Fortress Europe?

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`Fortress Europe?'- Circular Letter is the organ of **Platform `Fortress Europe?'** and of the **GENEVA GROUP - Violence and Asylum in Europe.**
The `Platform' is an informal international network concerned with European harmonisation in the fields of internal security, policing, justice, data protection, immigration and asylum and its effects on fundamental rights and liberties. It is associated with the European Civic Forum.
The **GENEVA GROUP - Violence and Asylum in Europe** came into being in 1993 at a conference organised by the University of Geneva. The Group wishes to contribute to international multidisciplinary discussion on the right to asylum and its interaction with other developments in society.
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EUROPEAN UNION

EUROPOL: NO PLANS TO ABANDON STORAGE OF SENSITIVE PERSONAL DATA

The K.4 officials charged with drawing up rules for implementing Europol's so-called Analysis Files have no intention of dropping their plans for comprehensive registers of persons not suspected of any crime, a draft by the Irish JHA Council Presidency of 25 June shows. The tortuous wording of the Draft suggests that the K.4 bureaucrats are spreading smoke screens in trying to push through their plans, in spite of strong objections from, among others, the European Parliament.

Race, political opinion, religion, sexual life...
Article 5 of the Draft on "particular personal data" is unequivocal, in spite of its convoluted wording: "It shall be forbidden to collect personal data solely on the grounds that they relate to racial origin, religious or other beliefs, political opinions, sexual life or health. Such data may be collected, stored and processed only if they supplement other personal data stored in the analysis file and only where they are absolutely necessary, taking into account the purpose of the file in question". In other words: If "absolutely necessary", the particularly sensitive personal data above may be registered. The apparent restriction, that these types of data may not be registered solely on their

own grounds, makes no sense at all. Or should we read that sensitive personal data other than data on race, sexual life and political opinions may be collected and processed by Europol on their own grounds, even if this is not "absolutely necessary" for the purpose of an "analysis"?

"Accurate" data and "absolutely necessary" data

Article 6 is another example of a smoke-screen. According to the English version of Article 6.2, "personal data stored in the analysis files shall be specific and shall be limited to such data as are strictly necessary". The German wording of the same provision is even more confusing. It says that the storage of personal data shall be limited to "accurate data, as well as strictly necessary data" ["Die Speicherung personenbezogener Daten...beschränkt sich auf genaue Daten sowie auf unbedingt nötige Daten"]. In other words: Unnecessary data may be stored and processed if they are "accurate", and inaccurate data may be stored and processed if they are "necessary". Both the German and the English version leave us in the dark about what is meant by "strictly necessary data" and "accurate" or "specific data".

However, "accurate/specific data" is clearly not necessarily the same as fact-based, verified and reliable information. Indeed, according to Article 6.3, data in the Analysis Files shall be distinguished "in accordance with the assessment grading of the source and the degree of accuracy or reliability of the information. Data based on facts shall be distinguished from data based on opinions or personal assessments". Moreover, one should bear in mind that many of the types of data to be processed (e.g. personal data on persons who are considered likely to commit crimes in an undetermined future, information on "traits of character" and "life style") do not relate to facts but clearly to personal assessments. Can such data seriously be considered "specific" or "accurate"? One thing is clear: the Draft fails to meet the standards of accuracy which are strictly necessary in legal texts.

Six categories of persons whose data may be collected

The Europol Convention provides for the collection, processing and utilisation of personal data on six categories of persons:

1. Criminal suspects and convicts (Art. 8.1.1);
2. Persons who are considered likely to commit crimes in the future (Art. 8.1.2);
3. Possible future witnesses (Art. 10.1.2);
4. Victims and possible future victims (Art.10.1.3);
5. "Contacts" and "associates" (Art.10.1.4, and
6. Persons who can provide information on the criminal offences under consideration (Art.10.1.5).

Which types of data?

Remarkably, while the Convention names the categories of persons whose data may be registered, it fails to specify the types of personal data that may be stored in the Analysis Registers. Instead, this matter shall be regulated in the Implementing Rules.

As opposed to earlier drafts, the June 1996 Draft Implementing Rules of the Irish Presidency make a distinction, on the formal level, between the categories 1-2 (persons regarded as criminals or future criminals) and categories 2-5 (persons not suspected of any offence).

"Life style", "routine", "character traits"...

Draft Article 3.1 allows the collection, storage and processing of no fewer than 52 (!) types of data relating to persons belonging to categories 1 and 2. The 52 types of data are grouped under 11 categories including, among others: personal details (15 types of data); physical appearance; identification and documents; occupation and skills; economic and financial information; and "behavioural data". The types of data under this latter category include "life style and routine" and "character traits".

Private data banks as sources of information

Finally, there is one category given the label "other data banks in which information on the person concerned is stored". This relates to data bases run by Europol, police authorities, international organisations, public bodies, and, most remarkably, private bodies.

According to Article 3.2, all the categories and types of data named above may also be processed with respect to "contacts" and "associates" as named in Article 10.1.4 of the Europol Convention, "where necessary" and "provided that all data are relevant from the point of view of contacts of such persons with [criminal convicts and suspects, and possible future criminals]".

To sum up, the above provisions provide for the unrestricted collection and processing of personal

data of just about any imaginable type.

This catch-all surveillance does not aim against convicted criminals and those under suspicion, but also against innocent persons according to criminal law.

Types of personal data to be specified in secret "manual"?

Regarding the other categories of non-suspects named in Article 10.1 of the Europol Convention, Article 3.3 of the Draft Implementing Rules says that "the following information may be stored where necessary for the purposes of analysis". But the next paragraph 4 says nothing about the categories or types of data to be registered. Instead it says that "the content of the particular categories of data" will be specified in a "Users' Manual". A footnote says that the expert group regards it as advisable that a manual be drawn up, which, however, "could not be adopted under the Title VI procedure [of the Maastricht Treaty] as it would be regarded as an instrument for users".

Sources: Proposal for rules applicable to analysis files, Council Presidency, Brussels, 25.6.96, 4038/3/96 Rev 3, limite, EUROPOL 2, English and German version; see also CL No.39, p.1, No.41, p.1.

Comment

We have, on previous occasions, expressed concern about the fact that the types of personal data which may be stored and processed in Europol's Analysis Files are not defined in a restrictive and final form in the text of the Convention, which is subject to approval by the parliaments of the member states. Instead, the respective rules are to be specified in "Implementing Rules", which are adopted by unanimous vote of the JHA Ministers upon proposal of Europol's Management Board - i.e. without any involvement of the parliaments.

Apparently, the imaginative K.4 officials now believe they have found a way to circumvent not only parliamentary control, but also the need for approval by the JHA Ministers of the detailed rules concerning types of personal data to be stored in Europol's analysis registers. We may assume that the K.4 expert group would never have dared to make such a deft proposal, if they were not sure about the JHA Ministers' tacit consent. Indeed, to our knowledge, no Justice or Interior Minister in any EU member state is opposed to comprehensive registration of personal data by Europol's Analysis Groups. However, some Ministers have found it burdensome to justify such a stance in public. Some Ministers might speculate that, if the most controversial aspects of registration of personal data are contained neither in the Convention nor in the Implementing Rules, but instead in an "internal" manual, which does not require their approval, this might spare them undesirable public debate at home.

The term "manual" used by the K.4 experts strongly suggests that its content will be classified, just as a number of similar manuals relating to the implementation of controversial aspects of the Schengen Convention (External border control, visa policies, SIS/SIRENE).

We may expect that, as usual, the Council Presidency and JHA Ministers of the member states will try to defuse parliamentary and public concern about the Draft Implementing Rules by arguing that drafts are no more than internal working papers which will undergo considerable changes before their adoption by the Council. Hopefully, this will not blind critics to the fact that both the Council and the K.4 bureaucrats are determined to allow catch-all police surveillance of innocent citizens - outside parliamentary control and political accountability. It is time to act now, before the ratification of the Europol Convention.

N.B.

EUROPOL CHIEF STORBECK ON THE STATE AND THE PROSPECTS OF HIS AGENCY

In a speech at the 14th Conference of German *Länder* ministers responsible of European Affairs in October, the Co-ordinator of EDU (Europol Drugs Unit), Jürgen Storbeck gave interesting insights in EDU's rapidly expanding activities and addressed the future of Europol. With the entry into force of the Europol Convention, Europol will be an "almost federal central police agency", Mr Storbeck suggests.

The development of EDU

The Europol Convention will enter into force in less than two years. In the mean time, EDU (Europol Drugs Unit), the precursor of the future European Police Office, is rapidly expanding. The only legal basis for EDU activities consists of ministerial agreements of June and October 1993 and a Joint Action adopted by the JHA Ministers in March 1995. As opposed to the future Europol, EDU is not authorised to run any own data registers within the pre-Convention framework of bilateral co-operation. Nonetheless, the member states' 38 liaison officers at the EDU headquarters in The Hague already have direct access to their national police information systems. This enables liaison officers to assist police investigations in particular cases involving more than one member state. EDU is also allowed to carry out general analyses and assessments of various forms of crimes, based on non-personal data.

Liaison officers exchange "soft" data

Mr Storbeck notes that the liaison officers at EDU already now have access not only to criminal search data, as can be found in the Schengen Information System, but also to more comprehensive national police data bases. These national registers contain data on "perpetrators, groups of perpetrators, addresses, telephone numbers, elements of suspicion, etc." Some of this information consists in so-called "soft" data, i.e. non-verified information, requiring further

assessment by EDU before being of use for the work of the police. Storbeck notes: “In the last analysis, our liaison officers have direct access to approximately 40 national police or Customs information systems, and in addition to this, to a number of administrative files or electronic registers”.

The non-central storage of personal data in the registers of the national units or the offices of the liaison officers takes place according to the respective national legislation. But, says Storbeck, “the common methods and techniques for the exchange of personal data inside Europol [EDU] via the internal network had to be established and are subject to continuous change because of new technical developments”.

“Regulation deficit” hampers the work of EDU

Storbeck laments what he calls a “regulation deficit”. In spite of considerable progress in various fields, this lack of regulation is hampering the work of EDU, he complains. He particularly stresses that there is an “urgent need for Europol-co-operation with third states and international organisations already in the current pre-Convention phase. A serious problem for our work is that the Europol Drugs Unit cannot cooperate on a regular basis with third states such as e.g. Norway, Switzerland, the Central and Eastern European States, the USA and Canada”. On the other hand, Storbeck describes current EDU co-operation with international organisations such as ICPO-Interpol, World Customs Organisation (WCO) and the United Nations as “informal but very close”.

Thus, in spite of the “regulation deficit”, EDU “has already become a platform for the exchange of experience in the field of criminal investigation, but also for co-operation in concrete investigation procedures. We can offer the necessary logistic means such as conference facilities, interpreters, operation premises and means of communication”.

Working priorities of EDU

The daily exchange of operational findings between member states via EDU is steadily increasing. In 1995, EDU provided assistance in about 1,500 international investigations, as against only 595 in 1994. At the end of September 1996, the number of cases with EDU involvement had already exceeded 1,500.

60 per cent of EDU's activities concern drug criminality. The remaining 40 per cent are shared equally between money laundering, motor vehicle trafficking and smuggling of immigrants. Crimes involving nuclear materials have had practically no significance in EDU's work with particular investigations. Mr Storbeck notes that operations involving trans-border observation and so-called controlled deliveries, organised by EDU, produced "considerable success" in the form of seizures and arrests. But his paper contains no figures to corroborate this.

Liaison officers' co-operation a confidence building measure

National prosecution authorities are benefiting from having permanent representatives, i.e. their liaison officers, at EDU. The fact that liaison officers continue to be accountable to their respective national authorities in carrying out their tasks, has had positive effects, in the view of Mr Storbeck, by bringing about "greater confidence, in particular in connection with sensitive information". "At any time, that is round the clock, the Europol-liaison officers can quickly reply to inquiries, overcome language barriers, and at the same time contribute with their expertise."

"The capability to process sensitive operational information immediately - within hours or even minutes - is of crucial importance in assisting and co-ordinating international controlled deliveries and international surveillance measures. The liaison officers now have a well-equipped operation and co-ordination room at their disposal, which enables them to work together closely without at any moment losing contact with their national units under whose orders and control they always carry out their tasks".

"Strategic role" of EDU

According to Mr Storbeck, the "strategic role of EDU" in addressing the problem of drugs in the EU was enhanced by EDU's contribution to the EU strategy paper *Cordrogue 69*, adopted in December 1995 by the European Council in Madrid.

A special project team is charged with defining the role of EDU in the field of illegal trafficking of immigrants. The team is made of representatives from six member states and is being assisted by EDU staff. EDU action brought about "a number of successful investigations and measures against organised crime in the field of illegal immigration", Mr Storbeck claims.

Analysis activities

"EDU analysts have carried out both strategic and operative tasks" and national authorities are making increasing use of their services. In 1995, the EDU analysts provided five annual reports, carried out 18 major strategic analyses and provided assistance with minor analyses in more than hundred particular investigations.

Europol in the post-Convention phase

A role for secret services?

Under the Convention, each member state will set up a central national unit dedicated to representing the interests of the respective member state's "competent authorities" in the field of the fight against crime. Mr Storbeck comments: "Despite long discussions, it remains partly open which national authorities will be allowed to communicate with Europol. Particularly the role of the security authorities (secret services), which have considerable competencies in some states, notably in combating terrorism, is unsettled".

Europol an "almost federal central police agency"?

In the opinion of Mr Storbeck, Europol in the post-Convention phase should be considered an "almost federal central police agency comparable with the *Bundeskriminalamt* (of course without the latter's own powers of investigation)". [The *Bundeskriminalamt* (BKA) is the German Federal Office of Criminal Investigation.]

On the other hand, it will be "a platform for and an expression of intergovernmental co-operation through strong liaison offices of the member states".

Mr Storbeck concedes that the question of whether Europol will be allowed to conduct its own investigations and will be granted own operational powers as a sort of a "European FBI" before the end of the century, is far from being settled, both politically and legally. The item could be discussed again at the Intergovernmental Conference on the Maastricht follow-up (IGC). In the view of Mr Storbeck, the tasks and competencies of the investigators of the Yugoslavia Court in The Hague could serve as a model for future powers for Europol to conduct own investigations.

[Germany has long called for a "European FBI", and in July this year, the governments of six EU member states (Ireland, Germany, Belgium, Spain, Luxembourg and Italy) announced their intention to promote the idea of a European police force with own operational powers, along the lines of the American FBI, at the IGC].

The problem of judicial control

However, Mr Storbeck questions whether the member states' differing criminal, criminal procedure and police legislation actually provide a sufficient legal basis for Europol to carry out its own investigative activities. He further raises the question whether international or national judicial authorities, able to "complement and control" an "operational" Europol already exist or would have to be created, and whether Europol investigators would be accepted by the public in the EU member states. One thing is certain, says Mr Storbeck. There is an urgent need for international investigations and effective operational support of investigations. "This is particularly true with regard to member states lacking strong central authorities with a wide network of liaison officers and experienced specialists".

International investigation "task forces"?

Mr Storbeck suggests that "international task forces" could be set up within the framework of Europol. National police officers would take the necessary investigative action in their own member state, based on their respective competencies and executive powers, but the investigation would be led centrally.

Europol can offer premises, communication facilities, "a certain international status" and staff assistance, Mr Storbeck says. Therefore it would be "appropriate to place such task forces with Europol".

Europol a driving force for legal harmonisation

Mr Storbeck appears to regard Europol as a driving force for European harmonisation in the field of Justice and Home Affairs. The setting up of Europol, he argues, has already had knock-on effects in member states, insofar as there has been a tendency towards the creation of a common criminal law or at least the introduction into national law of identical criminal offences aimed against new forms of crime. In these particular harmonised sectors, competencies could be transferred to Europol.

Analysis Files a thorny issue

On the continuing negotiations on the controversial Implementing Rules for Europol's Analysis Files (see article in this issue, p.), the Co-ordinator of Europol stresses that Germany's position is "uncomfortable", both professionally and politically speaking. "Having accepted an extremely rigid categorisation of personal data, based on German conceptions, but contrary to the needs of modern methods of analysis, the other states are no longer prepared to meet German requests for a considerable reduction of categories - i.e. as little details as possible on certain groups of persons. In the negotiations, Germany is isolated by now. Due to a too-narrow definition between the Federal Interior Ministry, the Federal Justice Ministry and the Länder of the German negotiation stance, there is currently little freedom to manoeuvre". And according to Storbeck, similar problems are likely to arise with respect to the rules on secrecy protection.

Storbeck satisfied with the development of European police co-operation

In spite of many remaining problems and lacks of regulation, Mr Storbeck is satisfied with progress made in recent years. Co-operation in the field of internal security, he stresses, is developing "fast, according to national standards, and very fast according to international standards".

Sources: 'Stand und Perspektiven von Europol', text of a speech by Jürgen Storbeck at the 14th Conference of German Länder-Ministers responsible of European Affairs, Potsdam, 11.10.96 (all quotations from the paper are our translations from German); Dagens Politik, 16.7.96 (Six countries want common EU police).

AGREEMENT ON EXTRADITION PUTS AN END TO SPANISH-BELGIAN DISPUTE

Belgium and Spain have put an end to their dispute, which began last February, over Belgium's refusal to extradite a Basque couple suspected by the Spanish authorities of "supporting" the Basque ETA.

A joint statement released during a visit of Belgian Justice Minister Stefaan De Clerck to Madrid in late September stresses "the two countries' common will to place at the centre of their concerns the safety of citizens and the fate of victims of terrorism and sexual violence". Spain's Interior Minister, Mr Jaime Mayor Orieja, said a bilateral agreement reached between his country and Belgium would affect all Basque activists seeking refuge in Belgium, including those at the centre of the dispute.

Spain seeks extradition of asylum seekers

In February, a ruling by the Belgian Council of State temporarily delayed the extradition sought by Spain of a Basque couple pending a decision on the substance of the case. The two Basques applied for political asylum in Belgium after being accused by the Spanish authorities of having provided "logistical assistance" to ETA. In fact, the couple had accommodated Basque countrymen, whom the Spanish authorities regard as ETA terrorists, at their home in Belgium.

Anticipated implementation of the EU Convention on Extradition

Among other things, the Spanish-Belgian agreement provides for the anticipated implementation of the Convention on Extradition in cases concerning the two countries, according to the principle of "rolling ratification". A clause in the Convention allows any member state which has ratified the Convention to apply the Convention immediately in its relations with other member states having made a similar declaration, without having to await the conclusion of the ratification process in all 15 member states.

Under the Convention, signed on 27 September by the EU Justice and Home Affairs Ministers, extradition must be granted, inter alia, if the crime for which extradition is being requested is a terrorist "conspiracy" according to the national law of the requesting state. The requested state must extradite, even if the alleged "conspiracy" is not punishable under its national law. Moreover, a member state may not refuse extradition to another member state on the grounds that the crime concerned is politically motivated.

Innocent in Belgium, terrorists in Spain

Amnesty International has expressed serious concern that these rules will further undermine the right of asylum. Indeed, the case of the Basque couple illustrates the possible effects of the Convention. The two have not committed any terrorist crime themselves. Their only crime consists in having offered hospitality to the "wrong"

countrymen. In Spain, this is sufficient to put them on trial for terrorist conspiracy. In view of repeated evidence of ill-treatment of Basque suspects detained in Spain, the couple's fear of politically-motivated persecution is not ungrounded and their extradition under the Convention could very well constitute a breach of the 1951 Geneva Convention on Refugees and the principle of *non-refoulement*.

Sources: Agence Europe, 25.9.96; Migration News Sheet, No.156/96-03; see also CL No.42, p.4, No.45, p.2, No.47, p.10.

AUSTRIA

COUNCIL OF EUROPE REPORT ON AUSTRIAN POLICE: 'TORTURE-LIKE PRACTICES'

Persons detained by the Austrian Security Police are exposed to the risk of torture-like treatment, a report by the Council of Europe's Committee for the Prevention of Torture (CPT) concludes. The disclosure of the CPT's remarkable findings was delayed for almost two years by the Austrian Government.

The CPT report is based on a visit of a CPT delegation composed of jurists, doctors and experts on sentencing to Austria in the autumn of 1994, and was adopted in March 1995. The CPT inspected a number of police detention facilities and penal institutions both in Vienna and in the provinces.

Plastic bags, electro-shocks and "bath tub" treatment

Under the rubric "Torture and other forms of ill-treatment" the report relates numerous allegations of ill-treatment, most of which concern the *Sicherheitsbüro* (Security Police Office) in Vienna.

One detainee told the CPT delegates that he was subjected to suffocation during interrogation by the Drugs service officials at the Security Office. The detainee claimed his hands were hand-cuffed behind his back and a plastic bag placed over his head and tightened around his neck. He said he was subjected to this treatment several times.

The CPT delegation also heard allegations from several sources that persons detained by the Security Office in Vienna in February and March 1994 were subjected to electric shocks. None of the detainees met by the delegation claimed that he had undergone such a treatment himself. However, different members of the delegation separately met several detainees who stated they had been threatened with electric shocks during their interrogation at the Security Office. The detainees concerned all described a portable device resembling an electric razor.

Moreover, a "considerable number" of detainees claimed they had been threatened with the "bath tub" treatment (in which the head of the victim is held under water).

The report notes that while it is difficult, if not impossible, to obtain medical evidence confirming the forms of ill-treatment described above, numerous allegations of other forms of serious ill-treatment by personnel at the Security Office and a number of police stations in Vienna and the Criminal Investigation Service at Vienna-Schwechat airport are "consistent" with medical records made available to the delegation.

The CPT therefore concludes that there is "a serious risk of ill-treatment for persons held by the police. . . This conclusion is particularly pertinent with regard to persons deprived of liberty, who are the subject of an investigation led by officials of the Security Office in Vienna".

Police detention localities at Schwechat airport

The CPT strongly criticises conditions of detention at the police detention facilities in Schwechat, near the Vienna international airport. All of the five persons held in that prison at the time of the CPT visit were foreigners awaiting deportation.

The report notes that the cells are extremely small (Individual cells: 4.5 m^2, double cells: 7 m^2, triple cells: 9 m^2). Detainees are not offered any activities whatsoever and are denied outdoor exercise.

In the light of the above, the CPT was "very troubled" by the fact that four of the five people detained at the time of the delegation's visit had almost reached the maximum six month term of detention pending deportation. The report therefore recommends "immediate action" to ensure that nobody be held for more than 48 hours in the detention facilities of the Schwechat police.

More generally, the report notes that persons deprived of liberty on foreigners law grounds represent the largest category of detainees in Austrian police prisons visited by the delegation. This entails specific problems, the report stresses. Among other things, "many foreign nationals will find it hard to bear the fact of being detained although they are not suspected of any criminal offence".

Penal institutions

As regards penal institutions, run by the Ministry of Justice, the report notes some deficiencies in areas such as hygiene, access to medical care, equal treatment of foreigners, and the suitability of premises. But the CPT notes that detainees in penal institutions run very little risk of being subjected to ill-treatment by the personnel.

CPT dissatisfied with police internal inquiries

Not for the first time, the CPT expresses harsh criticism of the treatment of detainees by police and, in particular, the Security Office in Vienna. A CPT report of 1990 made similar accusations to those of the 1994 report. At that time, the Austrian Government responded by ordering the police to carry out internal inquiries. The CPT does not consider this a satisfactory measure. In its 1994 report it expresses concern at the fact that various police services undertake inquiries into each other: "For example, officers of the Security Office investigated allegations brought against officials of the police station of the first district, while the latter investigated allegations concerning officials of the

Security Office". Moreover, "it has appeared that officers charged with investigating allegations were not hierarchically superior to the offers against whom the allegations had been brought". The report dryly notes that "such a situation is unlikely to promote the best possible initial examination of the allegations".

CPT recommends independent inquiry

The 1994 CPT report contains a number of recommendations to the Austrian government aimed at the prevention of ill-treatment and torture-like practices. Above all the CPT recommends that a body made of "independent persons" be set up "without delay" with a mandate to run a general and comprehensive inquiry into "the methods used by police officers of the Security Office" when they detain and question suspects. Other recommendations concern better training of police personnel in human rights and "modern methods of interrogation", as well as a clear messages from the police hierarchy that ill-treatment of detainees will be severely punished.

Belated and evasive Austrian reply

In spite of the extreme gravity of the accusations made in the CPT report, the Austrian Government was obviously in no hurry to reply. Its comments on the CPT report were made privately on 28 June 1996, and the Government authorised the publication both of the CPT report and its own comments only in October 1996. Considering this, it is quite remarkable that the comments fail to address the very concrete allegations of torture made in the CPT report. The fact that no attempt is made to refute the CPT's accusations strongly suggests that the Austrian Government itself has come to the conclusion that cases of torture-like ill-treatment as described in the report have actually occurred. Yet, nothing in the Austrian comments indicates that the government has taken any concrete steps to identify and punish the police officials involved, despite the fact that the accusations are based on witness accounts. One is therefore obliged to conclude that the torturers are still at work in Vienna's Security Office.

Moreover, two years after the CPT delegation's visit, the Austrian government has still not complied with the CPT's most important recommendation - the immediate creation of an independent committee of inquiry.

Instead, the Austrian government's comments abound with lengthy descriptions of draft laws and reform projects "under way". As regards the main recommendation by the CPT, the Austrian authorities are still "working on the creation of an independent body", which will be composed of "respected persons from the universities and the justice department".

"Day against violence" after years of police abuse?

The Austrian government is "working on" even greater projects: "It is desirable that security officers should give increasing thought to what it means to be a professional police or gendarmerie officer, and in this context more will be done to foster problem awareness concerning the root causes of all forms of violence in police work. Against this background, the Federal Ministry of the Interior is considering organising a "Day against Violence" on an experimental basis".

"Special training in interrogation techniques"

The Austrian comments further emphasise that Austrian police legislation already includes provisions concerning Human Rights and "Ways of handling people involved". Moreover, police interrogators receive "special training in interrogation techniques".

Muted reaction in Austria

Reactions in Austria to the CPT report are remarkably low-key. At a time of strong calls for law and order, the mass media do not appear keen to question tough police action against crime. Moreover, according to Rudi Leo, the Austrian Green Party's expert on policing, the problem of police abuse has long been well known to the public and the obvious unwillingness of various governments to take any action has fostered a climate of general apathy. Thus the strongest reaction to the CPT report came not from police critics, but from police officers.

Far-right police association yearns for electro-shock batons

AUF is the rapidly-expanding association of police officers of Jörg Haider's far-right "Freedom Party". The AUF came to public attention two years ago by demanding that Austrian police officers be equipped with pump guns and . . . electro-shock batons.

Commenting on the CPT report, AUF president Michael Kreissl turned the suspected perpetrators into victims: "Who actually protects us from such completely baseless and monstrous accusations?", the AUF boss thundered in a clear hint at the Social Democrat Interior Minister Einem whose resignation AUF has tried to force ever since his nomination in 1995 (see CL No.34, p.3).

Electro-shock weapons prohibited but easily available in Austria

The possession and use of electro-shock devices is prohibited under Austrian law, and plans to equip the police with electronic batons were dropped after a period of apparently unconvincing police-internal tests. But pocket-size electro-shock weapons are easily available on the black market in Austria.

Amnesty International, among other human rights organisations, is campaigning against the production and sale of electro-shock devices, regarded as the "torturers' universal tool" (see CL No.31, p.4 , No.43, p.5). Hitherto, AI's concern has focused on sales to countries such as Turkey, China and Saudi Arabia. In view of the CPT report,

it would seem advisable to add the EU member state Austria on the list.

Sources: Report to the Austrian Government regarding the visit of the CPT in Austria of 26 September to 7 October 1994 (in French), Council of Europe, Strasbourg, 31.10.96, CPT/Inf (96) 28 (Quotations from the report are our translations from French); Comments of the Republic of Austria on the CPT report, Vienna, 28.6.96, CPT/Inf (96) 29; Der Standard, 2/3.11.96, 8.11.96; Die Presse, 2.11.96; Neue Zürcher Zeitung, 4.11.96.

UNITED KINGDOM

BRITISH CONSERVATIVES KEEN TO IMPLEMENT RESTRICTIVE EU ASYLUM POLICIES AT HOME

Over the past 15 months the Conservative British government has sought to erode still further the standards of refugee protection in the United Kingdom. On the one hand, it has deprived most asylum seekers of the right to welfare benefits. On the other hand, it has "streamlined" asylum procedures to the detriment of asylum seekers. Such measures have a dual purpose: to cut back the number of asylum applications lodged in the UK; and to "harmonise" British asylum policies with those pursued in the rest of Europe.

In October of last year the Conservatives announced that as of 8 January 1996 no asylum seekers would be eligible for welfare benefits unless they applied for asylum on arrival (see CL No.38, p.4, No.40, p.9). The new regulations would apply retrospectively: all in-country asylum seekers who applied after the October announcement would lose their entitlement to benefit on 8 January.

By the end of 1995 the Conservatives had already staged a partial retreat. The implementation of the new regulations was postponed until 5 February. And the retrospective element was abandoned.

The new regulations came into effect on 5 February, denying welfare benefits to all asylum seekers who received a first instance rejection of their claim after that date.

Government regulations challenged by local authorities and High Court

Three local authorities promptly took the government to court. The new regulations denied asylum seekers Housing Benefit (to cover rent payments). But local authorities still had an obligation to provide homeless asylum seekers with temporary accommodation.

The government responded by promising extra cash for local authorities to cover their additional expenditure, until new legislation reached the statute looks which would scrap their obligations towards homeless asylum seekers.

On 20 June, however, the government suffered a major setback when the High Court ruled that the Secretary of State for Social Security had exceeded his powers in introducing the new social security regulations. Only primary legislation, the court ruled, could permit such a sweeping change to be lawful.

The entitlement of all asylum seekers to welfare benefits was reinstated retrospectively. All asylum seekers who had lost access to benefits since 5 February were able to make backdated claims for outstanding benefits.

Government responds with new legislation

Determined not to be deprived of their right to reduce asylum seekers to destitution, the government incorporated the now defunct social security regulations into the Asylum and Immigration Bill, thus satisfying the High Court's ruling on the need for primary legislation.

The Bill became law on 24 July. The entitlement (or, more precisely, lack of it) of asylum seekers to welfare benefits reverted to the situation as of 5 February. Asylum seekers who had gained access to benefits as a result of the court ruling of 20 June were again deprived of access to benefits.

New government setback

But less than three months later, the government again suffered a major setback in the High Court. The latter ruled that by virtue of the National Assistance Act of 1948 local authorities had a legal obligation to provide financial support and accommodation for destitute asylum seekers.

Although the level of support being provided by local authorities for destitute asylum seekers varies from area to area, local authorities are now compensating at least in part for the withdrawal of welfare benefits from asylum seekers. An appeal against the High Court ruling is currently pending.

New asylum legislation: "safe third countries", "bogus" applications, "fast track" procedures

If the Conservatives have staggered from one setback to another in their efforts to reduce most asylum seekers to destitution, their "streamlining" of asylum procedures in the UK has been relatively straightforward, although widely opposed.

Their Asylum and Immigration Bill suffered only modest amendments in the course of its passage through Parliament and received its final reading on 24 July. In addition to depriving most asylum seekers of access to welfare benefits, the new legislation includes the following measures:

- Creation of a "white list" of supposedly safe countries. Asylum claims lodged by nationals of these countries will automatically be assumed to be "bogus" and will be dealt with under a special "fast track" procedure.
- Extension of "fast track" procedures and reduced rights of appeal for various other categories of asylum seekers. So broad and numerous are the various categories of asylum seekers listed in the legislation that the majority of asylum seekers now will be "fast-tracked".
- Withdrawal of an in-country right of appeal from anyone who travelled to the UK through a "safe third country". Asylum seekers who passed through such a country will automatically be sent back and may appeal only from abroad. All countries of the European Union are classified as

safe third countries.
- The creation of a new range of immigration offences, mainly concerned with using deceit to enter or remain in the UK or using deceit to assist someone to do so, and increased powers for the police an immigration officers to track down illegal entrants.
- The imposition of fines up to £5,000 on employers who take on employees whose immigration status does not entitle them to work in the UK. The employer's only defence is that he took "adequate measures" to check up on the employee's immigration status. In other words, employers become a second tier of the Immigration Service.

Although the legislation received its final reading in July, the timetable for implementation of the specific measures which it contained ran over several months. Cuts in welfare benefits came into effect straightaway, the "white list" came into operation in October, and the imposition of fines on employers becomes operative in January 1997.

Docile Conservative alignment with EU policies

Many of the measures contained in the legislation flow directly out of the European Union-wide process of "harmonising" asylum policies, which, since the entry into force of the Maastricht Treaty, has been presided over by Steering Group I (Asylum and Immigration) of the K.4 Committee.

The concept of a "white list", for example, is provided for in the EU's "Resolution on manifestly unfounded applications for asylum" and "Conclusions on countries in which there is generally no serious risk of persecution", both of which were signed by EU Ministers of the Interior in 1992 (see CL No.11,p.1, 2, and 11).

Similarly, the abolition of in-country appeal rights for asylum seekers who have passed through a "safe third country" is provided for by the EU's "Resolution on minimum guarantees for asylum procedures", signed by the EU Justice and Home Affairs (JHA) Ministers in 1995.

It is likely that a number of measures in the legislation will end up being challenged in the High Court, on the grounds that they run counter to Britain's obligations under the UN Convention relating to the status of refugees (1951 Geneva Convention). Whether the Conservatives will be any more successful than on previous occasions remains to be seen.

One thing, however, is already clear. However much the Conservatives may condemn being "ruled from Brussels", when it comes to eroding standards of protection for asylum seekers the Conservatives are only too happy to align their policies with those in operation in the rest of Europe.

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GERMANY

BOSNIANS IN GERMANY: FROM TEMPORARY PROTECTION TO PERMANENT INSECURITY

In spite of warnings from the UNHCR and numerous NGOs, the German government is determined to carry through the "repatriation" of Bosnian refugees, granted "temporary protection" in Germany. The following article by Herbert Leuninger of *PRO ASYL* shows that, for the refugees concerned, "temporary protection" is tantamount to living under the permanent threat of forcible return.

There are 320,000 refugees from Bosnia and Hercegovina (B&H) in Germany. Thus, in absolute figures, Germany has received more refugees from B&H than any other country outside the former Yugoslavia. But as a proportion of its population, the number of refugees taken by Germany is less impressive than for other countries: Germany took in 4 refugees per 1000 inhabitants, while the corresponding figures are 14 per 1000 in Sweden, 10 per 1000 in Austria, and more than 4 per 1000 in Denmark. However, there is little public awareness of these figures, or of the fact that only a small number of Bosnian refugees were actually granted some form of permanent residence in Germany.

It is true that the German public did show extraordinary sympathy for the people fleeing from B&H at the height of the war. Haunted by their own memories of World War II and its aftermath, many Germans at first welcomed Bosnians with open arms. But since the official end of the war, there has been a shift in public opinion and plans for the repatriation of the refugees are drawing growing political support.

Survey on Bosnians' intentions to return

Recently, ISOPLAN, an institute for development research, economic and social planning, carried out a national survey for UNHCR among nearly 1,400 Bosnian civil war refugees in Germany. A number of German NGOs (Red Cross, Caritas, and the protestant welfare agency *Diakonisches Werk*) participated in the project, whose aim was to obtain concrete information on whether Bosnian refugees in Germany planned to return home.

Ethnic origin

Almost 60 per cent of the interviewed Bosnian refugees are Moslems, 34 per cent Croats and merely 2 per cent Serbs. Two thirds of the Bosnian Moslems and one third of the Bosnian-Croat refugees come form Serb-controlled areas of the country. Two thirds of the refugees declared that they themselves were victims of expulsion.

Residence status

Most of the refugees are in Germany without any legal basis. They have, however, been tolerated - because of a ban on deportations to B&H. Ever since this ban was issued by the federal Government and the governments of the 16 German *Länder* for the first time on 22 May 1992, it has had to be renewed every six months. The

last deportation ban expired on 30 September (The development after this date is addressed later in this article).

No uniform legal status existed for the Bosnian refugees. (A provision introduced into the German Aliens Act in 1993 provides for a status of war and civil war refugees. But the provision has not been implemented owing to a dispute about how to cover the costs of assistance to its beneficiaries.)

The *Länder* maintain that they are unable to cover all the related costs of housing and social assistance without the help of the Federal Government.

The absence of a single legal status seriously affects the lives of this group of refugees. As a rule, holders of a "toleration permit" are not allowed to travel freely within the federal territory. Bosnians travelling abroad - for example when visiting family members in other countries of refuge - can be denied re-entry to Germany. The only recent exception to this rule is the right to visits to Bosnia for the purpose of obtaining information on conditions which might make it possible to return. Bosnian "non-status" refugees are not eligible for family reunification in Germany.

Only a minority of the Bosnian refugees in Germany are holders of a renewable residence permit and therefore have a legal residence status. This group consists mainly of especially vulnerable refugees, such as former inmates of detention camps or traumatised women and children, who have been admitted to the Federal Republic of Germany under special humanitarian quotas.

Ten per cent of the Bosnian refugees in Germany have maintained their application for asylum. Decision-making in Bosnian cases had been suspended since mid-1993 owing to what was seen as an unclear situation in Bosnia-Hercegovina. In 1995, the acceptance rate for Bosnian asylum applications in 1995 was 0.4 per cent.

A ruling of the Federal Administrative Court in Berlin highlights Germany's reluctance to grant asylum to Bosnians. The Court ruled in August that Bosnian Moslem refugees had no right to political asylum in Germany. The judges found that although the refugees might be victimised in Serb-held areas, they were not threatened with persecution in the whole of B&H. Overturning a decision by a lower court to grant asylum to three Bosnian families, the Federal Administrative Court said they could not claim asylum because they could flee within their own country if they were persecuted. "Anyone who can receive protection from political persecution from his own state does not need asylum in Germany," it said in a statement. The court accepted that the applicant families were liable to be persecuted in their home area in northern Bosnia, which was overrun by Bosnian Serb forces in 1992, but added that other parts of Bosnia were free from persecution.

UNHCR's regional Office in Bonn strongly criticised the ruling for introducing a very questionable construction into the framework of international law. The UNHCR deemed the ruling a step backward in the context of the EU push for harmonised asylum practice. According to the office, the Bosnian refugees in question would have been granted asylum under the Geneva Refugee Convention in a great number of European states.

Many Bosnians dependant on private sponsors

Around 50,000 Bosnian refugees (15%) came to Germany thanks to sponsorships provided by relatives, friends, non-governmental organisations, churches and other community groups. In these cases the sponsors provided binding written guarantees that they would cover all costs related to the refugees' stay in Germany. In many cases this created considerable financial problems for the sponsor, particularly in those *Länder* where such an undertaking must also include the costs of medical care.

Employment

Most of the refugees are not able to be self-sufficient in Germany, owing to difficulties in finding employment. According to the survey, about 75 per cent are unemployed. Although they are not barred from employment, they may only be hired after an assessment of the labour market by the labour office has certified that no German citizen or national of a member state of the European Union or of a privileged third country is available for the job in question. We may assume that, consequently, many refugees try to work illegally.

Children

Bosnian refugee children attend school, but those young people who are no longer of compulsory school age have problems finding gainful employment. For holders of a toleration permit it is seldom possible to start an apprenticeship or enrol in a vocational training programme or start to study at university. Other training courses are rarely available to them. Their lack of prospects for the future runs the risk of generating serious social problems and is of great concern to the agencies working with them. In principle, social and psychological counselling is now available to the refugees, but often not to the extent required. Many suffer from serious trauma or depression as a result of their war experiences. They urgently need professional help to come to terms with their past and to face the future.

Special social benefits, such as children's allowances or inclusion of family members in public health insurance schemes, are only exceptionally granted to refugees from Bosnia-Hercegovina.

Accommodation

Nearly two thirds of the refugees are still living in collective accommodation. Only 21 per cent have their own flats. Nine per cent are staying together with friends or relatives. Group accommodation, such as in former army barracks or in prefabricated housing creates many difficulties. Although such housing was originally seen as a temporary emergency measure, many refugees have been living in these facilities for several years now.

Return intentions
Only one in four refugees was prepared to return home voluntarily at the time of the survey. Just as many were still undecided. And nearly 45 per cent opposed return. That may have changed in the meantime. But there is no further information available. There are two objective indications regarding the willingness to return: Older refugees and persons owning property in B&H have a more open attitude towards repatriation. The three principal pre-requirements for return as seen by the refugees are peace, respect for human rights, and democracy and rule of law. These main requirements are followed by refugees' assessment of the prospects for a solid economic situation and reconstruction programmes.

People willing to return in principle regarded the availability of housing as the most important pre-requisite, followed by guaranteed non-discrimination and security. Employment and a return to pre-war standards of living were also of importance.

Counselling
The big welfare organisations are heavily involved in counselling and assisting the Bosnian refugees. Together with UNHCR and co-ordinated by their common information and documentation centre, ZDWF, they launched an information campaign with updated leaflets on the rights, the preconditions on voluntary return, possible appeals against deportation orders and financial support for returning refugees. Advice and help is also being provided by many individuals, groups, church communities and lawyers.

Another very important source of assistance is often underestimated: the self-organisation of the Bosnians in Germany. Thanks to the human rights organisation, *Gesellschaft für bedrohte Völker* ("Society for Threatened People"), the existing Bosnian associations were able to found the "European Forum for Bosnia- Hercegovina" in February 1994 with 500 participants from Germany, Switzerland, Luxembourg, Belgium, Holland, Austria and Italy. About 70 Bosnian associations form Germany are gathering under this umbrella. The Forum tries to cooperate with many Bosnian associations of Central Europe. By joint efforts they are promoting a multi-cultural and multi-faith country.

Repatriation policy
As mentioned above, the German *Länder* decided in September 1996 to begin the gradual repatriation of the Bosnian refugees starting from 1 October. Several *Länder g*overnments, such as Berlin, Bremen, Baden-Württemberg, Saxony and Bavaria, said they would start the repatriation programme immediately. According to their plans, the first voluntary departures should take place at once and should be followed by the first deportations in October. But heeding refugee agencies' advice, others, such as North Rhine-Westphalia, Hesse and Lower Saxony, said they would wait until the spring and warmer weather before forcing anyone to go.

The Berlin authorities started telling Bosnian refugees they were no longer welcome in Germany and that they had four weeks to leave the country. A spokeswoman for Berlin's Interior Ministry said that 1,500 unmarried people and childless couples, as well as 350 refugees who had arrived after the Dayton peace accord was signed in December, had to leave by the end of October.

UNHCR criticism
The UNHCR in Geneva criticised what it called a "unilateral decision" by Germany to begin the forced repatriation of Bosnian civil war refugees and urged the government to show flexibility in implementing its decision. A spokeswoman of the UNHCR said that neither security conditions nor the number of destroyed homes in Bosnia permitted mass returns. The agency estimated that 60 per cent of the 320,000 Bosnians in Germany are Moslems who originate from areas now under the control of the Bosnian Serb Republic.

Judith Kumin, the UNHCR representative in Bonn, said Germany had wrongly interpreted a U.N. report on Bosnia and insisted that no areas were entirely safe for refugees' return regardless of their ethnic origin. She urged Germany to provide more financial aid for post-war reconstruction, arguing that this was the best way of persuading refugees to return of their own accord.

Besides the welfare and human rights organisations, German commentators heaped criticism on the decision of the *Länder* Interior Ministers saying it was "inhumane" to begin repatriating the Bosnians when there was still so much instability in the region. On the other hand, some newspapers expressed some understanding for the financially pressed *Länder*. But they questioned the motives for forcing the 320,000 refugees home starting in October, just as the winter begins.

Bavaria demonstrates its determination
Bavaria became the first German *land* to begin deportations of Bosnian refugees. In mid October, a 29-year-old convict was sent back to Sarajevo by plane in what was widely perceived as a symbolic action. The Bavarian Government has widely publicised its determination to return about 20,000 by next summer, beginning with persons convicted of crimes and persons between 18 and 55 years old who are receiving welfare benefits.

Germany no multi-culural society, Minister says
The ideas behind these policies of forcible repatriation have been expressed in blunt words by no less a person than Carl-Dieter Spranger, the extremely conservative Federal Minister for Economic Co-operation. In an interview, he called for the speedy repatriation of all war refugees from the former Yugoslavia. Spranger argued that "there isn't any convincing reason for the civil war refugees to remain in Germany". This assessment was followed by three lines of argumentation:
1. "[The refugees] should return to their home country as soon as possible in order to rebuild it".
2. No subsidies should be granted to returning refugees. "We are already helping actively in various ways. But we cannot build up Bosnia", Mr Spranger said, and pointed out that the reception costs for the refugees at the time amounted to 15 billion Deutschmark. "We cannot stress any further

the capacity of our population as regards the reception of foreigners".
3. "After all, we are neither a country of immigration nor a multi-cultural society".

Readmission agreements instead of voluntary return

This last argument reveals the great fear of the Federal and the *Länder* Governments of an "indirect" immigration which might take place, if the repatriation process is delayed too long.

The German governments are thinking in terms of international law and readmission agreements, rather than in terms of UNHCR and its repatriation programmes, based on voluntary return. These are very different - I would say, incompatible - views. With this in mind, one can understand better, why Germany does not accept the leading role of UNHCR according to the Dayton accord with its principles especially of voluntariness.

The Federal Government recently concluded a readmission agreement with B&H. Negotiations on this bilateral agreement took a rather long time, because of German reluctance to meet two main demands of the Bosnian Government: that Germany pay 3 billion Deutschmark to B&H and that Bosnian authorities should be involved in the decision on every single individual case of return. According to the German Government's interpretation of international law, B&H cannot refuse the readmission of its own nationals, and, as a consequence, Germany could send them home, leaving it to the Bosnian Government to provide for housing, assistance and employment.

The German-Bosnian negotiations highlights the need for a swift harmonisation of the different and sometimes conflicting strategies of the German Federal Government and the *länder* on the one hand, and the UNHCR on the other. But this must happen in full respect of the sense and spirit of the Dayton Peace Agreement. Otherwise the refugees in Germany will suffer from new traumatic experiences caused by constant grave uncertainty and fear of expulsion.

Herbert Leuninger, PRO ASYL, Frankfurt a. M.

Sources: UNHCR Regional Office, Bonn: press releases and information papers; various press agency dispatches.
Contact: PRO ASYL, Post Box 101843, D-60018 Frankfurt a.M., Tel: +49/69 230688; Fax: +49/69 230650.

URGENT ACTION

The following call for urgent action was sent to us by the Austrian section of the European Civic Forum:

ARSON ATTACK AGAINST A SLOVENIAN-LANGUAGE NEWSPAPER IN AUSTRIA

In the night of 3-4 December, an arson attack was carried out against the editorial offices of the Slovenian weekly newspaper, *Slovenski vestnik* in Klagenfurt, the capital of the Austrian Province of Carinthia, in which there is an important Slovenian minority. The *Slovenski vestnik* building also houses other organisations of the Slovenian minority like the Federation of Slovene Organisations, the Federation of Slovene Cultural Associations, and the publishing company, *Drava*. The fire took hold in three rooms and caused considerable damage. Before lighting the fire, the perpetrators broke into the newspaper's offices and stole a number of important documents, computers, floppy disks containing address lists, and a large sum of money. As the fire was discovered rapidly, no people were harmed.

A week earlier, *Slovenski vestnik* and several other media of the Slovenian minority in Carinthia received letters of threat showing swastikas. "We will soon slaughter you, Slovenian pigs. Our honour lies in our loyalty! Heil Hitler!", the message said.

A string of Nazi attacks

In September, a similar arson attack was carried out against a Slovenian secondary school in Klagenfurt. The perpetrators were never arrested. The 3rd of December was the third anniversary of the beginning of the first series of letter bombs addressed mostly to Austrian citizens known for helping refugees and immigrants. Several addressees were seriously injured (see CL No.31, p.1, No.32, p.9). The Interior Ministry recently warned that there could be further attacks on the anniversary of the letter bombings.

Write to the Austrian Interior Minister!

In view of the seriousness of this most recent arson attack, we would be very grateful if you could write to the Austrian Interior Minister calling on him to carry out as rapidly as possible a thorough investigation into this arson attack and the threatening letters, and to provide adequate protection for the members and infrastructures of the different minorities living in Austria. It would also be helpful if you could inform the Austrian embassy about your concern.

Write to: Bundesminister Dr. Caspar Einem
Innenministerium
Herrengasse 7
A-1010 Vienna
Fax: +43/1 531263910

Please send copies of your letters to the editorial board of *Slovenski vestnik* and to the European Civic Forum and inform them about any other steps you take.

Slovenski vestnik, Tarviser Strasse 16, A-9020 Klagenfurt/Celovec, Fax: +43/463 51430071

European Civic Forum, Lobnik 16, A-9135 Bad Eisenkappel/Zelezna Kapla, Fax: +43/42388232

DOCUMENTS AND PUBLICATIONS

Europol-Staff Regulations - Establishment of principles, EU JHA Council Presidency, Brussels, 30.7.96, 8964/96 Limite, Europol 39, 3 p., in English.

Briefing on Europol (first update), Document No 26, European Parliament, Task Force on the Intergovernmental Conference, Luxembourg, 22.8.96, JF/bo/243/96, PE 166.291, 19 p., in English.

Reconsidering European Migration Policies - The Intergovernmental Conference and the Reform of the Maastricht Treaty, by Simon Hix and Jan Niessen, publ. by Migration Policy Group, CCME and Starting Line Group, Brussels, November 1996, 63 p., in English.
This briefing paper provides comprehensive background information on the agenda of the 1996 Intergovernmental Conference (IGC) and its relevance for the issues of migration, asylum, immigration, and the integration of refugees and immigrants.

The first chapter outlines the aims and the background for the agenda of the IGC. The second chapter gives an overview of migration policy under the three pillar structure of the EU and describes the results of inter-governmental cooperation within the framework of the third pillar. The third chapter highlights the main issues raised by the NGOs, namely democratic and judicial control, immigration and asylum as well as equal treatment and anti-discrimination, and sets out their proposals for amendment. The fourth chapter looks at the views of EU institutions and the Reflection Group. The fifth chapter outlines the position of the EU member states on migration issues and their objectives for the reform of the treaty. In the last chapter, some final observations are made in conclusion.

Available at: CCME, 174, rue Joseph II, B-1000 Brussels, Tel: +32/2 2302011, Fax: +32/2 2800925; E-mail: 101324.622@compuserve.com

Sveriges terroristbestämmelser - en studie av konflikten mellan brottspreventiva åtgärder och demokratiska rättsstatsideal (Swedish legislation on terrorism - a study on the conflict between measures of crime prevention and democratic-constitutional ideals), paper by Antonia Ribbing, Department of criminology, Stockholm University, 1996, 65 p. in Swedish.

An interesting study on Sweden's controversial "anti-terrorist" legislation. The 1991 "Law on special control of foreigners" provides for the expulsion of a foreigner not guilty of any crime if there are "reasons to believe" that he/she "will commit or participate in a criminal offence involving violence, threat or coercion for political purposes". (On the practical implications the law see also CL No.37, p.6).

Available at: Department of Criminology, Stockholm University, S-106 91 Stockholm, Tel: +46/8 162609, Fax: +46/8 157881.

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