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European Court of Justice recognises freedom of movement for same-sex couples

Judgment : <http://curia.europa.eu/juris/document/document.jsf?text=&docid=202542&pageIndex=0&doclang=EN&mode=req&dir=&occ=first&part=1&cid=321364>

EP Intergroup on LGBT Rights (05.06.2018) - <https://bit.ly/2HogStQ> - In a [ground-breaking judgement](#), today the [Court of Justice of the European Union](#) recognised freedom of movement for same-sex couples.

“The term ‘spouse’ within the meaning of the provisions of EU law on freedom of residence for EU citizens and their family members includes spouses of the same sex” says the Luxembourg Court in a [press release](#) published today.

The case was brought to the Luxembourg court by Adrian Coman, a Romanian-American national who married his partner in Belgium. After several years of living abroad, Adrian Coman moved back to Romania with his spouse. However, Clai Hamilton was denied a residence permit on the ground of family reunion, because Romanian law does not recognise same-sex marriages or partnership contracted abroad.

According to the European Court of Justice, a EU citizen who used their right to freedom of movement, moved to another Member State and established their family life there, should be able to return to their home country with their partner – including their same-sex partner they married in another EU state. [Article 21\(1\)](#) of the Treaty on the Functioning of the EU guarantees the right to freedom of movement for all EU citizens, and EU national cannot be subjected to stricter conditions than those laid in the Directive 2004/38. Since the term ‘spouse’ is gender-neutral in the Directive 2004/38, this therefore applies to same-sex couples.

[Daniele Viotti](#), co-chair of the LGBTI Intergroup, said: “Today is a historic day. All families should benefit from the right to freedom of movement, guaranteed by the treaties of the European Union.

Adrian Coman and Clai Hamilton are only one of the many couples that have suffered from this discrimination based on sexual orientation. It is now clear: when a marriage is contracted in one EU state, it should be recognised in all other Member States. Same-sex marriage is no exception.”

The Coman case makes clear that freedom of movement may be restricted by a Member States, but under control of the EU institutions. The measures must be proportional and compatible with the fundamental rights guaranteed by the [Charter of fundamental rights of the European Union](#). However with regards to the Coman case, “the obligation for a Member State to recognise a marriage between persons of the same sex concluded in another Member State in accordance with the law of that state, for the sole purpose of granting a derived right of residence to a third-country national, does not undermine the institution of marriage in the first Member State, [...] does not require that Member State to provide, in its national law, for the institution of marriage between persons of the same sex, [...] and does not undermine the national identity or pose a threat to the public policy of the Member State concerned.” (para. 45-46).

[Sophie in’t Veld](#), vice-president of the LGBTI Intergroup, said “While this calls for celebration, we must stress that much remains to be done for Rainbow Families in the European Union. Too few countries allow same-sex couples to enter registered partnerships, let alone marriage. These families remain unrecognised and unprotected by law.

It is now up to politicians to take the matter in their hands and introduce marriage equality soon”.

The LGBTI Intergroup will organise an event in the European Parliament on 20 June to discuss the aftermath of the Coman case.

Fisheries agreement with Morocco is an instrument of soft power for EU

By Willy Fautre, Human Rights Without Frontiers

Euractiv (16.02.2017) - <http://bit.ly/2BZH3sV> - At the end of the last UN Universal Periodic Review (UPR) of Morocco's human rights record in May 2017, Rabat agreed to implement a number of recommendations and has since opened legislative debates on several issues.

Trade relations and human rights have been interrelated in many resolutions of the European Parliament and have been on the agenda of civil society advocacy.

The EU as a soft power has often used its commercial agreements with third countries to promote human rights and good practices in a number of areas. Before Morocco's next UPR in four years, the EU will have the opportunity to monitor the progress, or lack thereof, in the field of human rights and European standards.

The EU-Morocco Partnership provides a particular opportunity to the EU to play a major role in Morocco's future and to develop European human rights standards in the country on various issues such as freedom of association and assembly, freedom of expression, women's and children's rights and domestic violence, where improvements are needed.

In 2012 EU exports to Morocco were worth about €7 billion and imports from the Kingdom just over EUR 9 billion, making the EU a major trade partner.

In the short term, there will be concrete opportunities for the EU to articulate political dialogues, economic agreements and human rights.

On 8 February, the Morocco-EU Joint Parliamentary Committee met in Strasbourg to monitor the work done in relation with the European Neighbourhood Policy (ENP) launched in 2003 on various issues: security, migration, human development, the fight against radicalism, economic and trade cooperation, and the relation between the EU and the African Union. Follow up meetings are scheduled.

An important area of cooperation is agriculture. On 31 January, Morocco and the EU initialed in Brussels a document strengthening their partnership under the farm agreement already binding the two parties. In 2016, the EU imported more than €3 billion worth of agricultural products from Morocco.

Another area of strategic cooperation between the two parties will concern the fisheries as the existing agreement will come to an end in July.

Fisheries are a main source of employment in Morocco. With its 3500 kilometers of coastlines (500 km on the Mediterranean coast and 3000 km on the Atlantic), the country has huge potential economic activity, export and income. With a production of 1.3 million tons in 2014, Morocco is the largest maritime fisheries producer in Africa and it occupies the 25th position in the world, according to the UN Food and Agriculture Organization.

Fisheries represent 2.3% of the GDP of the country and the sector creates direct employment for 170 000 fishermen and indirect employment to an additional 500 000 people, according to the FAO which estimates that 3 million people in Morocco depend on fisheries for their livelihoods.

According to the last EU evaluation report on the Protocol to the Sustainable Fisheries Partnership Agreement, the estimates of the socio-economic impact of this agreement already show substantial benefits for the local population, especially in the southern regions of Dakhla-Oued Eddahab and Laayoune-Boujour-Sakia El Hamra (also called Western Sahara).

On the EU side, it is noteworthy that about 120 European vessels from 11 EU countries have access to the Kingdom's fishing areas: France, Germany, Ireland, Italy, Latvia, Lithuania, Netherlands, Poland, Portugal, Spain and UK. The European Commission and the Council as well as all major EU Member States support the renewal of the partnership.

The renewal of the EU-Morocco Fisheries Agreement will benefit the social and economic rights of all the Moroccans as well as social stability as it will constitute a sustainable factor contributing to local employment. If it were not renewed, tensions might affect the relations between the EU and Morocco. Moreover, the EU, as a soft power, might lose major leverage to induce positive changes in Morocco and improvements of civil and political rights. Such an asset should not be put at risk.

European Arrest Warrant comes under renewed scrutiny

By Willy Fautre

The Parliament Magazine (16.11.2017) - <http://bit.ly/2hLFia9> - Since the issuing last week by a Spanish judge of a European Arrest Warrant (EAW) against Catalonia's ousted president Carles Puigdemont, the EAW system has once again come under the hungry glare of the media spotlight.

Once issued by an EU member state, an EAW requires another member state to arrest and hand over a criminal suspect or sentenced person to the requesting country for trial.

The EAW is an important tool in combating serious cross-border crime and terrorism and the EAW system is founded on mutual recognition, a principle which itself relies on mutual trust in the judicial systems of all EU member states.

Unfortunately, the reality is different. Not all EU member states have a judicial system that is in-line with EU standards, and some countries rightly deny the surrender of a wanted person to another EU member state due to the risk of an unfair trial and poor detention conditions.

Currently, a number of flaws in the EAW system have been identified by members of the European Parliament, which they have asked to be remedied in order for the EU to avoid unjust cases in the future, along with increased mistrust in the EAW.

On 27 January this year, British MEP Claude Moraes, Chair of the European Parliament's Civil Liberties, Justice and Home Affairs Committee, expressed his concerns in a parliamentary question in which he urged the European Commission "to prevent the system from being abused, a problem compounded by cases of member states failing to protect the basic rights of individuals when issuing EAWs."

Another, later, parliamentary question tabled by Finnish MEP Hannu Takkula released some troubling statistics targeting countries of concern.

Takkula said that "during the 2010-16 period, Poland and Romania issued to the UK 13,722 and 6,033 requests respectively, while the UK only issued 73 and 49 requests to these countries. One of these cases concerns Alexander Adamescu, a German citizen

living and working in the UK, whose father died in prison after he was denied an early release despite being seriously ill (in a coma) and aged 68.”

He added that each surrender procedure had a cost: at least €25,000.

Interestingly, Věra Jourová, Commissioner for Justice, Consumers and Gender Equality answered on behalf of the European Commission that it “is aware that sometimes European arrest warrants (EAWs) are being used in a non-proportional manner, meaning that the issuing judicial authorities use it in trivial cases and/or instead of other EU instruments (such as the European Investigation Order or the European Supervision Order).”

Jourová concluded that “surrender procedures are sometimes also affected by poor prison conditions that may result in risks of violation of the fundamental rights of the person requested under EAW.”

She continued, “As clarified by the Court of Justice of the European Union in the Aranyosi - Caldaru judgment, the executing national authority must postpone and possibly put to an end the execution of a EAW if, following exchanges with the issuing judicial authority, it finds a real risk of violation of fundamental rights of the requested person in the issuing state.”

EU-funded lobbying is expensive and undemocratic

By Bill Wirtz

EU Observer (21.09.2017) - <http://bit.ly/2yhtC1o> - While the European Union, with its surrounding institutions, steadily accumulates more political power, the call for transparency has rightfully increased as well.

The EU heavily watches all forms of corporate lobbying, yet has created its very own branch of lobbyists which turn out to be untransparent and biased.

In March of this year, the European Parliament's budgetary control committee, under the responsibility of German EPP rapporteur Markus Pieper, investigated the whole scale of EU-funded lobbying, and the immense grants associated with it.

In the year 2015 alone, the EU spent a total €1.2 billion in grants in order to support European NGOs, which lobby the EU institutions.

More interesting than the total expenditure is the unequal distribution of these grants.

Unequal distribution

For instance, in the 2015 budget, almost 60 percent of the funding available under the EU's environmental, social, health and human rights programmes was allocated to just 20 NGOs.

Pieper's report specifically outlines that EU funding favours larger NGOs more than smaller ones. It seems out of place for the EU to favour an oligarchical system of NGO influence.

The intention behind the EU's funding of social or environmental NGOs appears to be coherent and understandable at first sight: as corporate funding is supposedly destroying health, the planet and social services, the union needs to invest in non-governmental actors to even out the differences.

As a result, the corporate lobbyists are outnumbered by hundreds of EU-funded environmentalist protesters with whistles and large banners.

Why exactly the EU supports volunteers to repeat the things that are already in the hearts and minds of the people in the institutions seems complicated to grasp.

As certain EU member states struggle to renovate public infrastructure, it seems difficult to explain to the electorate that Brussels needs to spend more than a billion euros, so that NGOs can march in the streets to tell politicians something they already believe.

It is also misguided for the EU to believe that it can make its democratic deficit disappear by sponsoring activists out of civil society. While this process might make the EU more participatory - it is participation for the few, not the many.

This is especially concerning in regard to the political biases of these NGOs.

Political warfare

The organisation NGO Monitor has denounced some EU-funding to go to groups engaging in "political warfare" against Israel, and called the focus of the funding "disproportionate."

The Pieper report therefore called for the rejection of funding for NGOs who "demonstrably disseminate untruths and/or whose objectives are contrary to the fundamental values of the European Union, democracy, human rights and/or strategic commercial and security policy objectives of the European Union institutions".

In a 2016 paper, the European Centre for International Political Economy (ECIPE) exposed the EU commission's funding of Anti-TTIP advocates.

Several anti-free trade organisations claim to have been made viable due to EC funding, yet the ECIPE has described finding information of allocation of funding to be "almost impossible" and concludes therefore that: "There is no transparency about EU grants to NGOs and financing practices".

While the EU pushes for free trade deals with other continents, it also spends money on grants for organisations whose sole purpose is to prevent these trade deals.

Nina Katzemich from the German NGO Lobbycontrol slammed the Markus Pieper's report as "anti-pluralistic" and added: "To give money to [NGOs] to balance this imbalance ... represents a partial approach for the solution of this European democratic deficit."

Given the unfair distribution and the clearly outlined political bias of these organisation, it can hardly be pluralistic to invests hundreds of millions of euros into this system.

Transparency contradictions

Many European NGOs are quick to demand transparency from each and every public actor, yet they fail themselves to display any sort of transparency.

The EU parliament's budgetary control committee itself pointed out that the mechanism that distributes these grants makes it impossible to comprehensively trace EU funds to the organisations that received them.

This literally means that the EU funds NGOs who demand transparency, but simultaneously do not communicate this detailed information to the public, and neither do the receivers.

Pieper also points out that there are data inconsistencies between EU commission systems - as well as between commission DGs - when it comes to the rules of funding attribution. The left hand honestly does not know what the right one is doing.

It stands to reason, in the interest of taxpayers in the EU's member states, that EU-allocated funds ought to be transparent and serve their necessary purpose.

If the EU merely funds NGOs to sell the perception that its democratic process is inclusionary, then it manifestly fails to meet the requirements of European democratic ideals.

NGOs are a legitimate way for voters to be engaged citizens in the discourse between politicians and civil society. They should, however, not compete for the best ideas and not the best way to get grants.

EU-funded lobbying is undemocratic, expensive, and has no place in the current European system.

Europe's human rights court struggles to law down the law

Nearly 10,000 judgments covering 46 countries have not been implemented.

By Ginger Hervey

Politico (20.09.2017) – <http://politi.co/2yfnVB2> – The most sophisticated system in the world for defending human rights is facing a test. So far, it's failing.

Nearly 10,000 judgments of the European Court of Human Rights have not been put into effect by national governments. Some of those cases were ruled on as far back as 1992, and they cover all but one of the 47 member countries of the Strasbourg-based Council of Europe, the court's parent body and the Continent's leading human rights organization.

The failure to implement these judgments — detailed in a Council of Europe database — means that practices have continued across Europe, in many cases for years, after being ruled violations of human rights. These range from segregating HIV-positive prisoners in Greece, to police brutality in Bulgaria, to not properly investigating deaths of prisoners in Romania.

One case in particular could soon elevate this problem to a bigger political stage. The court ruled in 2014 that the detention of Ilgar Mammadov, an opposition leader in Azerbaijan, was a human rights violation — but he is still in prison three years later.

Mammadov's case is on the agenda at a quarterly meeting of Council of Europe ministers this week. The ministers face pressure to take the unprecedented step of sending the case back to the court for another judgment or even expelling Azerbaijan from the Council.

"We cannot have political prisoners in Europe," Council Secretary-General Thorbjørn Jagland said in a written statement to POLITICO. "The time has come for Azerbaijan to think hard about its obligations as a member of the Council of Europe and whether it still wants to fulfill them."

So far, however, the committee has chosen to avoid drastic measures in this or any other case in which the judgment of its own court has been ignored.

'Good faith'

When the European Court of Human Rights finishes deciding a case, it issues a judgment. If it rules that someone's rights were violated, it instructs the country at fault to do two things: compensate the individual who won the case, and implement any changes necessary at a national level to avoid repeat violations.

But the court doesn't tell the country how to fix the problem; just that it needs to do so. It can issue recommendations, but it's ultimately up to the country to decide what needs to be done.

"In cases of good people in government, it's true that they are in a much better position to know how to best remedy the violation," said Ramute Remezaite, a legal consultant at the European Implementation Network, an NGO that campaigns for all of the court's judgments to be respected. "The court may not understand the national context like national authorities would. But that's being abused by some countries."

Once a judgment has been issued, it's passed to the Committee of Ministers, made up of member countries' foreign ministers. The committee puts each new case into one of two baskets: standard cases that should be fairly straightforward to implement, and enhanced cases that require urgent action or more complex, systematic change in a country — changing a law, or reforming a court or prison system, for example.

Next, the defendant country issues an "action plan" for review by the committee, detailing how it will implement the judgment. If the plan is approved, the member nation is on track to resolving the problem. It submits action reports for review until the committee decides the judgment has been fully implemented.

This follow-up system sets the Council of Europe apart; there are similar regional human rights systems elsewhere in the world, but none of them has a mechanism to check in on countries.

But it has its flaws. The body is made up of high-level politicians, and officials both inside and outside the council told POLITICO that relationships between countries have an impact on how critical ministers are willing to be of each other. The committee is also made up entirely of ministers who are themselves accountable to the system: It could be their country in the hot seat next.

Perhaps the committee's biggest flaw is that if a country doesn't implement a judgment, there's not much it can do. The Council of Europe's commissioner for human rights, Nils Muižnieks, said that as some European countries backslide on democratic standards, the court and the committee are at a loss on how to enforce judgments.

"Our work is based on cooperation and good faith," Muižnieks said. "When you don't have that, it's very difficult to have an impact. We kind of lack the tools to help countries that don't want to be helped."

All of these factors have led to an increase in the number of judgments not being implemented — from 2,624 in 2001 to 9,944 in 2016.

Some of the most common judgments not to have been implemented concern violations by security forces and poor detention conditions. At the end of 2016, more than 3,200 of these cases had not been resolved.

'Test case'

In January 2013, rioting broke out in the Azerbaijani town of Ismayilli over an alleged assault on local people by a public official. Opposition politician Mammadov traveled from Baku, the capital, to see the protests firsthand.

"People are angry," Mammadov wrote on his blog after the event. "The events in Ismayilli were not and are not a calm peaceful protest, it is an extremely violent but just protest and the responsibility for it lies with [President] Ilham Aliyev."

Mammadov's blog post was quoted widely in the media. A week later, after security forces broke up protests with tear gas and water cannons and arrested more than 60 people, local authorities called Mammadov in for questioning.

On February 4, he was again detained and this time arrested for "aiming to ... create artificial tension and to violate the social and political stability in the country."

Earlier that month, Mammadov had announced that he was considering running against Aliyev in the upcoming presidential election.

Mammadov was sentenced to seven years in prison, beginning in March 2014. Two months later, the European Court of Human Rights ruled that Azerbaijan — which, ironically, had taken over the rotating presidency of the Committee of Ministers just days before — had arrested Mammadov "to silence or punish [him] for criticizing the Government."

Azerbaijan submitted an action plan; it allowed visits from Commissioner Muižnieks and a delegation conducting an inquiry for the Committee of Ministers; it even paid Mammadov €22,000 in compensation for violating his rights, as recommended by the court. But it still has not released the 47-year-old from prison.

Azerbaijan argues that it has not breached the Strasbourg-based court's judgment, saying the court's ruling related to Mammadov's arrest and pre-trial detention — not his subsequent imprisonment. A separate case on that issue is still pending before the court, so Azerbaijan "firmly rejects any claim suggesting that it has refused to implement" the judgments of the court, the country's mission to the EU said in a statement.

But Mammadov's treatment has become a "test case of the legitimacy of the Council of Europe," according to a petition signed by 44 civil society groups calling for the council to take action against Azerbaijan. A senior official from a Council of Europe delegation, speaking on condition of anonymity, said the committee has become more and more concerned about Azerbaijan's "failure to engage," which "could be perceived as displaying contempt towards the committee's authority."

"The entire credibility of the Committee of Ministers is at stake," said the official.

The committee has brought up the Mammadov case at every one of its last 11 quarterly meetings — but to little obvious effect.

Even Mammadov himself, who has always been an advocate of the Council of Europe, appears disillusioned. After the Committee of Ministers declared there had been a "positive development" in his case at their June meeting, Mammadov wrote on his blog that the "Committee of Ministers laughed at me again," and that "Mr. Aliyev joined the laughter." Mammadov referred to this week's meeting of the ministers as the "12th quarterly tickling" by the committee.

"I am afraid they will tickle each other to death of laughter by the end of my prison sentence," he wrote.

Difficult options

If the committee decides a country has not complied with a judgment, it can enact Article 46.4 of the European Convention on Human Rights — sending the case back to the court to determine if the government has failed to act.

The option has never been used but it was discussed last year by the Committee of Ministers in Mammadov's case. A formal vote was postponed for fear that it would not receive the necessary two-thirds majority, the official within the committee told POLITICO.

"The worst thing that could possibly happen is that it goes to the floor and the vote fails, because if you fail the first time it's never going to be used again," the official said.

But activists like Remezaite as well as Commissioner Muižnieks and Mammadov himself (via a letter to the committee) are calling for this option. Last Wednesday, at the Committee of Ministers' weekly meeting, Council of Europe Secretary-General Jagland argued in favor of launching the Article 46.4 procedure, his spokesman said.

But Article 46.4 may prove to be a feedback loop: If the court again rules that Azerbaijan hasn't obeyed, the case will simply go back to the Committee of Ministers, where it started.

Azerbaijan argues there is no need to refer the case back to the court since it is still considering Mammadov's imprisonment.

The only other option available to the Committee would be expulsion from the Council of Europe. But Remezaite says this path is even less appealing and even more self-defeating than the last. If you expel a country for not implementing judgments, then you have no authority in the future to make them implement judgments — and no outlet for that country's citizens to appeal to if their rights are violated.

Yet, as things stand, defenders of the court worry that its authority is crumbling as countries become bolder in defying its judgments.

The U.K. has repeatedly refused to repeal legislation preventing prisoners from voting, despite a 2006 ECHR ruling saying it was a violation of the European Convention of Human Rights. Russia has challenged prisoners' voting rights and passed a law allowing its Constitutional Court to overrule European Court of Human Rights rulings. Denmark — which takes over the rotating presidency of the Council of Europe in November — is lobbying other governments to push back the power of the court.

"It's worrying," Muižnieks said. "People have forgotten why the system was created, and that it's a game that everyone has to play by the rules or it all falls apart."

High alert for human rights protection in the future in the UK and beyond

UK withdrawal from the European convention on human rights could have devastating repercussions for the EU, warns Willy Fautré.

By Willy Fautré, *Human Rights Without Frontiers*

The Parliament Magazine (10.03.2017) - <http://bit.ly/2ncRiPG> - More than 50 British top lawyers and legal experts are sounding the alarm about UK Prime Minister Theresa May's intention to go beyond the scope of Brexit by withdrawing from the European convention on human rights (ECHR) and consequently from the mechanism of the European Court in Strasbourg.

By publishing an open letter to May in The Observer, the group of lawyers and experts have pressured her to abandon the idea of exiting the ECHR system. In their appeal, they also call upon the EU to "make Britain's membership of the ECHR a legally binding requirement for any future free trade deal in the UK.

"The rule of law and human rights are non-negotiable when new countries join the EU, they should be non-negotiable when countries leave and desire a free trade deal," the authors firmly state, emphasising that this provision was incorporated into EU law through the Lisbon treaty.

Under the guise of planning to restore the UK's sovereignty, Theresa May has stated in the past that she would like to leave the ECHR, although it has been the bedrock of peace and security in Europe since World War II and a remarkable instrument for the growth of democracy in European former Communist countries after the fall of the Berlin Wall.

Brexit is Brexit, and leaving the EU will already entail the withdrawal from several EU mechanisms: the EU charter of fundamental rights, the European Court of Justice, the European arrest warrant, and Europol. It remains to be seen which other mechanisms of cooperation between the UK and the EU will be negotiated in the near future - and at what cost.

Extending the UK's withdrawal from the ECHR might have a pernicious domino effect and could embolden populist leaders in countries such as Hungary and Poland to abandon domestic and international commitments to human rights.

In December 2015 Russia sent out an alarming signal to Strasbourg and Brussels by adopting a law which allows the country to overrule judgements from the European Court of Human Rights (ECtHR).

The EU values enshrined in this historical institution may suffer a devastating setback from Lisbon to Vladivostok if the UK decides to pull out of the ECHR. It would give carte blanche to Putin and others to further weaken the European Court and prevent the expansion of EU values.

The publication of their appeal comes as British campaign agency 89up launches a crowd funding operation to send a 'battle bus' carrying human rights activists to Brussels. The purpose will be to lobby the EU to ensure that any free trade deal that it agrees to with the UK will include a guarantee that London remains a signatory to the European Convention of Human Rights.

These concerns however should not be limited to British human rights advocates and their campaign should not only involve British citizens. It is a battle to be fought by all human rights watchdogs and civil societies across Europe.

Report on legality of EU sanctions listing procedure published

The EU Justice Committee publishes its report on the legality of the EU sanctions listing procedure.

Parliament UK (02.02.2017) - <http://bit.ly/2jAIV3q>

- [Report: The legality of EU sanctions \(HTML\)](#)
- [Report: The legality of EU sanctions \(PDF\)](#)
- [Inquiry: Legality of EU sanctions listing process](#)
- [EU Justice Sub-Committee](#)

This report is the result of a short inquiry into the legality of the EU sanctions listing process, conducted by the Justice Sub-Committee of the European Union Committee. The purpose of the inquiry was to understand better why EU sanctions were being struck down by the EU

courts, and to investigate whether improvements could be made to the sanctions listing process.

EU sanctions serve an important foreign policy objective in persuading States and regimes to change behaviour. They also need to respect the due process rights of those who are sanctioned, as guaranteed by the EU Charter of Fundamental Rights. There is a tension between these two principles, to which the large number of listings that have been annulled by the General Court to date attests. Whilst improvements had been made to the listing process, the Sub-Committee concluded that much more could be done.

Key findings

- The Council should codify the standard of proof it applies when it adopts sanctions listings. This would bring much-needed transparency to the listing process, as well as public assurance that the same standard of proof is applied by all Member States in the Council, which is not currently the case.
- The Council should be less willing to relist on amended grounds those individuals and companies who have succeeded in having their original listings struck down by the EU courts for lack of evidence. This practice gives rise to a perception of injustice: the judgments of the EU courts are of no consequence because further sanctions are imposed before they come into effect.
- It is incumbent on the EU to ensure that it has sufficiently robust but fair procedures to allow the EU courts to assess confidential evidence underpinning sanctions listings.
- The Government and Council should consider an Ombudsperson for EU sanctions, similar to the role of the UN Ombudsperson for the Al Qaida Sanctions Committee, to improve the fairness of the sanctions listing procedure.
- The Council should urgently reduce the time taken to respond to correspondence from targeted individuals and companies, especially when mistaken identity is alleged.
- The Government should provide open-source information justifying sanctions listings to select committees, to allow Parliament to carry out its vital scrutiny role more effectively.
- The UK should align itself with EU sanctions post-Brexit, and national legislation to achieve this must be put in place.

Further information

- [About Parliament: Select committees](#)
- [Visiting Parliament: Watch committees](#)

Brexit: Future of the European Arrest Warrant in question

With Brexit and two recent controversial cases of extradition requests made this year by Romania, the future of the European Arrest Warrant (EAW) is re-emerging as an issue of particular concern, not only in the UK but also in other EU member states, writes Willy Fautré.

By Willy Fautré, Human Rights Without Frontiers

EurActiv (06.12.2016) - <http://bit.ly/2hddoSH> - In 2011, the European Parliament examined a report from the Commission on the implementation of the Framework

Decision of 13 June 2002 about the EAW and the extradition procedures between member states. This then triggered a series of parliamentary questions to the Commission and the Council tabled by each of the four main political groups.

While the EAW has proven to be an effective instrument in the cross-border fight against crime and terrorism, its disproportionate use, as well as its misuse, have been repeatedly questioned.

In January 2014, the LIBE Committee adopted a resolution (45 votes to 4) calling upon the Commission to table proposals to reform the EAW within a year, including provisions to guarantee that fundamental rights are respected, a "proportionality check" to ensure that the least intrusive measure is applied and the right to effective legal remedies.

"The warrant needs to be used not only effectively but proportionately, with guarantees that human rights are not abused in the process. This will help prevent miscarriage of justice in the future," said then rapporteur Saran Ludford (ALDE, UK).

On the eve of 2017, it can be said that "disproportionate use" of the EAW for minor offences or in cases where less intrusive alternatives might be used persists and still raises serious concerns. Unwarranted arrests and unjustified or excessive time spent in pre-trial detention, disproportionate interference with the fundamental rights of suspects and accused persons as well as burdens on member states' resources are still worrying issues.

Fair Trials International (FTI), the London-based human rights non-governmental organisation, claims to have highlighted a number of cases which demonstrate that the EAW system is causing serious injustice and is jeopardising the right to a fair trial. In particular, FTI alleges that:

- European Arrest Warrants have been issued many years after the alleged offence was committed;
- Once warrants have been issued there is no effective way of removing them, even after extradition has been refused;
- They have been used to send people to another EU member state to serve a prison sentence resulting from an unfair trial;
- Warrants have been used to force a person to face trial when the charges are based on evidence obtained by police brutality;
- Sometimes people surrendered under an Arrest Warrant have to spend months or even years in detention before they can appear in court to establish their innocence.

Moreover, the deliberate misuse of the EAW is not fiction. The notion of pan-European standards of justice has been called into question on several occasions in the UK and other EU member states. On the basis of the mutual recognition of criminal justice systems within the EU, any national political authority in the EU can issue a warrant to extradite a suspect, but this approach equating British and German standards with the ones in force in Romania or Poland is controversial.

The judiciary in Romania is not independent and is vulnerable to political interference. Indeed, more and more reports are highlighting this problem. Last year MEDEL (Magistrats Européens pour la Démocratie et les Libertés) shared the same deep concerns as some Romanian judges and prosecutors who took a stand against the unlawful involvement of the Romanian Intelligence Service (SRI) in the judiciary process.

"This situation is a threat to the democracy in Romania," MEDEL wrote in a statement entitled "European magistrates concerned about the influence of intelligence agency over the judiciary process in Romania." The National Union of Romanian Judges has also made the European Commission aware of the threats on the judiciary and the rule of law in their country but has not found an attentive ear to their fears.

Some years ago Sweden refused to send back a Romanian citizen whose extradition had been requested by Bucharest on the basis of an EAW. Stockholm granted him political asylum and justified its decision on the grounds that he would not get a fair trial in Romania.

Another case has now put Romania back in the spotlight with another example of EAW misuse and miscarriage of justice.

In last June, Alexander Adamescu, a German citizen and the son of a prominent Romanian businessman, was arrested in London on the basis of a European Arrest Warrant (EAW) issued by the Romanian government which accused him of complicity with his father in allegedly bribing judges. Any alleged involvement of Alexander Adamescu in his father's case was never raised until he initiated a £200 million arbitration claim for the purposeful destruction of a group of companies controlled by his father, including the liberal newspaper *România Liberă* which had always been critical of Romania's political leaders.

Alexander Adamescu denies the charges and claims that the jail sentence against his father was based only on the false testimony of a former employee in one of the group's companies.

Despite the suspicion of political motives behind this case, British judges cannot review it and must treat this and any EAW issued by Romania with a wholly unmerited level of reciprocity. Were they able to scrutinise the evidence prior to extradition, many cases would have certainly been thrown out.

In the UK, there has always been a strong movement against the EAW since its inception in 2004 because of the loss of judicial sovereignty that it was perceived to entail. Now, many people in political parties and in the judiciary look forward to the exit from the EAW system and to a new form of judicial cooperation between the EU member states, much like the cooperation that the United States, Canada, Australia, Switzerland, Norway and others have with the EU space.

The EU might be well inspired to use this momentum to consolidate the EAW system by correcting its shortcomings and protecting it against any form of misuse and abuse.

EUROPOL data leak: Europol director Wainwright and Commissioner King must explain before Parliament

Alliance of Liberals and Democrats for Europe (30.11.2016) - <http://bit.ly/2qLENrs> - The Dutch Radio Zembra has today reported a leak of documents on international terrorism investigations by European Police Office, Europol, who seem to have failed to protect very sensitive information. Reacting to this scandal, European liberals and democrats call on Commissioner King and the director of Europol, Rob Wainwright, to come to the European Parliament to explain and clarify the facts related to this reported leak.

Sophie in 't Veld, ALDE spokesperson for data protection, said: "This is extremely shocking. Europol was aware of this security incident since September, yet its director

decided not to inform the parliament during a joint meeting of the European Parliament and the national Parliaments on Europol scrutiny just two days ago".

"This case proves once again that data protection is not an obstacle to security, but an absolute precondition. It is essential for information exchange and police cooperation".

"This leak damages trust in Europol and trust in information exchange, which is our top priority in the security agenda. Information sharing is essential for security".

The ALDE group calls for enhanced parliamentary scrutiny for Europol, as the group already proposed when amending the new regulation on Europol, which will enter into force in Spring 2017.

Morten Helveg Petersen, ALDE spokesperson for Europol, added: "These worrying developments highlight the need for parliamentary scrutiny as set out in the new Europol regulation and the crucial role that the European Data Protection Supervisor must play in ensuring that processes as well as systems are fit for purpose".

"These processes are key to building the trust that is needed between Europol, Member States, and citizens on the way Europol handles data. If we want national agencies to exchange more data, Europol to take on greater responsibility in fighting terrorism, we have to make sure all the data handling systems, processes, and procedures are working properly".

Nadia Murad and Lamiya Aji Bashar winners of 2016 Sakharov Prize



Nadia Murad (left) and Lamiya Aji Bashar ©AP Images/ European Union-EP & ©Enric Vives-Rubio/Público, via: <http://bit.ly/2ePrE0a>

Yazidi survivors and public advocates Nadia Murad and Lamiya Aji Bashar are this year's joint laureates of the European Parliament Sakharov Prize for Freedom of Thought, following a decision by Parliament President Martin Schulz and the political group leaders on 27 October. The Sakharov award ceremony will be held in Strasbourg on 14 December.

European Parliament News (27.10.2016) - <http://bit.ly/2ePrE0a> - By awarding the prize to Nadia Murad and Lamiya Aji Bashar "we are demonstrating that their fight has not been in vain and that we are prepared to step up to the plate to help them in their fight against the hardship and brutality perpetrated by this so-called Islamic state to which so many people are still exposed to," Schulz said speaking in plenary. "They were able to flee, to escape to Europe and find sanctuary here," he added.

Nadia Murad and Lamiya Aji Bashar

Nadia Murad Basee Taha and Lamiya Aji Bashar are survivors of sexual enslavement by Islamic State (IS) and have become spokespersons for women afflicted by the terrorist group's campaign of sexual violence. They are also public advocates for the Yazidi community in Iraq, a religious minority that has been the subject of a genocidal campaign by IS militants.

They are both from Kocho, one of the villages near Sinjar, Iraq. On 3 August 2014, Islamic State militants slaughtered all the males in the village. Young women, including Aji Bashar, Murad and their sisters, were abducted by Islamic State militants and forced into sex slavery.

In November 2014, Murad managed to escape with the help of a neighbouring family who smuggled her out of the IS-controlled area, allowing her to make her way to a refugee camp in Northern Iraq and then to Germany. A year later in December 2015, Murad addressed the UN Security Council's first-ever session on human trafficking with a powerful speech about her experience. In September 2016, she became the first UNODC Goodwill Ambassador for the Dignity of Survivors of Human Trafficking, participating in global and local advocacy initiatives to raise awareness around the plight of the countless victims of trafficking.

Aji Bashar tried to flee several times before finally escaping in April with the help of her family, who paid local smugglers. While fleeing, a landmine exploded, killing two of her acquaintances while leaving her injured and almost blind. She managed to escape and was eventually sent for medical treatment in Germany, where she was reunited with her surviving siblings. Since her recovery Aji Bashar has been active in raising awareness of the plight of the Yazidi community and continues to help women and children who were victims of IS enslavement and atrocities.

Murad and Aji Bashar were nominated by S&D and ALDE.

The finalists

Murad and Aji Bashar were among the three finalists for the 2016 Sakharov Prize. Find out more about the other finalists Can Dündar and the defenders of freedom of thought and expression in Turkey as well as Mustafa Dzhemilev here.

More on the Sakharov Prize

The Sakharov Prize for Freedom of Thought is awarded each year by the European Parliament. It was set up in 1988 to honour individuals and organisations defending human rights and fundamental freedoms. The prize is accompanied by an award of €50,000. Last year the prize was awarded to Raif Badawi.

Nominations for the Sakharov Prize can be made by political groups or by at least 40 MEPs. Based on the nominations, the foreign affairs committee, chaired by Elmar Brok, and the development committee, chaired by Linda McAvan, vote on a shortlist of three

finalists. After that the Conference of Presidents, made up of the Parliament President and the leaders of the political groups, select the winner.

The European Arrest Warrant is making Britain complicit in political persecution

By Ben Kelly

The Telegraph (19.10.2016) - <http://bit.ly/2dpxIP9> - Brexit may mean Brexit (whatever that eventually means), but does it entail abolishing the European Arrest warrant? Indeed it should, but as our Prime Minister is a keen advocate of the EAW, it currently seems rather unlikely.

The EAW is based on the cursory assumption that all criminal justice systems in the EU are equal and uphold similar levels of equity between the citizen and the state. This is underpinned by the downright dangerous delusion that the European Convention on Human Rights is earnestly and correctly adhered to by all requesting nations.

The evidence points to the contrary. In fact, perhaps it should be explicitly acknowledged: not all justice systems in Europe are equal. Some do not operate separately from the state and some are blatantly corrupt.

Now, in the case of Alexander Adamescu, Britain has the opportunity to impart some integrity and uphold a measure of justice. Alexander, a German citizen and writer, was arrested in London in June this year by means of an EAW issued by the Romanian authorities just two hours before he was due to speak at a conference about the abuses of the EAW system. The Romanian embassy had instructed the London Metropolitan Police to apprehend Alexander before the event to prevent his appearance; they shamefully obliged.

Alexander, who moved to London in 2012, is accused of alleged offenses of corruption in Romania for which his father received a sentence of four years and four months imprisonment in what clearly amounts to a case of political persecution.

Dan Adamescu, a German citizen and businessman, was the owner of Romania's biggest insurer, Astra, and the conservative newspaper Romania Libera. After the fall of communism, the newspaper became known for its editorial independence and support of democratic values and the transition of Romania into a market economy.

It was a fierce critic of the Social Democratic Party, the successor organisation of the Communist Party, and regularly attacked the party's last leader Victor Ponta, who served as Prime Minister from 2012 – 2015. This criticism, and its outspoken support of Ponta's political rival, Traian Basecu, made the Adamescu family many powerful enemies.

Ponta's revenge for the years of criticism has been merciless and thorough. The government, the regulators and courts have colluded to drive Astra into liquidation and then nationalisation, and cut off Adamescu's funding to Romania Libera thereby curbing its influence.

In May 2014, Dan was accused of bribing judges and summoned as a suspect by prosecutors. Only two days after Dan Adamescu's summons, in an act that would be seen as a fundamental subversion of the people's rights in any truly free country, Prime Minister Victor Ponta made a public statement on television in which he directly accused Dan Adamescu, in the first of several public accusations, of leading a "network of corruption" and concluding his allegations with the chilling prediction: "I am certain that

we will shortly be hearing even more things about this from the state prosecutor's office".

Sure enough, within a fortnight, masked and armed anti-terror police raided Mr Adamescu's home and arrested him. He was subsequently paraded in front of TV cameras and denounced as a criminal in the state-backed media.

The very next day, he was stood before a judge accused of witness tampering for helping to organise a lawyer for his Finance Director (subsequently a prosecution witness). The judge declared that he "must be exposed to public shame".

Indeed, he must have reflected on the cost of speaking freely in Romania as he sat in his dirty, overcrowded cell for the first time and granted only one hour a day in an 'outdoor space' with a metal grate roof and a floor smeared with human excrement. It was just the beginning of his cruel and inhumane treatment.

In October 2014 his show trial was swift and based on the testimony of one witness who was plainly shown to be contradicting himself. Prosecuting lawyers were frequently interrupted and cut short, as was Mr Adamescu himself. The guilty verdict was inevitable. In 2015 an appeal was heard and dismissed with a key prosecution witness bizarrely being allowed to absent himself from the proceedings.

Dan Adamescu was repeatedly refused bail, with presiding judges making numerous pronouncements that make a mockery of the notion of the presumption of innocence, a right enshrined in the ECHR. They argued that he and the other defendants couldn't be freed because they "continued to deny committing the crimes of which they are accused". As if protesting one's innocence was itself a crime worthy of detention! Another judge referred to "the seriousness of the illegal actions committed by him", a statement of almost comical absurdity.

Dan Adamescu is now wheelchair-bound due to crippling knee arthrosis for which he has been refused much needed surgery. His various medical ailments include an eye infection that has rendered him blind in one eye due to the denial of proper treatment and he has been declared unfit for imprisonment by his German doctor.

Despite this he still languishes in Romania's medieval prison system, having to be helped to the toilet (a hole in the ground) by his fellow inmates. He fears being forgotten by the international community and that he will perish in prison.

Somehow, this reprehensible abuse is occurring in a fellow EU member state in 2016. Now Britain must do the right thing and refuse to send Alexander Adamescu to face the same kangaroo court. It is evident that the warrant is politically motivated and Alexander Adamescu's human rights are likely to be violated. There's little chance of a fair trial when guilt has been spuriously attributed from the outset.

A Uyghur Chinese intellectual sentenced to life imprisonment on the short list for the EU Sakharov Prize

HRWF (11.10.2016) – Ilham Tohti, an intellectual belonging to the Uyghur ethnic minority in China, who was sentenced to life imprisonment in 2014, is among the few candidates that have been shortlisted for the 2016 Sakharov Prize.

Yesterday, on 10 October, MEP Ilhan Kyuchchyuk hosted a conference at the European Parliament entitled "Ilham Tohti and the Sakharov Prize: Courage in face of the Brutality" organized by the Ilham Tohti Initiative, UNPO and Chinachange.org.

The speakers were:

Representative of Marino Budashin, UNPO Secretary General
Yaxue Cao, co-founder and chief editor of chinachange.org (USA)
Ingrid Widiardo, www.uigurkultur.com (Germany)
Vincent Metten, EU Policy Director of the International Campaign for Tibet (Belgium)
Prof. Marie Holzman, co-founder of the Ilham Tohti Initiative (France)
Prof. Elliott Sperling, Associate Professor at Indiana University (USA)

We reproduce hereafter the vibrant plea in favor of granting him the Sakharov Prize prepared by Prof. Sperling, Yaxue Cao and the Ilham Tohti Initiative:

"Ilham Tohti is the most renowned Uyghur intellectual in the People's Republic of China. For over two decades he has worked tirelessly to foster dialogue and understanding between Uyghurs and Chinese over the present-day repressive religious, cultural and political conditions of the Uyghurs, a Muslim Turkic people living mostly in modern China's northwestern Xinjiang Uyghur Autonomous Region. As a result of his efforts he was sentenced in September 2014 to life in prison following a two-day show trial. He remains a voice of moderation and reconciliation in spite of what has been done to him.

Ilham was born in 1969 in Artush, in Xinjiang, and began his studies in 1985 at the institution that is today the Central Minzu University in Beijing, and known for minority studies. He eventually became a faculty member at the same university and a recognized expert on economic and social issues pertaining to Xinjiang and Central Asia. As a scholar, he has been forthright about problems and abuses in Xinjiang, and his work led to official surveillance and harassment that began as early as 1994. From time to time he was barred from teaching and after 1999, he was unable to publish in normal venues.

In order to make the economic, social and developmental issues confronting the Uyghurs known to China's wider population, Ilham established the Chinese-language website *Uyghurbiz.net* in 2006 to foster dialogue and understanding between Uyghurs and Chinese on the Uyghur issue. Over the course of its existence it was shut down periodically and people writing for it were harassed. Ilham Tohti has adamantly rejected separatism and sought reconciliation by bringing to light Uyghur grievances, information the Chinese state has sought to keep behind a veil of silence.

Following massive Chinese repression in Xinjiang in 2009, Ilham was taken into custody for weeks for posting information on Uyghurs who had been arrested, killed and 'disappeared'. In subsequent years, he was subjected to periodic house arrests and barred from leaving the country.

Western governments and the EU condemned Ilham Tohti's arrest and sentence. He received the Barbara Goldsmith "Freedom to Write" Award from the PEN America Center in May 2014. In January 2016, he was named a finalist for the Martin Ennals Award.

Ilham Tohti's case is particularly important given the crucial international issues and human rights concerns on which it touches: the fostering of moderate Islamic values in the face of state-directed religious repression; efforts to open lines of dialogue between a Muslim minority and a non-Muslim majority population; and the violent suppression of non-violent dissent by an authoritarian state.

Ilham Tohti's life and career have exemplified the ideals of Andrei Sakharov. His nomination for the European Parliament's Sakharov Prize for Freedom of Thought has been supported by organizations and renowned individuals, including the Dalai Lama and Sakharov Prize laureate Hu Jia."

Ilham Tohti, a four-minute video: <http://bit.do/4minute-Ilham-video>

Statement to the Uyghur Service, Radio Free Asia before his arrest in July 2013: <http://bit.do/statement-uyghur>

My Ideal and the Career Path I have Chosen by Ilham Tohti, <http://bit.do/ideals-career>

Present-day Ethnic Problems in Winjiang by Ilham Tohti, <http://bit.do/xinjian-analysis>

Voice of America Interview with Uyghur Professor Ilham Tohti in 2013: <http://bit.do/voa-interview>

Joint NGO statement ahead of the European Council of 28-29 June 2016, NGOs strongly condemn new EU policies to contain migration

HRDN (27.06.2016) - At the upcoming European Council, European Union (EU) leaders will discuss the **European Commission's Communication on a new Partnership Framework with third countries**. The Communication proposes an approach which aims to leverage existing EU and Member States' external cooperation instruments and tools in order to stem migration to Europe. The undersigned organisations express their grave concern about the direction the EU is taking by making deterrence and return the main objective of the Union's relationship with third countries. More broadly, this new Partnership Framework risks cementing a shift towards a foreign policy that serves one single objective, to curb migration, at the expense of European credibility and leverage in defence of fundamental values and human rights.

The proposed approach is inspired by the EU-Turkey deal which although touted as a successful example of cooperation, has actually left thousands people stranded in Greece in inhumane and degrading conditions. This has particularly affected children, with the result that hundreds of unaccompanied children have been held in closed detention facilities on the islands or forced to sleep in police cells on the Greek mainland. **The wider repercussions of this should not be underestimated. It is hard to see how Europe can ask partner countries to keep their doors open, to host large-scale refugee populations and prevent further movements while at the same time Member States refuse to shoulder their fair share of responsibility for protecting people who flee their homes.** The right to asylum is being significantly undermined, and it will become more and more challenging for civilians in conflict zones to seek international protection.

The Commission's proposal ignores all the evidence on the ineffectiveness of deterrence strategies aimed at stopping migration. **This approach will not only fail to "break the business-model" of smugglers but increase human suffering as people are forced into taking more dangerous routes. Moreover, despite the stated commitment to respect the principle of *non-refoulement*, there are no safeguards envisaged to ensure that human rights, rule of law standards and protection mechanisms are in place. As a result, people risk being deported to countries where their rights are not safeguarded.** Responsibility and liability for human rights violations do not end at Europe's borders.

We are disappointed to see that once again the emphasis on deterrence leaves no clear commitments to open up safe and regular channels to Europe for those in need of international protection and for other migrants, e.g. through resettlement, humanitarian admission schemes, family reunification, educational visas, labour mobility and visa liberalisation. Resettlement, labour migration and visa liberalisation are only mentioned as possible leverage with partner countries in a quid pro quo approach.

Another major concern is the financing of the proposed Partnership Framework which

would represent a wholesale re-orientation of Europe's development programming towards stopping migration. This is an unacceptable contradiction to the commitment to use development cooperation with the aim to eradicate poverty, as enshrined in the Lisbon Treaty. **Aid is for the benefit of people in need, and should not be used as a leverage for migration control. EU funding should be transparent and adhere to clearly established principles, such as the Busan principles on effectiveness and the Paris principles of ownership by and alignment to partner countries' strategies.** In addition, striking 'migration management' agreements with countries where grave human rights violations are committed will be counter-productive in the longer term – undermining human rights around the globe and perpetuating the cycle of abuse and repression that causes people to flee.

Migration has many drivers; people may be on the move in search of new livelihood opportunities, an education or to reunite with family, while conflict and violence, human rights violations, climate change, poverty and unemployment can all trigger migration and forced displacement. **Any cooperation to manage migration should take into consideration this complex and multi-faceted reality, be evidence and needs-based, and ensure that the benefits of migration are maximised and the risks are mitigated.**

If the EU wants to call for more global solidarity, it needs to set the right example. The EU, a project built on the rubble of a devastating war, is about to embark on a dark chapter of its history. We urge EU leaders to choose a rights-based system to manage migration, based on a viable long-term strategic vision, rather than pursuing an unattainable and inhumane deterrence objective and thereby abandoning its core founding principles.

As human rights, humanitarian, medical, migration and development agencies, and key implementing partners of development programmes in third countries, we call on European leaders to:

1. Reject the current Commission Communication and develop a sustainable long-term and evidence-based strategy for migration management, in consultation with civil society and experts.
2. Facilitate safe mobility by opening and strengthening safe and regular channels to Europe both for those in need of international protection and other migrants including through resettlement, humanitarian admission and humanitarian visas, family reunification, worker mobility across skill levels and student visas. Member States must commit to clear benchmarks and appropriate timelines for implementing a migration framework that meets the needs of migrants, asylum-seekers and refugees, their families, as well as the needs and obligations of Member States.
3. Exclude any conditionality based on migration control indicators in the allocation of development aid to third countries. Development aid is a tool to fight poverty and inequality, not to manage migration. Vulnerable populations should not be punished because of concerns that are largely political.
4. Stop any readmissions or removals of people by the EU to a third country that violate – or risk violating – fundamental rights and rule of law, including the principle of *non-refoulement*. Ensure access to protection, justice and effective remedy for all people in migration and asylum procedures.
5. Ensure transparency in the development of any instruments to manage migration and accountability for human rights violations resulting from EU migration policies.
6. Commit to a foreign policy and action focused on preventing and unlocking protracted crises. While the Communication mentions the need to address root causes of displacement in the long term, it does not include engagement to prevent and manage crises.

Signatories

1. ACT Alliance EU
2. ActionAid
3. aditus foundation
4. Afrique Culture Maroc
5. Agir Ensemble pour les Droits de l'Homme
6. Aid Services
7. Amnesty International
8. Amycos
9. Andalucía Acoge
10. Asamblea de Cooperacion Por la Paz ACPP
11. Asgi - Associazione per gli Studi Giuridici sull'Immigrazione
12. Asociacion por ti mujer
13. Asociacion Salud y Familia - Spain
14. Association for action against violence and trafficking in human beings-Open Gate La Strada Macedonia.
15. Association for the Social Support of Youth
16. Ayuda en Acción
17. British Refugee Council
18. CAFOD
19. Care International
20. CCOO de Andalucía
21. Centre for Youths Integrated Development.
22. Centro de Investigaciones en Derechos Humanos PRO IGUAL
23. ChildFund Alliance
24. Church of Sweden
25. Churches' Commission for Migrants in Europe
26. Citizens' association for combating trafficking in human beings and all forms of gender-based violence
27. CNCD-11.11.11
28. Comisión Española de Ayuda al Refugiado –CEAR-
29. Concern Worldwide
30. CONCORD Europe
31. CONCORD Sweden
32. Conseil des Béninois de France
33. Consortium of Migrants Assisting Organizations in the Czech Republic
34. Coordinadora Andaluza de ONGD
35. Coordinadora Cantabra de ONGD
36. Coordinadora de ONGD de la Región de Murcia
37. Coordinadora de ONGD del Principado de Asturias
38. Coordinadora de ONGD España
39. Coordinadora de ONGD Navarra
40. Coordinadora Extremeña de ONGD

- 41.Coordinadora Gallega de ONGD
- 42.Coordinadora ONGD de Castilla y León
- 43.Coordinadora Valenciana de ONGD
- 44.Cordaid
- 45.Detention Action
- 46.Detention Forum
- 47.Doctors of the World International network
- 48.EU-CORD Network
- 49.Eurochild
- 50.EuroMed Rights
- 51.European Association for the Defence of Human Rights
- 52.European Council on Refugees and Exiles
- 53.European Youth Forum
- 54.Federación Aragonesa de ONGD
- 55.Federación de Asociaciones de Derechos Humanos
- 56.Federation of Christian NGOs in Italy
- 57.FIACAT
- 58.FIDH
- 59.FIZ advocacy and support for migrant women and victims of trafficking
- 60.Flüchtlingsrat Niedersachsen e.V.
- 61.Forum des Organisations de Solidarité Internationale issues des Migrations
- 62.Fundacion 1º de Mayo de Comisiones Obreras
- 63.Fundación Alianza por los Derechos, la Igualdad y la Solidaridad Internacional –APS-
- 64.Greek Forum of Refugees
- 65.Habitat for Humanity International, Europe, Middle East and Africa
- 66.Handicap International
- 67.Human Rights Watch
- 68.Human Rights Without Frontiers
- 69.Instituto Sindical de Cooperación al Desarrollo –ISCOD-
- 70.InteRed
- 71.INTERMOS
- 72.Islamic Relief UK
- 73.Jesuit Refugee Service Europe.
- 74.Justice and Peace Netherlands
- 75.KISA-Action for Equality, Support, Antiracism
- 76.Koordinierungsstelle der Österreichischen Bischofskonferenz für internationale Entwicklung und Mission
- 77.La Strada International
- 78.Lafede.cat - Organitzacions per a la Justícia Global
- 79.Le Monde des Possibles
- 80.Macedonian Young Lawyers Association
- 81.Menedék - Hungarian Association for Migrants
- 82.Migrant Voice UK

83. Migrants' Rights Network
84. Movimiento contra la Intolerancia
85. Movimiento por la Paz –MPDL-
86. Nasc, the Irish Immigrant Support Centre
87. Norwegian Refugee Council
88. Oxfam
89. PAX
90. Pax Christi International
91. PICUM-Platform for International Cooperation on Undocumented Migrants
92. Plan International EU office
93. Platform Minors in exile / Plate-forme Mineurs en exil / Platform Kinderen op de vlucht (Belgium)
94. Red Acoge
95. Réseau de Compétences Solidaires - Groupement d'Economie Sociale et Solidaire France - Europe - Afrique
96. Réseau Immigration Développement Démocratie - IDD
97. Save the Children
98. SOS Children's Villages International
99. SOS Racisme – Touche pas à mon pote
100. Stichting LOS
101. Swedish Refugee Advice Centre
102. Télécoms Sans Frontières
103. Terre des Hommes International Federation
104. The International Federation of Social Workers European Region
105. The International Rehabilitation Council for Torture victims
106. the Norwegian Centre Against Racism
107. Trócaire
108. World Vision Brussels and EU Representation
109. ZOA

European Commission fails to address the human rights impacts of its trade agreement with Vietnam

FIDH & VCHR (7 October 2015) - In their latest submission to the EU Ombudsman, dated 30 September 2015, FIDH and its member organisation, the Vietnam Committee on Human Rights (VCHR), reiterated their call on the EU Commission (EC) to conduct a human rights impact assessment (HRIA) and introduce the necessary clauses and safeguards before finalising the EU-Vietnam free trade and investment agreement (FTA). FIDH and VCHR detail the reasons why, if finalised without conducting a HRIA and without introducing the necessary human rights safeguards, the FTA would be concluded in violation of EU law. FIDH and VCHR also call upon the other EU institutions to demand that the EU fully comply with its obligations.

Despite recognising in its memo dated 4 August 2015 having reached a deal that has “never before been achieved with a developing country”, and that is going “largely

beyond [...] any other FTA that Vietnam has concluded”, the EC still refuses to assess the impact of the agreement on human rights. It argues, in its opinion to the draft recommendation of the EU Ombudsman, Ms Emily O’Reilly, that a Human Rights Impact assessments (HRIA) is not necessary because the “mix of instruments” it uses to deal with human rights in Vietnam fulfils the “very same overarching purpose of an HRIA” and is sufficient to address the negative impacts the FTA may have.

Indeed the EC proposes to rely on dialogues, démarches, development cooperation, and provisions that “are normally included in FTAs”. However despite these tools have shown their limitations in practice and fall far short of providing appropriate mechanisms to measure and respond to the potentially negative impacts of the FTA.

“The threat that trade and investment agreements risk causing to human rights is well documented and demands a comprehensive revision of these deals. Instead, the EC turned a blind eye on its own responsibilities and invoked ineffective instruments that have demonstrably failed to prevent the negative impacts that trade deals may have on human rights,” said FIDH President Karim Lahidji.

“From the outset, the European Commission has knowingly disregarded any human rights considerations in its quest to conclude its free trade agreement with Vietnam. Without strong human rights safeguards, the EU-Vietnam free trade agreement is likely to cause an increase in abuses of social, economic and political rights in Vietnam,” said VCHR President Vo Van Ai.

In their 30 pages submission to the Ombudsman (on 30 September), FIDH and VCHR demonstrated the EC’s failure to inform the ombudsman’s procedure and, more broadly, the democratic debate. FIDH and VCHR have clearly documented how superficial the EC’s analysis of the human rights impacts of the FTA is. The submission details the reasons why the solutions proposed by the EC are inadequate to address the new challenges the future EU-Vietnam FTA will pose for human rights, as well as some of the problematic provisions of the FTA and similar agreements. The submission also provides specific recommendations to enhance the human rights safeguards and to revise the agreement. Such safeguards notably include human rights flexibilities, redress and accountability mechanisms for affected communities, and a modification of the substantive provisions regarding investment protection.

EU sanctions challenged at the European Court of Justice

HRWF (21.09.2015) - In March of this year, the EU was to decide if it would prolong the sanctions against a number of high-profile Ukrainian citizens who had been blacklisted a year ago. In four cases, the restrictions were dropped.

On 6 March 2015, the EU Council withdrew the measures referred to in the Council Decision 2014/119/CFSP concerning the restrictive measures insofar as they applied to Andrii Portnov, an adviser to former president Yanukovich. Portnov had been fighting legal battles against the accusations ever since he was blacklisted. All charges were eventually dismissed. His lawyers then decided to challenge the sanctions, following two potential legal channels.

The first is to respond by using the direct means of communication that is provided by the EU. When the Council of the European Union notifies someone that he or she will be hit by EU sanctions, it also offers the accused an opportunity to provide "observations" concerning the allegations and explain why they should be disregarded. Lawyers interpret this move by the Council as an attempt to start a dialogue before the dispute ends up in a court. This process is an opportunity that can be used to provide the Council with

factual evidence and legal arguments to be removed from the list. Andrii Portnov was not offered this option.

The second channel is the legal challenge in the EU court system, providing a public forum in which the accused can defend his/her reputation. Even though this process is lengthy and cases are rarely solved in less than one year, Andrii Portnov chose to take this route and file his complaint with the EU General Court in Luxembourg (1).

Timeline of the Procedure Against the European Union

On 24 April 2015, the Court decided to open an oral procedure and fixed a date for a hearing.

21 May

During the hearing, the agent of the EU Council declared before the Court that the restrictive measures against Andrii Portnov were imposed on the basis of information provided by the General Prosecutor's Office of Ukraine (hereinafter - GPU) in a letter dated 3 March 2014. The letter detailed his alleged involvement in several crimes committed while holding the position of adviser to former president Yanukovich.

25 June

Mr. Portnov wrote to Federica Mogherini, the EU Council and the EU High Representative on Foreign Affairs and Security Policy, officially asking three questions:

"In accordance with the provisions of Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, I would like to kindly ask the Council of the European Union and the Commission to provide me with the information on the following:

1. If there was any verification made by the EU Council and/or the office of the High Representative of the EU on Foreign Affairs and Security Policy concerning the information on my supposed involvement in committing of crimes in Ukraine provided by the GPU's letters dated 03 March 2014?
2. If there was any report prepared, provided or made by the Ambassador of the EU to Ukraine, Mr Tombinski, or any of the EU delegation to Ukraine officials providing or confirming in any form the information on my supposed involvement in committing of crimes while holding the public office? And if so, what precise information and/or facts or conclusions made with such the reports or if a copy of such a report might be provided?
3. In case such a report was made by any of the officials of the EU delegation to Ukraine and particularly by Ambassador of the EU to Ukraine, to what an extent it has been considered and influenced the decision of the EU Council to impose the restrictive measures to my person?"

14 July

The EU Council General Secretariat replied to Mr Portnov:

(...) The fact that the Council decided in the exercise of its discretion to withdraw the restrictive measures does not mean that the grounds for originally imposing them against you were incorrect. (...)

Regarding your reference to the answer of the Council's representative gave at the hearing before the EU General Court on 21 May 2015 in Case T-290/14, in which he stated that the Head of the EU Delegation to Ukraine had provided an opinion on the

merits of the proceedings in Ukraine against yourself, the Council's agents realized afterwards that this answer was incorrect. (...)

The answer also referred to a letter dated 30 June sent by the agents of the EU Council to the Court, saying that the statement of the Council's representative had been misunderstood and that the opinion had been solicited not for Andrii Portnov but for persons who had been subsequently investigated for the Decision numbered 2014/216/PESC of 14 April 2014.

17 July

The Head of the Transparency and Access to Documents Unit of the EU Council General Secretariat answered Mr Portnov about the three issues raised in his letter dated 25 June: "Following a careful examination of your request for public access, the General Secretariat has not been able to identify any documents corresponding to your request."

The same answer was confirmed in another letter sent by the EEAS Head of Unit of the Corporate Board Secretariat on 31 July. The option then offered to him was to file his initial request with another office of the EEAS. He did it immediately and got the response that if he was not satisfied with the reply, he could make "a confirmatory request". A good example of the twists and turns of EU bureaucracy...

Harassment Remains Unabated in Ukraine

In the meantime, the judicial harassment initiated against Andrii Portnov remains unabated in Ukraine.

First, the authorities have failed to implement the decisions of the domestic courts in his favour and the website of the General Prosecutor's Office (2) still mentions the following message posted on 28 February 2014:

"Prosecutor General's Office requires the Interior Ministry and SBU immediately detain former officials

Prosecutor General of Ukraine requires new leaders of the Interior Ministry and Security Service of Ukraine immediately apprehend persons involved in the mass killings of activists in the center of Kyiv from 18 to 22 February this year."

Ten names follow, including his, which is in the eighth position. The next paragraph says:

"As previously reported, prosecutors have begun pre-trial investigation in criminal proceedings for murder of civilian protesters on grounds of the offense under Part 1 st. 115 Criminal Code of Ukraine. The investigation obtained sufficient data to indicate any involvement in the murder of 74 people with firearms. Division of interaction with the media, the Press Service of the Prosecutor General of Ukraine."

It means that for public opinion, A.V. Portnov remains a criminal and he is still exposed to public condemnation although all the courts in Ukraine have cleared him of all charges on the grounds that they were unfounded.

Another accusation was: "Holding the office at the Presidential Administration of Ukraine, he seized the property of Taras Shevchenko National University of Kyiv and Kyiv Economic University named after Vadym Hetman by abusing the office repeatedly, i.e. in committing a crime, stipulated by Part 3 of Art. 191 of the Criminal Code of Ukraine." In short, he was accused of illegally receiving 137,639.02 Hryvna (about EUR 6,000), during a period of four years.

The facts are that A.V. Portnov worked for the Presidential Administration of Ukraine. His accusers argue that he breached the requirements set forth in an instruction of the

Ministry of Labor dated 1993 which allegedly prohibits him from getting involved in professional teaching subject to payments on the basis of hourly rates if the scope of work exceeds 240 hours per year. In reality, the contested wage was credited to a bank card which remains at the disposal of the university staff and during four years, A.V. Portnov only withdrew 800 Hryvna (EUR 36) (3) ...

He was cleared of this charge by the Pecherskyi District Court of Kyiv on 13 January 2015 but the investigation by a team composed of 12 prosecutors and the Prosecutor General's Office continues (4).

Last but not least, A.V. Portnov is also banned from holding any position with public authorities for 10 years. The legal ground is the Law on Lustration targeting personalities who held public positions under the rule of President Yanukovich. This law was signed in October 2014 by President Poroshenko but it is largely criticized by Ukrainian human rights NGOs (5) for paving the way to arbitrary decisions and personal settlements of scores.

Conclusions

The decision of the Council to put someone on a list is a political one. Considering all facts of Mr Portnov's case, it turns out that the Council's decision was based exclusively on the recommendation of Ukrainian prosecutors and that EU leaders imposed the sanctions on the basis of a list provided by the new government in Kiev, breaching human rights rules and procedures. Based on the aforesaid, it seems that his name was added to the EU sanctions list that was established before spring 2014 and following the upheaval in Crimea and eastern Ukraine.

It is obvious from the EU Council's official statements that the three issues raised by Mr Portnov struck a nerve. Access to records of the court hearing may shed light on the facts concerning the statement of the EU Ambassador to Ukraine.

Sanctions have been the cornerstone of the West's response to the violence in Maidan, Crimea and eastern Ukraine. However, the stakes are now high for the EU's sanctions regime. Brussels is facing multiple legal challenges to its sanctions policy and has recently lost a number of them. Last December the Court reprimanded the Council for sanctioning the Palestinian group Hamas on the basis of what it called flimsy and second-hand evidence. The Court pointed to similar problems when it decided to invalidate sanctions against the Tamil Tigers, the principal rebel force in Sri Lanka's long civil war. Both groups had been listed by the EU as terrorist organizations. In its October 2014 ruling about the Tamil Tigers case, the General Court said, "Those arguments... clearly show that the Council based the contested regulations not on assessments contained in the decisions of competent authorities but on information which it derived from the press and the internet."

With these cases, the European Council, representing the leaders of the EU's 28 member states, and the Foreign Affairs Council, representing foreign ministers, have suffered serious public setbacks and have exposed the fragility of their sanctions regime.

In January, the US ambassador to the EU declared that "the US government is increasingly concerned about weaknesses in the European sanctions mechanism, particularly when sanctioned individuals or companies challenge the correctness of their designations before the EU Court of Justice." He urged the EU "to devote the additional resources needed to develop factual records that will withstand rigorous judicial scrutiny," a diplomatic way of criticizing the system's weaknesses and inefficiency.

A challenge for the EU is its lack of intelligence-gathering capabilities of its own. It is forced to rely on unchecked material provided by the prosecuting state, in this case the newly established Ukrainian authorities.

There must be a more concrete and verifiable basis for the imposition of EU sanctions. The EU cannot simply rubber-stamp the prosecutor's decision of any given country. The presumption of innocence is still one of the fundamental principles of the rule of law.

(1) The case No is T-290/14.

(2) http://www.gp.gov.ua/ua/news.html?_m=publications&_t=rec&id=134960&fp=540%20 (Access on 21 September 2015)

(3) See bank statements at http://portnov.com.ua/wp-content/uploads/2014/11/printer_12.jpg%20

(4) See a document dated May 2015 at <http://portnov.com.ua/wp-content/uploads/2015/01/25-postan-yzmen-prokuror.pdf%20>

(5) See <http://zakon2.rada.gov.ua/laws/show/1682-18>

ANNEX: Professional activities of A.V. Portnov

- Born on 27 October 1973 in Lugansk in a family of workers. He graduated from intermediate school Nr 50 in Lugansk.
- From 1991 to 1992, he served in Armed Forces of the USSR and Ukraine.
- In 1993 he began to work as a lawyer in industrial enterprises and law firms in Luganshina. At the same time he studied at the Extension Department of Law Faculty of East Ukrainian National University.
- From 1997 to 2001, he worked in the Securities and Exchange Commission as a chief specialist, head of the department, head of assistant and advisers staff of the President of Commission, director.
- From 2003 to 2005, he was a member of the Commission and headed the administrative office of the Commission.
- From 2005 to 2006, he practiced law.
- From 2006 to 2010, he was a member of 5th and 6th Legislatures of the Parliament of Ukraine, Deputy Head of the Verkhovna Rada Committee on Justice.
- In 2009, he was elected for 6 years as a member of the High Council of Justice of Ukraine by the decision of the Third Ukrainian Congress of Representatives of Legal Institutions of Learning and Scientific Institutions.
- From 2010, he was Deputy Head of the Presidential Administration of Ukraine - Head of the Main Department on Judicial Matters, Advisor of the President of Ukraine.
- From 2014, he was the first Deputy Head of the Presidential Administration of Ukraine (dismissed as of 26.02.2014). He coordinated the work of the judiciary department, the department of reforming police authorities. He represented the Presidential Administration of Ukraine in courts, handled opinions on draft laws, etc.
- From March 2014, he practiced law.
- From November 2014, he became the Head of the Law Reforms Institute.
- Academic and other achievements

- Ph.D. in Economics (2001).
- Honored lawyer of Ukraine (2004).
- S.J.D. (2009).
- Head of Constitutional Law Department of Taras Shevchenko National University of Kiev (2010-2014).
- Member of the Presidential Commission on Mercy (2010).
- Head of the Working Group on Criminal Justice Reforms (2010).
- Member of the Specialized Academic Board of National Academy of Prosecution of Ukraine (2011).
- Head of the Working Group on Prosecution and Advocacy Reforms (2011).
- He is the author of two scientific monographs and more than 30 scientific works on problems of legal regulation of constitutional justice and on theory of constitutional process.
- Head of composite authors of the Criminal Procedural Code of Ukraine, law on judiciary and status of judges, laws on prosecution and advocacy activity, laws on humanization of criminal liability for economic crimes, law on anti-raider crimes, etc.

EU splits in Russian media war

New EU task force hobbled by low funding, lack of political support.

Politico (17.09.2015) - <http://www.politico.eu/article/eu-russia-propaganda-kremlin-media/> - Even as the EU mobilizes to fight Russian propaganda, European governments are fighting each other over the best way to go about it.

A new effort by Brussels to monitor and respond to the perceived bias of Kremlin-controlled media such as Russia 24 or Sputnik has exposed familiar fissures on the Continent.

As the Russia media task force known as East Stratcom begins operating at the end of this month, a new alternative project has emerged and is gaining some traction with countries that are dissatisfied with the existing EU initiative.

Narrow mandate

The divisions reflect deep-seated foreign policy differences within the 28-member bloc that came to surface after Vladimir Putin annexed Crimea last year and stirred up a violent conflict in eastern Ukraine.

People involved with East Stratcom say the team has been told to stick to a narrow mandate so as not to upset the delicate balance on Russia. The media rapid-response unit is part of the European External Action Service (EEAS), the EU's version of a foreign ministry.

According to one East Stratcom member, the office culture is "cautious" and the Russian-language experts are under orders to "fly under the radar" to avoid antagonizing EU governments that are looking to tone down tensions with Russia.

Those on the unit say the lack of a separate budget for it, insufficient resources and lukewarm support from some EU countries are hindering the counter-propaganda campaign.

“Not all member states wanted this team — we are not even sure that [former Italian foreign minister and current EU foreign affairs chief Federica] Mogherini wanted this team,” a member of the unit said.

EU leaders called for the unit’s establishment in March, as part of what they described as a “first step” in challenging Russia’s “ongoing disinformation campaigns” broadcast to countries in the EU’s eastern neighbourhood.

The unit, established in April, will initially monitor and analyze Russian-language media reports, particularly those broadcast in the EU’s six “Eastern Partnership” countries — former Soviet satellites with large Russian-speaking populations, including Ukraine and the three states in the Caucasus.

Then the team will develop a response strategy, which may include social media.

The EEAS has not released details of the team’s make-up. It is headed by Giles Portman, a British career diplomat who has spent the past eight years working on EU relations with Turkey. Portman reports to Michael Mann, the head of the EEAS’s strategic communications team who was a spokesman for former high representative Catherine Ashton.

‘Not enough’

EEAS spokesperson Maja Kocijancic told POLITICO Wednesday that the suggestion that the EEAS or Mogherini are not fully behind the project is unfounded. “With everything [Mogherini] has done she has demonstrated her commitment,” Kocijancic said. “The team is embedded in the EEAS, it is a permanent set-up. This is a sign of clear commitment that we will deliver on everything we have promised we would do.”

The sources said the unit includes five Russian-language specialists sent to Brussels from EU states: a Czech, a British national (in addition to Portman), a Dane, an Estonian and a Latvian. They will not become permanent members of staff, but have signed one-year contracts which can be extended for up to four years. Their salaries are paid by their individual governments. Sources say the EEAS has provided four of its own staffers to work with the task force.

EEAS refused to comment on staffing arrangements.

A Polish diplomatic source said his government had planned to contribute a Russian-language expert to the team, but withdrew its offer after being told that Portman, rather than the Polish candidate that Warsaw had put forward, would head the unit.

Critics say the lack of support has already hobbled the effort.

“It has to be equipped with a budget to start investing in different solutions and different media, as well as investing in research and monitoring,” said Jerzy Pomianowski, a former Polish diplomat who heads the European Endowment for Democracy (EED), an EU-funded think-tank. “If Europe limits itself to [the East Stratcom] unit and simply produces communication about Europe, then it will not be enough.”

The EED recently completed a feasibility study that called for “a range of coordinated, cooperative and cost efficient initiatives” supported by international donors to respond to the threat of Russian propaganda.

The group’s report proposed an alternative: The creation of a “news hub” to produce Russian-language news content, with a range of Russian-language programming, alongside a “content factory” which would provide non-news programming such as talk shows and drama.

Pomianowski is on a barnstorming tour of European capitals to raise funds to get the broad, content-producing initiatives outlined by the EED feasibility study off the ground. Pomianowski met officials from 35 donor countries in Warsaw last week and walked away with a €1 million pledge from Poland, with the Netherlands promising a further €1.5 million to support the EED’s Russian-language media initiative.

Krzysztof Bobinski, the president of Polish think-tank Unia & Polska, said that even though the European Council had pushed in March for a response to Russian media bias, there now appears to be a “diminishing appetite” for doing anything that might antagonize the Russians.

Sanctions fight ahead

“Why they no longer appear interested I am not sure,” said Bobinski, who is the co-chair of the Civil Society Forum, a network of eastern European NGOs. “Maybe it is about Ukraine or maybe they want help on Syria. But for NGOs, not annoying the Russians is not a priority.”

“Propaganda poses a danger for world peace and it should be countered,” he said, adding that the EU should consider putting Russian media firms and journalists on an EU sanctions list.

Eugene Rumer, the director of the Washington-based Carnegie Endowment’s Russia and Eurasia program, said that while he is not familiar with East Stratcom, any attempt to counter propaganda with counter-propaganda will misfire.

“Looking back at the days of the Cold War, the success of our broadcasting efforts to the Soviet bloc was not in its propaganda quality, but in its ability to bring information to the peoples of the Warsaw Pact,” Rumer said. “Propaganda does not work. The best answer is an effective policy.”

The fight over the media response takes place against the background of a renewed but so far low-key debate over the future of sanctions that the EU imposed on Russia last year. Diplomats from Hungary, Greece, Italy and France, among other countries, want the EU to reconsider the sanctions in place at the new year, pointing to a recent ceasefire in eastern Ukraine as a possible sign of Russian willingness to lower tensions. The Baltic states, U.K. and eastern European countries favor a tougher stance on Putin’s Russia.

Mogherini came under fire from eastern European countries at the time of her appointment last year, over what they said was the pro-Russian stance of the Italian government.

Five practical ways you can help refugees trying to find safety in Europe

As the crisis affecting thousands of people worsens, here's what you can do

The Independent (02.09.2015) - <http://www.independent.co.uk/news/world/europe/5-practical-ways-you-can-help-refugees-trying-to-find-safety-in-europe-10482902.html> - A new report from the United Nations refugee agency says that more than 2,500 migrants and refugees have died or gone missing this year while crossing the Mediterranean Sea.

As European leaders increasingly try to prevent refugees and migrants from settling in the continent, more and more people are dying in their desperation to flee persecution and reach safety.

Here are some of the ways you can help at home.

Make a donation

Make a financial donation to a non-governmental organization (NGO) that is doing related humanitarian work overseas. These could include:

[Save the Children](#): distributing essential items such as diapers, hygiene kits and food

[Red Cross Europe](#): providing emergency health services at central train stations

[Migrant Offshore Aid Station](#): dedicated to preventing migrant deaths at sea

[International Rescue Committee](#): improving living conditions by setting up camps

[The UN Refugee Agency \(UNHCR\)](#): providing water, mosquito nets, tents, healthcare

[Refugee Action](#): advice about claiming asylum, the asylum process, asylum support

Get involved with grassroots groups

JustGiving has received more than 2,500 donations from 32 countries for Calais migrant fundraising efforts. Here are just a few of them:

[The Worldwide Tribe in Calais](#): Travel blog documenting the story of the people in the Calais 'jungle' is also connected to a [crowdfunding site](#)

[Glasgow Solidarity with Calais Migrants](#): Diane and Bob are driving to Calais with supplies

[North East Solidarity with Calais Refugees](#): Buying food, bedding and warm clothing

[Side by Side](#): A family in Thurrock joining to help with basic humanitarian aid

[Association Salam](#): 19-year-old Tom McElholm is driving to Calais with supplies

[Coach and Horses Soho](#): raising £5,000 to give the Calais migrants a decent meal

Volunteer, donate, collect

[Calais Migrant Solidarity](#): organising aid from the UK to those stranded in Calais. Includes details to find local groups for clothes collections and donations [here](#) and UK-based [Facebook](#) group

[Doctors of the World](#): providing care to vulnerable people, advocating for rights to health

[Music Against Borders](#): appealing for people to donate musical instruments to Calais

[The Jungle Library](#): makeshift library set up at the camp at Calais. They need more books

[Folkestone United](#): organising protests, taking donated goods to Calais in September

[Avaaz.org](#): lobbying local councils, providing language support, housing refugees

Buy specific items for those who need help

An [Amazon wish list](#) has been set up for people to buy specific items such as shoes and sleeping bags to be delivered to Calais as part of the appeal #KentforCalais and #HelpCalais. The truck leaves on 17 September

Put your name to a petition

[The Independent's petition for Britain to accept its fair share of refugees](#)

[Accept more asylum seekers and increase support for refugee migrants in the UK](#)

[80 Syrian war refugees are waiting in Calais for their rightful and legal asylum in the UK](#)

[Create a compassionate Euro-wide policy to deal with refugee migrants](#)

[End the Calais crisis](#)

'Home' by Warsan Shire

no one leaves home unless
home is the mouth of a shark
you only run for the border
when you see the whole city running as well

your neighbours running faster than you
breath bloody in their throats
the boy you went to school with
who kissed you dizzy behind the old tin factory
is holding a gun bigger than his body
you only leave home
when home won't let you stay.

no one leaves home unless home chases you
fire under feet
hot blood in your belly
it's not something you ever thought of doing
until the blade burnt threats into
your neck
and even then you carried the anthem under
your breath
only tearing up your passport in an airport toilets
sobbing as each mouthful of paper
made it clear that you wouldn't be going back.

you have to understand,
that no one puts their children in a boat
unless the water is safer than the land
no one burns their palms

under trains
beneath carriages
no one spends days and nights in the stomach of a truck
feeding on newspaper unless the miles travelled
means something more than journey.
no one crawls under fences
no one wants to be beaten
pitied

no one chooses refugee camps
or strip searches where your
body is left aching
or prison,
because prison is safer
than a city of fire
and one prison guard
in the night
is better than a truckload
of men who look like your father
no one could take it
no one could stomach it
no one skin would be tough enough

the
go home blacks
refugees
dirty immigrants
asylum seekers
sucking our country dry
niggers with their hands out
they smell strange
savage
messed up their country and now they want
to mess ours up
how do the words
the dirty looks
roll off your backs
maybe because the blow is softer
than a limb torn off

or the words are more tender
than fourteen men between
your legs
or the insults are easier
to swallow
than rubble
than bone
than your child body
in pieces.
i want to go home,
but home is the mouth of a shark
home is the barrel of the gun
and no one would leave home
unless home chased you to the shore
unless home told you
to quicken your legs
leave your clothes behind

crawl through the desert
wade through the oceans
drown
save
be hunger
beg
forget pride
your survival is more important

no one leaves home until home is a sweaty voice in your ear
saying-
leave,
run away from me now
i don't know what i've become
but i know that anywhere
is safer than here.

Media freedoms are under threat in the EU and its neighbourhood: What the EU can do

By Beatrice Basaldella for *Human Rights Without Frontiers*

HRWF (19.05.2015) - On 6th May, Friedrich Naumann Foundation for Freedom and Tuskon, a Turkish business confederation, organised an event in Brussels on media freedoms under threat in the European Union and neighbouring countries. Journalists and press freedom activists expressed alarm over the extent to which control over information and pressures on journalists has spread. The event focused especially on conditions in Turkey and Hungary and on what the EU should and could do inside and outside its borders to promote media freedom.

The first speaker was Sevgi Akarçeşme, a journalist, columnist and blogger for the Zaman news group. In 2014, she said, Turkey saw the worst regression in media freedom in the country's history. Pressure on journalists is a daily phenomenon: "The newsrooms are open air prisons, (...) and the worst crime is insulting [President] Erdoğan." Journalists are routinely jailed and silenced. Social media sites are monitored and severely restricted. Human rights violations are becoming pandemic in Turkey, said Akarçeşme, who is "shocked" by the precision in which they are carried out.

Similar fears were echoed by Attila Mong, an investigative journalist for Atlatzso, an anti-corruption watchdog organisation, and Mertek Media Monitor, that monitors the media in Hungary. Just two years ago, he could not have imagined that the Hungarian media could rival Turkey in its suppression of media freedoms, even though the media environment is quite different between the two countries. Mong believes that the turning point was the constitutional changes that were made in 2010, expanding the powers of incoming Prime Minister Viktor Orbán in several areas, including control of the media. Pro-government ownership and control of the media has the effect of filtering the news that is reported and censoring journalists that are critical toward the government.

Jean Paul Marthoz, EU correspondent for the Committee to Protect Journalists, contended that the EU has a key role to play in promoting media freedoms. For instance, partnership agreements are contingent on a positive review of a country's respect for democracy and human rights. The EU cannot expect commitments and improvements from non-EU countries, he said, if its member states do not respect their own human rights obligations. In the case of Hungary, the EU disposes of legal means, defined by the treaties, to enforce human rights standards within its borders; however, enforcement is

weak. Marthoz said that exaggerated attention is given to economic interests in the EU integration process, while the protection of human rights is minimised. Compliance must be enforced even after the country has entered the Union. Democracy cannot be taken for granted, he said. Marthoz believes that a mechanism for monitoring the evolution of democracy in the EU should be created along with clear and enforceable sanctions in cases of non-compliance.

There is still much to be done to strengthen media freedoms within Europe and to protect journalists that are under pressure from their governments and other forces that wish to censor their voices. The EU needs to ensure that binding legal instruments are enforced and that its proclamations do not remain only rhetorical. It can support media democracy movements in countries like Turkey and Hungary. Most importantly, it must promote the democratic values that it claims to be the foundation of its existence.

Counter violent extremism through inclusion, education and respect, says EP Conference

By Beatrice Basaldella for Human Rights Without Frontiers

HRWF (29.04.2015) - The Progressive Alliance of Socialists & Democrats (S&D Group) organised a conference on 21st April at the European Parliament on countering violent extremism. Contributions included many speakers from European institutions, academics, journalists and various associations, all united around one common message: it is only through the promotion of human rights, integration and education that violent extremism can be fought in Europe.

Gianni Pittella, the President of the S&D Group, appealed for an immediate and comprehensive response to extremism, adding that Europe's security cannot be achieved by just building a wall across the Mediterranean. Bringing people together around democratic values, he said, must be at the centre of a strategic response to violent extremism. Tanja Fajon, Vice-president of S&D Group, said that the root causes of extremism, such as religious intolerance, lack of political freedoms and violations of human rights, likewise need to be addressed. "Europe has to demonstrate emotional intelligence and try to understand why people embrace extremist ideologies," she said. Indeed, Professor Preben Bertelsen of Aarhus University in Denmark underlined that harsh exclusionary measures implemented by some Member States to combat illegal activism can backfire into further radicalisation.

Stavros Lambrinidis, the EU Special Representative for Human Rights, echoed this point by summarising ten principles and values which should inspire actions to fight extremism. "Violence can never be justified," he stated, and it must be condemned, especially by religious and political leaders. Even still, education, open societies and freedom of speech must be promoted in each state in its own way. Military actions aimed at fighting terrorism must be used only as a last resort and in full respect of human rights. "Human rights have always been the universal language against those who want to divide us," he said. This is "a battle within cultures, not against cultures," commented Lambrinidis.

Lambrinidis' address introduced one of the main topics for debate: Why are European citizens choosing to take up arms to fight for the so-called Islamic State? Peter R. Neumann, Director of the International Centre for the Study of Radicalism (www.icsr.info), described what motivates these foreign fighters. Many feel that they have no stake in EU society. The importance of peer relations in the radicalisation and

recruitment processes should also be noted, he said. This is accentuated through the use of social media.

Latifa Ibn Ziaten works with youth through an association she created in 2012 after her son Imad was killed in Toulouse. Everyone can play an active role in any European society, she stressed, including Muslims. But we must listen to Muslim youth, provide support for difficult family situations, school assistance and even psychological help, when needed. A Belgian woman, Hayat Khyare, spoke about discriminatory laws which divide people, such as the prohibition to wear the headscarf, which led her sister to conclude that she had no place in European society. The sister left her home in Belgium to go fight with Da'ish in the Middle East.

The event also accented the important role of women and mothers in preventing the recruitment of their sons and daughters for terrorism. Educative and financial tools must be provided and promoted to empower youth, combat alienation, marginalisation and social exclusion, said Malika Hamidi of the EU Muslim Network.

"Youths need the hope that they can succeed and politicians have the responsibility to provide them the opportunities in order to do so... independently from their background everyone can have a place in European society," commented Alfzal Khan, the Muslim MEP representing North West England. The central message of the conference was clear: exclusion leads to radicalisation, illegal activities and extremist positions. It is only through education, integration, protection of freedom of religion or belief and the respect of human rights that we can fight extremism and not through further violence.

It is our antipathy towards migrants that kills in the Mediterranean

Despite thousands of tragic drownings, European politicians will struggle to navigate past anti-immigration status quo

The Guardian (19.04.2015) http://www.theguardian.com/world/2015/apr/19/it-is-our-antipathy-towards-migrants-that-kills-in-the-mediterranean?CMP=share_btn_fbn - Another day, [another death trap in the Mediterranean](#). We thought 2014 was bad: a record death toll, a surge in arrivals on European shores – and notably record numbers saved by the Italian search-and-rescue mission that plied 30,000 square miles of sea, fishing hundreds out of the water every day.

But now Europe is bracing for worse. Far worse. The Italian mercy mission [disbanded last October](#), arguing that no one else in Europe was helping, least of all with the cost of saving lives which amounted to around €9m (£6.5m) a month. In its place, a far more limited EU force popped up, with one-third of the budget, fewer vessels and manpower, and crucially a mission statement that does not extend to search-and-rescue. The upshot: a 50-fold increase in deaths so far this year. Last year more than 3,000 died. This year more than 1,500 have already perished. And the summer migration "season" has barely begun.

The causes are complex. The numbers of people – men, women and children – desperate to move north has risen drastically over the past 10 years, as war carves its way through countries such as Syria, Iraq, Central African Republic and South Sudan, and economic atrophy grips the sclerotic Mediterranean rim and troubled states further south such as Eritrea. More than 120,000 Syrians have arrived in [Europe](#) since 2011. Almost 30,000 Eritreans entered Italy in 2014.

The routes to supposed safety have forked and forked again: you can try your luck from Turkey into Greece and up into the Balkans, around to northern Egypt or, as the vast majority do, through the lawless funnel that Libya has become. But no matter where you start, most itineraries require a sea passage. And the people who facilitate this are ruthless traffickers who don't even expect to get their boats back, still less provide a crew or skipper.

A fishing vessel of the type that sank at the weekend might cost \$10,000 (£6,700). But 600 passengers squashed into space for perhaps 200, each of them paying a minimum of \$1,000 provides a handsome earnings multiple – a return on investment of almost 6,000%.

The standard operating model used to involve overpacking the boats, leaving them bobbing on the water with no crew in the hope the Italians would pick them up. Without the Italians, that model is fatally flawed.

While survivors are ferried to the relative safety of islands such as Lampedusa and Sicily, and victims disappear for ever, the impact of these tragedies will reverberate as far as Brussels, where the EU stands accused of dereliction of duty. The United Nations has [repeatedly urged Europe](#) to be more active in its response to the huge displacements of people on its southern flank, instead of responding with a drawbridge-like mentality. Only Germany and Sweden, for instance, have taken significant numbers of Syrian refugees displaced by that country's war.

Europe as a whole tends to prefer floating controversial ideas such as putting the onus for dealing with migrants – on land and at sea – on the north African countries [through which they pass](#).

Immigration is a toxic issue in just about every European country. Privately, some officials fear that an enhanced search-and-rescue operation in the Mediterranean will not just deplete threadbare budgets, but act as a "pull factor" that will encourage and facilitate record levels of migrant arrivals on to a continent that has made it clear it wants no more boat people.

Despite the steady drip-drip of death, the Mediterranean story has yet to resonate with a European public short on empathy: Guardian stories on migration on our website consistently attract very low numbers of readers.

Could 2015 be the year that this changes? EU leaders will come under intense pressure this week to change tack, do something, perhaps reinstate search and rescue, certainly explain more what is meant by "working with third countries", as a European commission statement said on Sunday.

But the sad fact remains that until public opinion cares more about children drowning at sea than it does about immigrants settling next door, politicians will be loth to take a lead.

Refugees don't need our tears. They need us to stop making them refugees

The Guardian (17.04.2015)

http://www.theguardian.com/commentisfree/2015/apr/17/refugees-eu-policy-migrants-how-many-deaths?CMP=share_btn_tw In the desert, the smugglers lace their water with

petrol so the smuggled won't gulp it down and cost more. Sometimes the trucks they're packed into stall crossing the Sahara; they have to jump out to push, and some are left behind when the trucks drive off again. In transit camps in [Libya](#) before the perilous venture across the Blue Desert, they play football, fight, and pool their scanty resources so an even poorer friend can pay his way. One man says his tiny wooden boat was flanked by dolphins as they made the journey, three on each side, like guardian angels, and this was what gave him hope.

These are the people we are allowing to die in the Mediterranean. The EU's de facto policy is to let migrants drown to stop others coming. Last year nearly four thousand bodies were recovered from the Med. Those are just the ones we found. The total number of [arrivals in Italy in 2014 went up over 300%](#) from the year before, to more than 170,000. And the EU's response, driven by the cruellest British government in living memory, was to [cut the main rescue operation, Mare Nostrum](#).

The inevitable result is that 500 people have already died this year. The figure for the equivalent period in 2014 was 15. There are half a million people in Libya waiting to make the crossing. How many more deaths can we stomach?

[Migration](#) illustrates one of the signal features of modern life, which is malice by proxy. Like drones and derivatives, migration policy allows the powerful to inflict horrors on the powerless without getting their hands dirty. James Brokenshire, the minister who defended cutting Mare Nostrum on the nauseatingly hypocritical grounds that it encouraged migration, never has to let the deaths his decision helped to cause spoil his expensive lunch with lobbyists. It doesn't affect him.

But it does affect us. Right now we are a diminished and reduced society, bristling with suspicion and distrust of others even as we perversely struggle with loneliness and alienation. We breathe the toxic smog of hatred towards immigrants pumped out by Nigel Farage and [Katie Hopkins](#), and it makes us lesser people.

Forget the fact that this society wouldn't work without migrants, that nobody else will pick your vegetables and make your latte and get up at 4am to clean your office. Forget the massive tax contribution made by migrants to the Treasury. This is not about economics. Far too often, even the positive takes on migration are driven by numbers and finance, by "What can they do for us?". This is about two things: compassion and responsibility.

[Lampedusa](#), my play currently running at the Soho Theatre, focuses on two people at the sharp end of austerity Europe. Stefano is a coastguard whose job is to fish dead migrants out of the sea. Denise is a collector for a payday loan company. They're not liberals. They don't like the people they deal with. They can't afford to. As Stefano says: "You try to keep them at arm's length. There's too many of them. And it makes you think, about the randomness of I get to walk these streets, and he doesn't. The ground becomes ocean under your feet."

Migration illustrates one of the signal features of modern life: malice by proxy

But eventually, the human impact of what they do breaks through. And in their consequent struggles, both Stefano and Denise are aided by a friendship, reluctant and questioning, with someone they formerly thought of as a burden. This is compassion not as a lofty feeling for someone beneath you, but as the raw reciprocal necessity of human beings who have nothing but each other. This is where we are in the utterly corrupted, co-opted politics of the early 21st century. The powerful don't give a shit. All we have is us.

But equally important is responsibility. In all the rage about migration, one thing is never discussed: what we do to *cause* it. A report published this week by the International Consortium of Investigative Journalists reveals that the [World Bank displaced a staggering 3.4 million people in the last five years](#). By funding privatisations, land grabs and dams, by backing companies and governments accused of rape, murder and torture, and by putting \$50bn into projects graded highest risk for "irreversible and unprecedented" social impacts, the World Bank has massively contributed to the flow of impoverished people across the globe. The single biggest thing we could do to stop migration is to abolish the development mafia: the World Bank, International Monetary Fund, European Investment Bank and European Bank for Reconstruction and Development.

A very close second is to stop bombing the Middle East. The west destroyed the infrastructure of Libya without any clue as to what would replace it. What has is a vacuum state run by warlords that is now the centre of Mediterranean people-smuggling. We're right behind the Sisi regime in Egypt that is eradicating the Arab spring, cracking down on Muslims and privatising infrastructure at a rate of knots, all of which pushes huge numbers of people on to the boats. Our past work in Somalia, Syria and Iraq means those nationalities are top of the migrant list.

Not all migration is caused by the west, of course. But let's have a real conversation about the part that is. Let's have a real conversation about our ageing demographic and the massive skills shortage here, what it means for overstretched public services if we let migrants in (we'd need to raise money to meet increased demand, and the clearest and fairest way is a rise in taxes on the rich), the ethics of taking the cream of the crop from poor countries. Migration is a complex subject. But let's not be cowards and pretend the migrants will stop coming. Because they won't. This will never stop.

Europe's Anti-semitism comes out of the shadows

New York Times (23.09.2014)

http://mobile.nytimes.com/2014/09/24/world/europe/europes-anti-semitism-comes-out-of-shadows.html?referrer&post_id=647012412_10152283875587413&r=2 - From the immigrant enclaves of the Parisian suburbs to the drizzly bureaucratic city of Brussels to the industrial heartland of Germany, Europe's old demon returned this summer. "Death to the Jews!" shouted protesters at pro-Palestinian rallies in Belgium and France. "Gas the Jews!" yelled marchers at a similar protest in Germany.

The ugly threats were surpassed by uglier violence. [Four people](#) were [fatally shot in May](#) at the Jewish Museum in Brussels. A Jewish-owned pharmacy in this Paris suburb was destroyed in July by youths protesting Israel's military campaign in Gaza. A synagogue in Wuppertal, Germany, was attacked with firebombs. A Swedish Jew was beaten with iron pipes. The list goes on.

The scattered attacks have raised alarm about how Europe is changing and whether it remains a safe place for Jews. An increasing number of Jews, if still relatively modest in total, are now migrating to Israel. Others describe "no go" zones in Muslim districts of many European cities where Jews dare not travel.

But there is also concern about what some see as an insidious "softer" anti-Jewish bias, which they fear is creeping into the European mainstream and undermining the postwar consensus to root out anti-Semitism. Now the question is whether a subtle societal shift is occurring that has made anti-Jewish remarks or behavior more acceptable.

"The fear is that now things are blatantly being said openly, and no one is batting an eyelid," said Jessica Frommer, 36, a secular Jew who works for a nonprofit organization in Brussels. "Modern Europe is based on stopping what happened in the Second World War. And now 70 years later, people standing near the European Parliament are shouting, 'Death to Jews!'"

This is not the Europe of 1938. French leaders have strongly condemned the violence. Chancellor Angela Merkel of Germany this month led a rally against anti-Semitism in Berlin at which she told Germans, "It is our national and civic duty to fight anti-Semitism."

Europe has seen protests and outbursts of anti-Semitism whenever the Israeli-Palestinian conflict has erupted, and some analysts say this summer's anger is a cyclical episode that like others will fade away. Some note that the number of reported anti-Semitic incidents this year in France, for instance, is [well below some years](#) in the 2000s.

Yet as European support for the Palestinian cause and criticism of Israel have hardened, many Jews describe a blurring of distinctions between being anti-Israel and being anti-Jew.

With Europe still shaking from a populist backlash against fiscal austerity, some Jews speak of feeling politically isolated, without an ideological home. Many left-wing political parties are anti-Israel. Many right-wing parties, some with anti-Semitic origins, are extremist and virulently anti-immigrant. And many Jews who have voted with the Socialist Party in France and Belgium worry that those parties are weak and becoming more dependent on fast-growing Muslim voting blocs.

Even among those inclined to condemn racism in any form, fighting anti-Semitism is no longer seen as a priority, with Jews often perceived as privileged compared with Muslims and other minorities confronted with discrimination.

Many younger Muslims often seem alienated in Europe. Struggling to find work and frustrated by their lack of acceptance, a small but vocal group of them has become inflamed by the politics of the Middle East, especially the Israeli-Palestinian conflict.

European officials are deeply concerned that radical Islam, nurtured in the Middle East, could take root in Europe. Mehdi Nemmouche, a French Muslim arrested in connection with the killings at the Jewish Museum in Brussels, fought as a jihadist in Syria. A French journalist who was held captive in Syria until April said Mr. Nemmouche had been one of his torturers.

"We are a microcosm of the Middle East," said Philip Carmel, European policy director for the European Jewish Congress. "The Middle East is being imported into Europe."

Visits to some of the flash points of the summer violence revealed a picture of what Prime Minister Manuel Valls of France has called a "new anti-Semitism." In Sarcelles, the Paris suburb where pro-Palestinian protests spiraled into riots, the alienation of France's immigrants and minorities lies just below the surface. In Brussels, the headquarters of the European Union, some secular Jews described a changing atmosphere and questioned whether it was time to leave.

And in Wuppertal, Germany, a city proud of its commitment to religious and ethnic diversity, the attempted firebombing of a synagogue exposed underlying tensions that became even clearer this month when, unexpectedly, a group of Muslim men patrolled a neighborhood wearing makeshift uniforms that said "Shariah Police."

The French melting pot

On the afternoon of July 20, a siege mentality gripped Little Jerusalem, the Jewish commercial district in Sarcelles. A crowd of young Jewish men had gathered at the synagogue as a pro-Palestinian protest was held a few blocks away. France's Interior Ministry had tried to ban the protest, which spun into a riot. Cars were burning. Young men were throwing rocks as the police fired tear gas. A Jewish-owned pharmacy was set on fire.

"We were all concentrated here to defend the synagogue," said Levi Cohen Solal, 21, who joined the human cordon outside the synagogue. "Everybody was scared."

Blocked by the police, the rioters never reached the synagogue, but Sarcelles became a televised symbol of France's new anti-Semitism — a depiction many local residents did not recognize. A working-class suburb where generations of immigrants are packed into government housing, Sarcelles is a melting pot of religions and ethnicities, where many people speak of a largely peaceful coexistence.

To many residents, the demonstration, which was organized by outsiders on social media, was an indictment not of Sarcelles, but of France. Youth unemployment is soaring, especially in immigrant havens like Sarcelles, and many French-born children and grandchildren of immigrants have become alienated from French society.

"They have a real hatred against the state," said Bassi Konaté, a city social worker, who added that many of the protesters came from poorer districts nearby. "A big proportion of these people feel neglected. A lot of these people don't know anything about Gaza. But they want to confront the police."

An early sign that these broader resentments were morphing into more open expressions of anti-Semitism came with the emergence several years ago of [Dieudonné M'bala M'bala](#), a French comedian who lashed out at Jews and played down the Holocaust. He has since allied himself with Jean-Marie Le Pen, the 86-year-old founder of the far-right National Front, who this summer used an apparently anti-Semitic pun, which alluded to Nazi crematories, as a riposte to a Jewish critic. Many of the comedian's shows have since been banned in France, but his popularity has continued to rise, unnerving many Jews.

"For the past four or five years, we have felt a growing insecurity," said David Harroch, who runs a Jewish bookstore in Little Jerusalem. "My customers tell me how worried they are about the climate here, the situation. A lot of people have left."

Israeli officials predict that as many as 6,000 Jews will migrate from France this year, a stark reversal from the 1950s, when Sephardic Jews, Arabs and others began arriving in Sarcelles from North Africa. A booming economy made work plentiful.

But during France's recession in the late 1970s, the city's ethnic groups became pitted against one another for limited public resources. Rahsaan Maxwell, a political scientist who has studied Sarcelles's ethnic groups, said the Sephardic Jews had incurred resentment because they were better organized and able to mobilize politically to win certain perks from the elected local council: a special Jewish section in the local cemetery, widening of a road in front of the main synagogue, kosher offerings at an annual city dinner for the elderly, and segregated swimming hours for men and women at a city pool.

In his 2012 book, "Ethnic Minority Migrants in Britain and France," Mr. Maxwell wrote that Sephardic Jews became so influential that "when Israel was at war with Lebanon in

the early 1980s, Sephardic Jewish activists in Sarcelles were aggressive about using it as a litmus test for local politicians to see whether they supported Israel and the Jewish people.”

Yet many Jews and Muslims born in that era grew up together without rancor in government housing. Not far from one of the city’s storefront mosques is a small Superette grocery owned by a Muslim family. One of the owners, Abdel Badaz, recently stood behind the counter with a childhood friend, Mickaël Berdah, 36, a Jew whose family emigrated decades ago from Tunisia. They both criticized the riot as the work of young troublemakers.

“When you’ve grown up in the neighborhood, and you know everybody, there isn’t that kind of hate,” Mr. Berdah said. “When there is that kind of hate, it is at the roots, something about the way parents have educated their children.”

Later, near the grocery, a tall teenager pedaled his bicycle toward two journalists and shouted at them to leave, saying the media had lied about Sarcelles. The youth, Diakité Ismael, 19, the French-born son of Senegalese immigrants, soon calmed down and, like others, argued that there was no animosity in Sarcelles between local Muslims and Jews.

“Look,” he said, as a bearded Jewish man in a dark suit and skullcap walked by, “there’s one.”

But when asked about Gaza, Mr. Ismael became agitated, rambling and warning that the world was hurtling toward a catastrophe. He said he had seen video of an Israeli bomb hitting a funeral in Gaza. “Somehow, some Jews control politics, information, business and finance,” he said. “I’m not talking about the Jews here. I’m talking about Jews in general.”

“Jews, in general,” he added, “only let you see what they want you to see.”

In Brussels, heightened alert

Music rose from the center of Brussels on Sunday, with joggers and bicyclists moving freely down city streets as the seat of the European Union held its annual no-car day. It had the giddy air of a street fair, if less so for the city’s Jewish organizations, which the police had placed under heightened security since two recent incidents.

The first happened the previous Sunday, Sept. 14, which marked the European Day of Jewish Culture. As people gathered to dedicate a plaque at a Holocaust memorial, youths hurled stones and bottles until the police arrived. Three days later, a fire erupted on an upper floor of a synagogue in the city’s Anderlecht district; the authorities are investigating the incident as arson.

It was the May shooting at the Jewish Museum in Brussels — and the subsequent arrest of Mr. Nemmouche — that attracted international attention, as four people were killed, including two Israelis. But there have been smaller incidents that received less notice: a Turkish shop owner in Liège who posted a sign saying he would serve dogs but not Jews, a voice on the intercom of a commuter train that announced a stop as “Auschwitz” and ordered all Jews to get off.

“This summer, I started to see the world in a different way,” said Marco Mosseri, 31, a native Italian who works in the automotive industry in Brussels. “I was scared. I spent several nights without sleep. For the first time, I was thinking that maybe I could die from my religion.”

With its chocolate shops, Trappist beers and gray gloom, Brussels is the center of Europe's sprawling bureaucracy, a symbol of the loathed policies of austerity. But Brussels also embodies the demographics transforming much of urban Europe, with generations of Muslim immigrants and their descendants now representing roughly a quarter of the population.

The Jewish community is small, about 20,000 people, most of them assimilated, secular Jews like Mr. Mosseri, who usually do not draw attention to their heritage. (A [recent report](#) issued jointly by two European Jewish organizations found that [40 percent of European Jews hide](#) their Jewishness.) Now some secular Jews say they have stopped wearing a necklace with the Star of David, or allowing their children to wear T-shirts for a Jewish summer camp on public buses or trains.

And since the start of the conflict in Gaza this summer, many describe social media, especially Facebook, as a swamp of hatred.

"I have friends who are never political and they are posting things about Gaza every day," said Ms. Frommer, the employee of the nonprofit organization. "It seems like an obsession. Is your obsession because you want to save children, or because you have a problem with Jews?"

In a city so devoted to politics, the issue of Israel can seem unavoidable to some Jews, even those who strive to be apolitical or tend to be critical of Israeli policy. Ms. Frommer grew up in Brussels, but then left for college in Britain, followed by a long stint working in Cambodia. When she returned to Brussels four years ago, she was struck by how much more polarized life seemed. Her Jewish friends were sticking closer together as office chatter now sometimes bore a sharper edge.

This summer, one of her Belgian colleagues repeatedly mentioned the Israeli-Palestinian conflict. "He would often try to bring up the subject when I tried not to," she said. "Then the subject would shift from Israel to Jews. Then it was, 'Were there really six million Jews killed in the Second World War?'"

Nor was the comment isolated. There have been signs that anti-Jewish sentiment transcended the immediate backlash against the Gaza war. In Hungary, the rise of the far-right Jobbik party has brought concerns that anti-Semitic views are gaining mainstream traction.

In Italy, extreme right-wing activists were blamed for a flurry of anti-Jewish graffiti, including Nazi swastikas, on buildings in various cities. In Rome, [f liers calling for a boycott](#) of at least 40 Jewish-owned stores appeared last month with the signature of the far-right group Vita Est Militia. Italian investigators were also looking into whether such far-right parties were building alliances with extremist left-wing groups.

In Brussels, several pro-Palestinian marches were held this summer, most of which were peaceful, but a few bore an anti-Semitic edge, including shouts of "Death to Jews!" While Belgian politicians quickly condemned the shooting at the Jewish Museum, some Jews felt the response to the protests, including that of the center-left Socialists, was tepid at best.

"The Socialist Party is afraid, because of the votes here in Belgium," said Dr. Maurice Sosnowski, an anesthesiologist and prominent Jewish leader in Brussels. "In Belgium, they are not willing to speak loudly, because there are a lot of Muslims."

In the nonprofit world of Brussels, the politics of Israel, which some on the European left view as essentially the pursuit of racist objectives against Palestinians, have made it difficult to keep the fight against anti-Semitism high on the agenda.

“Some see it in conflict with the anti-racism movement,” said Robin Sclafani, director of the Brussels-based group [A Jewish Contribution to an Inclusive Europe](#). The organization, also known as CEJI, provides anti-discrimination training to teachers, social workers and others. Ms. Sclafani said she now receives numerous requests for training sessions to combat discrimination against Muslims, yet there is little interest in workshops on anti-Semitism.

“Nobody comes,” she said, adding that she has started pairing the sessions together.

Michaël Privot, director of [the European Network Against Racism](#), said that blaming only the Islamic fringe for anti-Semitism discounted academic studies that show how deeply ingrained it remains among all Belgians — as well as other Europeans — and risked giving a free pass to right-wing extremist groups.

“You have, basically, a golden opportunity for the right fringe to blame it on Muslims and claim innocence,” Mr. Privot said.

On Sunday, as much of the city enjoyed the car-free streets of Brussels, a group of secular Jews gathered at the headquarters of CEJI with a visiting journalist to discuss ordinary life for them. Because of the heightened security alert, three plainclothes police officers were stationed in the lobby.

Like others in the room, Ms. Frommer described a growing sense of isolation. As a teenager, she participated in left-wing Jewish youth groups, but she said some of her friends were now attracted to the extremist right-wing party [Vlaams Belang](#). The party is led by Filip Dewinter, an outspoken critic of Muslim immigration who has been courting Jews, despite his party’s past links to anti-Semitism.

“I would never be able to vote for someone like that,” Ms. Frommer said. “But some people are now. It is more and more legitimate to vote right wing.”

She and others said that many friends were talking of moving to Canada or to the United States, if not Israel, even though they are uncertain whether their anxieties are fully justified.

“These are people with good jobs,” she said. “And life is comfortable here. The big question is: Should we be paranoid or not?”

Anxiety in Germany

The news spread quickly in the early morning of July 29 among the Jews of Wuppertal, Germany. Someone had tried to firebomb the city’s synagogue. The devices had failed to ignite, leaving the building with little damage, unlike the collective psyche of its members.

“For Jews in Germany, especially for us, this has very, very deep meaning,” said Artour Gourari, a local businessman and synagogue member. “Synagogues are burning again in Germany in the night.”

Nowhere in Europe has the postwar imperative to fight anti-Semitism been more complete — and more intertwined with national redemption — than in Germany. In

Wuppertal, a manufacturing center, the city's synagogue was burned in 1938 during the two-day rampage known as Kristallnacht, when an anti-Jewish pogrom swept across Nazi Germany.

After the war ended, Wuppertal's Jewish community had no synagogue and, with only 60 members, seemed destined for extinction. But with the collapse of the Soviet Union in the 1990s, the German government opened the country to persecuted Soviet Jews, and soon refugees from Uzbekistan, Belarus, Ukraine and Russia had settled in Wuppertal. The local Jewish population reached 2,500. The presidents of Germany and Israel attended the 2002 inauguration of the new synagogue.

Now a police van is stationed around the clock in a small park across from the synagogue. The police have arrested three suspects in the firebombing attack, all Palestinians, including one from Gaza, as well as a 17-year-old refugee. The refugee has lived in Wuppertal for two years, among the different Muslim communities of Turks, North Africans and asylum seekers from Egypt, Syria, Jordan and Lebanon.

Until the synagogue attack, Wuppertal officials had taken pride in the peaceful coexistence of so many religions and ethnicities. Many of the older Muslims had arrived in the 1960s for work but assumed they would eventually return to their home countries. Now a third generation, born in Germany, is growing up with different expectations, as well as a sense of alienation.

"They have to justify why they don't fully belong to the society," said Samir Bouaissa, a local Muslim leader.

One of the local high schools is named after a famous Jewish poet, Else Lasker-Schüler, and is commonly called "The School Without Racism." Yet two recent graduates described rising tensions in the multiethnic student body, including resentment by some Muslim students over a sister-school arrangement with a school in Israel. This summer, during the Gaza crisis, several Muslim adolescents began circulating anti-Israel posts on social media.

This one "got shot yesterday," said a Facebook post from Gaza shared by a student. It showed a photograph of a female Israeli soldier and added an obscenity. The student added his own postscript: "You get what you deserve."

Antonia Lammertz, 19, a recent graduate, said only a small minority of students were extreme but that a softer bias was common even among the mainstream. "In my school, to be called a Jew was to be cursed, or insulted," she said, noting a problem that officials have tried to root out at many German schools.

City religious leaders reacted quickly after the synagogue attack. Imams and Christian ministers rushed to the building to pledge support. More than 300 people came to a hurriedly organized peace meeting the next day.

"People were shocked," Mr. Bouaissa said. "A threat against one of our religious houses is a threat against all of us."

Earlier this month, the city's religious leaders, including many Muslims, got another shock: a small group of men, one only 19, spent an evening walking through a Muslim neighborhood, lecturing young people about vices like gambling (while apparently not mentioning Jews). They were wearing orange jackets that read "Shariah Police." The leader was a Salafist, Sven Lau, who called the event a one-time publicity move to stir more "Islamic discussion."

That, it did. Local prosecutors filed charges. German officials, including Ms. Merkel, reacted with a blend of shock, indignation and alarm, while mainstream Muslims also protested. And local neo-Nazis responded with their own patrol, dressing in red pullovers and pledging to protect the public from Islamists.

For Leonid Goldberg, the community leader of the Wuppertal synagogue, the emergence of a radical Islamic fringe is less a surprise. Just four days before the synagogue attack, someone had spray-painted "Free Palestine" on the front wall of the building. In recent years, Mr. Goldberg has used a celebration of Rosh Hashana at the synagogue — an event attended by elected officials and religious leaders of the city, including Muslims — to warn about rising anti-Semitism among extremist Muslims in the city.

"No one wanted to hear that," he said.

Anti-Semitism and the future of Europe

CEJI (26.05.2014) - This weekend in the heart of Europe has been a stark and symbolic reminder of what is at stake for the future of social cohesion in this grand and visionary project of the European Union.

On the eve of European and Belgian elections, a gunman opened fire in the Jewish Museum of Brussels, killing 4 people. It is probably the worst incident of anti-semitic hate crime seen in Belgium since WWII.

The European Union was born in the aftermath of World War II and the Holocaust with the purpose of sustaining peaceful relations in a land which had been twice torn apart by war in the first half of the 20th century. There was a general shock in the self-realisation of how much anti-semitic complicity enabled Hitler to enact his genocidal mission against the Jewish people, with Roma, homosexuals, disabled people also victims in his crusade. Remorse was translated into a sense of political and public responsibility.

Yet this weekend's European Parliament elections saw 77 new MEPs from xenophobic parties, up 50% from five years ago. This does not bode well for the future of Europe.

The European Union is rooted in the value of respect for diversity. It seems that the foundation of Europe is currently undergoing some kind of earthquake, with this weekend's anti-semitic attacks providing the exclamation mark on the election results.

What is most despairing, however, is that it is not a total surprise in the EU capital given the many recent indicators of a hostile climate for Jews in Belgium. Just this month on May 4th, a gathering of 500 anti-semitic politicians and public figures (including the infamous French comedian Dieudonne) took place in Brussels, called the "First European Conference of Dissidence".

It is good to hear the Belgian politicians sharing their outrage at this Saturday's attack. CEJI's Director Robin Sclafani says, "I hope they can finally hear the alarm this time for what is a wake-up call that has been snoozed too many times already."

CEJI urges our Belgian and European political representatives to implement the following measures:

- Adequate European wide security measures for vulnerable Jewish institutions and buildings. This need is more pressing than ever and it is a responsibility of the state to keep its people safe.

- Comprehensive hate crime monitoring which is a crucial part of the process of understanding, preventing and responding to anti-semitism and other forms of bias motivated violence.
- Obligatory educational curriculum against anti-Semitism, racism and all forms of hatred which is absolutely essential to give room to the many cultures and religions in Europe.

About CEJI:

CEJI – *A Jewish Contribution to an Inclusive Europe* stands with individuals and organisations of all religions, cultures and backgrounds to promote a diverse and inclusive Europe. Through the programme, Facing Facts!, CEJI trains civil society organisations how to monitor hate crimes in order to advocate for effective prevention and intervention measures. CEJI works to combat prejudice and discrimination and to promote social cohesion through training and education, dialogue initiatives and advocacy at a European level. www.ceji.org
