Bars and Law Societies of Europe: Production and Preservation Orders
8. European Parliament studies: Brexit and Migration
9. Council: Draft Council Declaration on the fight against antisemitism
10. UK: Campsfield House immigration removal centre to close
11. Council: Proposal for a Regulation a common procedure for international protection in the Union
12. BREXIT: UK draft withdrawal agreement – documentation
13. EU-USA: Joint EU-U.S. statement of EU-U.S. Justice and Home Affairs Ministerial Meeting
14. ECHR-SPAIN: Slander conviction for publicly accusing police officers of "torture"
15. EU: Council: Interoperability "state of play": Planned centralised "Big Brother" database
16. Common European Asylum System - Reception:
17. EU: European Criminal Records Information System third country nationals (ECRIS-TCN)
18. EU: EP: draft reports on Internal Security Fund, Integrated Border Management Fund & Frontex
19. European Parliament: Report with recommendations to the Commission on Humanitarian Visas

20. EU: Council Presidency seeks to implement "regional disembarkation centres" in third countries
21. EU: Council: Joint Action Plan on Counter-Terrorism for the Western Balkans
22. EU: EP: Resolution of 25 October 2018 on the rise of neo-fascist violence in Europe
23. Swedish student who stopped deportation flight of Afghan asylum seeker to be prosecuted
24. EU: Common European Asylum System: Asylum procedures at the border a sticking point
25. EU: E-evidence: Council pondering issues European Data Protection Board issues opinion
26. European Council: 18 October Conclusions
27. European Data Protection Supervisor (EDPS) The urgent case for a new ePrivacy law
28. European Commission: Security Union: List of legislative initiatives
29. CJEU: Advocate General should rule that the 'Returns Directive' must be applied
30. European Parliament Study: Humanitarian visas
31. CoE: Romania: Excessive & unjustified force police operation in a Roma community"
32. EU and the corporate impunity nexus

## ANALYSES

1. Statewatch Analysis: [Decriminalising solidarity by promoting the regularisation of migrants](#) (pdf) by Fulvio Vassallo Paleologo (Osservatorio Solidarieta Carta di Milano):

Translation of a speech given by Fulvio Vassallo Paleologo ([Osservatorio Solidarieta Carta di Milano](#)) at the session 'Decriminalizing Solidarity: an ever more topical challenge', [Sabir Festival](#), Palermo, 13 October 2018.

*"The criminalisation of people and organisations that lend assistance to immigrants in Europe is an expression of the closure of legal or humanitarian entry routes and the growing difficulty of residing legally. The distinction between "economic migrants" and asylum seekers, the restriction of possibilities to enter to find employment and of the scope of the "European" right to asylum, and finally the agreements with third countries to externalise collective refoulement practices, produce a proliferation of cases resulting in illegality."*

2. Statewatch Viewpoint: [Morocco: Wherever EU immigration policy rears its ugly head, violence and abuses follow](#) (pdf) by Yasha Maccanico, October 2018

In the summer of 2018, after concerted efforts since 2014 by the EU and its Member States to block off the eastern (Turkey to Greece) and central (Tunisia and Libya to Italy) routes across the Mediterranean used by migrants and refugees to reach Europe, there was an increase in crossings using the western route (Morocco, and sometimes Algeria, to Spain). This was accompanied by an increase in deaths at sea and, in Morocco, extensive police operations to remove black African migrants from the north of the country, based on racial profiling and flagrant breaches of human rights.

3. [Migration policy: From the "carrot and stick" to the "stick", from GAMM \(the Global Approach to Migration and Mobility\) to "Partnership Frameworks" in Africa](#) by Tony Bunyan.

The EU has finally lost patience with a decade-long approach based on dialogue with countries in Africa calling for the return and readmission of refugees. Under plans adopted by the European Commission on 7 June 2016 the EU is explicitly seeking to exploit Member States' historical neo-colonial links to try to contain the movement of migrants and refugees.

4. [Fingerprints in identity cards: who will oppose an unjustified and unnecessary proposal?](#) by Chris Jones

The Council and the Parliament are both currently discussing their negotiating positions on the proposal for new EU rules on national identity cards and residence documents issued to EU citizens and their family members when they reside in another Member State. Unless amendments proposed by left, liberal and green MEPs are taken into account, the Parliament will follow the Council and Commission in approving the mandatory fingerprinting of hundreds of millions of EU citizens.

5, [Undercover policing: the "alphabet soup" of cross-border networks, groups and projects](#) by Chris Jones.

The Undercover Policing Inquiry that has been in place in the UK since 2015 will never uncover the full truth about the police infiltration of social and political organisations whilst it has no remit to examine the activities of British officers outside England and Wales. This briefing outlines the transnational police groups, networks and organisations that are known to exist for the purpose of coordinating undercover police operations across state borders, primarily in Europe.

## NEWS

### 1. Northern Ireland: ["It's us today, tomorrow it could be you" - No Stone Unturned](#)

The National Union of Journalists (NUJ) ethic code's first obligation is:

*"a journalist at all times upholds and defends the principle of media freedom, the right of freedom of expression and the right of the public to be informed".*

NUJ members, Trevor Birney and Barry McCaffrey, upheld this principle and were arrested as a consequence.

### 2. [Statewatch Observatory: Creation of a centralised Justice & Home Affairs database is "a point of no return"](#) (Updated 24.11.18)

### 3. UK: [Could scanners like these solve Tube and train crowds?](#) (*Evening Standard*, link):

*'Pay-by-face' system may end need for train station barriers*

*Facial recognition technology is being tested by the firm behind the Oyster card to develop a ticketless system for the public transport network.*

*The "pay-by-face" system would look to end the need for barriers at train and tube stations and reduce congestion."*

### 4. [Police informants in Germany: Money, attention and scandal](#) (Deutsche Welle, link):

*"Despite the use of several informants, police weren't able to stop terrorist Anis Amri. Still, authorities continue to rely on such sources. How does it work? What do they get paid? DW asks the experts."*

See: Analysis: [Almost suspicious: the unbearable lightness of legislation](#) (pdf) by Heiner Busch

### 5. [Italy orders seizure of migrant rescue ship over 'HIV-contaminated' clothes](#) (The Guardian, link):

*"Italian authorities have ordered the seizure of the migrant rescue ship Aquarius after claiming that discarded clothes worn by the migrants on their voyage from Libya to Italy could have been contaminated by HIV, meningitis and tuberculosis.*

*Prosecutors from Catania, eastern Sicily, alleged that the waste was illegally labelled by the ship's crew as "special waste" rather than "toxic waste".*

*The Aquarius is currently docked in Marseilles, France, where so far it is beyond the reach of the Italian authorities.*

...Aids campaigners criticised the prosecutors' claims that clothing could have been contaminated with HIV. "Clothing categorically is not, and has never been, an HIV transmission risk," said Deborah Gold, chief executive of the National AIDS Trust."

6. [Are You Syrious](#) (20.11.18, link)

**Special report: "Human rights in the trash."**

"During the night of Monday to Tuesday, all over the Balkans, but also in a big part of Europe, people who are forced to stay outside woke up in snow and heavy rain. The situation on the Greek islands is threatening and everybody should be worried what will happen with those trapped in camps like Moria, Vial, Samos... The living conditions are unbearable, due to the lack of care from the governments and big organizations who are supposed to take care of people in need.(...)"

7. [EU greenlights new wave of military projects, secret agents training](#) (euractiv, link):

"Foreign and defence ministers on Monday (19 November) agreed on 17 new armaments and military projects within the PESCO framework, including the development of new weapons systems and the establishment of a training facility for secret agents.

The Joint EU intelligence school will be led by Greece and based in Cyprus and is meant to train intelligence agency staff from around the EU in cooperation with national security agencies and NATO.

Critics, however, already pointed out the fact that the intelligence facility would be led by two of the most Russia-friendly member states.

According to the [list of new projects](#) [pdf], Germany will also develop a new generation of drones to monitor land and sea and work to improve the European attack helicopter, the Tiger Mk 3, which is led by France, along with Spain."

8. Council of Europe: Parliamentary Assembly: [The Parliamentary Campaign to End Immigration Detention of Children](#) (link):

"Europe continues to be faced with unprecedented numbers of migrants seeking protection. Migrant children are the most vulnerable group, whether they are arriving with their families or as unaccompanied minors. A worrying number of them end up in administrative detention as a result of existing immigration laws and policies. In detention facilities they are at high risk of abuse and neglect."

9. [Refugee crisis: latest news from across Europe](#) (13-19.11.18) including:

- New Schengen Information System rules adopted, emphasise returns and entry bans
- ITALY: Salvini decree approved by Italian Senate amid protests and criticisms
- Cruel European migration policies leave refugees trapped in Libya with no way out

10. EU: [Rebooted Schengen Information System rules adopted by Council](#)

The Council of the EU has adopted three new regulations that will extend the scale and scope of the Schengen Information System II (SIS II). The rules cover the use of the system for police and judicial cooperation; border checks; and "for the return of illegally staying third-country nationals".

11. SPAIN: [Hundreds of people demonstrate against institutional racism in Madrid](#)

On Sunday 11 November hundreds of people demonstrated in Madrid to protest against "institutional violence" and the "racist structures of the state".

12. [Germany opens new military camp in Niger](#) (Deutsche Welle, link):

*"German Defense Minister Ursula von der Leyen on Sunday opened a new Bundeswehr camp in the Niger capital of Niamey.*

*"Niger, like Mali and the other countries of the Sahel region, is part of the European neighborhood, a neighborhood facing unending challenges," von der Leyen said. Niger "is a valuable, reliable and determined partner in the fight against terrorism, organized crime and illegal migration in the region."*

*During her visit, von der Leyen handed over 53 military transport vehicles to Niger Defense Minister Kalla Moutari as part of an "upgrade initiative" aimed at bolstering the country's military capabilities.*

*Germany is also developing other defense-related projects in Niger, including building an officer training school and expanding the military section of the capital's airport."*

13. EU: [Strengthening oversight of international data exchange between intelligence and security services](#) (pdf)

*"Five European intelligence oversight bodies [from Belgium, Denmark, the Netherlands, Norway and Switzerland] have begun a new form of cooperation.*

*In this statement, we will:*

*Describe our project, which entailed each of us conducting an investigation into our respective countries' services' use of information regarding foreign terrorist fighters and sharing our methods, best practices and experiences.*

*Address the challenges we met when overseeing international data exchange, including the risk of an oversight gap when intelligence and security services cooperate internationally.*

*Identify ways to move forward towards strengthening oversight cooperation, for example through minimizing secrecy between oversight bodies so that certain information can be shared, in order to improve our oversight of international data exchange."*

14. UK: [Fair Trials makes submission on the review of UK's "torture guidance"](#) (link):

*"Fair Trials has made a submission to the Investigatory Powers Commissioner's Office on the public consultation of the UK government's review of the Consolidated Guidance. The Consolidated Guidance, also known as the "torture guidance", is a document intended to prevent UK personnel from becoming involved in human rights abuses abroad. It sets out principles that govern the detention and interviewing of detainees overseas, as well as the passing and receipt of intelligence relating to those detainees."*

15.. [Are You Syrious](#) (15.11.18, link):

## **FEATURE**

*"A total of 81 people continue to refuse to disembark a commercial container ship in the Libyan port of Misrata, claiming that Libya is too dangerous.*

*They were picked up by the vessel, which was loaded with cars, late on Friday after they were spotted on a flimsy raft out at sea. Only 14 people have been evacuated so far, according to IOM. Those that remain on board are protesting their return to Libyan detention centres. They have been on board now for six consecutive days.*

*MSF have been providing medical care on the vessel. They report there is a seventeen-year-old Sudanese boy on board whose brother and friend died in the hands of smugglers in Tripoli." (...)*

16. EU: ENAAT: (European Network Against Arms Trade): [Joint statement The risks of the new EU Defence Fund](#) (pdf): signed by 42 NGOs including *Statewatch*:

*"To conclude, there could be potential benefits from the pooling together military research and development, such as savings from reducing duplication. However, the proposal as it currently stands clearly says it is not substituting EU for national funding and encourages EU Member States to continue increasing their own spending.(...)"*

*In this remembrance period of the First World War, and of the terrible effects of what were disruptive technologies at that time, like chemical gas and tanks, we urge the media and EU decision-makers alike to ask whether the establishment of the European Defence Fund is a good way to achieve peace and security."*

17. EU: European Commission (13 November 2018): [Brexit preparedness: European Commission proposes visa-free travel to the EU for UK nationals in a no deal scenario – if the UK also grants reciprocal visa-free travel to all EU citizens](#) (pdf) :

*"It would mean that UK citizens would not need a visa when travelling to the Schengen area for short stays of up to 90 days in any 180-day period. In the scenario where the UK leaves the EU without a deal, this would apply as of 30 March 2019. (...)"*

*This proposal is entirely conditional upon the UK also granting reciprocal and non-discriminatory visa-free travel for all EU Member States, in line with the principle of visa reciprocity."*

18. EU: [Never Missing an Opportunity to Miss an Opportunity: The Council Legal Service Opinion on the Commission's EU budget-related rule of law mechanism](#) (verfassungsblog.de, link):

*"If The Decline and Fall of the European Union is ever written, historians will conclude that the EU's two key intergovernmental institutions – the European Council and the Council – should bear the greatest responsibility for the EU's demise."*

***As illiberal rot spread throughout the Union, eating away first at one government and then at another with centralizing autocrats destroying the rule of law in plain sight, history will show that both the European Council and the Council of Ministers failed to act and, in the end, deferred to national autonomy instead of defending the Union's fundamental values. The EU is facing an existential crisis because Member governments refuse to recognize that the common values are the cornerstones of their common project. Democracy, human rights and the rule of law are more than simply normative aspirations; they are in fact central to the operation of the European Union. If the EU fails to defend its common values, the EU won't merely fail as a normative project, it will cease to function. But the Council appears unable to act to defend the rule of law and democracy, while the European Council has been doing its best to look the other way.(...)"*** [emphasis added]

19. [Vulnerable refugees' transfer to Greek mainland continues](#) (ekathimerini.com, link):

*"More than 600 asylum seekers have been moved from Samos, Lesbos, Chios and Kos to the mainland since Saturday, as part of the Migration Policy Ministry's ongoing operation to ease overcrowding on the islands ahead of winter."*

*Since the beginning of the year, more than 16,500 asylum seekers considered vulnerable have been included in the operation."*

Statewatch comment: Official Greek Ministry figures (13.11.18) show there are still 19,409 refugees on the Greek islands - including 9,428 on Lesbos and 5,228 on Samos.

20. [Cruel European migration policies leave refugees trapped in Libya with no way out](#) (AI, link);

*"Findings published by the organization today highlight how EU member states' policies to curb migration, as well as their failure to provide sufficient resettlement places for refugees, continue to fuel a cycle of abuse by trapping thousands of migrants and refugees in appalling conditions in Libyan detention centres.*

*"One year after video footage showing human beings being bought and sold like merchandise shocked the world, the situation for refugees and migrants in Libya remains bleak," said Heba Morayef, Middle East and North Africa Director for Amnesty International."*

21. [Six EU countries – and counting – back out from the global migration pact](#) (euractiv, link):

*"Bulgaria has become the sixth EU country after Hungary, Austria, Poland, the Czech Republic and Croatia to signal that it will not sign the global migration agreement at a ceremony in Morocco in December.*

*The [Global Compact for Safe, Orderly and Regular Migration](#) was approved in July by all 193 UN member nations except the United States, which had backed out last year."*

22. UK: Information Commissioner's Office: [Investigation into the use of data analytics in political campaigns](#) (pdf):

*"The invisible, 'behind the scenes' use of personal data to target political messages to individuals must be transparent and lawful if we are to preserve the integrity of our election process.*

*We may never know whether individuals were unknowingly influenced to vote a certain way in either the UK EU referendum or the in US election campaigns. But we do know that personal privacy rights have been compromised by a number of players and that the digital electoral ecosystem needs reform.*

*My office's report to Parliament brings the various strands of our investigation up to date."*

23. [Refugee crisis: latest news from across Europe](#) (6-12.11.18) including: **analysis of the Greek-German Administrative Arrangement on Asylum-Seekers; Council Presidency calls for action on "secondary movement" of refugees**

24. UK: [Off the Leash: How the UK is developing the technology to build armed autonomous drones](#) (Drone Wars UK, link):

*"A new report published by Drone Wars UK reveals that, despite a UK government statement that it "does not possess fully autonomous weapons and has no intention of developing them", the Ministry of Defence (MoD) is actively funding research into technology supporting the development of armed autonomous drones.*

*Our study, Off the Leash: The Development of Autonomous Military Drones in the UK, identifies the key technologies influencing the development of future armed drones and looks at current initiatives which are under way in the UK to marry developments in autonomy – the ability of a machine to operate with limited, or even no, human control – with military drone technology. The report maps out the agencies, laboratories, and contractors undertaking research into drones and autonomous weapon technology in support of the Ministry of Defence, examines the risks arising from the weaponisation of such technologies, and assesses government policy in this area."*

25. EU: [New security system trialed at Luxembourg Airport](#) (Passenger Terminal Today, link):



"The University of Luxembourg's Interdisciplinary Centre for Security, Reliability and Trust (SnT) has tested a high-tech airport security system at Luxembourg Airport. The trial hopes to test the potential of an airport environment without random searches and lengthy queues.

A team of scientists, technicians and Luxembourg Airport staff worked together to test the intelligent end-to-end system, which analyzes a passenger's on-site behavior, travel history and booking profile to classify them according to their 'trustworthiness'. The system then funnels passengers into different risk-based levels of security screening. These are labeled 'trusted', 'normal' and 'enhanced risk'. FLYSEC – an EU-funded consortium of 11 partners including the University of Luxembourg and Luxembourg Airport – spent three years developing the system.

For the trial, the team installed sensors throughout the airport to track 100 actors playing the role of passengers as they made their way from landside to boarding, enacting different scenarios."

See: [FLYSEC](#) (CORDIS, link) and: [Stakeholder Workshop on ethical, privacy data protection and information](#) (pdf)

26. [The Case of the Administrative Arrangement on Asylum-Seekers between Greece and Germany: A tale of "paraDublin activity"?](#) (EU Law Analysis, link):

"In mid-August 2018 Germany, Greece and Spain agreed on the sketchy details of the initial migration compromise deal that was reached on the sidelines of the EU Summit in Brussels late June 2018. In this context, the Ministers on Migration of Germany and Greece reaffirmed their commitment by exchange of letters, to work towards common European solutions and to avoid any unilateral measure with respect to migration and asylum.

...in the present case, it is the first time that a readmission agreement, is concluded by Greece through an exchange of letters between Ministers. Though such an agreement is totally valid and binding under international law, the fact that it not only deals with international relations and migration policy but ultimately with human rights, is concluded away from parliamentary scrutiny and procedures - without even been published in the Government Gazette - raises important concerns on transparency and the rule of law."

See: EU: [Publication of: The Administrative Arrangement between Greece and Germany on asylum-seekers](#) (RSA, link)

27. ROMANIA: [OCCRP Strongly Objects to Romania's Misuse of GDPR to Muzzle Media](#) (OCCRP, link):

"RISE Project, an award-winning investigative journalism outlet in Romania and OCCRP's partner, was ordered Thursday by the Romanian Data Protection Authority (ANSPDCP) to reveal its sources under the threat of a fine of up to €20 million based on the European Union's General Data Protection Regulation (GDPR) directive 679/2016.

RISE Project and its journalists are currently documenting a case relating to the theft of EU funds by the highest political echelons of Romanian politics.

OCCRP and RISE Project believe the Romanian government is trying to use the directive to quash investigative reporting. OCCRP believes this to be a serious misuse of the GDPR by self-interested politicians seeking to protect themselves. We strongly object to this request and our partner has said it will not provide information on sources to the data protection authority despite the its threat to fine RISE Project €650 per day."

See also: [Hungarian authorities bring criminal charges against prominent investigative journalist](#) (Committee to Protect Journalists, link): "Hungarian authorities should immediately drop criminal charges against prominent investigative reporter András Dezso and allow him to work without fear of reprisal, the Committee to Protect Journalists said today."

28. LONDON: Launch of the Socialist History Society Publication: [Telling the Mayflower Story: Thanksgiving or Land Grabbing, Massacres & Slavery?](#) (Authors: Danny Reilly & Steve Cushion, pdf) Friday 30th November at 5:30pm, UCL Institute of the Americas, 51 Gordon Square, London, WC1H 0PN:

*"In the autumn of 1620 the ship Mayflower, with 102 passengers, landed in North America and started the colonisation of the area that became known as New England. The Mayflower had landed in a region where the Sachem of the local Wampanoag Nation was Massasoit, who subsequently helped them survive.(...)"*

[Register](#) (link)

29. [Are You Syrious](#) (08.11.18, link)

**FEATURE: Hundreds demonstrate as seven protesters in France face 10 years in prison and 750,000 € in fines for 'aiding illegal immigration and organized gangs'**

*"On April 22, 2018, a spontaneous demonstration that crossed the border between Italy and France took place against an organised group of people who were 'guarding' the border at Colle della Scala and preventing people from crossing to France."*

30. [Harassment of Human Rights Defenders: Measuring Democracy, Bad Faith and Hidden Agendas - What Role for the European Court of Human Rights?](#) (EU Law Analyses, link):

*"In its recent judgment of Aliyev v. Azerbaijan, the European Court of Human Rights (hereafter the Court) activated anew the long dormant Article 18 ECHR (which provides that States shall not abuse the possible limitations on human rights which the Convention allows) to unanimously find a violation thereof. The judgment is the third case this year where the Court found an Article 18 violation in Azerbaijan, but still remains unprecedented, since it allowed the Court for the first time to find a violation of that provision in conjunction with Article 8 ECHR (the right to private and family life)."*

31. [Tunisia: Privacy Threatened by 'Homosexuality' Arrests - Government Using Personal Data, Anal 'Tests' for Prosecutions](#) (HRW, link);

*"Tunisian authorities are confiscating and searching the phones of men they suspect of being gay and pressuring them to take anal tests and to confess to homosexual activity, Human Rights Watch said today. Prosecutors then use information collected in this fashion to prosecute them for homosexual acts between consenting partners, under the country's harsh sodomy laws."*

32. [Polish president attacks EU court on eve of divisive march](#) (euobserver, link)

*"The EU court went too far in ordering Poland to halt its judicial purge, the Polish president has said, as Warsaw prepares to host a neo-fascist march on Sunday."*

And see: [Poland court approves far-right 'independence march' in Warsaw](#) (DW, link): *"A Warsaw court has overturned a ban on a far-right march to mark Poland's centennial celebration of independence. Organizers were emboldened by the ruling, saying it has made them "victorious.""*

33. IRELAND: [Ballymurphy massacre inquests set to open next week](#) (The Irish Times, link):

*"The families of 10 people killed in Ballymurphy in west Belfast in 1971 have welcomed the announcement that the inquests into the killings will formally begin next week."*

*At a preliminary inquest hearing at Laganside Court on Monday, Ms Justice Siobhan Keegan, who will preside over the inquests, outlined how the cases will be heard over the coming months."*

What is often described as the Ballymurphy Massacre or Belfast's Bloody Sunday happened during Operation Demetrius, the introduction of internment without trial, in August 1971."

34. UK: [Stansted protesters believed deportees were at risk of death, court told](#) (The Guardian, link):

"Fifteen people on trial for blocking the takeoff of an immigration removal charter flight from Stansted were acting to protect the human rights of passengers who were at risk of persecution, torture, serious injury or death if they were deported, a court has heard.

At the opening of their defence at Chelmsford crown court on Monday, the defendants began making the case that they had acted out of conscience to protect those on the flight not just from persecution in their destination countries, but also from abuse of process in the UK.

All 15 are on trial for endangering the safety of an aerodrome by chaining themselves together around a Titan Airways flight chartered by the Home Office to remove 60 people to Nigeria, Ghana and Sierra Leone. If convicted, the maximum possible sentence is life in prison."

35. EU: [Publication of: The Administrative Arrangement between Greece and Germany on asylum-seekers](#) (RSA, link):

"The Administrative Arrangement between Ministry of migration Policy of the Hellenic Republic and the Federal Ministry of Interior of the Republic of Germany has been implemented already to four known cases. It has been the product of bilateral negotiations that occurred after German Chancellor Merkel faced another political crisis at home regarding the handling of the refugee issue.

The document which has been the product of undisclosed negotiations and has not been made public upon its conclusion is a brief description of the cooperation of Greek and German authorities in cases of refusal of entry to persons seeking protection in the context of temporary checks at the internal German-Austrian border, as defined in its title. It essentially is a fast track implementation of return procedures in cases for which Dublin Regulation already lays down specific rules and procedures. The procedures provided in the 'Arrangement' skip all legal safeguards and guarantees of European Legislation.

RSA and PRO ASYL have decided to publicize the document of the Arrangement for the purpose of serving public interest and transparency."

36. ECHR-SPAIN: [Applicants in trial related to banned group ETA had justified fears about judges' lack of impartiality at trial](#)

"In today's Chamber judgment<sup>1</sup> in the case of Otegi Mondragon and Others v. Spain (applications nos. 4184/15 4317/15 4323/15 5028/15 and 5053/15) the European Court of Human Rights held, unanimously, that there had been:

a violation of Article 6 § 1 (right to a fair trial) of the European Convention on Human Rights.

It also held, by six votes to one, that the finding of a violation alone was sufficient just satisfaction in the case."

37. [Handbook on European data protection law: 2018 edition](#) (pdf):

"This handbook outlines the legal standards relating to data protection set by the European Union (EU) and the Council of Europe (CoE). It is designed to assist practitioners not specialised in the field of data protection, including lawyers, judges and other legal practitioners, as well as individuals working for other bodies, such as non-governmental organisations (NGOs), who may be confronted with legal questions relating to data protection.

*The handbook serves as a first point of reference on relevant EU law and the European Convention on Human Rights (ECHR), as well as the CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (Convention 108) and other CoE instruments."*

38. EU: [New Eurojust Regulation "completes the European Union's legislative work to create a new EU security architecture"](#)

Today, the Council of the European Union adopted the Eurojust Regulation (EJR), after the European Parliament had given its approval already in October. This adoption completes the European Union's legislative work to create a new EU security architecture to step up its fight against trans-border crime and better serve and protect European citizens.

The EJR will replace the existing Eurojust Council Decision and will be applicable by the end of 2019. After the reform of Europol and Frontex as well as the creation of the European Public Prosecutor's Office, the EJR completes the new EU criminal justice landscape by setting up Eurojust as the EU Agency for Criminal Justice Cooperation.

39. EU: [Eurojust to host the European judicial counter-terrorism register](#)

At a ministerial meeting on counter-terrorism in Paris today, France, Germany, Spain Italy, Belgium, Luxemburg and the Netherlands have launched an initiative calling for the creation of a European judicial counter-terrorism register at Eurojust, the EU's judicial cooperation unit.

Eurojust declared that it stands ready to swiftly create and host the counter-terrorism register, which would bring more clarity, security and speed to investigations after terrorist attacks and increase the chances of bringing terrorists to justice.

40. [EU set to test AI guards to protect external borders](#) (euractiv, link):

*"An EU-funded project is developing an 'intelligent control system' to test third-country nationals who reach the EU's external borders, including a sophisticated analysis of their facial gestures.*

*The Intelligent Portable Border Control System, [iBorderCtrl](#), is a series of multiple protocols and computer procedures which are meant to scan faces and flag 'suspicious' reactions of travellers who lie about their reasons for entering the Schengen area."*

And see: [EU border 'lie detector' system criticised as pseudoscience - Technology that analyses facial expressions being trialled in Hungary, Greece and Latvia](#) (Guardian, link):

*"The EU has been accused of promoting pseudoscience after announcing plans for a "smart lie-detection system" at its busiest borders in an attempt to identify illegal migrants.*

*The "lie detector", to be trialled in Hungary, Greece and Latvia, involves the use of a computer animation of a border guard, personalised to the traveller's gender, ethnicity and language, asking questions via a webcam."*

41. [Greece: Rescuers at Sea Face Baseless Accusations - Prosecution Seeks to Criminalize Saving Lives](#) (HRW, link):

*"The criminal accusations brought by Greek prosecutors against activists for their efforts to rescue migrants and asylum seekers at sea appear entirely unfounded, Human Rights Watch said today. Human Rights Watch analyzed court records and other documents in the cases of two of the four activists currently in pretrial detention.*

*The two foreign volunteers Sarah Mardini, 23, and Sean Binder, 24, have been detained for more than two months. Two Greek nationals are also in pretrial detention, including Nassos Karakitsos, 37, who was arrested a week after Mardini and Binder. Their detention followed a police investigation and*

*a prosecutor's accusations that misrepresent humanitarian search and rescue operations as people smuggling by an organized crime ring. Greek judicial authorities should drop the baseless accusations and release them from pretrial detention."*

42. [Brexit: Eurotunnel preparing for increased checks in Calais](#) (euractiv, link):

*"Every minute counts when it comes to maintaining a fluid flow of traffic at the entrance to the tunnel under the English Channel. In order to prepare for the return of new checks, post-Brexit, the Eurotunnel site in Calais is mounting a race against the clock. EURACTIV France's media partner, Ouest-France reports."*

43. [EU lowers its ambitions on African migration control](#) (euractiv, link):

*"At the June Council summit in Brussels, EU leaders asked the Commission to study ways to set up "regional disembarkation platforms" in North African countries, including Tunisia, for migrants rescued by European vessels in the Mediterranean.*

*That demand didn't last very long.*

*Within days of the summit, Morocco and the African Union led continent-wide rejection to the EU's idea of setting up 'regional disembarkation platforms' or 'hot spots' on their territories."*

44. [Press release: International Declaration on Information and Democracy](#) (Ethical Journalism Network, link):

*"The Commission chaired by Christophe Deloire and Shirin Ebadi is today releasing the "International Declaration on Information and Democracy," which establishes democratic guarantees for the global information and communication space.*

*Seventy years after the Universal Declaration of Human Rights was adopted in Paris, the "International Declaration on Information and Democracy" is establishing basic principles for the global information and communication space, which its preamble defines as a "common good of humankind." The management of this space "is the responsibility of humankind in its entirety, through democratic institutions," the preamble adds. Published today, this six-page document[1] sets out democratic guarantees for the freedom, independence, pluralism and reliability of information at a time when the public space has been globalized, digitalized and destabilized."*

See: [Global communication and information space: a common good of humankind](#) (Reporters Without Borders, link)

45. [Refugee crisis: latest news from across Europe](#) (25.10-5.11.18) including:

- Hungary's top court clears journalist who kicked refugees
- the new Italian Decree-Law on Immigration and Security
- European Parliament: Report with recommendations to the Commission on Humanitarian Visas

46. EU: [Europol foresees key role in "the EU travel intelligence architecture"](#)

The EU policing agency Europol sees itself having a major role in the future "EU travel intelligence architecture", according to a report on the October meeting of the EU's 'Informal Working Group on PNR' (Passenger Name Record).

See: [Update on the Informal Working Group on PNR - 7th IWG PNR meeting](#) (Paris, 2-3 October 2018)

47. HUNGARY: [Guilty of Homelessness – The Resurgence of Penal Populism in Hungary](#) (Verfassungsblog, link):

*"...it is of utmost importance to exert pressure on the Constitutional Court, and send an unequivocal message that even in a hostile political environment, judges must never abdicate their primary responsibility as protectors of the rights of the people. Political considerations cannot prevail over professional requirements under any circumstances. Therefore, I encourage every member of academia, and Hungarian, foreign and international human rights organizations to send amici curiae to the Constitutional Court, and urge the judges to defend the rights of homeless people from the populist rage of the Hungarian government."*

48. [The EU call it copyright, but it is massive Internet censorship and must be stopped](#) (OpenDemocracy, link):

*"With the approval in the European Parliament of the final text of the Copyright Directive, which will be definitely put to the vote in a very few months', the European Union has lost a historic opportunity to produce copyright legislation adapted for the Internet in the twenty-first century. What the European Parliament will finally vote on is a technophobic text, tailor-made for the interests of the copyright monopolies which, moreover, doesn't guarantee the right of authors to have a reasonable standard of living as a result of their work.*

*If the law is eventually passed, it will be used for wholesale curtailment of freedoms and more censorship, in keeping with the bizarre idea that anything that doesn't produce hard cash for the major players – which doesn't mean authors! – has to be prohibited and eliminated."*

49. Statewatch Analyses: [New analyses: Biometric identity cards; Undercover policing; Criminalisation of solidarity; EU migration policies in Morocco; from GAMM to "Partnerships"](#)

Over the last fortnight Statewatch has published five new analyses looking at a series of crucial issues in the EU and beyond: proposals for biometric identity cards across the EU; European networks for coordinating undercover policing; decriminalising solidarity movements through the regularisation of migrants; the effects of EU migration policies on the ground in Morocco; and migration: from the "carrot and stick" to the "stick" in Africa.

We provide all our work for free and rely on donations from individuals to carry out our work. If you would like to support us: [You can do so here](#)

50. [UK admits only 20 unaccompanied child refugees in two years - New figures reveal paltry number of minors granted entry under scheme that was meant to resettle 3,000](#) (The Observer, link):

*"Only 20 unaccompanied children have been allowed into the UK under a scheme begun more than two years ago to resettle 3,000 vulnerable refugee children from conflict zones in the Middle East and north Africa.*

*Figures obtained by the Observer reveal the paltry number of minors permitted to come to the UK under the Home Office's Vulnerable Children's Resettlement Scheme (VCRS), announced in April 2016. This is the only way for unaccompanied youngsters from outside Europe to legally move to the UK."*

51. [From market integration to core state powers : the Eurozone crisis, the refugee crisis and integration theory](#) (EUI, Florence, link):

*"The Eurozone crisis and the refugee crisis are showcases of the problems associated with the EU's shift from market integration to the integration of core state powers."*

52. [Hungary's top court clears journalist who kicked refugees](#) (euractiv. link):

"The Supreme Court in Hungary, a country known for its tough stance on migration, has cleared of all charges the camerawoman who kicked refugees live on camera at the Serbia-Hungary border in 2015."

53. GREECE: [When Prosecuting Far-Right Violence Fails - An unbelievably drawn-out trial in Greece has shown the dangers of delay](#) (The New Republic, link):

"Five years ago, on September 18, 2013, Golden Dawn member Giorgos Roupakias stabbed and killed Pavlos Fyssas, a 34-year-old anti-fascist rapper, outside a Piraeus café in full view of police officers. Outraged, [Eleftheria] Tombatzoglou became the Fyssas family's civil suit lawyer in the broader trial the rapper's slaying helped trigger.

Kicked off on April 20, 2015, the trial was predicted to span 18 months. It includes several civil suits and criminal charges against 69 Golden Dawn members, including the party's core leadership, accused of operating a criminal organization, murder, racist violence, weapons possession, and money laundering, among other allegations. But with the trial dragging on and a verdict distant, Greek far-right groups, among them Golden Dawn, are reorganizing, carrying out further violence against refugees, migrants, political opponents—and individuals linked to the trial."

54. Greece: NGO STATEMENT: [The implementation of the EU-Turkey Statement is an insult for the human life and dignity](#) (link):

"With regard to the intensification of the problems in the islands of Eastern Aegean, both concerning the inhumane living conditions for refugees and the alarming increase of incidents of racism and intolerance, that are taking place because of the implementation of the EU-Turkey Statement, we repeat our standing position (...)"

55. [EU Africa Relations: Tone Down the 'Newness' and Revisit History](#) (ECRE, link):

"A potentially positive outcome of the EU's two recent Summits is the focus on Africa with increased political and financial commitment, primarily through investment. Sometimes branded as a "Marshall Plan" for Africa, the same ideas appeared in President Juncker's final State of the Union address.

Of course, we know that underlying this new-found interest in Africa is the fear of migration from Africa to Europe which so dominates Brussels debates. Nonetheless, it is happening and could either be shaped to be something positive for Africa and Europe or it could become something damaging to both. There is a lot at stake with the ongoing negotiations on a post-Cotonou framework, the discussion of the EU's next budget, the review of the Joint EU-Africa Strategy, and the expansion in EU security and defence initiatives in Africa. The way to reach a positive outcome lies not in emphasising the newness but learning from the history of Europe-Africa engagement, which has been taking place for hundreds of years, for good and often unfortunately for ill."

56. FRANCE: [Crimes of solidarity: freedom for the "7 of Briançon"](#)

They are facing potential incarceration for helping migrants in danger in the French Alps. Bastien, Benoit, Eléonora, Juan, Lisa, Mathieu et Théo will face justice on November 8th in GAP. They are prosecuted for "helping undocumented foreign nationals to enter national territory, in organized gang". The envisaged penalty is 10 years in prison and 750.000 euros fine. What should they amend for? Being involved in a march against the far-right, little band called "Bloc identitaire", which was obstructing the border so as to retaliate against migrants trying to cross it.

57. UK: [Inquiry announced on 20th anniversary of Macpherson report](#) (www.parliament.uk, link):

"February 2019 will mark 20 years since the report of the Stephen Lawrence inquiry chaired by Sir William Macpherson. The Committee has decided to launch an inquiry to revisit the issues that Sir William properly prioritised two decades ago, to assess progress against Sir William's recommendations on racism and policing over the last twenty years and to consider what more needs

to be done - including on police diversity and community confidence. The Committee is currently seeking views on the terms of reference. "

58. EU: [French Gendarmerie and Spanish Guardia Civil develop joint training for cross-border operations](#)

The paramilitary police forces of France and Spain - the Gendarmerie and Guardia Civil - are developing joint training courses to promote common standards. The aim is to "maintain security in Europe through a common and shared operational culture," and to export the training model throughout the EU.

See: NOTE from: French and Spanish delegations: [Discussion paper on integrated training](#) (12412/18, LIMITE, 21 September 2018, pdf)

59. [UN experts: concern over EU's attempts to seal borders, close protection space and disregard human rights and humanitarianism](#)

In September eight UN working groups, independent experts and special rapporteurs issued a statement highlighting serious concerns over the ongoing attempts to reform the EU's migration and asylum systems. Their paper was addressed to the informal summit of EU heads of state and government in Salzburg in September, but remains relevant given the ongoing discussions in the EU on the Common European Asylum System and revamping of EU agencies such as Frontex and the European Asylum Support Office (EASO).

## DOCUMENTATION

1. [Council reports that the court finds that nobody in the EU is responsible for the EU-Turkey deal of 16 March 2016](#)

- ***"General Court's main finding according to which the aforementioned EU-Turkey Statement does not relate to an act of the European Council nor of any other body, office or agency of the Union and hence that the actions fell outside jurisdiction of the Court of Justice, stands."***

The Legal Service of the Council has circulated a Note: [Cases before the Court of Justice Cases C-208/17 P, C-209/17 P and C-210/17 P - EU-Turkey Statement - Final dismissal of appeals](#) (LIMITE doc no: 12217-18, pdf) concerning who was responsible for the EU-Turkey Statement of 16 March 2016.

2. European Parliament: Studies: [Humanitarian visas: European Added Value Assessment accompanying the European Parliament's legislative own-initiative report \(Rapporteur: Juan Fernando Lopez Aguilar\)](#) (pdf) :

*"Humanitarian visas allow asylum-seekers to legally and safely access a third country. At present, the EU lacks a formalised humanitarian visa system. The number of persons admitted through other protected entry procedures (PEPs) and protection practices, such as resettlement programmes, community or private sponsorship schemes and 'humanitarian corridors' remains low in comparison with the need.*

*Furthermore, resettlement caters only for those who are already declared refugees, without providing a means of access to those in need of international protection whose status is yet to be established. This means there is a lack of regular channels for those seeking international protection to reach the EU and lodge an asylum application. As a result, 90 % of those granted international protection reached the European Union through irregular means."*

And: [The Cost of Non-Europe in Asylum Policy](#) (pdf):

*"According to international and EU law, EU Member States have committed to offering protection to those who have to leave their home country to seek safety from persecution or serious harm.*



However, there are significant structural weaknesses and shortcomings in the design and implementation of the Common European Asylum System (CEAS), and related measures. Beyond the tragic loss of 8 000 lives in the Mediterranean in 2016-2017 alone, this cost of non-Europe report estimates both the individual impact in terms of fundamental rights protection and the economic costs of gaps and barriers in the CEAS."

3. [The effectiveness of the right to family reunion of refugees: An analysis of the K. & B. ruling of the CJEU](#) (EU Law Analysis, link):

"how must the Member States deal with applications for family reunification by beneficiaries of international protection which are lodged after this three months period? This is essentially the question in [Case C-380/17 K. & B.](#), that was submitted to the Court of Justice of the EU (the Court) for a preliminary ruling by the Council of State – the Dutch court of highest instance in immigration matters."

4. EU: [Terrorist content online: revised text of the proposed Regulation following discussions in the Terrorism Working Party](#)

On 19 October the Presidency of the Council issued the first revised version of the proposed Regulation on preventing the dissemination of terrorist content online, following discussions in the Terrorism Working Party and the submission of written comments by Member States' delegations.

See: [Proposal for a Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online - revised text](#) (12236/18, LIMITE, 19 October 2018, pdf)

5. EU: [Council Presidency calls for action on "secondary movement" of refugees](#)

The Austrian Council Presidency has circulated a Note to the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) on: [Secondary movements](#) (LIMITE doc no: 13353-18, pdf) which seeks to monitor the movement of refugees from the country of arrival northwards - particularly from Greece and Italy - to other EU Member States

6. CoE: [Greece should safeguard social rights for all and improve the reception and integration of migrants](#) (link);

"Greece should take urgent steps and adopt long-term policies to improve the reception and integration of migrants and to reverse the adverse effects of austerity measures on access to health care and education", says Council of Europe Commissioner for Human Rights, Dunja Mijatovic, publishing the report on her visit to Greece carried out in June."

See: [Report](#) (pdf)

7. E-evidence: Council of Bars and Law Societies of Europe: [CCBE position on the Commission proposal for a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters](#) (pdf):

"On 14 April 2018, the European Commission published a proposal for a Regulation on European Production and Preservation Orders for electronic evidence in criminal matters.

The CCBE welcomes that the Commission took into account various aspects which the CCBE suggested during the preceding consultation process. The CCBE previously issued preliminary comments on the subject which can be consulted for more details<sup>1</sup>. With this paper, the CCBE wishes to further develop its position in relation to a number of aspects of the proposal."

Covers: 1. Legal basis, necessity and proportionality - 2. Judicial review in the executing Member State - 3. Subject matter - 4. Scope - 5. Liability - 6. Judicial validation - 7. Conditions for issuing a

European Production Order Certificate - 8. Conditions for issuing a European Preservation Order Certificate - 9. Execution of a European Preservation Order Certificate - 10. Grounds for refusal to execute a European Production Order Certificate and a European Preservation Order Certificate - 11. Notification to the data subject - 12. The rights of the defence - 13. Effective remedies and judicial reviews.

8. European Parliament studies: [Brexit and Migration](#) (pdf):

*"focuses on the future relationship between the UK and the EU following the UK's withdrawal from the EU in the field of migration (excluding asylum), including future movement of EU citizens and UK nationals between the EU and UK. Moreover, it investigates the role of the Court of Justice of the EU."*

And: [The future relationship between the UK and the EU in the field of international protection following the UK's withdrawal from the EU](#) (pdf):

*"More specifically, this analysis presents the current situation with regard to UK–EU cooperation in the field, the legal standards that will be applicable to the UK following its withdrawal, the areas of common interest in the field and the potential forms of future cooperation."*

9. Council of the European Union: [Draft Council Declaration on the fight against antisemitism and the development of a common security approach to better protect Jewish communities and institutions in Europe](#) (LIMITE doc no, 12116-REV-1-18, pdf):

*"Delegations will find in the Annex a revised version of the draft declaration which takes into account both comments made at the CATS meeting on 18 September and subsequent written comments."*

*New text is marked in bold and underlined, existing text that has been moved but not modified is underlined, deleted text is marked in strike through."*

10. UK: [Campsfield House immigration removal centre to close - statement from the Campaign to Close Campsfield](#)

The UK government has announced that the Campsfield House immigration detention centre will close by 2019, when the contract with outsourcing company Mitie Care and Custody expires. Campsfield has an official maximum capacity of 282 people. The closure is a response to the Shaw review into the welfare of vulnerable people in detention. What follows is a statement by Bill MacKeith, joint organiser of the long-standing *Campaign to Close Campsfield*.

11. The Council of the European Union is discussing its negotiating position on: [Proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU](#) (LIMITE doc no: 12701-ADD-1-18, pdf). This document is discussing the "Recitals" of this measure which also contain Member State positions. The new positions - compared to the Commission proposals include:

***"When, on the basis of evidence available, the determining authority prima facie considers that the application is neither inadmissible nor subject to the accelerated examination procedure based on the grounds referred to in Article 40(1), the assessment of the application shall not be carried out at the external border or in the transit zone."***

12. BREXIT: [UK draft withdrawal agreement - documentation](#)

The UK government has published its proposed draft withdrawal agreement for leaving the EU.

Full-text of the draft withdrawal agreement, bookmarked into parts, titles, chapters and annexes: [Draft Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community - 14 November 2018](#) (pdf)

See key sections.

13. EU-USA: [Joint EU-U.S. statement following the EU-U.S. Justice and Home Affairs Ministerial Meeting](#) (pdf) including:

*"The United States and the European Union agreed on the importance for both law enforcement and judicial authorities of swift cross-border direct access to electronic evidence, as demonstrated by recent legislation approved or under examination in the United States and the EU. Participants further recognised the benefit of exploring, and agreed to discuss, the possibility of an EUUS agreement to facilitate access to electronic evidence."*

The Minutes of the previous Ministerial meeting are here: [LIMITE doc no 9278-18](#), pdf) where it is recorded that regarding the exchange of e-evidence: *"there are **different interpretations** as to the appropriate procedures and instruments to ensure direct access by law enforcement authorities to service providers, and therefore the matter will require further clarification and discussions."*

14. ECHR-SPAIN: [Slander conviction for publicly accusing police officers of "torture" violated right to free speech](#) (press release, pdf):

*"In today's Chamber judgment in the case of Toranzo Gómez v. Spain (application no. 26922/14) the European Court of Human Rights held, unanimously, that there had been:*

*a violation of Article 10 (freedom of speech) of the European Convention on Human Rights.*

*The case concerned the applicant being found guilty of slander after accusing police officers of torture.*

*...the courts had applied an overly strict legal definition to his statement of torture, which he had meant in a colloquial sense as excessive force. He had also been fined, or given a prison sentence in default, which was a severe penalty, which could have a chilling effect on freedom of expression. There had therefore been a violation of the applicant's rights under Article 10."*

Judgment: [Case of Torano Gomez v. Spain](#) (application no. 26922/14, pdf)

15. EU: [Council: Interoperability "state of play": Planned centralised "Big Brother" database coming your way by 2023](#)

The Council Presidency has produced a Note on: [Interoperability: state of play](#) (LIMITE doc no: 14193-18, pdf) which says that: *"The Presidency and the co-rapporteurs [of the European Parliament] are committed to **reaching a political agreement on this file by the end of December.**"* [emphasis added throughout]

If this objective is achieved: *"it would mean that the entry into operations of the **four interoperability components (European Search Portal, shared Biometric Matching Service, Common Identity Repository and Multiple Identity Detector)** could be achieved by 2023 if the delegated acts and implementing acts included in the interoperability file are all adopted by 2020."*

16. **Common European Asylum System - Reception**: Council of the European Union: [Proposal for a Directive of the European Parliament and of the Council laying down standards for the reception of applicants for international protection \(recast\)](#) (LIMITE doc no: 13699-18, pdf)

and [LIMITE doc no: 13698-18](#): (LIMITE doc no: 13698-18, pdf) with 57 Footnotes giving detailed Member State positions.

17. EU: [Council of the European Union: European Criminal Records Information System for third country nationals \(ECRIS-TCN\)](#)

Including [Revised four column table](#) (LIMITE doc no: 13741-18, 124 pages, pdf): Four column

document with the Commission's proposal, the European Parliament portion, the Council position and the agreed or to be agreed "compromise".

18. EU: [European Parliament: LIBE committee draft reports on the Internal Security Fund, Integrated Border Management Fund and Frontex](#)

Draft reports have recently been produced by the LIBE committee's rapporteurs for three crucial legislative files: on future security budgets (the Internal Security Fund and Integrated Border Management Fund, to run from 2021-27); and the proposed new rules to revamp and massively strengthen the EU border and coast guard agency, Frontex.

19. European Parliament: [Report with recommendations to the Commission on Humanitarian Visas](#) (pdf):

*"Parliament started to call for humanitarian visas against the background of the migration crisis and the unacceptable death toll in the Mediterranean. It has expressed its views, among others, in the resolution of 12.4.2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration.*

*Humanitarian visas were already discussed in the EU context but without any concrete result. Currently, there are a number of targeted national programmes but no legal framework in EU law.*

*The LIBE Committee has tried to address this legal gap as part of the review of the Visa Code (2014/0094(COD)) but both Council and Commission have opposed the amendments included in this regard in the trilogue negotiations which started in May 2016. In September 2017, after months of deadlock with the Council refusing to continue negotiations if these amendments were not withdrawn, Parliament's negotiating team withdrew them. Instead the LIBE Committee decided to draw up this legislative own-initiative report.*

*Despite this step, Council and Commission discontinued the negotiations."*

See: [Humanitarian visas](#) (European Parliament, link)

20. EU: [Council Presidency seeks to implement "regional disembarkation centres" in third countries](#)

The Austrian Council Presidency has produced a: [Working Paper; Regional Disembarkation Arrangements](#) (LIMITE doc no: WK 10084-REV 1-10, pdf) to launch the "initial phase of outreach" to third states in Africa to be undertaken::

***"by interested Member States, e.g. by those who entertain privileged relationships with the respective third country"*** [emphasis throughout]

In other words for EU Member States to use their colonial past to put into effect the "swift exploration" of creating regional disembarkation "platforms."

21. EU: [Council: Joint Action Plan on Counter-Terrorism for the Western Balkans](#) (12411/18, LIMITE, 24 September 2018, pdf):

*"Delegates will find attached a clean version of the revised draft Joint Action Plan on Counter-Terrorism for the Western Balkans."*

Previous version: EU: [Joint Action Plan on Counter-Terrorism for the Western Balkans to be signed on behalf of the EU with Western Balkans Partners](#) (11848/18, LIMITE, 5 September 2018, pdf)

22. EU: [European Parliament resolution of 25 October 2018 on the rise of neo-fascist violence in Europe](#) (pdf)

*"1. Strongly condemns and deplors the terrorist attacks, murders, psychological violence, violent physical attacks and marches by neo-fascist and neo-Nazi organisations that have taken place in various EU Member States;*

*2. Is deeply concerned at the increasing normalisation of fascism, racism, xenophobia and other forms of intolerance in the European Union, and is troubled by reports in some Member States of collusion between political leaders, political parties and law enforcement with neo-fascists and neo-Nazis;*

*3. Is especially worried about the neo-fascist violence affecting society as a whole and targeting particular minorities such as black Europeans/people of African descent, Jews, Muslims, Roma, third-country nationals, LGBTI people and persons with disabilities..."*

The resolution was passed by 355 to 90 votes, with 39 abstentions. See the results of the vote on [VoteWatch](#) (link).

23. [Swedish student who stopped deportation flight of Afghan asylum seeker to be prosecuted](#) (The Independent, link):

*"Authorities in Sweden are set to prosecute a 21-year-old student who refused to sit down on a passenger plane in protest against the deportation of an Afghan asylum seeker who was also on board.*

*Elin Ersson single-handedly managed to stop the deportation on the 23 July flight from Gothenburg to Istanbul, due to take the 52-year-old man out of the country.*

*Footage of her defiant stand in defence of the Afghan man has notched up 13 million views online and earned her international praise.*

*But the Swedish prosecutor's office announced on Friday that the activist will be charged with "violations of aviation law," according to Swedish media."*

24. EU: [Common European Asylum System \(CEAS\): Asylum procedures at the border a sticking point for Member States](#)

As the Member States continue to disagree over proposed changes to Common European Asylum System, "the biggest outstanding issue for most Member States" in the Asylum Procedures Regulation is that of the "border procedure" set out in Article 41, according to a recent note sent by the Austrian Presidency to Member States' representatives.

See: NOTE from: Presidency to: Strategic Committee on Immigration, Frontiers and Asylum (SCIFA): [Border procedures](#) (13376/18, LIMITE, 19 October 2018, pdf)

Under the [Commission's proposal](#) (pdf)

NOTE from: Presidency to: Strategic Committee on Immigration, Frontiers and Asylum (SCIFA): [Border procedures](#) (13376/18, LIMITE, 19 October 2018, pdf)

25. EU: [E-evidence: Council pondering issues with the "notification procedure" for cross-border data-gathering; European Data Protection Board issues opinion](#)

As discussions continue on the proposal for a 'Regulation on European production and preservation orders for electronic evidence in criminal matters' (the e-evidence proposal, for short), Member States

are currently pondering which Member States should be notified in the case of a request for cross-border evidence-gathering, and how such notifications should work.

Meanwhile, the European Data Protection Board has issued a critical opinion on the Commission's proposal that makes 18 recommendations - including for a change of legal basis and a better demonstration of the need for a new instrument on top of the European Investigation Order and the existing Mutual Legal Assistance Treaty.

See: NOTE from: Presidency to: Delegations: [Proposal for a Regulation of the European Parliament and of the Council on European production and preservation orders for electronic evidence in criminal matters - examination of selected issues and revised text](#) (12113/1/18 REV 1, LIMITE, 17 October 2018, pdf) and [Opinion 23/2018 on Commission proposals on European Production and Preservation Orders for electronic evidence in criminal matters \(Art. 70.1.b\) - Adopted on 26 September 2018](#) (pdf)

And see: [Document round-up: Council discussions on European Production and Preservation Orders for electronic evidence in criminal matters](#) (Statewatch News Online, 26 September 2018)

26. European Council: [18 October Conclusions](#) (pdf) including migration and internal security.

27. European Data Protection Supervisor (EDPS): [The urgent case for a new ePrivacy law](#) (link):

*"A swarm of misinformation and misunderstanding surrounds the case for revising our rules on the confidentiality of electronic communications, otherwise known as ePrivacy. It's high time for some honest debunking."*

28. European Commission: Security Union: [List of legislative initiatives](#) (ANNEX COM 690-18, pdf): Summary of legislative measures undertaken in the name of the "Security Union".

29. CJEU: [Advocate General Szpunar proposes that the Court should rule that the 'Returns Directive' must be applied to third-country national where internal border controls have been reinstated](#) (pdf):

*"The Advocate General therefore concludes therefrom that a Member State must apply the stages of the return procedure laid down in the 'Returns Directive' to the situation of a third-country national stopped or intercepted in connection with the irregular crossing of an internal border at which border controls have been reinstated by application of the Schengen Borders Code."*

30. European Parliament Study: [Humanitarian visas: European Added Value Assessment accompanying the European Parliament's legislative own-initiative report](#) (pdf):

*"it concludes that EU legislation on humanitarian visas could close this effectiveness and fundamental rights protection gap by offering safe entry pathways, reducing irregular migration and result in increased management, coordination and efficiency in the asylum process, as well as promoting fair cost-sharing."*

31. CoE: [Romania: Court declares "excessive and unjustified use of force during a police operation in a Roma community"](#) (link):

*"Human rights judges have ruled that Romania police used "excessive and unjustified use of force" against Roma community members, during an anti-crime operation."*

*In its 16 October committee judgment in the case of Lingurar and Others v. Romania (application no. 5886/15) the European Court of Human Rights held, unanimously, that there had been:*

*- a violation of both the substantive and procedural aspects of Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights;*

- no violation of the substantive aspect of Article 14 (prohibition of discrimination) taken together with Article 3 of the Convention,"

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

32. [The EU and the corporate impunity nexus: Building the UN binding treaty on transnational corporations and human rights](#) (TNI, link):

*"For decades, affected communities around the globe have been resisting the modus operandi of transnational corporations (TNCs) in their territories and workplaces and documenting systemic human rights violations and the track record of corporate impunity with their lives and their deaths. Corporate impunity is embedded in and protected by an 'architecture of impunity' that legitimises and legalises the operations of TNCs. This architecture has been established through free trade and investment agreements, the World Trade Organisation (WTO), the structural adjustment policies of the International Monetary Fund (IMF), World Bank and other financial instruments and the aggressive push for public-private partnerships (PPPs).*

*At the core of this architecture is the infamous investor-state dispute settlement (ISDS) system, a private arbitration system that allows TNCs to sue states whenever they consider that their future profits are threatened by new measures or policies aiming at improving social and environmental protection. Thus, it neutralises the function of the state, whose primary responsibility is to defend public interest and protect the well-being of its citizens and the planet from corporate interests."*