

*Unofficial translation*



**MINISTRY OF FOREIGN AFFAIRS OF THE RUSSIAN FEDERATION**

**REPORT**  
**ON THE HUMAN RIGHTS**  
**IN THE EUROPEAN UNION**

**Moscow, 2013**

## Contents

<b>Introduction .....</b>	<b>3</b>
<b>European Union .....</b>	<b>5</b>
<b>Austria .....</b>	<b>15</b>
<b>Belgium .....</b>	<b>19</b>
<b>Bulgaria .....</b>	<b>26</b>
<b>Great Britain.....</b>	<b>29</b>
<b>Hungary .....</b>	<b>35</b>
<b>Germany .....</b>	<b>39</b>
<b>Greece .....</b>	<b>51</b>
<b>Denmark .....</b>	<b>55</b>
<b>Ireland .....</b>	<b>61</b>
<b>Spain .....</b>	<b>65</b>
<b>Italy .....</b>	<b>69</b>
<b>Cyprus .....</b>	<b>73</b>
<b>Latvia .....</b>	<b>76</b>
<b>Lithuania .....</b>	<b>84</b>
<b>Luxembourg .....</b>	<b>91</b>
<b>Malta .....</b>	<b>94</b>
<b>Netherlands .....</b>	<b>95</b>
<b>Poland .....</b>	<b>104</b>
<b>Portugal .....</b>	<b>109</b>
<b>Romania .....</b>	<b>116</b>
<b>Slovakia .....</b>	<b>120</b>
<b>Slovenia .....</b>	<b>123</b>
<b>Finland .....</b>	<b>126</b>
<b>France .....</b>	<b>130</b>
<b>Croatia .....</b>	<b>136</b>
<b>Czech Republic .....</b>	<b>138</b>
<b>Sweden .....</b>	<b>141</b>
<b>Estonia .....</b>	<b>148</b>

## **Introduction**

The report prepared by the Ministry of Foreign Affairs of the Russian Federation on the situation with respect for human rights in the European Union in 2013 covers in detail the human rights situation in all 28 EU Member States. Special attention has been paid to the operation of supranational pan-European institutions in that area.

The report was prepared using authoritative international sources, including reports of the UN Human Rights Council and the Council of Europe Commissioner for Human Rights, OSCE documents as well as information provided by human rights defenders, representatives of media community and relevant non-governmental organizations and structures. All of them are united by a desire to free the European Union from serious problems in the human rights sphere that, as demonstrated by the developments of the previous year, have only aggravated and require appropriate practical steps to address them.

The most pressing human rights issues in the EU still include a steady growth of xenophobia, racism, violent nationalism, chauvinism and neo-Nazism. In the context of financial and economic crisis that continues in Europe, grave violations of the rights of minorities, refugees and migrants are increasing, and social rights of citizens are being infringed upon. Such issues as the lack of protection of children's rights, gender inequality, abuse of power by the police, violations of the prisoners' rights and harboring by a number of EU countries of CIA black sites remain acute. The facts proving systematic and mass violations of privacy and infringements on the freedom of speech and media have caused a special concern.

A large part of EU Member States continue to refrain from assuming obligations under basic multilateral human rights treaties, and if they do assume such obligations, these are often accompanied by neutralizing reservations.

In this context, it is still clear that the existing system of protection of fundamental human rights and freedoms in the EU remains ineffective and flawed. No improvements have been noted in ensuring both at the institutional and regulatory level in the EU of constant supranational monitoring of cases involving violations of fundamental rights and freedoms by some of its Member States. There are no mechanisms of proactive response by the EU institutions and bringing those responsible to justice. Moreover, in some cases EU governing bodies indulge on human rights violations by the EU Member States.

## **European Union**

The European Union sees itself as the main outpost protecting human rights in the world. But its own legal activity in this area does not correspond to these claims. In the European Union space still remain some unresolved issues concerning the implementation of the EU Charter of Fundamental Rights. The inclusion of the Charter in the Lisbon Treaty (December 1, 2009) has not changed its limited application. The Charter applies only to the activities of the EU institutions and its Member States in case they implement the EU legislation. Moreover, the Final Act to the Lisbon Treaty provides that the Charter neither extends the scope of the EU law, nor assigns new powers to the Union. Consequently, the Charter does not regulate the activities of the EU Member States outside the legal framework of the Union, nor creates new responsibilities for the EU itself, which makes its inclusion in the Treaty of Lisbon more a symbolic than a practical step.

The European officials continue to justify low activity of the EU supranational institutions in case of human rights violations in the EU by the lack of appropriate powers. What is more, the governing bodies of the Union show indulgence, to say the least, towards violations of human rights by Member States. For example, the European Commission demonstrates stubborn reluctance to interfere in the situation regarding large-scale violations of rights of the Russian-speaking population of Latvia and Estonia.

At the same time, according to Article 2 of the EU Treaty, the European Union is based on such values as human dignity, freedom, democracy, equality, the rule of law and respect for human rights. The scope of this article is not limited to the EU legislation; therefore, any violations of human rights by Member States are equivalent to violations of the EU basic regulations. In case of a serious violation of these values by a Member State, Article 7 provides for the suspension of some of its rights, including the right to vote in the

EU Council. However the European institutions are reluctant to apply this provision. As a result, all the words about the EU commitment to human values remain on paper only.

In the EU there is no effective mechanism to ensure prompt and uniform response to the actions of Member States, which tolerate disrespect for human rights. In this context, attracted attention the letter sent by the foreign ministers of Germany, Netherlands, Denmark and Finland of March 6, 2013 to the President of the European Commission Jose Manuel Barroso, which called on the EU to launch its own monitoring mechanisms to control the situation in the field of human rights, the rule of law and democracy in Member States. The authors of the initiative, in particular, suggested that the European Commission be authorized to monitor the compliance of fundamental rights by Member States and impose sanctions against violators and cease their funding from the European Union as well. This initiative received a mixed response and has not gained any traction yet.

The existing EU legal mechanisms are not effective enough to prevent and combat violations of fundamental rights. Citizens are still poorly informed both about their rights, and organizations, which provide assistance to the victims of such violations. The conceptual development of human rights and the consequences of their arbitrary interpretation receive little attention in the EU information space.

The crisis is affecting more severely the compliance issues in respect of the entire range of fundamental rights, it becomes a breeding ground for these problems to take the root. Far right and extremist movements are strengthening worldwide, the number of racist, xenophobic and antisemitic crimes is increasing. Social guarantees are under attack. Equal access to employment, education, health services is guaranteed neither at the national nor at the European level.

In times of crisis the situation with vulnerable segments of society, such as national minorities and migrants, is far from ideal. In various Member States the unemployment rate among them is in large excess over the rate among representatives of the titular nation, moreover, the foreigners, as a rule, usually occupy low-wage and temporary jobs.

Public opinion in the European Union clearly underestimates the neo-Nazi threat, the existence of which in some Member States is justified by a virtual need for freedom of expression. Meanwhile, nationalism and its ideas and practice in some countries of the European Union have already affected negatively various aspects of life of the entire EU, including foreign policy (the situation with the glorification of former Waffen-SS legionaries in Latvia and Estonia and anti-Semitic rhetoric of the far right create problems for the EU in its relations with third countries).

In his comment (which has the status of a high-level expert opinion) "Europe must combat racist extremism and uphold human rights", the Commissioner for Human Rights of the Council of Europe, Nils Muižnieks, directly refers to the opinion of "some commentators" that the upsurge of this phenomenon "reached the point of an early form of far right terror". To confirm these words he draws attention to the situation in the countries of the European Union – in the Federal Republic of Germany (the high-profile case of the National Socialist Underground), Sweden (the increasing popularity of the Sweden Democrats party with neo-Nazi roots), Austria (activities of the neo-Nazi organization Object 21), Greece (racist attacks and the neo-fascist Golden Dawn party), Hungary (serial murders of Gypsies; the far right Jobbik party), Italy (forced eviction of Roma settlements).

Against this background, the European Union and its Member States consider, as one of their priorities, the dissemination of their neo-liberal values as a universal lifestyle for all other members of the international community. This is particularly evident in their aggressive promotion of the sexual

minorities' rights. Attempts have been made to enforce on other countries an alien view of homosexuality and same-sex marriages as a norm of life and some kind of a natural social phenomenon that deserves support at the state level. Such an approach encounters resistance not only in the countries upholding traditional values, but also in those countries which have always taken a liberal attitude towards queers. Suffice it to recall the protest reaction of a major part of the French society to the decision on legalization of same-sex marriages in the country.

In view of the facts of electronic surveillance by the U.S. intelligence services over tens of millions of citizens of sovereign states, including representatives of the political establishment of the EU countries, revealed by the former employee of the U.S. National Security Agency Edward Snowden, the European Union faced a critical need to respond to this flagrant violation of international human rights, above all those related to the protection of privacy. However, all declarations of the October 2013 EU summit to receive the full explanation on this issue from the United States have not yet gone beyond rhetoric. It is indicative that according to Edward Snowden, along with the United States at least one EU Member State directly participated in a mass electronic surveillance program. It was Great Britain.

Edward Snowden revelations and harsh reaction of the British authorities on their publication in the Guardian (during the European Parliament hearing in September 5, 2013, its chief editor Alan Rusbridger said that the British authorities were engaged in explicit intimidation of its employees in order to stop the publication of information from Edward Snowden) highlighted, in addition, another important issue, related to significant restrictions on the freedom of expression and the media, existing in the EU, as well as double standards and their continued vicious practice in this field.

The violation of the right to freedom of movement is another systemic issue, where the EU deviates from human rights standards. According

to findings of the study "The right to leave a country", published by the Council of Europe Commissioner for Human Rights Nils Muižnieks, the European Union creates artificial barriers for entry on its territory, which impairs the freedom of movement of private persons and, in particular, has a negative impact on the Roma and asylum seekers.

Most prominently this problem is demonstrated in the Balkan countries, which are not members of the European Union and have a visa-free regime with it. The EU, reluctant to experience the excessive influx of asylum seekers on its territory, in particular, the Roma, under the threat of renewed visa requirements virtually imposes on these countries restrictive immigration policies, which have a component of ethnic discrimination.

Another human rights problem is naval operations, carried out by the EU members, to displace groups of migrants and potential refugees from the borders of the European Union to the countries of origin.

According to Nils Muižnieks, the mentioned restrictive measures, aimed at blocking the migration flows to the EU and de facto presuming the abuse of the right to asylum, conflict with the 1951 Refugee Convention, Protocol No. 4 to the Council of Europe Convention for the Protection of Human Rights on freedom of movement, Article 14 of the ECHR (general prohibition of discrimination) and may also lead to a breach of Article 3 of the ECHR (prohibition on torture and inhuman treatment).

In general, it is noteworthy that the EU Member States show hypocritical attitude towards the right to freedom of movement, for the unrestricted exercise of which they actively struggled during the Cold War and now, in fact, are the main initiators of its suppression in Europe.

Questions about the involvement of a host of EU Member States in the CIA program for transportation and detention in secret prisons of persons suspected of terrorism still remain unanswered. October 10, 2013, the European Parliament adopted another resolution on this subject, which noted no progress

since the adoption of a similar document last year and expressed deep frustration with inaction of the rest European institutions, which accept the cases of blatant violations of fundamental rights on the territory of the united Europe justifying it by the lack of appropriate competence. MEPs called once again the EU supranational institutions, as well as some Member States, to take concrete steps to establish the truth and put an end to impunity.

It is noteworthy that among the victims of the aforementioned CIA program there were two German citizens (Khalid El-Masri and Mohammed Haydar Zammar). Therefore, refusal of the European institutions to engage in investigation of violations of their rights challenges the essence and the meaning of citizenship of the European Union, as well as Article 3 of the EU Treaty and its provision, under which the EU pledges to ensure freedom, security and justice to its citizens.

Desire to soft-pedal these claims is an obvious act of disrespect to third states as well, whose citizens suffered from the EU counter-terrorism operations. In this regard, it is disappointing that limited competence of the EU Special Representative for Human Rights remains unchanged. Thus, violations of human rights and freedoms in the EU space stay out of his terms of reference. Human rights diplomacy in the EU is still a “one-way street” and is implemented strictly outwards. As a result, when questions about humanitarian and human rights violations in third countries are raised by the Special Representative, originally there are no preconditions for a substantive and mutually respectful dialogue with the EU partners on this issue.

Meanwhile, the European Union Agency for Fundamental Rights (HREA), which, as assured by the EU leaders, is designed to monitor the human rights situation “at home”, in practice provide nothing but recommendations. Moreover, it is obvious that the subjects, analyzed by the HREA, are selected according to their convenience and almost conflict-free nature. As a result, urgent issues, such as the position (and existence) of several hundreds of

thousands of "non-citizens" in Latvia and Estonia, are not covered.

Biased attitude of the European institutions towards civil society in the EU should be noted as well. Thus, EU funding receive primarily those NGOs, which meet the European Commission priorities (up to well-known scandalous puff pieces to improve the European Commission image through the EU budget). As a result, all civil society interests are artificially narrowed to agenda issues of the European institutions and any dissent and deviation from implementing top-level decisions doom the EU funds candidates to failure.

Despite the generally representative participation of EU members in key human rights multilateral treaties, some Europeans still prefer not to undertake the relevant commitments. It is important to bear in mind that participation in such treaties is justly regarded as an indicator of adherence of any given state to the universal human rights standards, by which the real readiness to develop interstate cooperation in the field of human rights is assessed.

In this regard, attention is drawn to the fact of non-participation of Great Britain in the Optional Protocol to the International Covenant on Civil and Political Rights (establishes the right of the Human Rights Committee to consider individual communications/complaints of violations by State Parties to the Covenant of their obligations under this treaty.) In addition, Poland does not participate in the Second Optional Protocol to the International Covenant on Civil and Political Rights (proclaims the abolition of death penalty); Belgium, Greece, Ireland, Latvia, Lithuania, Slovakia and Finland do not participate in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (establishes an international inspection system for places of detention); Latvia, Estonia and Malta do not participate in the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (establishes the right of the Committee on the Elimination of Discrimination against Women to hear complaints of violations by Member States of their obligations under the Convention); Estonia

does not participate in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; Ireland does not participate in the Optional Protocol to the Convention on the Rights of the Child on the fight against child prostitution, child pornography and sale of children; Ireland, the Netherlands and Finland do not participate in the Convention on the Rights of Persons with Disabilities; Bulgaria, Denmark, Ireland, Netherlands, Poland, Romania, Finland and the Czech Republic do not participate in the Optional Protocol to the Convention on the Rights of Persons with Disabilities (establishes a procedure for the consideration of reports of violations by State Parties of their obligations under the Convention); and Bulgaria, Great Britain, Hungary, Greece, Denmark, Ireland, Italy, Cyprus, Latvia, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Finland, the Czech Republic and Sweden do not participate in the International Convention for the Protection of All Persons from Enforced Disappearance. The non-participation of Malta in the Convention on the Prevention and Punishment of the Crime of Genocide does not at all correlate with the European Union's image of "the main driving force" in combating crimes against humanity.

The situation with reservations made by the EU Member States to certain provisions of fundamental multilateral human rights treaties deserves a separate analysis. A considerable part of the reservations concerns the inherent to Europeans interpretation of rights and freedoms as absolute, i.e. supposedly not subject to any restrictions. The question is, first of all, with the rights to freedom of opinion and expression (e.g. freedom of speech), and the rights to freedom of assembly and association.

At the same time, this position raises many questions, including in terms of the admissibility of such clauses in conformity with the Vienna Convention on the Law of Treaties of 1969. Thus, according to Article 19 of the Convention, States may not formulate a reservation if it is "incompatible with the object and purposes of the treaty".

The Committee on the Elimination of Racial Discrimination (supervisory body according to the respective treaty) has repeatedly called upon the Europeans to withdraw their reservations to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. It is generally known that this article requires that State Parties to the Convention criminalize the dissemination of racist ideas. The essence of the reservation of some of EU countries (made by Austria, Belgium, Canada, Ireland, Italy, Malta and France) is the refusal to adopt appropriate criminal legislation, as it would be incompatible with the right to freedom of opinion and expression, peaceful assembly and association. Hence the negligent attitude of the EU Member States towards all kinds of demeaning Nazi rallies and marches, including those that heroize Waffen SS, which are considered in the Western Europe in light of realization of the mentioned rights and freedoms. In this context, the qualification by the committee of such reservations as violating the requirements of Article 19 of the Vienna Convention on the Law of Treaties is absolutely justified.

Many questions arise regarding the reservations made by a number of EU Member States to Article 20 of the International Covenant on Civil and Political Rights, according to which "any propaganda for war shall be prohibited by law". The essence of the reservation made by the Europeans is the refusal to adopt the necessary legislation, because it would contravene the right to freedom of expression. Such reservations were made by Belgium, Great Britain, Denmark, Ireland, Luxembourg, Malta, the Netherlands, Finland, France and Sweden (Italy and Germany, for historical reasons, preferred to limit themselves to the overall qualification of the mentioned rights as absolute, i.e. not subject to any restrictions even formulated in the pact, but they refrained from making statements on the prohibition of propaganda for war).

Some reservations are in plain contradiction with the European Union's claims on the role of a model in promotion and protection of human rights. For

example, at the signing of the International Covenant on Economic, Social and Cultural Rights the United Kingdom stated that it was impossible to ensure equal pay for equal work for women and men. Though, at the deposit of the instrument of ratification the Great Britain has limited the scope of its reservation by a system of remuneration in the private sector, which, however, does not negate the discriminatory nature of the situation itself.

In the same line stands the German reservation to Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to which Germany said that it would assume an obligation not to extradite persons to the states where they could face torture only under its national legislation.

Another questionable reservation has been made by the United Kingdom to the effect of Article 11 of the International Covenant on Civil and Political Rights. Its point is that the United Kingdom refused to apply it in the territory of Jersey – a British dependent territory. Given that the right not to be imprisoned for inability to fulfill a contractual obligation enshrined in Article 11 is listed, according to the pact, among the rights the derogation from which is not permitted even in times of war or emergency, there exists a further violation by the United Kingdom of Article 19 of the Vienna Convention on the Law of Treaties and the Covenant itself as well.

Finally, we should note the reservations made by some of the EU members (including France and Poland) to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Elimination of All Forms of Discrimination against Women regarding the refusal to recognize the jurisdiction of the International Court of Justice in the examination of disputes under these treaties. It is generally known that Russia recalled a few years ago similar reservations to the relevant human rights conventions.

## **Austria**

On the whole, the human rights situation in Austria meets the generally accepted standards set forth in the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. The violations that took place cannot be accounted for by the weakness of Austrian legislative and law enforcement practice. Usually these violations are extensively covered by mass media and receive corresponding public assessment. According to the experts, as compared to a number of other EU members, human rights situation in Austria is satisfactory.

Local and international human rights organizations monitor on a regular basis the human rights situation, register violations of human rights and report them to the competent Austrian and European bodies. In their activities they extensively rely on the Internet. The leading human rights NGOs, such as Amnesty International Austria, ZARA, Transparency International, etc. have established anonymous web emergency services for the victims or witnesses of human rights violations to report them. The NGOs publish regular reports on their activities on the web. A number of organizations use their web-sites to inform the public of human rights violations and to name and shame those involved in such violations, which often sets in motion police investigation.

In recent years NGOs have registered an upsurge of xenophobia, racial hatred and anti-Semitism in Austrian society. According to the report on racial and religious hatred in Austria in 2012 published by ZARA, the number of anti-Semitic incidents registered that year increased by 90 percent as compared to those in 2011.

Foreign citizens and persons with immigration backgrounds continue to experience discrimination on the part of local law-enforcement officials and the judiciary. In particular, a report by the Austrian Bar Association for 2011–2012 notes that it is foreign citizens and persons with immigration backgrounds

whose rights are most often infringed by Austrian law enforcement and judicial officials.

By way of example one can cite the case in which the regional criminal court of Vienna denied to reimburse to one of the lawyers the expenses for copying a text of the court's judgment for a foreign citizen based on the fact that the latter did not speak German, therefore, the expenses in question would be unreasonable.

In the state of Vorarlberg, the police systematically breach procedural norms while fingerprinting foreign citizens and immigrants suspected of property and violent offenses.

There have been cases of abuse of foreign citizens and migrants during their arrest and detention. For instance, a 44-year-old Iranian refugee Mohammed Reza K. who had arrived in Austria illegally from Italy in July 2013 was beaten by the members of Austrian special police unit Cobra when arrested to be deported. Later on he was brought to the ICU of the local hospital with a broken nose and bruised skull. According to the police the situation was provoked by the man's refusal to go back to Italy where his previously filed application for asylum was to be processed according to the EU legislation. He locked himself in the apartment together with his wife and offered resistance to police during the arrest. He explained his denial to return to Italy by the fact that his wife had been to undergo a surgery in Austria, and the date for it had already been set.

The experts of the Amnesty International Austria explain that persons with dark skin have more chances to suffer from arbitrary treatment on the part of the police and face groundless accusations of committing crimes. Notably, as human rights advocates say, the cases involving wanton violence against persons with immigration background, foreigners and refugees are rarely brought to court. When they are, the proceedings are often delayed and end in disproportionately lenient sentences. In this context, human rights advocates cite

the chronic shortcoming of the national legislation that is the lack of separate article in the Austrian Criminal Code providing for sanctions for abuse and torture.

As experience has shown, Austrian citizens are neither immune from arbitrary police treatment. By way of example one can cite a high-profile case when Vienna police killed in June 2013 Gerhardt A. who was armed with a knife and was rather aggressive in trying to complain to the police about the noise from the construction works. 20 bullets were fired at him, of which 8 bullets hit the target. The investigation is underway. If it concludes that the killing was a result of abuse of power, the police officers involved will be sentenced to 3 years in prison.

Austrian human rights advocates express concern over the situation of refugees. Those are the least protected category of foreigners residing in Austria who especially often face abuse and discrimination. As human rights activists say, foreign refugees receive benefits from the national budget, and are often rejected socially by "indigenous Austrians", with such rejection bordering open aggression. The human rights advocates also often complain about conditions in initial accommodation centers for refugees. Such centers are densely populated, which brings about numerous ethnic conflicts.

In December 2012 about 30 asylum seekers who came to Austria mostly from Pakistan engaged in a many days' protest action in one of the churches in the city center of Vienna. They complained about inhumane living conditions in the temporary accommodation camp in Traiskirchen and the authorities' disregard of their problems, and required work permits, qualified interpreters and access to learning for their children.

In March 2013, Austrian Bar Association published a report on "flagrant violations" related to the living conditions of asylum seekers in temporary accommodation centers in Saualm and Wernberg in Carinthia. The report pointed to non-compliance with hygiene standards, inadequate food supply and

infrastructure. After that, charges of abuse of power were brought against former Governor of Carinthia Gerhard Dörfler.

The year 2013 saw a development of investigation into sexual abuse of children in orphanages and boarding schools by the staff of these institutions.

In January 2013 a report on cases of physical and sexual abuse of children in orphanages in Vienna in 1950–1980 was presented. It was prepared on instruction of Adviser to the government of the state of Vienna K. Oskonic. The report included interviews with children who had lived in the orphanages and became victims of abuse by the teachers and the staff of social institutions of Vienna and cited the facts of concealment of such offenses by medical staff responsible for regular examination of children. Statute of limitation applies to absolute majority of these cases.

In June 2013, an investigation commission established to look into the living conditions in the Schloss Wilhelminenberg orphanage in 1948–1977 issued a report. The commission found that the children had systematically been subjected to physical and psychological abuse. Investigation files and the list of suspects were forwarded to the prosecutor's office.

On July 1, 2013, judicial proceedings against former head of boarding school of a monastery school began. A 79-year-old Catholic priest Father Alfons was accused of having raped 24 minors between 1973 and 1993.

After the incident in the Josefstadt juvenile prison where a 14-year-old inmate was raped by fellow inmates, which became known in June 2013, the Minister of Justice of Austria had to acknowledge the drawbacks of the teens detention system and initiate a working group to look into this situation. The prison authorities reported the offense to the prosecutor's office, after which the suspects were transferred to other penal institution.

## **Belgium**

Although Belgium is a party to the vast majority of international human rights treaties, it is often that the universally recognized rights and freedoms are reported violated there. In May 2011, the human rights situation in Belgium was examined by the UN Human Rights Council's Working Group on the Universal Periodic Review, after which the country received a set of recommendations as to improving it, including one from the Russian part on the necessity to ratify the Framework Convention for the Protection of National Minorities of the Council of Europe. The Belgians accepted 88 recommendations out of 120. The Russian suggestion was neither accepted nor rejected, but it is known that the Flemish Parliament is strongly opposed to Belgium's ratifying the CE Framework Convention, refusing to see the French-speaking population of the region as a minority whose rights are to be protected.

We may single out the following categories of the most common violations of the fundamental human rights and freedoms in Belgium:

- police brutality and misconduct, arbitrary arrests and detentions;
- prison overcrowding and groundlessly long pre-trial detention;
- poor living conditions for asylum seekers, illegal immigrants and their relatives in closed detention centres;
- unequal opportunities for individuals coming from developing countries, racial and religious intolerance;
- gender-based discrimination, domestic violence against women;
- limitations on the freedom of expression and interference with privacy (under the pretext of combating terrorism and ensuring security).

The fact that the abovementioned human rights problems have not yet been resolved can be proved by the following examples:

On December 20, 2012, it became known that in September 2009 two police officers bludgeoned a prisoner of the Forest Prison whom they were

meant to be guarding during the prison staff strike. In the hospital the victim, who was delivered there unconscious, was diagnosed with multiple fractures and wounds. The police officers were suspended from duty.

In February 2013, the Flemish television aired footage of 26-year old Jonathan Jacob being killed by special intervention unit officers in January 2010, received from the Mortsel municipality commissariat's surveillance cameras. After psychiatric clinics refused to admit the young man, suffering from a mental disorder and presumably in a state of drug intoxication, the police officers had to take him to the police station. It was decided to inject the "violent" offender with a sedative, and six officers entered his cell in order to immobilize him, and started beating the detainee. He died at the scene from the inflicted wounds. The ones who attempted to make the case public were the victim's parents, after the case had not received due attention from the authorities for two years.

In April 2013, Belgian media reported that two Brussels police officers are to stand trial over mutilation. The incident took place in August 2010, when the accused stopped three teenagers of 18–19 for document inspection. Having noticed a backpack on one of them, the policemen hit him in the face several times, and then started strangling him. They are also accused of putting pressure on two witnesses of the incident.

In June 2013, a Brussels court started trying a case of 13 policemen providing security at the Midi Station, who from January to November 2006 were abusing the illegal immigrants arrested there. Severe beatings and humiliation of the victims were uncovered only in 2010 thanks to a complaint filed by the police officers' colleagues to the General Inspectorate of the Belgian Federal Police.

On March 15, 2013, the NGO "Human Rights League" launched a Belgian "ObsPOL" web-site, where anyone can report being a victim or a witness of police brutality. On the same day Brussels saw a massive

demonstration against brutality and abuse of power by law-enforcing authorities, which have recently become more frequent.

A problem that is still urgent is that of the degradation in Belgian penal system and widespread human rights violation in local prisons.

After a year and a half, the situation in the Brussels Forest prison, infamous for overcrowding and poor detention conditions uncovered by Belgian press reports in spring 2012, not only didn't improve, but even deteriorated. A problem, that arose in addition to the already known overcrowding, building dilapidation and failing to meet sanitary and epidemiological requirements and elementary hygienic rules, is that due to the prison's tight budget the prisoners do not receive adequate nutrition.

In July 2012, the then mayor of the Forest municipality M. de Galan issued a decree temporarily prohibiting the police officers to place three or four prisoners in a double-cell. The prison was overcrowded and already couldn't provide fair conditions for the inmates. M. de Galan's successor upheld the decree, and even prohibited admitting new inmates after June 20, 2013. Now the prison with the capacity of 405 people contains 660 inmates.

The Lantin prison is in the same dire condition. The Supervisory Board of the Prisons (an independent entity in the penal system administration) concluded that its detention conditions do not meet the set requirements, and that there are 654 inmates for 342 cells. The situation is exacerbated by shortage of prison staff. Specialists describe the situation as "unacceptable and alarming".

The number of prisoners in Belgium is growing steadily. On December 17, 2012, it amounted to 11,969 people (increased by 7 percent compared to 2011) – a record the experts predict to be beat in 2013. The most overcrowded prisons are as follows: the Dinant prison (overcrowded by 72 percent ), the Forest prison (by 65.1 percent), the Namur prison (by 47.6 percent), the Lantin prison (by 45.6 percent), the Jamioulx prison (by

42 percent), the Mons prison (by 39.5 percent), the St. Gilles prison (by 38 percent), the Nivelles prison (by 35.2 percent). The Belgian Government is planning to solve this problem by opening three new prisons: in Marche-en-Famenne (November 2013), in Beveren (February 2014) and in Leuze-en-Hainaut (July 2014). It is also planning to extend the cell-renting contract with the Tilburg prison (the Netherlands), and finish the construction of the forensic psychiatry centre in Ghent in May, 2014.

On January 10, 2013, the European Court of Human Rights (ECHR) satisfied a complaint concerning the Belgian authorities' inappropriate treatment of a man declared insane but kept in the Leuven prison. It turned out that Belgian mental institutions often refuse to accept such patients under the pretext of their being too dangerous both for the staff and other patients. Belgium is accused of violating Article 3 of the European Convention on Human Rights (inhuman or degrading treatment or punishment), as well as Article 5 paragraph 1, that stipulates protecting individuals from unlawful detention. Now, 10 percent of Belgian inmates suffer from psychological disorders and need special treatment.

In May 2013, the Belgian Justice Commission of the Chamber of Representatives adopted amendments to the legislation aimed at improving security in the country's prisons. The bill has repeatedly been criticized by such NGOs as the "International Prison Watch" and the "Human Rights League" for its provisions on strip searching the prisoners and for aggravating detention conditions. In the opinion of human rights activists, it may lead to abuse on the part of prison staff.

On October 23, 2013, in reply to a collective complaint from several Belgian human rights organizations made in 2011, COE's European Committee of Social Rights accused Belgium of being unable to provide minor illegal immigrants with decent living conditions on their territory. It exposes them to the dangers of abuse, exploitation, and inaccessibility to medical, legal and

social services. According to the coordinator of the NGO "Platform for minors in exile", the number of minor illegal immigrants in Belgium is growing steadily, from 258 in 2010 to 612 in 2012. Belgium is accused violating the rights guaranteed to them by the European Social Charter.

The data of the Organization for Economic Co-operation and Development (OECD) shows that due to the ethnic discrimination in Belgium unemployment among immigrants is 2.6 times higher than among those born in Belgium. The level of unemployment depends on the immigrants' place of origin (Europe or other regions) and on their gender (unemployment among women is 2 times higher). Besides, immigrants are much more often occupied in low-skilled jobs.

In April 2013, information about the ECHR condemning Belgium and obliging it to pay €5000 compensation to Firoz Muneer, an asylum-seeker from Afghanistan, who arrived in Belgium in the summer of 2009, appeared in the media. When the Aliens Office of the Federal Public Service Interior denied him asylum he refused to leave the country and was arrested for the period of the trial. Although his lawyer succeeded in releasing him, the authorities kept him under arrest for 4 months. Belgium is charged with violating Article 5 paragraph 4 of the European Convention on Human Rights (inhuman or degrading treatment or punishment), stating that "the lawfulness of detention shall be decided speedily by a court".

An issue that remains pressing in Belgium is that of increasing xenophobia and intolerance towards people of a different race, nationality, or religion.

On May 20, 2013, the US Department of State issued a report on the rise of Islamophobia and xenophobia in Europe and Asia. As in 2012, the document mainly focuses on a law banning burqa in public places.

In March 2013, a new public platform, "Muslim Rights Belgium", issued the "White Book" report on discrimination against Muslims in the French-

speaking part of Belgium. The document reviews 576 cases, in 61.8 percent of which the targets of discrimination are women, and in 62 percent – young people under 30. It shows that the most common forms of discrimination are verbal abuse and hate speech in media and Internet, as well as employment discrimination when applying for job or internship (33 percent). In 3 cases out of 4 the victims do not report such instances to the police.

In the same month, the European Network Against Racism (the ENAR) advised Belgium to install surveillance cameras in commissariats and police cars "to combat the increased discrimination against Muslims" on the part of the security forces. According to the ENAR, racism in Belgium is increasingly taking the form of Islamophobia, especially in the spheres of employment, education and access to public services. In 80 percent of cases the discrimination is targeted against Muslims.

On May 24, 2013, Cindey Meul and her partner, a former Israeli tennis champion Ruth Sverdloff, were attacked by their neighbours in Aartselaar. The couple stated that the neighbours shouted anti-Semitic insults, and that the police officers, who arrived at the scene, took the side of the attackers. On July 1, 2013, the victims filed a complaint to Antwerp prosecutor's office and to a parliamentary Committee P monitoring the police. Last year, the Centre for Equal Opportunities and Opposition to Racism registered 88 Anti-Semitic incidents while two years ago they were 57. In mass media the representatives of the Jewish Community admit an increase in threats and other types of pressure.

On April 16, 2013, the Court of Justice of the European Union issued a ruling stating that the Flemish Decree obliging an employer and an employee to draft all employment contracts in Dutch (declared null and void otherwise) is contrary to EU legislation, infringing freedom of movement for workers.

At the end of April 2013, the Belgian press reported that the Flemish authorities officially prohibited the region's civil servants from using any language other than Dutch for public appearance in media and social networks under the threat of severe disciplinary action.

In June 2013, four French-speaking residents of the Brussels Periphery, with the support of the "Francophone Democratic Federalists" party, lodged a complaint to the UN Human Rights Council aimed at attracting attention to the discrimination they constantly suffer due to being part of the French-speaking linguistic group. What the complaint concerns are: three fourths of books in the libraries of the municipalities adjacent to the capital being in Flemish (while 80 percent of their population is French-speaking), the limitations on home buying and renting for those who don't speak Dutch, and the ban to use French in everyday communication in the streets and public places. The complainants indicated that the International Covenant on Civil and Political Rights of 16 December 1966 is violated in the Flemish part of Belgium and expressed their hope for the complaint to be taken into account while monitoring Belgium's implementation of the recommendations within the framework of the UN Human Rights Council's Universal Periodic Review.

## **Bulgaria**

The situation in the area of human rights in Bulgaria as a whole remains difficult, and a number of key aspects show a tendency to deteriorate.

The early parliamentary elections which took place in the country in May 2013 "revealed" serious problems with the electoral rights compliance. In addition to the registered facts of vote-buying, which have already become traditional, 350 thousand ballots – presumably destined for fraud during the elections – were found this time on the eve of polling day.

The situation with refugees aggravates. As reported by human rights NGOs, about 1,400 immigrants (a large part of them from Syria) entered the country only last year, while the total number of places in the existing special institutions for their accommodation makes altogether 400. As a result, some of them remain on the street and live in misery; others are accommodated in an unacceptable congestion. The same situation is observed in Bulgarian prisons where the "overpopulation" – in Burgas, for example, – reaches 200 percent.

In spite of Bulgaria's accession to the UN Convention on the rights of persons with disabilities in 2012, their situation remains deplorable. According to the Bulgarian Agency for Persons with Disabilities, the main pain spot in this area is the access of persons with disabilities to public buildings. Special ramps for them for the most part are either non-existent or do not work. In addition, about 10 percent of 500 thousand persons with disabilities living in Bulgaria only are employed.

The Bulgarian Prosecutor's Office investigates circumstances of gross violations of the right to privacy, inviolability of correspondence and telephone conversations made by the Ministry of Interior of Bulgaria under the direction of Ts. Tsvetanov when the party of "Citizens for the European development of Bulgaria"(CEDB) was in power from 2009 to 2013. According to the charge brought against the ex-minister he encouraged a wide range wire tapping

of local politicians, businessmen and journalists by his subordinates.

The problem of police violence remains topical. Many cases of the excessive use of force by the police officers during the February (2013) anti-Government civil protest actions were registered.

The national and religious minorities are still victims of discrimination. Thus, about 10 percent of the country population are ethnic Turks who traditionally are not allowed to be recruited in the Ministry of Interior, the judicial system and the Prosecutor's Office. According to the estimates of the political party "Movement for Rights and Freedoms" representing the interests of this particular group of population five thousand Turks were wrongly fired in almost four years of the GERB administration.

In September 2012, the court of Pazardzhik heard a criminal case against 12 imams and muftis on charges of preaching radical Islam. Taking into account that the concrete evidence of their involvement in dissemination of anti-democratic ideology has not been charged yet (the legal proceedings were significantly delayed, the case is regularly adjourned), the Bulgarian human rights defenders – first of all, the Bulgarian Helsinki Committee – insist that in this case we see the attempts of authorities to reduce freedom of belief of the Bulgarian Muslims.

There is a widespread xenophobia in daily life of the country. According to the results of the Swedish sociologists N.Bergena and T.Nilsson study published in May 2013 the Bulgaria population nourish the most negative sentiments in Europe to members of other races. Thus, about 30 percent of respondents expressed unwillingness to live next to the black or Asian people. It was noted that more than a half of Bulgarians of Slavic origin negatively treated local Roma.

Manifestations of neo-Nazism and racial intolerance in Bulgaria are quite often demonstrated by football fans. The most known grouping of this kind is supporters of the soccer club "Levski". One of their worst recent actions

was the celebration of Hitler's birthday on April 20, 2013, during the match with the participation of this team when banners with the relevant content and flags with the Nazi symbols were unrolled at the stands. Fans regularly "decorate" walls of the streets of Sofia and other large cities with the swastika. There have been cases of beatings of foreigners with different skin colour. According to the local human rights organizations, in particular, the Bulgarian Helsinki Committee, the management of the "Levski" FC does not pay due attention to the behaviour of their fans and in fact indulges such excesses.

Recently many nationalist parties drastically intensified their efforts at the background of the difficult social and economic situation of Bulgarians. The most known of them – the "Attack" – as a result of the early parliamentary elections of May 12, 2013, passed to the National Assembly and won there 23 of 240 seats. This political grouping made itself notorious for its hard-line anti-Turkish and anti-Muslim actions (in particular, the "Attack" provoked a clash with Muslims in front of the Sofia mosque in 2011). A relatively high result at elections was shown by the "National Front for the Salvation of Bulgaria" whose leader Valeri Simeonov is the owner of a TV chain SKAT which actively promotes nationalist and patriotic ideas sometimes close to radicalism.

The annual organization of a neo-Nazi torchlight procession in Sofia in the memory of the general H.Lukov famous for his fascist-like ideas (a so-called "Lukov-march") raises concerns. In spite of the multiple human rights defenders protests including those coming from abroad and from the local political and religious organizations, it was never banned by the capital authorities (the last event took place in February 2013).

The endless acts of vandalism against the Russian military monuments and cemeteries also raise concerns. An act of desecration of the graves of participants in the Russian-Turkish war of 1877–1878 was registered at the 91<sup>st</sup> site of the Sofia Central cemetery at the end of 2012. The outrageous graffiti were put on the base of the monument to the Soviet Army in Sofia in June 2013.

## **United Kingdom**

The British Government strives to maintain its image of a leading nation in observance of human rights. However, according to a number of high-profile NGOs, numerous human rights violations are still recorded in the country and beyond with all the responsibility for them falling on the British authorities. Both British and foreign nationals under the UK jurisdiction become victims of abuse.

Given the special character of the national legal system, international conventions do not have a direct application in the British territory. People who seek protection of their rights in the country cannot directly refer to human rights instruments, except for the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950 incorporated through the Human Rights Act of 1998. The UK has not yet ratified a number of significant human rights treaties, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990, the International Convention for the Protection of All Persons from Enforced Disappearance of 2010 and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights of 1966.

Cases related to the violation of human rights which provoked the greatest public response in the UK in 2013 were as follows:

The so-called Al-Sweady inquiry (named after one of the killed Iraqi captives) was set up in conjunction with the allegation that British soldiers had murdered 20 and tortured 5 other Iraqi captives in May 2004 at Camp Abu Naji military base. The counsel to the inquiry Jonathan Acton Davis QC is to examine the materials available till the end of the year.

The British NGO Centre for Social Justice accused the British authorities of failing to respond adequately to challenges related to human trafficking in the United Kingdom. According to official reports, the year 2012 saw 1.2 thousand

victims of trafficking in the UK. Human rights activists say these figures have nothing to do with reality.

In January 2013 the British Government decided to pay £2.3 million in compensation to Sami al-Saadi, a Libyan citizen, in exchange for a withdrawal of his lawsuit claiming for the illegality of his rendition to Libya by the British in 2004. In this regard, Human Rights Watch, an NGO, once again raised the issue of responsibility of the then UK top-ranking officials for links with Gadhafi's regime.

The House of Commons rejected the Bill submitted by the British Ministry of Justice to introduce the practice of closed court hearings, at which, subject to the respective Government's decision, only the judge would have access to classified information used by the prosecution or defence. While the initiative meets the interests of local intelligence services and enjoyed the support of several high-ranking politicians, it attracted, however, a widespread criticism, including from the police. In fact, it constituted a potential violation of the right to a fair trial.

In January 2013, the European Court of Human Rights found the British Airways, a British airline, guilty of violating the rights of its employee Nadia Eweida by prohibiting her from wearing a Christian cross on a necklace claiming it was at odds with the company's dress code. The ECHR found that the ban violates Article 9 of the European Convention for the Protection of Human Rights and Fundamental Freedoms which protects the right to freedom of thought, conscience and religion. At the same time the court found no violation of religious rights or discrimination with regard to three other British Christians whose cases had been examined together with the Nadia Eweida's claim.

The UN Committee against Torture criticized Britain for its actions during the so-called war on terror when the British military in Iraq indulged in inappropriate behaviour toward prisoners. The Committee identified 40 isolated

cases and required that British authorities investigate them and take action.

Apart from the situation in Iraq, the Committee voiced its concern over the continuing deportation of Tamils to Sri Lanka where they face torture and unfair trial.

The UN paid special attention to the very low minimum age of criminal responsibility in the UK (currently 10-year age) and expressed concern over the situation in Northern Ireland.

Reacting to the criticism by the Committee against Torture, Baroness Warsi, Senior Minister of State at the Foreign Office, said that Britain had always opposed the use of torture, no matter where in the world. In their turn, leading human rights NGOs, including Amnesty International accused her of hypocrisy and called on the British authorities to abandon attempts to hide the evidence of crimes committed by the British military.

The NSPCC, a British NGO protecting the rights of children, expressed concern over the inadequate response at the UK governmental level to the challenges associated with illegal female genital mutilation. According to the human rights activists, up to 20 thousand underage girls in the UK may be subject to such surgery popular with some Asian and African cultures. In late June, the NGO announced that it would launch a female genital mutilation hotline. The human rights activists have declared their intention to work together with the police to prevent such illegal procedures.

ECDN (End Child Detention Now), another British NGO engaged in child protection, continues to criticize the British government and Nick Clegg, Deputy Prime Minister, in particular. The human rights activists are annoyed that, contrary to the official statements, minors continue to be kept in immigration removal centres. The total number of children placed in deportation centres in 2013 amounted to 37. They were frequently cut off from their families and placed in centres for adults.

October 2013 saw yet another scandal involving immigration detention

centres. Two employees were dismissed from the Yarl's Wood centre over allegations of sexual abuse of a woman kept in the centre. The inspection carried out at the centre failed to reveal evidence of massive violations on the part of the staff. However, it was recommended to significantly increase the number of female employees to prevent similar incidents in the future.

The Organization for Economic Cooperation and Development (OECD) initiated an investigation into Gamma International, a British company, based on allegations of human rights violations. The company has been accused of developing and selling to a number of states special software used to spy on citizens and monitor their social media activity. The accusations against the company were first put forward in February 2013 by a number of Bahraini human rights organizations.

According to the revelations made by Edward Snowden, the former contractor of the American National Security Agency, British intelligence agencies did not shy away from eavesdropping on their own citizens, as well as on foreign delegations during major international events held in the UK. British Telecom, Vodafone Cable, Global Crossing, Verizon Business, Level 3, Viatel and Interoute engaged in these activities and colluded with Britain's Government Communications Headquarters (GCHQ) in its Tempora secret programme. They provided unrestricted access to fibre-optic cables which transmitted data about phone calls, emails and Facebook accounts of its users. This enabled the GCHQ and NSA to collect and examine information on online activity of millions of Internet users.

Against this backdrop, the British media vigorously discussed a series of confessions related to illegal methods of spying on British citizens, which were made by former British intelligence staff and the police.

British authorities tried to put pressure on the "Guardian" newspaper after it had published a number of exposés on the basis of the material provided by Edward Snowden. According to media reports, the "Guardian's" management,

in particular, was required to destroy hard drives of the newspaper's computers because they could contain data provided to it by Edward Snowden.

At public hearings held in the European Parliament Committee on Civil Liberties on September 5, 2013, the Guardian's editor in chief Alan Rusbridger told that the British authorities had urged him to stop publishing Edward Snowden's revelations and openly intimidated his staff. Alan Rusbridger appealed to MEPs calling for the protection of free journalism and emphasized that freedom of expression in Europe was currently under threat, including due to the lack of necessary legal instruments.

These events were preceded by the incident at the Heathrow airport when British intelligence agencies detained David Miranda, a Brazilian citizen and the partner of the Guardian journalist Glenn Greenwald. On the pretext to determine whether he was involved in terrorist activity, the Brazilian was interrogated about his partner's journalistic activities and those of other reporters he knew for about 9 hours before being released without charge. During the interrogation, his portable means of communication, data storage device and laptop were seized from him.

According to the Independent newspaper's investigation, since 2010 the Home Secretary Theresa May has revoked passports of 16 British citizens, three times more than under the previous Labour government. Most of them have been accused of having links with radical or terrorist organizations. At least five of them were born in Britain and one had lived there for 5 decades. These people are currently denied entry into the country; therefore, they will find it physically difficult to appeal against the Minister's decision.

The Nationality, Immigration and Asylum Act of 2002 entitles the Home Secretary to deprive dual nationals of British citizenship provided there are reasonable grounds to believe that they may undermine the security of the state. Upon the execution of the citizenship revocation order the person's passport becomes invalid, he/she is deprived of the UK protection and must apply for

a visa to enter the country. All of this allows officials to actually forget about its citizens whom intelligence agencies suspect of being involved in terrorist activity. When abroad, such people can be illegally detained and tortured. Moreover, if a person is deprived of his/her citizenship, the British government is not obliged to intervene in case of his/her murder or rendition to a foreign power.

The British branch of Amnesty International has initiated a vigorous campaign in support of the Roma rights. It had been prompted by the regulation introduced by local authorities. The regulation prohibits the Roma (including Irish travellers) from setting up their camps in several areas of the UK, in the so-called green belt. The authorities are aiming to avoid repeat of the situation when Gypsies were evicted from Dale Farm in 2011 (once the largest Roma settlement in the UK).

In November 2013, the British Prime Minister David Cameron suggested reviewing one of the fundamental principles of the European Union – free movement within the EU – in order to restrict migration. According to David Cameron, the principle has led to large-scale migrations within Europe, thus it must not be "unconditional." The British authorities are particularly concerned that restrictions on labour migration from Romania and Bulgaria will expire on January 1, 2014, and Britain will see 50 thousand people coming each year from these new EU member states. According to David Cameron, Austria, Germany and the Netherlands (i.e. the countries in cooperation with which Britain intends to develop new principles of migration policy) also want to limit intra-European migration. In order to curb the influx of foreigners from other EU countries, David Cameron proposed such measures as reducing payments to unemployed migrant workers and depriving them of a number of allowances to which British citizens are entitled.

## **Hungary**

Hungary remains the subject of international criticism, including from the human rights organizations, because of the fact that a series of legislative acts recently adopted in the country contradicts the European Union standards and the values of liberal democracy.

In particular, a new Constitution of Hungary which entered into force on January 1, 2012 draws criticism. According to experts, the document does not fully correspond to European democratic criteria, because it upsets the "system of checks and balances" adopted in Western countries. It also contains references to "the great history of the Hungarian nation" and "the role of Christian values" in its formation.

Human rights activists draw attention to the lack of protection of fundamental human rights, first of all civil and social ones. In this regard, it was repeatedly proposed to the government of Hungary to add to the basic law the prohibition of death penalty, as well as to revise the procedure prescribed in the Constitution for adopting and amending the codes governing taxes, family policy, the system of pensions, etc.

The Venice Commission (VC) of the Council of Europe expressed its concern about the haste with which the document was adopted (only 5 weeks passed from the date of submission of the Constitution to Parliament for consideration till the final vote), as well as about actual non-participation of the opposition in discussing the document.

The human rights organizations raise questions about the so-called transitional provisions (made an inherent part of the Constitution as a "fourth package of amendments" on March 11, 2013) of the Basic law of Hungary adopted in December 2011, which declared the Hungarian socialist workers' party (HSWP) created by Janos Kadar in due time and its successors responsible for the "crimes of communism". It applies equally to the law, allowing to make senior staff of the HSWP and "the perpetrators of the Communist terror in

1956" accountable. Human rights activists view it as an attempt of the ruling party FIDESZ (Hungarian Civic Union) to deal shortly with the leading opposition force in the country, which is the socialist party.

The amendments to the law on pensions approved in the end of June 2012 are also being criticized. In accordance with these amendments, it is planned to reduce significantly pensions of former party and state functionaries of the Hungarian People's Republic epoch.

The Hungarian judicial reform roused censure because of the excessive power concentration in the hands of the Department of Judicial Affairs members and for the lack of an effective parliamentary control over its activities. In the resolution of the Venice Commission it was noted that the legal norms which were introduced in Hungary threatened independence of the judicial system of the country and prejudiced impartial justice system. Responding to the criticism, the government of Hungary has made a number of amendments to the law "On the organization and administration of courts and the legal status of judges". This law provides for a more clear distinction of competence between the heads of the Department of Judicial Affairs and the Council of judges.

In October 2012 the Hungarian Parliament passed a law on the registration of voters, which, in view of the opposition, may deprive hundreds of thousands of Hungarian citizens the right to expression of their will. According to this document, during the next general election in April 2014 voters will have to register personally or on the government web-site at least 15 days before the date of voting. According to the opposition, such registration conditions may present certain difficulties for voters in rural areas. Earlier the Hungarians were entitled to vote after presenting certain documents, proving their identity and address.

The law "On freedom of conscience" (approved by Parliament in summer 2011, the changes were made in December 2011) preserves religions which are officially recognized by the state. Only the number of provisions changed – now

there are 27 (14 in the original text). The obligatory re-registration of previously existing churches was abolished, their functioning was allowed, but without provision of cash grants. The process of registration, which in the opinion of experts remains difficult enough, still should be carried out not by courts, but by the Hungarian Parliament on the basis of submission by the Minister of social resources (church affairs fall under his competence). The registered religious organization is obliged to act on the territory of Hungary at least 20 years, to have a charter, an elected governing body and at least 1,000 followers (earlier it was required to have at least 100 followers), who confirmed in writing their belonging to such an organization and have permanent residence in Hungary.

There is a complicated situation with the right to freedom of speech in Hungary. Opposition parties, the EU and international human rights NGOs raise the issue whether the Hungarian law on mass media corresponds to the European Union standards. In this connection, a number of authoritative international NGOs, including "Amnesty International", "Freedom House", "Reporters without Borders", the European Federation of Journalists, etc., released a communiqué urging the EU to put an end to the interference of state in the work of mass media and to protect the freedom of speech in Hungary. As a result, the Hungarian government softened a number of provisions of the law "On the right to the dissemination of information and freedom of exchange of information". However, the procedure for forming authorities to control the activities of mass media, which means the advantage of the ruling party representatives, has not been changed.

The problem related to the Roma situation remains urgent. Still the vast majority of Roma has low social status and undergoes, according to human rights activists, various forms of discrimination. Currently, only one-fourth out of 400 thousand able-bodied Roma has earnings. As a rule, they do low-paid work, which is seasonal or temporary. The Roma are the first candidates for dismissal and, often, cannot achieve the reinstatement of employment. The

living standard of the Roma national minority is significantly lower than the national average one under all socio-economic characteristics. In particular, the life expectancy of Roma is 10 years lower, two thirds of them suffer from chronic diseases. In recent years it has been noted a marked increase of various nationalist groups, which exploit anti-Roma rhetoric, as well as public anti-Gypsy statements by officials and mass media has become frequent.

The problem of anti-Semitism, coupled with the rise of extreme right sentiment among the population, remains urgent. According to Western NGOs, over 150 acts of anti-Semitism were recorded in 2011–2013. Previously, hate crimes have included desecration of Jewish cemeteries, religious buildings and objects of ownership, but nowadays attempts of physical violence against Jewish religious and community leaders are becoming more and more frequent (the incident with the beating of Josef Schweitzer, a 90-year old rabbi, that took place in Budapest in 2012, sparked public outcry).

International and Hungarian NGOs periodically report excessive use of force by law enforcement agencies against detainees and remand prisoners. Herewith, the Roma are primarily at risk (there was a number of cases of ill-treatment of detainees by the police in 2013).

The state of the country's penitentiary system rouses censure of international human rights organizations. Hungary is criticized for overcrowded prisons, poor (by European standards) food supply to prisoners and long periods of detention during the pre-trial stage.

The Hungarian government recognizes the existence of problems in the human rights sphere and declares its readiness to cooperate with the European structures and international human rights organizations with a view to resolving these problems.

## **Germany**

The universal development of human rights and freedoms in Germany and their protection is officially declared as a central task of the German domestic and foreign policy. Berlin attaches great importance to the established international cooperation formats in this area, in particular, to cooperation within the UN and the Council of Europe and recognizes the importance of collaboration with civil society, especially, with the various NGOs. The human rights standards developed by the UN and the Council of Europe are generally incorporated into the legislation of Germany.

The fundamental rights and freedoms of the individual and the citizen are protected by the Basic Law (constitution) of the country and by basic legal acts regulating the fundamentals of the German public order. However, the legislation and law enforcement practice of the German state provide for a very hard response to the challenges to the fundamental principles of the German legal order. To this end, security services and law enforcement agencies wield significant power, including the right for various kinds of intrusions into the private sphere under the pretext of security.

A member of the UN Human Rights Council for 2013–2015, Germany believes in the ultimate responsibility of this body for human rights in the world and attaches great importance to its universal periodic reviews. The review of Germany in April 2013 identified a number of shortcomings in the human rights sphere, including growing racist and xenophobic sentiments in German society, the deficiencies of the law enforcement system in this area, and complicated situation of migrants and refugees, and recommended to intensify efforts to combat trafficking in human beings.

Germany, like other members of the EU, continues to use human rights issues to put political pressure on third countries and is traditionally reluctant to accept such criticism. Human rights violations in Germany are reported

infrequently and unsystematically. The criticism is usually articulated by non-governmental organizations. At the official level, this information is often kept from the public, while the leading German media show great reluctance in providing even fragmented coverage of it.

It is worth noting that the provisions of the Russian legislation that have recently caused a storm of criticism from German authorities and human rights community do exist in the German law in one form or another. In particular, there is a mechanism to ensure full transparency of the structure and funding sources of non-governmental organizations, based primarily on financial measures. In practice, this means that any refusal to provide relevant authorities with any information about the activities of NGOs (far beyond that provided in its annual report), including regarding the sources and amounts of funding, is very costly in every respect, especially in the financial one. Germany also has an effective system of control over the activities of NGOs, established by the Special Law on Regulation of Public Rights of Associations of 1964 (*Gesetz zur Regelung des öffentlichen Vereinsrechts*). One of its key components is the right of the Federal Ministry of the Interior to prohibit NGOs, whose goals and activities are contrary to the provisions of the Criminal Code and foundations of Germany's constitutional order. It is also worth noting that the Minister takes this decision on his or her own without any judicial procedure.

Despite the aggressive propaganda of homosexual love within the European Union and fierce criticism of third countries for alleged violations of sexual minority rights, it would be wrong to believe that the Germany's legislation in this area is free from discrimination and its society is completely tolerant. Facts show that cautious and negative attitudes towards members of the LGBT community, including homophobia, are widespread in the German society. Thus, according to the MANEO-Hotline German Human Rights Centre, in 2012, in Berlin considered the most tolerant towards sexual minorities in Germany, there have been registered 474 attacks against members of the

LGBT community, with 461 and 456 attacks in 2011 and 2010, respectively. Police were able to find the homophobes only in one out of three cases. The said Human Rights Centre estimates that the registered cases constitute only about 10 percent of their real overall number. In some federal states (Hamburg, Hesse, Mecklenburg-Western Pomerania), there are legal provisions allowing for compulsory medical examination (at the suggestion of the police) for AIDS and hepatitis of everyone in the so-called risk group, which directly includes homosexuals (the first in the list), drug addicts, homeless people, and foreigners. Furthermore, the homosexuals are prohibited from donating blood and those, who misrepresent to doctors, face charges based on the severity of consequences.

A number of prominent German lawyers believe that Germany's current legislative regulation cannot strike a balance between the freedom of speech and respect for religion, as it is based on the subjective assessment of each case. There is an article in the Criminal Code of Germany, according to which the misconduct in churches, mosques and other religious institutions may be punished by a fine or imprisonment for up to three years depending on the severity of the offense.

Germany has not fully implemented a number of important international legal human rights instruments. It has not yet ratified the UN Convention against Corruption signed on December 9, 2003, as the German law in this area does not meet the standards set out in the Convention. Only government officials are punished for taking bribes, while Bundestag deputies can receive remuneration from business representatives and individuals for lobbying their interests with only the direct purchase of votes being prohibited. MPs are not willing to put themselves on a par with government officials and emphasize the need for freedom of contacts, including in the business environment. This situation also enables the provincial parliament deputies to avoid the responsibility for receiving presents. There are relevant examples from judicial

practice. Transparency International believes Germany's unwillingness to ratify the United Nations Convention significantly harms its image. Representatives of the German business community share this view. Germany has also failed to ratify the Council of Europe Criminal Law Convention on Corruption, which it signed on January 27, 1999.

Germany has not implemented the EU Directive on Preventing and Combating Trafficking in Human Beings and Protecting its Victims (the implementation period ended on April 5, 2013), due to inconsistent approaches of the relevant German ministries (the Ministry of Justice, Ministry of the Interior and the Ministry of Family, Seniors , Women and Youth). Local human rights experts emphasize that this situation puzzles the European Union officials, to say the least. Germany's law sets forth an unreasonable strict approach to the victims of trafficking. What is particularly harshly criticized is the fact that the victims of trafficking are only granted permission to stay in Germany if they agree to give court testimony against criminals (for example, no such requirements in Italy or the Scandinavian countries), otherwise they risk deportation for violating immigration rules. A rather liberal approach to prostitution (which is legal in Germany) is also a subject of some controversy, especially regarding the Prostitution Law of 2002. German experts and human rights activists are expressing concerns that due to the current situation, Germany can easily become a fertile oasis for human trafficking within the European Union.

Experts note a lack of effective monitoring mechanisms in the juvenile justice system. German lawyers agree that in fact none of the legal acts of the Germany's federal states governing juvenile justice issues (in Germany, the federal states have authority over the juvenile justice) meet international legal standards enshrined in the UN Convention on the Rights of the Child (Germany made a reservation stating that the provisions of this instrument shall not be directly applied to the Germany's bodies before the adoption of the relevant

federal legislative acts), as well as in the Principles of Criminal Procedure adopted in 2006 by the Council of Europe.

Experts primarily point out that Germany has failed to comply with the provision of the UN Convention on the Rights of the Child, according to which the prosecution and detention of juveniles shall be governed by special legal acts and not be a part of the general criminal legislation (as it is, for example, in Bavaria and Lower Saxony).

Germany also generally ignores the principle, which is considered inherent in the human rights standards of the Council of Europe, that the key purpose of juvenile justice is to re-socialize the juvenile offenders, not to protect society from criminal acts (as it is the case with adult offenders). German experts believe that this principle is extremely important for further regulatory development regarding the service of sentence by juveniles, particularly, in terms of ensuring their rights to education, work and subsequent socialization.

Experts also emphasize the lack of proper regulation of detention conditions for juveniles. All the federal states have adopted rules mandating separate serving of the sentence and accommodation for adult and juvenile prisoners. However, these rules are generally only applied to male prisoners, while female ones (representing a very small fraction of juvenile offenders serving sentences) can be accommodated in general women's correctional facilities. German lawyers believe that it violates the principle of non-discrimination established by the UN Convention on the Rights of the Child among other legal instruments. Moreover, the relevant legislative acts of the federal lands do not regulate the size of cells for juvenile prisoners. The acts only point out that "their human dignity is to be respected". Only Baden-Württemberg set out the standards, but only for the newly constructed correctional facilities.

German experts are also drawing attention to the underdeveloped issue of sanctions against juveniles serving sentences. In accordance with the

abovementioned Principles of 2006, the relevant domestic legislation should include a comprehensive list of disciplinary measures applicable to juvenile detainees. There are no such standards in Germany.

The deficiencies in the system of criminal prosecution of juveniles also include the trend prevailing in most federal states to minimize the non-custodial sentences, inadequate regulation of access to schooling and professional education and more rigid rules regarding visits and leaves in juvenile correction facilities compared with adult ones.

Practical implementation of the UN Convention on the Rights of Persons with Disabilities faces some serious issues, in particular, regarding schools for children with disabilities. As the federal states have the primary responsibility over schooling, the federal centre cannot supervise the implementation of the Convention. The children are being divided into "healthy" and "requiring special educational approach" categories with the process being affected by demographic reasons. At the moment, Germany's education system benefits from a larger amount of children "requiring special educational approach". There are about 3,300 special schools in Germany and with the total number of children decreasing they have to ensure that they have enough students. Moreover, there are no rules or standards for how teachers should divide the children into the above mentioned categories, which makes such decisions highly arbitrary. Over the recent year, parents have been increasing complaining that, to achieve a balance between the number of students in usual and special schools, teachers tend to place children that only might become difficult in the special category.

Despite Germany's legislation and judicial practice generally being in line with human rights standards, guardianship agency work is subject to serious criticism in Germany. Their activities are systemically criticized by expert community. Key reasons for that are the prevailing arbitrary assessments of the situation, lack of control over the activities of guardianship agencies, and

a significant amount of trauma and conflicts due to their improper interference in family affairs, as well as general lack of efficiency, caused primarily by gaps in preventive component, and sort of anti-family attitude. Experts believe that guardianship agencies are not always effective as family counsellors and advisors in judicial proceedings regarding the decision on the residence of a child. It is a widespread belief that guardianship agencies sometimes abuse their right to take a child from the family. They use it as a lever to put pressure on parents who can not agree about the residence of their children after divorce. Moreover, during the divorce proceedings, guardianship agencies often provide negative information about both parents which may push the court to remove the children from their parents and put them in a children's home or a special social family. There have generally been no reported cases of guardianship agencies violating Germany's law, but there are systemic practical deficiencies caused by arbitrary approaches of the guardianship agencies to their work and gaps in the government care for the social needs of citizens. These deficiencies are usually at the core of cases with forced placement under guardianship causing strong public response.

Political parties and the public heavily criticize the refugee conditions in Germany and legally established restrictions of their rights during the review of their asylum applications, which can take years. Such restrictions include the prohibition to leave a specific district of a particular federal state where the person was placed as well as the employment ban and limited access to education, adequate healthcare, etc. There have been some attempts to improve the regulatory framework and some federal states (for example, Hesse) significantly eased the movement for such persons. There is a long term goal to lift the prohibition to leave a specific district before the decision on the asylum application.

There are some issues with freedom of press in Germany. According to the Reporters Without Borders, the key issue is the decreasing diversity of

media caused by a significant reduction in independent editorial teams usually caused by financial reasons. For these reasons, some print media (for example, Financial Times Deutschland) have discontinued their operation in 2012. There are no competing publications in some regions of Germany, which adversely affects the quality of information and comprehensive coverage. German media are publishing an ever growing number of materials ordered and paid for by the business community and it is very difficult for a reader to tell them from those coming directly from journalists. Such commercialization of content is an alarming signal that shows lack of adequate conditions for real freedom of press. Experts also criticize the policies of large media holdings, in particular, WAZ-Mediengruppe and DuMont Schauberg Mediengruppe, which have started to create joint editorial teams for several media outlets since about 2009 resulting in the growing number of print media outlets that only differ in their names. In this regard, they also mention Axel Springer Publishing House well-known for its rigid editorial policy, which announced in October 2012 the merger of editorial teams of Die Welt, Berliner Morgenpost, and the Hamburger Blatt newspaper and plans of Rhein Main Publishing Group to complete the establishment of a single editorial team for the Wiesbadener Tagblatt, Wiesbadener Kurier, and Allgemeine Zeitung newspapers.

Expert community and NGOs also disapprove of informational work of Germany's government agencies. In particular, they emphasize the difficulties experienced by journalists trying to obtain information from government agencies, especially regarding slow processing of requests and high fees for such services. Moreover, five out of the sixteen federal states (Baden-Württemberg, Bavaria, Hesse, Lower Saxony, and Saxony) have not adopted FOI laws regulating this segment of public relations.

The factors that significantly impede journalist work in Germany include threats and pressure from radical groups, especially the right-wing extremists and Islamists, trying to influence the professional activities of journalists. An

organization “Reporters Without Borders” notes that there is an increasing amount of videos with such threats in the Internet. Another proof is the attack against the editorial office of the Lausitzer Rundschau newspaper in the Brandenburg federal state in May 2012 organized by the right radical groups as a reaction to a number of publications about them.

Despite the fact that Nazism in Germany is legally banned (the country prohibits any use of Nazi symbols and storage and distribution of Nazi literature, and criminalizes public Holocaust denial and incitement to violence motivated by racial hatred), right-wing sentiments seem to be firmly rooted in the modern German society and there are signs of increasing tolerant attitude towards the extreme right ideology.

Germany's authorities say that the brown plague must be stopped by democratic means and that the civil society must play a key role in it, and thus do not take serious prohibitive countermeasures provided for by Germany's legislation. As a result, radical parties can freely spread their ideas and even do it partially at public expense, as the German legal system provides for budgetary co-financing of political organizations. The National Democratic Party of Germany (NPD) (the most influential and active right-wing radical party) alone has received EUR 1.4 million in 2012 and this figure is growing from year to year (EUR 1.3 million in 2011, EUR 1.2 million in 2010, and EUR 1.1 million in 2009).

In 2011, the party was able to pass the qualifying threshold during the state election in Mecklenburg-Western Pomerania and to get seats in its parliament. It also has a faction in Saxony's parliament and is represented in a number of federal states at the municipal level. In December 2012, the German Bundesrat re-initiated the procedure to ban the NPD, but the initiative was not supported by the government and the Bundestag.

Germany's Federal Office for the Protection of the Constitution believes that there are 22,500 right-wing radicals partially united by 225 organizations,

most of them (157) are neo-Nazi groups uniting 6,000 people.

According to official statistics, 2011 saw 167 demonstrations and marches organized by right-wing radicals. They were generally timed to coincide with the bombing of German cities by Allied forces during World War II (one of the most popular marches is annually held in Dresden).

Local relevant authorities report that there are 9,800 right-wing radicals ready to commit violence and their number is growing from year to year. As a result, the number of such crimes in Germany remains high – 17,600 cases, including 720 involving bodily injury, as compared to, respectively, 16,800 and 699 in 2011.

In addition to the numerous so-called active structures, in Germany, there is also a network of organizations providing various assistance to right-wing extremists – from consulting and legal assistance in the case of prosecution (German Law Office) to the financial or other support for activists currently in prison (Help Organization for National Political Prisoners and their Families (HNG)). Another example is the cultural and political Society for Free Journalism founded in 1960 by former SS officers and NSDAP members that brings together about 50 right-wing journalists, editors, publishers, etc and specializes in relevant scientific, theoretical, and ideological studies.

German experts believe that the extremists known to the security services are only the tip of an iceberg. According to Friedrich Ebert Foundation, 15.8 per cent of East Germans and 7.3 per cent of West Germans share right-wing views (the country's average level is 9 per cent, 0.8 per cent higher than a year earlier).

The right-wing ideology in Germany is most often manifested in xenophobia. The said Foundation believes over a quarter of the population feels hostile towards foreigners, and 20 per cent are chauvinists. Xenophobia is particularly widespread in the East (39 per cent of population), as compared to the West (20 per cent). All these result in the growth Islamophobia, as nearly 60 per cent of Germans are wary of this religion.

In Germany, there are a steadily growing number of politically motivated crimes against immigrants (growth of 16.7 percent in 2011 and of 16.5 percent in 2012) with three thousand cases by 2012, including over 400 violent ones. The public attention is now focused on the trial of Beate Zschäpe, the only surviving member of National Socialist Underground (right-wing terrorist organization), which has recently begun in Munich. She stands accused of participation in 14 bank robberies and 10 murders with her victims allegedly including eight Turks, one Greek and one police officer.

In 2011, an independent expert commission prepared a report on anti-Semitism in Germany for Bundestag and came to a conclusion that this phenomenon was also deeply rooted and widespread in the German society. According to the commission, every fifth German is a hidden anti-Semite (for obvious reasons, it is not acceptable to publicly express such ideas in Germany).

The authors of the report indicate that, unlike right-wing radicals advocating classical forms of anti-Semitism, a considerable part of Germany's population are proponents of the so-called secondary anti-Semitism – the various phenomena resulting from the denial of guilt of the Germans for the crimes of the Nazi Germany. Its most characteristic manifestations are the idea that the Jews bear some of the blame for the persecution and the assertion that "the memory of the Holocaust is used as an excuse for financial extortions."

In 2012, the Federal Ministry of Interior recorded 865 cases of politically motivated anti-Semitic crimes with 21 people injured. It is worth noting that although 95 per cent of anti-Semitic acts are committed by right-wing radicals, incidents involving people of Arab or Turkish origin usually get the strongest public response. The most high profile recent incidents are attacks against Rabbi Daniel Alter (received several fractures) and Stephan Kramer, Secretary General of the Central Council of Jews in Germany.

Other anti-Semitic acts of neo-Nazis include the desecration of the Jewish cemetery in Kröpelin (Mecklenburg-Western Pomerania) in September 2012,

which inter alia provoked a statement by the Israeli Foreign Ministry. According to the police, Jewish cemeteries have been vandalised 29 times in 2012 and 612 times since 2000.

The story of Uwe Dziuballa, owner of Schalom, the only kosher restaurant in Saxony (Chemnitz), became well-known, as he has been a target of continuous aggression of right-wing radicals since the restaurant was opened in 1999. He received over 1,600 threatening phone calls, found a pig's head with a scorched star of David at the restaurant doors and swastikas painted on its walls, someone was breaking windows, puncturing car tires, etc. According to CURA Victims Support Fund (working under the auspices of the anti-extremist Amadeu Antonio Foundation), the total material damage to the Jewish businessman has exceeded EUR 40,000.

The relevant German NGOs criticize the police for insufficient efforts in solving such cases and disapprove of the classification system adopted by the Federal Ministry of Interior for politically motivated offenses. They believe that it helps to distort the real situation and to underestimate the key indicators. For example, according to CURA Victims Support Fund and the Courage Against Right Wing Violence web portal (a joint project of the Stern magazine and Amadeu Antonio Foundation), 183 people have died at the hands of right-wing radicals in Germany since the fall of the Berlin Wall, while the police statistics only show 63 victims.

## **Greece**

According to the experts' unanimous opinion, the human rights situation in Greece is becoming less satisfactory, primarily due to a deep financial and economic crisis in the country.

Observers consider violation of the rights of immigrants, most of which have illegal or semi-legal status, to be one of the most pressing issues in the human rights sphere in Greece.

According to the Greek Ministry of Public Order and Citizen Protection, about 1 million of illegal immigrants stay in the country now. Greek authorities have tens of thousands refugee status requests under consideration (foreigners may express the desire to obtain such status when crossing the Greek border). It takes a long time for the relevant Greek institutions to respond to such requests. As a result, even though de jure the process shall not take more than 3 months, in most cases it does, and applicants for refugee status automatically become illegal immigrants.

Pursuant to the government decision, there are 12 immigrant camps in Greece, where about 5 thousand people, including those who have applied for refugee status, are detained. The camps are located at former military bases; they are surrounded by barbed wire and guarded by the Ministry of Public Order and Citizen Protection. The maximum period of detention is 12 months. Recently, however, the detention duration was extended to 18 months. This led to a hunger strike in Amigdaleza detention center, during which some of the detained migrants tried to mutilate themselves, demanding their freedom.

The detention conditions often do not meet minimum requirements. Four police officers were injured and 50 migrants were sent to isolators during the mass riots that broke out on November 23, 2012, in one of the detention centers in the city of Komotini, northeastern Greece.

The establishment of such camps is often characterized by strong

opposition of local population, due to growing xenophobic sentiments among the Greeks. Since August 2012, the Greek police are implementing a programme called Xenios Zeus aimed at combating illegal immigration by detaining foreigners who do not have the proper documents.

At the same time, this program resulted in legal foreign citizens, including tourists, suffering police brutality. Human rights organizations more often accuse the Greek police of unpunished abuse of power and cruelty. In particular, Maro Savvopulu, representative the Greek office of Amnesty International, has drawn attention to this fact by noting that the police and security services use brutality on an on-going basis.

According to a report, published by this NGO in July 2013, the refugee rights situation on the Greek-Turkish border is complicated. In the nine-month period from August 2012 to May 2013 the Greek government has conducted at least 39 forced returns of refugees to Turkey (in most cases those were migrants from Syria, Sudan, Afghanistan, Palestine, Iran, Iraq, Somalia and Cameroon). According to Amnesty International, this is a regular practice on the Greek borders and in adjacent water areas.

Furthermore, the rights of legal immigrants in Greece are subject to revision. According to the decision of the State Council of Greece (being been the supreme judicial court) of November 13, 2012, the Law No. 3838 of 2010, providing that foreigners are required participate in local elections, was recognized as contradicting the constitution. As a result, 266,250 foreigners were deprived of suffrage. Among these foreigners were the nationals of other EU countries, which contradicts relevant EU directives. Statutory terms of granting Greek citizenship to immigrants and their children are being toughened.

The procedure for granting political asylum in Greece has been receiving criticism from the human rights activists. The main reasons for criticism are lack of information on the rights of migrants wishing to obtain this status,

untimely provision of the information, refusals to provide translators.

A positive step in solving the "immigration" issue was the creation of an independent political asylum service, which should take over some of the duties of the police regarding refugees and immigrants who have requested political asylum.

Cecilia Malmstrom, the European Commissioner for Internal Affairs, who had visited Athens on May 14, 2013, noted a "significant progress" in addressing the immigration and political asylum issues. However, according to Mrs. Malmstrom, the state of affairs in this area does not yet meet European standards.

Greece sees the increase in the number of race, religion and ethnic based hate crimes. During 2012, human rights activists representing the Racist Violence Recording Network recorded 154 attacks on foreigners, including those that resulted in heavy physical injuries. In three of those cases, the victims were the EU citizens; the rest were immigrants from third countries. In 91 cases, persons who have used violence against foreigners have been linked to extremist groups.

In this regard, the rise of popularity of the extreme right party Golden Dawn (Chrisi Avgi), whose members, according to the Greek police, have been involved in a number of hate crimes, is indicative.

During general elections held in May 2012, its representatives entered the parliament for the first time in the history of modern Greece. During special elections held in June 2012, the party won 18 parliamentary seats. However, the increase in the number of Chrisi Avgi supporters slowed down by the summer 2013. On September 18, 2013, a demonstrative murder of Pavlovs Fissass, a Greek antifascist and a musician, by one of the party's members led to a sharp drop in the party's popularity.

N. Mihaloliakos, head of the party, and 20 of its members (including members of the parliament) were arrested and detained. They are charged with various criminal offenses, ranging from murder to laundering of illegally obtained funds.

On October 22, 2013, the Greek Parliament voted for an amendment for deprivation of public funding of political parties, whose members are involved in crimes. According to observers this step is primarily aimed at restricting the activities of Chrisi Avgi.

Nils Muiznieks, Council of Europe Commissioner for Human Rights, expressed concern regarding situation with immigrants in Greece. He has repeatedly called for a ban of Chrisi Avgi.

Acknowledging the seriousness of the situation, the Greek government authorities created a service aimed at combating race and ethnic-based violence. They are designing an "antiracial law", providing the responsibility for incitement to race, ethnic or religion-based violence.

There are other human rights related issues in Greece as well. Among them are the restrictions of freedom of speech and religion, anti-Semitism, human trafficking, restrictions on freedom of self-identification of some minority groups, as well as discrimination and social isolation of officially recognized so-called Muslim minority in Thrace. There are also violations of socio-economic rights, the opacity of the judicial system and high levels of corruption.

## Denmark

In Denmark, still contradictory is the situation of safeguarding rights for refugees and displaced persons, preventing racism and intolerance to foreigners, social integration of immigrants, and other human rights issues. Danish and international human rights defenders have repeatedly stated about major problems with observance of human rights, freedoms, and democratic standards in "perfect" Denmark.

Experts from national and international human rights organizations note persisting xenophobic sentiment in the Danish society, in particular, discontent of natives of Denmark with immigrants from Muslim countries. In this regard, members of ultranationalist group Danmarks Nationale Front – DNF (Denmark's National Front) held a rally against construction of mosques and Muslim culture "implanting" at the central square of Roskilde, in October 2013.

On the other side, increasing aggression of Muslim groups evidently does not fit in the framework of political correctness and tolerance which are fundamental for the current model of social structure. February 2013, in Copenhagen, there was an assassination attempt against L. Hedegaard, president of Free Press Society and publisher of an anti-Islam weekly newspaper, who earlier had been held administratively liable for extremist remarks against the Islamic community of Denmark. Officials' comments and statements almost unanimously relate the assassination attempt against L.Hedegaard to his position of an implacable opponent of Islam dogmas.

The Danish People's Party (DPP) (Dansk Folkeparti, DF) is still the most active mouthpiece of xenophobic sentiment; its leaders repeatedly criticize the government for "laxness in implementation of immigration policy with regard to foreigners". According to DPP, most of immigrants do not seek to integrate into the Danish society and adopt traditions and norms of conduct, becoming "a burden for Denmark". Notable was the statement of DPP speaker

M.Henriksen who in June 2013 called the party coalition to confer exclusive powers on the police to take decisions on immediate deportation even for petty offence of citizens of East European countries who do begging in the streets of Danish cities.

Expert community expresses concerns about the growth in popularity of Danish Defence League (DDL) in Denmark, an extreme right organization which opposes the Muslims. This organization, established in 2011, currently numbers more than 1,000 active members and already has branches in 10 major cities of the country.

Human rights defenders denote existing ambiguity in actions of the Danish authority in combating human trafficking. Information on the destiny of one of the victims of this type of crime - a 20-year old Omo Amenahakawon from Nigeria - attracted public attention in Denmark. Despite her active assistance to law-enforcement authorities in identifying persons implicated in human trafficking on the Jutland peninsula, and threat of life in case of return to Nigeria, the Danish authorities deny her asylum; intending to deport her with her one-year-old child. This situation, according to human rights organizations, is especially outrageous in light of the 2013 Trafficking in Persons Report of U.S. Department of State issued in June 2013. Denmark traditionally has a privileged position in “the white list” of so called first category (Tier 1 ranking) countries whose authorities efficiently implement standards of combating human trafficking.

The policy of Danish authorities regarding refugees and displaced persons, in particular, from Somalia, is rather contradictory as well. The Danish Refugee Council, despite protests of human rights defenders and estimations of the Office of the United Nations High Commissioner for Refugees (UNHCR), believes that the level of violence and danger in this country currently reduced so much that it allows not to grant asylum to refugees arriving from Somalia. According to Amnesty International NGO, Danish immigration authorities deny

asylum to applicants from Uganda whose lives are in danger in their home country due to their different sexual orientation, reasoning that applicants under this category "just should hide their sexual identity". In general, according to Eurostat's data for 2012, among EU countries Denmark had the 8<sup>th</sup> largest number of applications for asylum granted by the authorities.

Ethnic and religious animosity incidents between Jewish and Muslim communities are still often, they are mostly typical for areas of their compact settlement. According to the biggest Jewish community in the country Det Mosaisk Trossamfund (Moses Religious Society), in 2012, 37 cases of anti-Semitism were recorded in Denmark. In this regard, the Israeli Embassy in Copenhagen and local Jewish organizations recommend Jews to refrain from demonstration of objects indicating their confession in public places.

According to the recent data of the Danish Security and Intelligence Service (PET), in 2011, the police recorded 195 religious and racial hate crimes. Besides, as human rights defenders note, not all cases of ethnic and religious confrontation are included in the official police statistics on these types of crimes.

As PET noted, online mass media and social networks are increasingly used by Islamic militants to radicalize attitudes of the Muslim youth in the country and disseminate extremist ideology and propaganda.

In this context, PET informed that around 60 Danish citizens (presumably five of them have already died) took part in the armed conflict on the Syrian territory. Such situation, according to J. Scharf, "is one of the most serious threats to Denmark's security at the moment" as "Danish volunteers" who have endured the hardships of the Syrian war, will not only grow in battle experience but most likely will strengthen their radical Islamist views. Moreover, PET observes that the largest group of natives of Denmark is recruited to armed forces related to al-Qaeda or al-Nusra Front.

To solve this problem, PET and the Danish Ministry of Justice develop a complex strategy aimed at driving off Danish residents from trips to Syria and at the same time hold "return migrants" from this country liable. This strategy particularly provides that if PET receives information on a resident of Denmark departed to SAR for military action, data on him is transmitted to the Danish Ministry of Taxation to track down the financial sources of this trip and to social security bodies to check if this person receives social allowance. Besides, PET considers the possibility of expulsion from the country of foreigners who fought in Syria and have Denmark residence permit.

But regarding nationals of Denmark engaged in hostilities in Syria, experts doubt that PET would achieve criminal cases against them, according to anti-criminal legislation of the country, as it would be difficult to prove de jure their belonging to terrorist organizations of Syrian armed opposition.

Concerns of human rights defenders are caused by the joint initiative of PET and the Ministry of Social Affairs, Children, and Integration on identifying potential terrorists among patients of mental hospitals by psychiatrists. However, the director of the Preventive Security Department of PET A.Dalgaard-Nielsen believes that such "prophylactic action will allow to identify people with extremist views at early stages".

In protecting freedom of speech and rights of journalists, human rights defenders point out the contradictory law on access to information adopted by the Danish Parliament (Folketing) in June 2013 despite numerous protest actions of various representatives of civil society. This law limits the public access to internal ministerial documents and correspondence between different Ministries and Parliament as well, which in some cases impedes anti-corruption efforts and combating officials' abuse of power. Experts believe that the law as adopted will do irreparable damage to the image of Denmark "as consistent defender of human rights principles and ideals of a democratic and transparent society". And this happens against the background of Denmark's high ranking in

the 2013 Reporters Without Borders World Press Freedom Index (Denmark is the 6<sup>th</sup> out of 179).

Amnesty International, the Danish Institute Against Torture (DIGNITY), and other NGOs accused the Danish Ministry of Defense of violation of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment during a joint military search and arrest operation of Danish, British, and Iraqi soldiers in Iraq in 2004, when 36 captures Iraqi civilians were handed over to Iraqi military and subjected to tortures. For a long time, the Danish Ministry of Defense repudiated charges that the Danish military authority disposed of information on this incident. However, last October, journalists got at their disposal a video recorded by Danish soldiers which proves the facts of physical abuse of detained civilians on the part of the Iraqi security forces. As human rights defenders note, the situation is aggravated by the fact that for the court to entertain an action against the Danish Ministry of Defense, these Iraqi civilians should pay legal costs to the amount of 40,000 Danish kroner (about 8,000 US dollars). Plaintiffs' attorneys assure that their clients do not possess such financial resources. Meanwhile, as T.Christensen, the Deputy Secretary General of Amnesty International, notes that absence of a trial of this case in Denmark impedes its submission for consideration to other international legal institutions, the European Court of Human Rights, in particular.

Human rights organizations express their dissatisfaction with the decision of the Supreme Court of Denmark on the claim of the Afghan prisoner G.Tarin, who was detained together with 30 other Afghans by a Danish special unit in 2002 on suspicion of hostilities against coalition forces and was handed over to the U.S. military. Afterwards, during time in the American temporary detention centre in Kandahar, G.Tarin and other Afghans were subjected to physical abuse and torture on the part of Americans.

The Supreme Court of Denmark disallowed G.Tarin's claim to pay him indemnity, holding that "Danish military acted on the principles of good faith as they did not have any grounds not to trust their American allies".

Human rights NGOs have a lot of questions to the Government of Denmark in the light of recently declassified documents of the American special services on the use of the Danish territory (the case of Thule Tracking Station, Greenland) for extrajudicial executions by means of drones. In particular, Amnesty International, according to T.Christensen, the Deputy Secretary General of this organization, intends to file a request to the authorities to obtain the American Side's guarantees that their activities at the Thule base are not related to the violation of human rights.

Despite Denmark's 2<sup>nd</sup> ranking in Gender Equality Index released in June 2013 by the European Institute for Gender Equality (EIGE), experts say that there has been gender discrimination in the country for the last 10 years. This is reflected in the fact that women in Denmark earn 15 percent less than men due to occupational segregation in the labour market.

## **Ireland**

Human rights issues are one of the priorities in Irish domestic and foreign policies. At international forums political leaders of the country constantly and purposefully present themselves as "guides and guards" of human rights. Ireland's activity on human rights profile during its chairmanship of OSCE in 2012 shows its particular attention to this topic. At the end of 2012, for the first time ever Ireland was elected member to UN Human Rights Council (HRC) for a period from 2013 to 2015.

In Ireland human rights policy is based on Articles 40–44 of the Irish Constitution which declare that "all citizens shall be held equal before law" and that the State guarantees to defend and vindicate the personal rights of the citizen. According to Irish government's programme published in March 2011, all the state bodies are obliged to follow the principles of equality and citizens' rights when exercising their powers.

The main institution that controls the compliance with the mentioned provisions is the Irish Human Rights and Equality Commission. This organization was established in 2011 by the decision of the government as a result of a merger of the Irish Human Rights Commission and the Equality Authority. It consists of a chairman and 14 members who are selected for a term of 5 years. The Commission's Charter defines it as a public, independent organization; still it is financed by the State.

According to the leading international human rights organizations, on the whole, human rights are respected and observed in Ireland in compliance with Western standards and approaches.

In October 2011, HRC examined first Irish national report prepared in the framework of the Universal Periodic Review of human rights situation. On the whole, the situation in Ireland was marked as satisfactory; the vigorous efforts of the Irish government to protect constitutional rights of its citizens were also

noted. At the same time, 127 recommendations were made, 108 of them, after thorough examination, were recognized as qualified by the Irish government.

The following grave violations of international human rights obligations can be distinguished among those existing in Ireland.

1. The existing prohibition by law to terminate pregnancy. It poses a threat to the lives of a mother and a child that contradicts the Article of the Irish Constitution about the right to life of the mother (violation of Article 12 of the Convention on the Elimination of All Forms of Discrimination against Women). According to human rights organizations, every year, up to 4 thousand Irish women address to foreign, mainly British, clinics for termination of pregnancy (according to local mass media, their amount runs up to 10 thousand a year).

The death of a woman in the Galway University Hospital in October 2012 caused by doctors' refuse to perform an abortion led to a new wave of social movement in the country for legalizing abortion and to disagreements within the governing coalition. Although the majority of the Cabinet support public opinion, the Catholic Church, remaining highly influential in the country, speaks against it. In order to take a decision and to put an end to the long-running disputes a referendum on this issue is planned to be held at the end of 2013.

2. Overcrowding in Irish prisons and their inconsistency with sanitary standards of detention, increase of violence in prisons and cases of inhuman treatment in places of detention (violation of Article 7 of the International Covenant on Civil and Political Rights).

3. There are also isolated instances of excessive use of force by police during organized protests of the citizens.

4. According to the research conducted by a number of NGOs, Ireland is among problem countries based on the amount of proven cases of discrimination on the grounds of race and nationality. The great concern in the sphere of racial discrimination and migrants' status is the refusal of the Irish

government to recognize the so-called "travellers" as an ethnic minority (these include people leading a nomadic lifestyle and not having permanent residence, the Gypsies among them). In human rights defenders' opinion, people of this category in Ireland are practically deprived from social care and from the State's support. The "travellers" face difficulties while looking for lodgings (the government builds special centres for them, but the number of the rooms is insufficient there and life conditions do not correspond to modern standards). They also have problems with education of their children and their own employment (employers often refuse to hire them under vain pretexts). These people are often insulted on the grounds of race by the Irish on the streets, in the shops and other public places.

The problem of racism in Ireland is becoming more critical in recent years. The survey held by a number of NGO experts showed that 73 per cent of people from Northern Africa and 25 percent of people from Central and Eastern Europe living in Ireland have been exposed to racism.

Irish mass media characterize the facts of painting racist graffiti in public places as "causing alarm", as well as the cases of open insults of people from Africa and Arab countries and anti-Islamic moods at the level of everyday life.

In November 2013, Alan Shatter, Irish Minister for Justice and Defence, acknowledged the facts of addressing letters insulting the Muslims to Muslim centres in Dublin and other cities, promising to conduct an investigation. According to some observers, Irish authorities fully realize that without tough suppression of such intolerant behaviour Irish society may face the response from Muslim community of the country.

In addition, it is noted that unlike other EU members where explicit racist slogans are heard from far-right politicians, Ireland, in the first place, experience discrimination at the level of everyday life.

5. In Ireland there are also cases of discrimination of disabled people, especially in the sphere of medical care and transportation (violation of

Article 26 of the International Covenant on Civil and Political Rights and Articles 11, 12 of the International Covenant on Economic, Social and Cultural Rights).

## Spain

Protection of human rights is one of the priorities of the policy of the Spanish Government. However, taking into account the internal situation in the country, Spain is quite vulnerable to criticism in this area. The situation is aggravated by a drastic reduction of public financing for a number of human rights-related areas caused by a difficult economic situation. In their annual reports, the international human rights non-governmental organizations Amnesty International and Human Rights Watch regularly offer claims to the Spanish Government on a variety of issues. Among the main problems of Spain the following issue can be highlighted:

- Gender-based violence and violation of rights of women;
- Xenophobia and racism;
- Violation of rights of detainees, arbitrary actions of the law enforcement agencies.

In 2012 and in the first half of 2013, more than 60 women, 82 percent of which didn't appeal to the police, were killed in Spain due to the gender-based violence. The largest number of crimes was committed in Catalonia, Andalusia and Valencia. More than 50 percent of cases accrue to the conflicts between spouses. It is registered a growing number of such crimes among youth.

In 2012, due to the difficult economic situation the Spanish Government reduced in the whole almost by 40 percent financing of programs for prevention of domestic violence and protection of gender equality that causes concern of many human rights organizations.

According to some Catholic bishops the upsurge of gender-based violence is caused, along with the economic crisis, by the destruction of the traditional family and family culture.

Spanish society is traditionally characterized by an emphatic tolerance; however, the impact of financial crisis manifests itself in the growth of

xenophobic sentiments as well. According to the opinion polls, there is still a great number of Spaniards whose opinion about the presence of immigrants in their country is negative; it corresponds to 38 percent of respondents.

According to the organization "Movement Against Intolerance" ("Movimiento contra la intolerancia"), there are more than 200 neo-Nazi gangs in Spain totaling more than 10 thousand people. In local segment of the Internet network about one thousand sites that promote racism, anti-Semitism and xenophobia are registered. In April 2013, making his annual Report the President of this NGO Esteban Ibarra declared that according to his calculations more than 4 thousand acts of aggression on the mentioned grounds (approximately, 11 assaults per day) occur annually in the country.

Situation in detention centers for immigrants remains difficult. This is evidenced by the evaluations of non-governmental organizations, in particular, the Report on living conditions in detention centers for foreigners in Madrid and Barcelona published by the NGO "Pueblos Unidos" in April 2013.

In October 2012, the UN Council on Human Rights accused the Spanish police authorities of racial discrimination and tortures against a citizen of Morocco in one of the Madrid's detention centers for immigrants and decreed to pay him non-pecuniary damage.

In March 2013, some NGOs urged to the Spanish Ombudsman Soledad Becerril to pay attention to the illegal practice when the Spanish border guards transfer immediately the caught illegal immigrants to the Morocco authorities. Human rights activists note that such kind of extradition of a person that is already in the territory of the country is prohibited by the applicable law.

Earlier, in November 2012, various NGOs including Amnesty International, SOS Racismo and others accused the Spanish Government of violation of the immigration law while extraditing the group of illegal immigrants from Spanish island Tierra situated near the Moroccan coast. At that time over 70 people were transferred to the Moroccan authorities to be further

repatriated to the countries of their origin. Human rights activists highlight that contrary to the norms of the applicable law the immigrants were not provided with a legal assistance, nor were their possible requests for political asylum considered.

Human rights organization Amnesty International continues to raise the alarm in respect of the decision of the Madrid authorities to demolish the Romani settlement in the north-western outskirts of Madrid without providing alternative accommodation to people who lived there. Since October 2012, about 20 houses were demolished. More than half of the evicted people are children aged up to fifteen. The society criticizes as the time of conducting "the operations" (early morning), and the insufficient amount of social compensation allocated for the evicted families.

In Spain a disproportionate use of force by the police officers is still common while dissipating mass demonstrations. Thus, in 2012, the Spanish public was outraged by the circumstances of detention of a Madrilenian L.Rodenas during the confrontation of the police with the activists of the "15-M" protest movement. The woman, who took no part in political manifestations and just was passing by, was hustled by the police by force into a van and taken to the Moratalas prison. According to L.Rodenas, who as a result spent behind the bars more than a day, the conditions of detention were horrifying, many detainees that were together with her were kept for a few hours with his hands tied, and most of the prisoners had to sleep on the floor.

In November 2012, while dissipating the protest manifestation in Tarragona of Catalonia the police officer beat the 13-year-old boy. According to the results of the internal investigation the parents of the injured were informed that "the police officer used the rubber hose in response to the violence of the protesters" and that he "did it without intent".

As a result of dissipating of mass demonstration by the law enforcement agencies in November 14, 2012, in Barcelona one of the participants of the

protest action Ester Quintana was badly injured by a rubber bullet in the eye's area that led to its removal. This case caused a wide public outcry, which forced the police authorities of Catalonia to admit partially their guilt for what happened.

There are still quite a lot of claims to the Spanish judicial and penitentiary systems. According to the April Report (2013) of the European Committee against Torture the conditions of stay of prisoners in La Modelo prison situated in Catalonia do not meet the minimum standards. Since 2007, when the authorities of the Council of Europe issued the first warning, the situation in the penitentiary institution has only worsened notably the cells are still overcrowded, there are insanitary conditions in the premises and there are practically no lighting nor ventilation.

In connection with the decision of the Court to set free seriously ill ETA militant José Bolinaga "for humanitarian reasons" the Spanish media published the data on detention of prisoners of such kind in prisons of the country. Thus, in 2005-2010, 799 people died in prison from diseases. All of them in due time for various reasons were denied to get better conditions.

## **Italy**

The Italian laws contain quite a lot of provisions covering the political and social rights and freedoms. The citizens are granted the right to vote and to form political parties and other non-governmental associations. The social and economic rights and freedoms, among which there is the right to labour, noticeably stand out. The Italian Constitution obliges the State to provide its citizens with free secondary education. It recognizes the right to protect the interests of workers including to establish trade unions and carry out strikes, which was confirmed by the Constitutional Court in 1960.

In practice, there are problems with the human rights situation in Italy. The country faces a large part of the world migration flows that intensified after the events in the North Africa and Middle East. In this regard, the situation of migrants regularly provides reasons for criticism of the government's internal migration policy by international and national human rights organizations and institutions, as well as by the Office of the United Nations High Commissioner for Refugees. Non-compliance with the European and international standards of deportation of foreigners, conditions of migrants in sojourn centers, their integration into the Italian society, racism and intolerance shown by local population and far-right political parties raise concern.

Migrants, being notified of pending deportation from Italy, cannot change their status in order to stay in the country. This provision was confirmed by the Court of Cassation on July 10, 2012 (Decision No. 11582, case of a citizen of Albania who married to a citizen of Italy after the Prefecture had adopted the decision on his deportation).

On July 6, 2012, the Italian Government adopted the Decree on "mini-amnesty" of illegal foreign workers providing them the opportunity to legalize their status in Italy. It came into force on September 15, 2012, and was effective during one month till October 15. The employers, the Italian citizens

or foreigners with a permit to reside in Italy, that unlawfully used illegal migrants labour, was given the opportunity to legalize labour relations with the employees by paying taxes.

Earlier, in July 2011, the Constitutional Court issued the decision abolishing the requirement to present a residence permit in order to marry in Italy. The Court emphasized the fact that the basic human rights are violated in order to combat illegal immigration, one of which is the right to found a family. Particularly, one should also note Decision No. 10 665 of the Cassation Court of Italy of June 26, 2012, invalidating refusal to pay social benefits subject to the fact that an applicant does not have a residence permit or a permit to reside in Italy for a long period of time.

There is an ongoing debate in Italy on the rights to become an Italian citizen for migrants' children born in the country. Despite the fact that they were born in Italy, and have no other native country, *jus soli*, the so-called "right of the soil" is not applied to them. The Italian Minister for Integration Cécile Kyenge proposed to introduce to the parliament a correspondent bill granting the children of foreigners the right to acquire Italian citizenship automatically when they attain the age of 2 years.

According to the trade unions, under the conditions of the global financial crisis and the policy of the former government aimed at the liberalization of the labor market the situation and the social protection of workers in Italy have deteriorated; the procedure of their dismissal has been simplified. Thus, in 2012, the Council of Ministers of Italy amended Article 18 of the Statute of Workers approved by Law No. 300 of 1970. Under the new rules, an employee dismissed on economic reasons shall not be able to challenge the employer's decision in court; nevertheless he should be paid compensation in the amount of from 15 up to 27 monthly labour payments. If the dismissal was for other reasons (disciplinary, discriminatory or health reasons) the final word still remains for the court. Among the amendments to the law on social security new

requirements for employers are provided: the companies will have to pay so-called "compensation for dismissal" to the National Social Security Institute for a worker with permanent employment contract. This amount will be equal to 0.5–1.5 of its monthly allowance.

New Italian Cabinet of Enrico Letta declared as priority of its activities the policy aimed at combating the unemployment (which is approximately 12 percent). The situation is particularly critical for the youth (on November 1, 2013, according to "La Nazione" only 2 people of 10 had a job).

Human rights organizations still criticize the unfavorable situation with the protection of women's rights in Italy. In addition to the on-going problems in the field of female employment and labour relations, including unfair treatment of young mothers by employers, one of the most burning problems for Italy is still the gender-based violence problem. In this regard, in October, 2013, the Chamber of Deputies supported the bill initiated by women's rights organizations that criminalized the "femicide" or violence against women.

The Italian media regularly publish critical comments on the functioning of the Italian judicial and prosecutorial systems, in particular, in respect of long periods of the consideration of cases which are up to several years.

One of the most acute problems is still the penitentiary system reform. On average, Italian prisons are overcrowded by 25 percent (there are 65 thousand of prisoners in comparison with 45 thousand people that should be), which leads to violation of sanitary and hygiene standards, growing number of conflicts and to a very large number for Europe of suicides of people in the places of detention. As a result, an unfavorable situation in Italian prisons became the judicial matter in the European Court of Human Rights, which repeatedly issued decisions for Italy to pay material compensations to the affected persons.

In November, 2013, the Italian Government prepared the bill providing amnesty for 3–4 thousand of prisoners. This initiative was ambiguously perceived by the society, since there are concerns that its implementation could

lead to a deterioration of the situation in the sphere of personal security, and therefore it could violate the rights of that segment of society that is already law-abiding.

Proposals on the need to improve the legal regulation of wiretapping by law-enforcement agencies still produce multiple debates in Italy. The supporters of these measures got an additional argument when they knew the facts that last year the Palermo Prosecutor's Office wiretapped the President of Italy. The media are accused of violating the privacy of citizens, in particular, in connection with many cases of publication of confidential information related to the investigations concerning public figures, originating from sources in investigative bodies.

Human rights organizations and the Council of Europe criticize Italy for inappropriate attitude towards the Roma, including regular "mopping-up" of their temporary camps by the police. The problem of their integration into Italian society is far from being solved. As an example of discrimination against the Roma the reference is made to the process of implementation by Italy of the European norms concerning the linguistic minorities, since in the final list of the relevant Italian law the Roma were not mentioned.

## **Cyprus**

The Republic of Cyprus has developed institutions to ensure the human rights and fundamental freedoms. The Cypriot government is closely monitoring the human rights situation and is seeking to ensure necessary conditions for their practical implementation in accordance the constitution of the country and in compliance with the universal international legal instruments.

A generally satisfactory human rights situation in the Republic of Cyprus does not mean that the country has no issues in this area. The unresolved Cyprus question (Cyprus has been de facto divided into northern and southern parts since 1974) is a part of the problem, as it both prevents the authorities of the Republic of Cyprus from monitoring the human rights situation in the north and imposes certain limitations on the rights and freedoms in the south.

The Constitution adopted in 1960 guarantees the rights and freedoms in the territory of Cyprus controlled by official authorities and protects the residents from torture, inhuman or degrading punishment or treatment. However, there are cases of detainee ill-treatment by the Cypriot police in pre-trial detention centres and in the Nicosia Central Prison.

There are also frequent abuses of illegal migrant workers who are working for extremely low wages and are suffering violation of their employment rights.

The Republic of Cyprus is actively participating in the GRETA (Group of Experts on Action against Trafficking in Human Beings) mechanism of the Council of Europe. However, experts believe that despite all government efforts, Cyprus remains a start and end point for trafficking in human beings for labour and sexual exploitation.

Despite the constitutionally guaranteed right of every person to move freely within the territory of the Republic of Cyprus, the unsolved Cyprus question severely limits the freedom of movement throughout the island.

Cyprus remains the country with the highest share of internally displaced persons as a percentage of the country's population (23 percent).

The residents of Cyprus enjoy freedom of thought, conscience and religion. Under the Constitution, all religions whose rites are not secret are free and equal before the law. However, the Turkish Cypriots living in the south are complaining that they are only allowed to attend a limited number of mosques (only those situated in large cities) for religious purposes. Moreover, these mosques are managed by the Department of Antiquities of the Ministry of Communications and Works of the Republic of Cyprus and function as museums, so the Muslims in the southern Cyprus can perform only two of the five required daily prayers.

In turn, the Orthodox Church of Cyprus is experiencing serious difficulties in providing pastoral care to the Orthodox Greek Cypriots living in the northern Cyprus. During the past three years, “TRNC's authorities” have been denying the Bishop of the Karpass the right to conduct the Divine Liturgy at the territory of his diocese.

Moreover, there are a lot of Orthodox churches and monasteries (which are also cultural and historical monuments) in the north of the island. In particular, there is the Monastery of St. Andrew the Apostle, which has been in a derelict condition since 1974. However, despite all the efforts of the Orthodox Church of Cyprus, the Turkish Cypriot “authorities” deny permission for repair and restoration works.

The Greek Cypriots and Maronites living in territories controlled by the Turkish Cypriot administration are suffering from other violations of their rights and freedoms.

Despite the efforts of the Committee on Missing Persons, many Cypriot families still cannot discover the fate of their missing relatives.

The Government of the Republic of Cyprus respects the right to freedom of speech and press. Effective judicial authorities and a democratic political

system ensure practical implementation of this right. Independent Greek Cypriot press regularly criticizes the government and political parties. There were no cases of threats against journalists for politically incorrect materials. Turkish Cypriot journalists can attend the south part of the island. Only the Turkish mass media journalists accredited in “TRNC” are having some trouble.

The country regularly holds free and fair elections attended by international observers. In addition to Greek Cypriot community, which also includes three other religious groups, namely the Armenians, Maronites and Latins, the Turkish Cypriots living in the territory controlled by official authorities have also been participating in the elections since 2005.

The citizens of the Republic of Cyprus have the right to individually or jointly acquire, own, possess, use or manage any movable or immovable property, but due to the continuing division of the island, many Cypriots are denied the right to live on their land, cannot return to their homes and use their property.

In the Republic of Cyprus, the citizens have the right to peaceful assembly and association, including the right to form trade unions to protect their interests. Three out of four workers of the Republic of Cyprus are members of trade unions. This is higher than the average level in the EU. The trade union movement plays an important role in the Republic of Cyprus and can influence government policy.

The House of Representatives of the Republic of Cyprus has a Committee on Human Rights, which non-governmental organizations believe to be effective. Executive authorities do not interfere with its work.

## **Latvia**

In 2013, the human rights situation in the Republic of Latvia did not dramatically change and remained rather unfavorable. The ruling nationalist coalition pursued the policy aimed at ignoring the appeals of international specialized organizations and human rights organizations to change the situation and to stop the discriminatory policy against national minorities. The Latvian authorities expressed unwillingness to understand the needs of the national minorities and to fully ensure their rights and freedoms.

Mass non-citizenship remains one of the principal problems in the sphere of human rights in Latvia. "Non-citizens" are deprived of such fundamental rights as the right to vote and to hold state and municipal office, to hold office at military and civil service, to serve as judges, prosecutors, to establish political parties. "Non-citizens" are allowed to make a deal concerning purchase of land or real estate only with the consent of municipal authorities. According to the human rights organizations of Latvia, there are 79 differences in the rights of citizens and "non-citizens".

Latvia ratified the Framework Convention of the Council of Europe for the Protection of National Minorities (FCNM) on May 26, 2005, with two reservations that cancelled the provisions of the Convention, under which national minorities in places of their compact residence are given the opportunity to communicate in their native language with authorities, as well as to use their native language in topographical names. Furthermore, the additional declaration adopted by the Latvian Parliament upon ratification clarifies that the said Convention does not apply to "non-citizens", whereas more than 50 percent of the population living in the largest cities of Latvia (Riga, Daugavpils, and Liepaja) is Russian-speaking in terms of its ethnic composition.

According to the Office of Citizenship and Migration Affairs of Latvia (OCMA) data of January 1, 2013, 297,883 "non-citizens" or about 14 percent of

the population resided in Latvia. The low rate of naturalization aggravates the situation (2,213 persons in 2012 and 2,467 persons in 2011 in comparison with 19,169 persons in 2005). However, the official Latvian doctrine hypocritically calls for "facilitating naturalization and increasing the number of Latvian citizens rather than freezing the number of «non-citizens»".

The amendments to the Citizenship Law in the Republic of Latvia that entered into force on October 1, 2013 interpreted by the MFI of Latvia as "an important governmental step" to ensure the process of integration and social "cohesion" in reality promote aggravation of the legal situation of "non-citizens" and further discrimination of minorities. In reality, these amendments are cosmetic (they facilitate registration of children of "non-citizens" and slightly simplify the test on fluency in the Latvian language required for naturalization<sup>1</sup>). In general, the situation concerning acquiring citizenship is aggravating. Many provisions of the updated law contradict the norms of the universal international documents concerning human rights.

The introduction of the concept "governmental nation" (that comprises only Latvians and Līvi) contradicts the Universal Declaration of Human Rights and the International Convention on the Elimination of all Forms of Racial Discrimination.

It equally concerns the amendments related to double citizenship. It is only guaranteed to the Latvians who have citizenship of Western countries (members of the EU, the EFTA, NATO as well as Australia, New Zealand and Brazil). Citizens of Russia, Israel and the CIS countries of Latvian origin do not enter in the list if they do not have an agreement on double citizenship with Latvia.

The amendments also introduced an anti-democratic provision according to which the cabinet of ministers rather than the court can prohibit naturalization on the basis of a very vague formulation: "if his or her behaviour causes threats

---

<sup>1</sup> According to the Naturalization Board of the Republic of Latvia only 52 per cent of applicants passed the language examination.

to the security of the State of Latvia and the society". At the same time the persons to whom naturalization is denied on the basis of the information of special services will be deprived of the possibility to appeal such decisions at court as in the case of the loss of citizenship. Such measure contradicts the OSCE recommendations according to which "no one shall be arbitrarily deprived of his nationality".

The amendments establish restrictions on the access to naturalization for the former workers of the political nomenklatura of the Latvian SSR and for the members of the organizations of war and labor veterans that violates the provisions of the International Covenant on Civil and Political Rights as well as the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In its turn, the requirement for "non-citizens" to prove the fact of their residence in Latvia for the last five years until the moment of naturalization contradicts the provisions of the resolution of the European Parliament on the situation of fundamental human rights in the European Union.

Latvia has not implemented the recommendations of the European Commission against Racism and Intolerance and the Advisory Committee on the Framework Convention of the Council of Europe for the Protection of National Minorities (FCNM) not to apply the national legislation in a discriminatory way that provokes social inequality and has negative influence on the integration of national minorities.

As a result, the amendments to the Citizenship Law turned out to be reactionary. They are aimed at strengthening the legal protection of one nation and mislead the world community about the true ambitions of the Latvian ruling elite.

These conclusions were proved by the publication in April 2013 of the Latvian Report on the Implementation of the UN Convention on the Rights of the Child. According to the document, the "non-citizens" situation in Latvia

"has improved". In particular, it is said that 20,226 minors became Latvian citizens from 2004 till 2011. However, nothing is said about approximately 15,000 children that are still "non-citizens"<sup>2</sup>. This is done despite the recommendations of the Council of Europe Commissioner for Human Rights Nils Muižnieks and the OSCE High Commissioner on National Minorities Knut Vollebaek that call for lifting all restrictions on granting citizenship to the children of "non-citizens" born after August 21, 1991.

According to the Latvian authorities, "due" to the policy of the Latvian government in the sphere of citizenship the number of citizens since 2004 grew from 77.8 percent to 83.2 percent while the number of "non-citizens" dropped off from 20.8 percent to 13.8 percent. Naturally, there is no information proving that these results were achieved not by facilitating the naturalization process but due to emigration or death of the older generation of "non-citizens".

The main governmental human rights defender Ombudsman Juris Jansons completely ignores the issues of mass non-citizenship in Latvia as well as the status of the second popular language in the country – the Russian language. In his statement in the Latvian Seima on June 13, 2013, and in the following address to the European Parliament he underlined his critical point of view regarding the economic situation in the Latvian Republic, poverty and social inequality. When speaking about the discrimination of national minorities Juris Jansons mentioned only the violation of rights of the Gypsies. However, the Ombudsman overlooked such important for "non-citizens" issues as unequal remuneration conditions, overstated linguistic requirements for employment and other restrictions. He did not mention either social segregation or marginalization of non-Latvians. For example, the proportion of the unemployed working population among the national minorities (about 15 percent) is consistently higher than among Latvians (about 10 percent) that provokes a deeper social and economic gap between them.

---

<sup>2</sup> According to the OCMA data of 31.08.2011.

The Latvian authorities pursue regular discrimination policy regarding the Russian language; enquiry is largely practiced in this sphere: more than 10,000 denunciations concerning the non-use of the Latvian language have been made at the State Language Center since 2000; about 9,500 people were arrested. The majority of the instructions of the Center contradict the recommendations of the UN Committee for the Elimination of Racial Discrimination concerning the requirements to the knowledge of language and its usage at work.

The confrontational approach of the Latvian authorities towards the national minorities residing in Latvia (37.9 percent of the total population of the country<sup>3</sup>) and in particular to their most discriminated category – "non-citizens" - provoked the foundation of the public organization "Congress of «non-citizens»" in March 2013. Its aim is to unite the efforts of the human rights defenders and non-governmental resources in a unique representative body that could lead dialogue with the Latvian authorities and the international human rights community on behalf of the "non-citizens". The appearance of such initiative was to a great extent caused by the fact that the Latvian Central Election Commission prohibited de facto in November 2012 holding referendum allowing to grant automatically Latvian citizenship to all "non-citizens". This measure of the Latvian authorities deprived Latvian citizens as well of the right to express their will (at the first stage of the procedure more than 10,000 signatures for a referendum were collected). The local legal society characterized it as deviation from the fundamental democratic norms.

Another example of pure violation of human rights in Latvia was the adoption by the Latvian Seima at the end of 2012 of a new procedure of

---

<sup>3</sup> According to the population census of 2011.

initiating the referendums that significantly reduced the possibility to use this key democratic instrument<sup>4</sup>. The aim of these amendments is the desire of the Latvian authorities to escape submitting to the referendum such sensitive issues as citizenship, language, introduction of euro etc. After the entry into force of the new legal provisions the procedure of initiating a referendum became hard to implement.

Latvian legislation still discriminates the veterans of the Great Patriotic War. The "national guerillas" – former members of the armed gangs "Forest Brothers" many of whom were former legionaries of Waffen SS during the war get supplementary pension and social benefits. As for the veterans of the Great Patriotic War, they are deprived of any material assistance from the State.

In this context, Latvia continues its efforts aimed at glorification and immortalization of former legionaries of Waffen SS and their accessories.

Annual mars of the former legionaries of Waffen SS are held in Riga with the connivance of the authorities. In 2013, several members of the parliament from the ruling coalition participated in honoring the members of this criminal organization convicted by the Nurnberg Tribunal.

On July 4, 2013, in memory of the victims of Holocaust the right radical party "Everything for Latvia!" that is a member of the ruling coalition organized a rally "in memory" of the Latvian collaborationists in *Limbaži* who died there in 1941.

In October 2013, the Latvian Minister of Justice Janis Bordans supported the cynical initiative to demolish the Soviet Liberators Memorial in Riga and to build a stadium there.

On July 3, 2013, Latvian president Andris Berzins met the representatives of the organization "The Hawks of Daugava" uniting the former legionaries of

---

<sup>4</sup> The threshold necessary for initiating a referendum during the first stage was raised from 10,000 to 30,000 notarized signatures. Starting from 2015, the signatures of one tenth of the Latvian electors, i.e. about 154,000 signatures must be collected for initiating a referendum on any issue.

Waffen SS and their successors. According to the mass media, he "fully understood" the request of the former legionaries to adopt the law on the status of the persons that "had been illegally mobilized" during the Second World War as soon as possible that should constitute the legal basis for the financial support of the former legionaries.

This bill that is interpreted by the Latvian authorities as a step to "reconciliation" of the participants of the Second World War who were enemies during the War is considered to be provocative by the Latvian veteran and the Russian speaking organizations. It is aimed de facto at legalizing the status of the legionaries. It does not envisage providing support to the majority of Soviet veterans. On the contrary, it is aimed at dividing the veteran movement on the ground of national origin. In particular, some veterans of the 130<sup>th</sup> Latvian infantry corps fall within the jurisdiction of the bill as "soldiers recruited to the Red Army by force".

The amendments to the Law on Security during public, recreational activities and holidays adopted by the Seima on June 20, 2013, prohibit using Soviet symbols together with the Nazi symbols. It is dangerous because this law has not been applied in practice that allows its free interpretation by the ruling nationalist coalition.

The national radical deputies of the group "Everything for Latvia!" – "For Native Land and Freedom"/Movement for the national independence of Latvia tried again to rush a proposal to use the official language of Latvia in the free pre-school education since September 1, 2015. They consider that this bill will contribute to "consolidating" the society. The adoption of such bill may only aggravate interethnic confrontation in the Latvian Republic.

The attempts of the Latvian opposition to prevent strengthening the discriminative tendencies concerning national minorities in Latvia antagonize the ruling coalition. For example, the Seima decided to impose sanctions for "violating the deputy ethics" against the deputy of the Russian association

"Compliance Center" I. Tsvetkova because she mentioned the majority of the above mentioned examples of human rights violation in Latvia at the international conference in Washington on June 4, 2013.

## **Lithuania**

In 2013, there were no dramatic changes in the human situation in Lithuania. The authorities do not pay attention to the existing systemic problems in this area trying to temper criticism towards them by the profile international organizations and the human rights NGO making cosmetic amendments to the current legislation.

The remarks made by the European Commission against Racism and Intolerance (ECRI), the UN Human Rights Council (HRC) and the UN Human Rights Committee (HRC) in the recommendations in the framework of the monitoring cycles of Latvia carried out by these international human rights institutions in 2011–2012 are still relevant. They stress in particular the high level of violence in families, violence against women and children, absence of efficient mechanism to counter these phenomena, child homelessness, social and financial distress of Gypsies, xenophobia and intolerance against national and linguistic minorities, incomplete inquiry into the case of the so-called CIA prisons on the territory of Lithuania, predominance of prosecution in the judicial practice, growing tendencies of anti-Semitism and racism, weak institutional human rights basis etc.

It is worth mentioning that the coherent policy of the Lithuanian authorities aimed at falsification of contemporary history, attempts to equalize the Nazi and Soviet regimes, glorification of fascism accomplices creates a fertile ground for the growing manifestation of nationalism and neo-Nazism.

At the same time, the current legal prohibition on demonstration of fascist and Soviet symbols applies only to the last. In this regard, it is worth mentioning the decision of the Klaipeda District Court of 2010 according to which swastikas is not a symbol of fascist Germany but "historical heritage of the Baltic people".

It is to note that the existing Lithuanian two major nationalist extreme right organizations – the Lithuanian National Center and the Lithuanian National Youth Union that propagate xenophobia and nationalism annually obtain permission of the authorities to organize demonstrations in Vilnius on 11 March and in Kaunas on 16 February. Besides, the Lithuanian National Youth Union gets financial support from the State.

Taking into account the parliamentary elections in the country in autumn 2012 and the future presidential and European Parliament deputies campaign in spring 2014, the violations of freedom of speech and media became particularly relevant in Lithuania. According to some local and international experts, the violations in this sphere prove the current tendency of Lithuania to stop fulfilling its international obligations.

It was illustrated by the example of the First Baltic Channel (PBK) that broadcasted early October 2013 in the program "Man and Law" the events in the capital of Lithuania of January 13, 1991, where "the crackdown on peaceful demonstrators" that night near the Vilnius TV tower was interpreted differently from the official version. In response, the Lithuanian Radio and Television Commission decided to suspend broadcasting of the PBK programs "produced in the countries that are non-Members of the UN" for three month (from October 15, 2013); this decision was later confirmed by the Vilnius District Administrative Court.

OSCE Representative on Freedom of the Media Dunja Mijatović had to intervene in this situation having negatively estimated the measures of the Lithuanian authorities and having called on the Commission to review its decision as it "undermines media pluralism and can negatively affect freedom of media and speech"<sup>5</sup>. She pointed out to the Lithuanian authorities the unacceptability of any legislative "restriction and suppression of controversial

---

<sup>5</sup> Statement of Dunja Mijatović of October 10, 2013, published on the OSCE website.

and differing views on historical events". It is remarkable that during the meeting of the OSCE Permanent Council of October 17, 2013, the Lithuanian representative explaining the suspension of the PBK broadcasting sincerely said that dissemination of the "falsified information" that is a different point of view on specific historical events is "an obvious attempt to undermine the sovereignty, territorial integrity and political independence" of his country. It means that the Lithuanian diplomat acknowledged that prosecution of dissent is an official policy of the Lithuanian authorities that are afraid of the infringement on their interpretation of the country's contemporary history.

Another example of obvious suppression of freedom of speech in Lithuania and unpleasant measures of the Lithuanian authorities regarding the Russian programs broadcasted at the local television was the situation around the program "Emergency Investigation" on the NTV channel. On November 25, 2013, the program reported on the methods of work of the Department of National Security of the Lithuanian Republic where the officials actively use women of easy virtue to seek incriminatory evidence about high-ranking Lithuanian politicians and businessmen.

This time the Lithuanian authorities did not ban broadcasting this report but prevented its broadcasting by suspending broadcasting of the NTV channel as well as the PBK and the REN TV channels for several hours – there was black screen with red and yellow ripple noise.

Incredible as it may seem, it happened at the time when Lithuania that was President of the Council of the EU in the second trimester 2013 called for "absolute respect of the fundamental rights of a person to free and unlimited access to any information" and protection of the freedom of expression and media.

So we can affirm that the Lithuanian government pursues the practice of double standards in the sphere of human rights, violently ignoring its international commitments concerning implementation of the principle of

freedom of speech and the right to the freedom of expression.

It is also proved by the conviction of A. Paletsky in 2012 for his commenting on the above mentioned events of 1991 near the Vilnius TV tower in a manner inconsistent with the official version. Today, Paletsky's complaint against the sentence of the Lithuanian Court is being examined by the ECHR.

The existence of the restrictions concerning the freedom of speech and the right to free expression in Lithuania is also proved by the fact that the Lithuanian Seima deputy Petras Gražulis was denied the right to express his opinion about the parade of sexual minorities in Vilnius in July 2013 that was inconsistent with the official position; and the initiative group under the member of the Municipality Council of Kaunas G. Labanauskas was not allowed to hold a referendum on the limitation of propaganda of homosexuality.

Critical remarks concerning the respect of rights of national minorities in Lithuania that were noted in the ECRI Report of 2011 are still relevant. The human rights organizations are concerned about the legal vacuum in regard of this category of people that appeared after the expiration of the Law on National Minorities of 1989 in 2010. The human rights defenders are also concerned about the fact that the citizens of Lithuania of non-Lithuanian origin do not have the right to participate in the presidential elections as candidates and the NGO can not vouch for the victims of discrimination.

The problem of diminishing the possibilities of the representatives of national minorities to get secondary education in their native language is still urgent. The amendments to the Law on Education adopted in 2011 and the following introduction of compulsory teaching of some subjects in the Lithuanian language as well as setting unified requirements for the national language exam for pupils of the Lithuanian schools and national minorities schools placed the representatives of the non-title nations in an unequal position in comparison with the ethnic Lithuanians.

The 12 months delay of the full-scale implementation of such initiatives applied in 2013 does not solve the core of the problem. According to local experts, the amendments to the law will lead to the outflow of children from the national schools to the Lithuanian schools. In this regard, the Electoral Action of Poles in Lithuania (EAPL) that is member of the ruling coalition suggests returning to the previous version of the law that does not contain the provisions "discriminating national minorities".

Revealingly, the Lithuanian authorities give examples of closing schools with teaching in the Lithuanian language in Poland as "moral" reasons for toughening the examination requirements for the national minorities that confirms de facto political bias of the official Vilnius in this issue.

The Lithuanian authorities still refuse to resume investigation into the so-called CIA secret prisons on the territory of the country explaining their position by the absence of new circumstances in the case as well as by the USA refusal to give necessary information. In this regard, the local NGO "Institute of human rights monitoring" based in Vilnius made a complaint to the ECHR in December 2012 against the actions of the Customs Department of the Lithuanian Republic that refused to give the human rights defenders the information that they had requested concerning the results of the flights inspection connected with the CIA operation on secret detention and extradition of terrorist suspects.

Nils Muižnieks, Council of Europe Commissioner for Human Rights, in his comment in September 2013 noted the unlawful acts that accompanied the implementation of the program of the CIA secret prisons. In this document Lithuania is one of the States that seriously discredited itself by the involvement of its secret services in the CIA "illicit program". Lithuania in particular is accused of suspending the corresponding criminal investigation in 2011 without bringing any charges.

It is also mentioned in the resolution of the European Parliament adopted on October 10, 2013. According to the resolution, there is no progress in the fulfillment of Lithuanian commitments to resume the corresponding criminal investigation in case of appearance of any new information about the possible use of the Lithuanian air space for the CIA operations as well as possible illegal detention and inappropriate treatment of prisoners on the territory of the country. Prior to adopting this resolution the NGO "Amnesty International" together with some other foreign and Lithuanian NGO held a briefing in Vilnius at which the Lithuanian authorities were criticized for the refusal to resume the examination of the case of the CIA "secret prisons". This issue was already traditionally discussed at the annual OSCE Human Dimension Implementation Meetings.

In 2013, the story with the Chechen children from the Gataev orphan asylum whom Lithuania has been denying the right to return to their native land for a long time was continued. On January 30, 2013, at the CM meeting there was "first reading" of the request of the head of Russian parliamentary delegation to PACE Alexei Pushkov concerning the detention of Russian minor citizens by the Lithuanian authorities on their territory. The Lithuanian representative justifying the longstanding reluctance of the Lithuanian authorities to discuss this issue with the Russian side explained that Vilnius acts in accordance with the international legal norms and conventions to which it is party.

In response, the Russian side stressed the factual contradictions in the Lithuanian information having noted the violation by the Lithuanian Republic of the corresponding bilateral arrangements with Russia and the international and legal norms as a whole as well as inadmissible delay in responding to our requests.

The issue of violation of the rights of Russian citizens was developed in the story of precipitate decision of the district court about extradition of Dmitry

Ustinov to the USA who was arrested in April 2013 in Vilnius on the request of the US authorities. The Lithuanian Themis demonstrating again its loyalty to the USA preferred to turn a blind eye to the weak evidential base of the American request in order to extradite the Russian citizen as soon as possible.

In general, we can say that the human rights situation in Lithuania not only does not improve but in some areas, in particular in the area of the freedom of speech and media, it even continues to degrade. The approaches of Vilnius towards solving these issues, in particular if it concerns Russian-Lithuanian relations, depend on political environment as well as on "the popularity" of an issue at the international human rights platforms that predetermines practical measures (or the lack of actions) of the Lithuanian authorities concerning the specific "pressure points" in this area.

## **Luxembourg**

The human rights situation in Luxembourg remains favourable as a whole. In 2012 and in the first half of 2013, there were no reported noteworthy violations in the country.

The legislative and regulating provisions of Luxembourg prohibit any form of discrimination between men and women. However, though equal wages are provided for them de jure, according to some reports of human rights NGOs at the beginning of 2013, women are paid less than men for the same work.

Luxembourg has achieved significant results in the sphere of the appropriate justice distribution. Beginning from 2012, the amount of judges and prosecution officers as well as administrative judicial bodies is constantly rising. However, the slow pace of proceedings in Luxembourg causes certain criticism. Even those detainees who committed minor offences may stay in custody for a considerable time waiting for court hearings. Very often detained foreigners have problems in choosing a lawyer speaking their native language.

International human rights activists are also worried about the fact that prisons in the country are fully packed.

International human rights activists and UN experts note the positive approach of Luxembourg in the promotion and protection of human rights that manifests itself in Luxembourg's joining the majority of human rights agreements. But there are also a number of critical comments. Various Luxembourg's reservations concerning some international treaties limit the possibilities of their implementation at the level of national legislation. Luxembourg also has some judicial inadequacies in its domestic law system, particularly concerning sexual exploitation of the minors, this especially refers to the lack of clear definition of child pornography and child prostitution. Luxembourg is the destination country for the victims of human trafficking, especially for women and children.

Human rights community records the problems connected with deportation of people who apply for asylum in Luxembourg. The Duchy does not participate in the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, nor has it ratified the International Convention for the Protection of All Persons from Enforced Disappearance.

According to international experts and the Member States of UN Human Rights Council, Luxembourg should ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; take steps to ensure providing of reports for treaty bodies in time, including the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights and the Human Rights Committee; arrange the visits to the country of the Special Rapporteur on the sale of children, child prostitution and child pornography, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance and the Special Rapporteur on the human rights of migrants; continue to review the legislation on domestic violence, that is currently being discussed in the Parliament; take necessary steps to adjust the system of providing asylum to new requirements of international protection.

There is no official information about ethnic discrimination in Luxembourg. Such human rights organizations as Human Rights Watch, the International Federation for Human Rights and Amnesty International Luxembourg do not report any significant violations in Luxembourg. At the same time, local non-governmental associations working with foreigners, for example ASTI, recognize that in every-day life there are cases of "differentiation" around recruitment preferences of employers when main preference is given to Luxembourgers followed by EU citizens and only then to citizens of third countries.

In 2013, the Council of Europe, in its turn, noted that, according to the European Commission against Racism and Intolerance (ECRI), although there are some positive changes in the sphere of combating discrimination in Luxembourg, there are still some problems arousing concern, in particular those of inequality of recruitment. The ECRI highlighted the necessity to take a test on speaking Luxembourgish that causes difficulties for a lot of foreigners in the process of receiving the citizenship of Luxembourg and leads to the high rate of expelling of foreigners from schools. The Council of Europe pointed out that the foreigners who live in Luxembourg on the legal basis are not entitled to the benefits of social security like the citizens of the country.

The European Court on Human Rights (ECHR) also express criticism in the sphere of the right to freedom of expression and the right to respect for private and family life . For example, on April 18, 2013, the ECHR found Luxembourg guilty for violation of the right to freedom of expression and the right to respect for private and family life due to the police raid to the editorial office of the Portuguese language newspaper "Contacto" that is focused on the Portuguese community of the country. The ECHR delivered a unanimous judgment that Luxembourg had violated the right to freedom of expression stated in Article 10 of the European Convention for the Protection Human Rights and Fundamental Freedoms. The ECHR also stated that the search was a violation of the right to respect for private and family life. With six votes to one the ECHR found the government of Luxembourg guilty and ordered it to pay Saint-Paul Luxembourg S.A. a compensation of 6,000 euros.

## **Malta**

The major violations of human rights in Malta recorded by international and national human rights NGOs are related to "severe" immigration legislation and poor living conditions of refugees in immigration detention centers (the obligatory period of detention is up to 18 months; restriction on the access of human rights NGOs' representatives; regular cases of hypothermia and food poisoning).

The situation in this sphere is particularly reflected in the judgments delivered by the European Court of Human Rights as of July 23, 2013 on the high-profile cases of Suso Musa v. Malta and Aden Ahmed v. Malta. The Court approved the claims of two illegal African immigrants that had been held in custody in Malta from 2009 to 2011 for the period longer than the one established by law. Moreover, the Court took into account the fact that the immigrants had not been given the opportunity to apply for refugee status as well as their complaints about poor medical care during the period of their detention. In this respect, the ECHR ordered Malta to pay the claimants a compensation of 60,000 euros.

## Netherlands

Among the areas of concern in terms of respect for human rights in the Kingdom of the Netherlands attention is still drawn to the situation with illegal immigrants and asylum seekers, persistent discrimination against legal immigrants from developing countries as well as ensuring security of citizens' personal data (first of all, electronic data) when used by public authorities. In the Caribbean part of the Kingdom (the islands of Aruba, Curaçao, Sint Maarten, Bonaire, Saba and Sint Eustatius), trafficking in persons and prison conditions continue to cause concern.

These problematic aspects of the human rights situation in the country were noted, in particular, in the proceedings of the second cycle of the Universal Periodic Review of the Human Rights Council (2012), the report of the Institute for Human Rights for 2012<sup>6</sup>, reports of the media and reputable international human rights NGOs, among others.

The situation with safeguarding the rights of foreigners held in detention remains in the focus of attention of human rights defenders. According to statistics from the Ministry of Security and Justice of the Netherlands, the authorities detain about 8-10 thousand foreigners each year, with many of them being detained on repeated occasions and for prolonged periods of time. In its reports, Amnesty International has been pointing to the fact that detention in the Netherlands has in effect turned into a "tool of intimidation and punishment" and is used by the authorities too frequently, including against vulnerable groups, such as victims of torture and trafficking in persons, pregnant women, etc. The report of the Amnesty International on the situation with human rights in the world in 2012 once again states that this coercive measure is used too frequently in the Netherlands, with conditions of detention of illegal migrants in

---

<sup>6</sup> The full text of the report (hereinafter the "report of the Institute for 2012") is available on the website: <http://www.mensenrechten.nl/publicaties/detail/18415>

special centers remaining worse in some respects than in the prisons of the Netherlands.

The National Ombudsman of the Netherlands specifically emphasized in a report on violation of the rights of foreigners illegally residing in the Netherlands and held in detention (August 2012) and in his statements in early 2013 that detention shall be applied to foreigners only as an extreme coercive measure and criticized the authorities for insufficient attention to developing alternative ways of ensuring deportation.

In August 2012, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) published a report based on the results of the visits to Dutch confinement facilities, in which it was indicated to the authorities of the Netherlands that families subject to deportation that had minor children were held in detention for excessively long periods of time and that handcuffs were used frequently and unreasonably with regard to detainees when they were being moved beyond special centers (to a court, hospital, etc.).

In June 2013, in its concluding observations regarding the fifth and sixth periodic reports of the Netherlands, the Committee against Torture pointed to such problematic aspects of treatment of illegal migrants and asylum seekers as careless and hasty consideration of asylum claims, insufficient attention to specific medical needs of applicants, prolonged detention in special centers and harsh conditions in them, which periodically provokes hunger strikes and suicides, and others.

In 2011, 40 people died in confinement facilities, including in detention centers for immigrants; 15 of them committed suicide. In 2012, according to preliminary data, 24 people died, 9 of them as a result of suicide. At the same time, the National Ombudsman stated in a special report on this subject (April 2012) that the statistical data of various public authorities on the number of deaths in detention facilities often differ and criticized the authorities for

insufficient quality of investigation into the circumstances and causes of such deaths.

The investigation conducted into the death of a Russian citizen, A. Dolmatov, in a deportation center in Rotterdam in January 2013 revealed not only inaction or negligent actions on the part of certain officers of relevant authorities of the Netherlands with regard to him but also serious flaws in procedures and information systems used by the authorities when dealing with immigration matters. In particular, the main conclusion of the investigation was that from time to time failures occurred which resulted in false information being registered in the applicants' dossiers. These revealed facts sparked a wave of criticism from the national human rights community, international human rights bodies and NGOs.

Human rights advocates regularly express concern about insufficient transparency of activities of Dutch authorities responsible for forced expulsion of illegal migrants. The fact that administrative detention of illegal immigrants with a view to expelling them is subject to criminal law in the Netherlands (the Law on the Principles of the Penitentiary System) is also criticized. This leads to a disproportionate restriction of the rights of detainees who are not guilty of any crime, including of their internal movement, private life, as well as access to social services, leisure and contacts with the outside world, marginalizes immigrants and asylum seekers who are treated as "criminals", which creates stereotypical images and xenophobic sentiments among the population.

Furthermore, the Government has drafted a bill that recognizes the illegal stay of foreigners in the country as a criminal offense (maximum penalty – arrest for up to 4 months or a fine of up to 3,900 euros). The rationale for this bill and the disproportionate penalty stipulated by it have been severely criticized by the human rights community, the Council of State of the Netherlands and the Institute for Human Rights.

In his turn, the Ombudsman for Children noted in a report published in June 2013 that the practices of migration authorities regarding the consideration in 2008-2013 of children's applications for reunification with their parents restrict the rights and interests of children that are enshrined in the Convention on the Rights of the Child. Concern over the Netherlands' policy on family reunification, which leads to violation of children's rights, as well as over an unacceptable policy of detention of juvenile immigrants or asylum seekers was also expressed in the report of the Institute for Human Rights for 2012.

Concerns remain with respect to the policy of the Netherlands towards immigrants legally residing in the country, including those who acquired the citizenship of the Netherlands. It is noted that members of ethnic, national and religious minorities continue to face discrimination in health care, education, housing and employment. In recent years, the unemployment rate among ethnic minorities consistently exceeds the level of unemployment among native Dutch by nearly three times. According to the Central Bureau of Statistics of the Netherlands, in 2012 it was 15.5 percent (an increase of 2.4 percent compared to 2011), while the unemployment rate among the native population was 5 percent.

Violation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (the Lanzarote Convention) by the Netherlands causes serious concern and anxiety. Italian deputies R. Farina and L. Volonte sent appropriate inquiries to the Committee of Ministers of the Council of Europe earlier in this regard. The reason for the first inquiry was the decision of the Court of Appeal of Arnhem to reverse the judgment passed on June 27, 2012, to ban the Dutch pedophile association, the Martijn club (a non-profit organization that promotes the idea of "acceptability" of sexual relations between adults and children; most established members of the "club" have convictions for sexual offenses against children; "kids love it, and they should be thankful for having sex with adults, they will not protest, just

give them more gifts" – this is an example of the approaches of the "club", which the Dutch newspaper quoted with reference to the official Martijn website.

As noted by legal experts, this decision of the Arnhem court became possible due to the lack of legal implementation of the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in the Netherlands, despite numerous calls of other States Parties to correct that.

It is noted in the decision of the Court of Appeal that the modern Dutch society is developed enough to "counter threats posed by the activities of the club". In the second inquiry on behalf of L. Volonte concern is expressed with regard to the investigation of the case of J. Demmink by the authorities of the Netherlands; before his dismissal he held a senior position in the Ministry of Justice of the Netherlands. It is pointed out that J. Demmink, who had been accused of statutory rape, was not removed from office and had the opportunity to influence the judicial process. Furthermore, according to L. Volonte, the Government of the Netherlands "covered up" for J. Demmink.

It is remarkable that this is the second inquiry of L. Volonte at the CMCE regarding this matter: the parliamentarian was not satisfied with a "watered down" response of the Committee of Ministers to his first inquiry in March this year.

Both inquiries show that the Netherlands violate the Lanzarote Convention, according to which a country shall take all necessary legislative and other measures to prevent sexual exploitation and sexual abuse of children.

In October 2013, the Secretariat of the Council of Europe notified the national delegations of the withdrawal from discussion of draft replies to the questions of PACE deputies L. Volonte and R. Farina in the CE Committee of Ministers on formal grounds. As a justification for the decision not to respond to these inquiries the Secretariat indicated that both Italians are no longer members

of the national parliamentary delegation to the PACE, and, therefore, "in accordance with the arrangements between the PACE and the CMCE", the Committee of Ministers shall not respond to these questions.

The number of complaints about discrimination that are received at regional anti-discrimination centers in the Netherlands is steadily growing. In 2011, 6391 such complaints were registered in the Netherlands (5 percent more than in 2010). In most cases, claimants were victims of discrimination based on race. At the same time, experts emphasize that any official statistics in this area is "only the tip of the iceberg", as an undetermined significant number of people never complain of discrimination against them because they do not believe in the efficacy of filing such complaints or are afraid of "negative consequences".

In its latest report on the Netherlands, the European Commission against Racism and Intolerance (ECRI) claims that the actions of the Dutch authorities lead to marginalization of members of ethnic minorities and discrimination against them. The case when the police, without any apparent reasons, conducted searches among Antilleans living in the Netherlands was given as an example.

The UN Committee on Economic, Social and Cultural Rights draws attention to the lack of anti-discrimination provisions in the legislation of the Netherlands, noting that it does not provide for safeguards against discrimination in all its forms. In this context, the Committee is worried by the growing popularity of racist and xenophobic sentiments that can be seen in the Netherlands.

In 2012, a special website for filing complaints against migrants from Eastern Europe was created by the Party for Freedom, which provoked sharp criticism from Dutch and international human rights organizations.

Disturbing messages about the policy in the field of ensuring equality between men and women continue to appear. Discrimination manifests itself in

a considerable pay gap between men and women, less significant presence of women on the labour market and in political life. In its report for 2012, the Institute for Human Rights also draws attention to the persistent problem of domestic violence against women – according to the police, about 200 thousand women become victims of such violence each year, and the Institute is of the opinion that the Government has not developed a comprehensive approach to solving this problem.

Many questions with regard to legality and compliance with human rights, particularly the right to privacy, arise in connection with the active work of the police and security services of the Netherlands aimed at wiretapping individuals and monitoring their online communication in order to "ensure national security and combat crime". According to a study published in May 2012 by the Research and Documentation Centre of the Ministry of Security and Justice of the Netherlands, about 22,000 phones were wiretapped in the Netherlands in 2010, and it is noted in the report that these figures are higher than in other European countries and that the information obtained by wiretapping in practice rarely contributes to solving the crimes.

In November 2012, the European Court of Human Rights ruled that the Dutch security services violated Article 8 ("The Right to Respect for Private and Family Life") and Article 10 ("Freedom of Expression") of the European Convention on Human Rights by organizing wiretapping and surveillance of two journalists of the *Telegraaf* newspaper after they prepared a series of materials relating to the work of the security services<sup>7</sup>.

In June 2013, in connection with the scandal over PRISM surveillance program, a number of Internet providers revealed that they had to give information about their customers to law enforcement agencies at their request

---

<sup>7</sup> *Telegraaf Media Nederland Landelijke Media B. V. and Others v. the Netherlands, complaint № 39315/06.*

on a regular basis<sup>8</sup> (though it remained unclear to them how exactly these data were then used by public authorities).

Large-scale collection and accumulation of personal data, such as movement of vehicles (with the help of navigators and roadside cameras), logs of phone calls, Internet usage statistics, including the content of websites visited, can result in too detailed "profiling" of individuals, which, for all technological development, does not exclude inaccuracies and serious mistakes. Extensive subsequent use of information from such dossiers on citizens by public authorities may lead to incorrect results and sometimes to violation of citizens' rights.

In its report for 2012<sup>9</sup>, the Data Protection Authority indicated that the gathering and linking of personal data by various public authorities is often exercised in violation of the law, and as a result citizens are not able to determine what data about them are stored, where and for what purpose.

In the report of the Institute for 2012 attention was drawn to essentially the same problems in the sphere of ensuring security of citizens' personal data – the "secondary use" of the collected data for purposes other than those for which they were initially gathered, possible discrimination against persons on the basis of the collected data, accumulation of such data leading to serious violation of the right to privacy, etc.

Human rights activists continue to express concern about the situation with human rights in the Caribbean part of the Kingdom of the Netherlands. In 2007, the European Committee for the Prevention of Torture made a number of recommendations in order to improve the conditions of detention in prisons on Aruba and in the Netherlands Antilles (the islands of Curaçao, Sint Maarten and the BES islands). In 2008, the Council of Ministers of the Kingdom of the Netherlands decided to oblige the governors of both countries (Aruba and the

---

<sup>8</sup> See: <http://www.volkskrant.nl/vk/nl/2686/Binnenland/article/detail/3471627/2013/07/06/Spionagepraktijken-in-de-VS-Kiik-eerst-eens-naar-Nederland.dhtml>. <http://nos.nl/artikel/528320-xs4all-150-verzoeken-diensten.html>

<sup>9</sup> [http://www.cbpweb.nl/Pages/jv\\_2012.aspx](http://www.cbpweb.nl/Pages/jv_2012.aspx)

Netherlands Antilles)<sup>10</sup> to report on the implementation of the CPT recommendations every six months. The recent reports (July 2011) note a partial improvement in the conditions of detention as well as the willingness of the authorities to work in this direction. At the same time, in some facilities a number of significant violations are still not corrected (lack of ventilation, overcrowded cells, poor quality of health care, long-term detention, etc.). Beyond that, there are doubts that during interrogations detainees are provided with adequate legal assistance.

International NGOs indicate that in these territories problems exist with trafficking in persons for sexual exploitation as well as for domestic servitude and forced labour in construction and agriculture.

The Committee on Economic, Social and Cultural Rights notes that in violation of Article 8 of the International Covenant on Economic, Social and Cultural Rights there is a legal ban on strikes on Curaçao and Sint Maarten, and in the Netherlands themselves, although strikes are not prohibited, the right to conduct them is not stipulated. Corporal punishment, which shall be abolished in accordance with Article 10 of the Covenant, still exists on Aruba. Concern about the absence of the ban on corporal punishment on Aruba as well as the lack of respect for this ban on other Netherlands Antilles islands has been voiced by a number of countries, including within the framework of the Universal Periodic Review of the UN Human Rights Council.

---

<sup>10</sup> Since October 10, 2010, as a result of a constitutional reform, the status of the Netherlands Antilles (previously a single constituent country within the Kingdom) has been changed: Curaçao and Sint Maarten are now separate constituent countries, and the islands of Bonaire, Sint Eustatius and Saba (the BES islands) received the status of special municipalities within the Netherlands.

## **Poland**

In Poland, the most significant human rights issues have remained the same for years. Human rights institutions still record quite a lot of instances of discrimination based on gender, religion and sexual orientation. It is often that reproductive rights of women are not respected, police officers exceed their authority, prisons are overcrowded and inmates have difficulties in gaining access to appropriate health care, while rights and freedoms are violated under the pretext of combating terrorism (the so-called CIA "black sites"). Human rights situation of migrants and refugees remains stressful.

The Polish Helsinki Foundation for Human Rights (HFHR) has stated that Poland is reluctant to execute the judgments of the European Court of Human Rights (ECHR), which, in particular, found that prison conditions in Poland did not satisfy the confinement standards. Systematic violations of human rights in this area were mentioned in the latest report of the Council of Europe Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The Committee encouraged the Polish authorities to pursue their endeavors to combat prison overcrowding and take legal measures to increase the minimum standard of living space per prisoner up to the European minimum standard of 4 sq m per prisoner (currently, the Polish standard amounts to 3 sq m per prisoner). The Committee also noted prolonged detention periods and the growing incidence of acts of torture against inmates. It is still difficult to gain access to appropriate health care in custody, despite a number of programs put in place to improve the situation, such as the Health Care in Polish Prisons program. Amnesty International has also stated that prisoners often cannot receive necessary medical aid. In this regard, the institution supported the complaint to the ECHR filed by a Polish prisoner M. Stefaniak, who had been denied medical aid in prison despite her being almost completely deaf.

According to the annual Report on execution of ECHR judgments, published in spring 2013, Poland ranks third by the number of cases monitored by the Committee of Ministers of the Council of Europe (74 cases in the process).

Human rights institutions are concerned about the growing number of hate crimes in Poland. As reported by Never Again, a major anti-fascist organization operating in Poland since 1996, over 600 such crimes were recorded in the country in 2011–2012. Most of the nationalistic crimes were recorded in Bialystok and Wroclaw. In these cities, there are active members of such nationalist and neo-Nazi organizations as National Rebirth of Poland and Blood and Honor and movements like skinheads and "*kibols*" (football fans).

In recent years, the incidence of crimes involving violations of religious, national and ethnic minority rights in Poland has increased. According to the Prosecutor General's Office of Poland, 362 criminal cases were initiated in 2012, 272 – in 2011 and 146 – in 2010. Most victims were people of Jewish origin because of domestic anti-Semitism entrenched into the Polish society (93 cases). For example, one could mention a number of incidents which took place in 2012–2013. Thus, on April 13, 2012, the *Gazeta Wyborcza* newspaper reported about a shop selling items bearing anti-Semitic insignia to the supporters of local football team in the city of Lodz. On July 7, 2012, visitors to the Moment Cafe in Krakow were refused service because they belonged to the Jewish nation. On February 17, 2013, supporters of LKS Lodz Football Club organized a tournament during which they held a competition in throwing ninja stars at an effigy of a Jew (*Gazeta Wyborcza*).

In June 2013, about a hundred of nationalists and football fans disrupted a lecture by Z. Bauman at Wroclaw University. The hooligans followed the instructions of D. Goshinski, leader of the local cell of National Rebirth of Poland, and R. Zielinski, leader of football fans in Wroclaw and author of the book "*How I fell in love with Adolf Hitler*".

Although the Constitution of the country prohibits the activities of parties inciting racial and national hatred, the so-called Party of the Slavonic Empire has been registered. "Everyone knows, who rules over Poland. Jews rule over Poland. And we will fight against these damned Jews", – said Jan Kielb, leader of the party.

There are also outbreaks of xenophobia towards Belarusians, Ukrainians, Russians, people from the Middle East and Africa. Moreover, it is often supported by social and political actors. Thus, on June 12, 2012, during the EURO-2012 football championship, there were massive beatings of the Russian citizens by pseudo-supporters of the Polish national team. Before the event some right-wing political actors heightened tension by comparing the game between Poland and Russia with the Polish-Soviet War that took place in 1920. The following day, Maciej Maciejowski, member of the Warsaw City Council, wrote in his twitter: "It's a shame that police didn't ban the Russian march and the Polish supporters had to defend the honor of Poland. Bravo, guys! We won't let them spit in our face!".

On June 20, 2012, in an interview to the Eska ROCK radio station after the game between Poland and Ukraine, K. Wojewodzki, a famous Polish showman, made insulting comments about the Ukrainian women, who worked in Poland as housemaids.

In August 2013, the court in the city of Bialystok decided that the customs official, who had called Chechens despicable parasites, Caucasian idlers and pedophiles in Internet, had not exceeded the limits of freedom of expression.

In general, ultranationalist moods have intensified. Thus, National Movement (NM), a major nationalist organization, has already been mentioned in opinion polls by about 2 percent of respondents. NM has more than 20,000 supporters on Facebook (for example, the ruling Civic Platform party has slightly more than 40,000).

On November 11, 2013, when a few thousands of people gathered in the streets of Warsaw to take part in demonstrations organized by members of radical nationalist movements on the occasion of National Independence Day, the Embassy of Russia in Poland was attacked by hooligans. During the unrest, they threw flares, stones and firecrackers to the diplomatic premises. The property of the Russian diplomatic mission was damaged.

The situation of Roma remains complicated. As reported by human rights defenders, some Roma families have been evicted from municipal territories without being provided other place for living. Most recent case of this kind took place in May 2013 in Wroclaw, where eviction was prevented with the assistance of human rights institutions. Human rights defenders are concerned about the persisting discrimination of Roma in employment and education. According to the EU Agency for Fundamental Rights, less than 30 percent of Roma respondents have completed secondary or vocational secondary education (in comparison to 80 percent of non-Roma respondents). Quite a lot of children from Roma families do not go to schools, while the authorities send every fifth Roma child to a special school for students with mental disabilities, in most cases, because of his or her poor knowledge of the Polish language.

Roma population in Poland is characterized by the highest rates of poverty and unemployment (the latter reaching 80 percent). Most Roma people live in poor conditions, 20 percent of them lack access to even basic sanitation.

It is a matter of concern that refugees or people seeking such status often become homeless. According to the report of the United Nations High Commissioner for Refugees, published in June 2013, 10 percent of foreigners, who had been granted refugee status in Poland, were homeless, i.e. roofless. About 40 percent had homes, but lived in extremely poor conditions. It is noted that homelessness results from improper integration of refugees, who face considerable difficulties in employment.

Human rights institutions note lack of progress in the investigation into

the CIA black sites case that is carried out by the Polish authorities. Moreover, in its report, published in June 2013, Amnesty International expressed concern over serious political pressure exerted on the investigators. This fact was also highlighted by Nils Muiznieks, Council of Europe Commissioner for Human Rights. Prosecutor General's Office of Poland refused to provide information on this subject to the ECHR.

## **Portugal**

Major human rights issues in Portugal still include ill-treatment of inmates, abuse of authority on the part of law enforcement officers, domestic violence, paedophilia and human trafficking. Human rights experts note that the social and economic crisis that hit Portugal has obviously sidelined human rights challenges.

In its 2013 report, Amnesty International indicated actual lack of progress in taking measures against the police officers serving in correctional facilities security units, who had been implicated in abuse of their authority. Since late 2011, no progress has been made in criminal investigation into the unlawful use of electric stun device against an inmate at the Paços de Ferreira prison in September 2010, despite the report acknowledging disproportionate use of force by two officers of Prison Security and Intervention Group presented by the Prison Inspector and Audit Service operating under the Directorate General for Prison and Probation Services. Investigation into the acts of torture against V. Borges committed by three police officers in 2000 lasted for 13 years and was repeatedly suspended. It was only in January 2013 that two of the three criminal police officers were convicted and sentenced to two and a half years on probation and a small fine.

Law enforcement officers are also accused of unlawful use of force against peaceful protesters. Two journalists were taken to hospital after clashes with the law enforcement officers in March 2012.

According to the Homeland Security Report, published in March 2013, 37 persons were injured by the Public Security Police officers in Portugal in 2012, i.e. 65 fewer than in 2011. However, actions of police officers led to three deaths in 2012, while only one death was recorded in 2011.

On March 15, 2013, R. Marques, an 18-year-old young man, was killed during a police pursuit in Bela Vista, Setubal. Police chased him because he was

riding without a motorcycle helmet. In their attempt to stop the young man, police officers fired several shots into the air, which caused his fatal crash.

On March 26, 2013, residents of the city of Queluz complained about a group of young men. Attempting to stop six persons, who tried to escape, police officers fired shots at them. As a result, three young men (two 15-year-old boys and one 16-year-old boy) were wounded in legs and hands and taken to hospital. Currently, both cases are investigated by the Prosecutor's Office and Directorate General for Internal Affairs.

The report of the European Committee for the Prevention of Torture, published in April 2013, notes some incidents of ill-treatment of inmates and overcrowding in the Portuguese prisons (covering a total of 51 prisons in Portugal). In certain prisons, overcrowding rates have reached 30 percent. The report particularly criticizes the situation in prisons in Lisbon, Paços de Ferreira and Linho. In addition to improving general conditions and health care services in prisons, the Portuguese authorities are encouraged to reduce the duration of solitary confinement as a disciplinary measure to 14 days and to take measures to ensure that inmates are not kept in cells for more than 22 hours a day.

The incidence of xenophobia and nationalism has increased. Eviction of Roma community from Bairro da Torre in Loures was widely publicized in October 2011. In June 2012, the Bragahabit municipal agency responsible for residential property management in Braga refused to rent out an apartment to the family of M. Ribeiro referring directly to their Roma nationality as the reason for its decision.

In February 2012, the Committee on the Elimination of Racial Discrimination discussed measures taken by Portugal in this area. The Committee welcomed the adoption of new plans and strategies aimed at integrating immigrants into the Portuguese society, as well as the establishment of new institutions operating in this field (Office of the High Commissioner for Immigration and Intercultural Dialogue, National Human Rights Committee and

Support Office for Roma Communities, etc.).

The main challenges in this area include lack of statistical data on racial and ethnic background of citizens and permanent residents of Portugal; extremely small number of complaints filed under Article 240 (on racial discrimination) of the Criminal Code, which, according to experts, reflects the lack of trust in the national judicial system rather than the absence of such cases; discrimination of Roma communities (poor conditions in terms of housing and utilities, unequal access to education, health care, employment and other social services); reduction of public spending on human rights protection and fight against racial discrimination.

In September 2012, following their mission to Portugal, the UN experts published a report on the situation of people of African descent in this country. The main outcome of the document was the discovery of hidden racism in Portugal. The experts also noted the structural inequalities leading to the marginalization of people of African descent (lack of equal access to education, social services, employment, and justice system; low representation in political decision-making bodies and other public institutions; acts of violence committed by the officers of law enforcement agencies).

In September 2012, the National Republican Guard raided a Roma camp near the city of Vila Verde and detained six persons suspected of illegal possession of arms and several thefts and robberies in the region. The guards not only failed to show search and arrest warrants, but also tortured the six detainees while they were kept in custody at the Guard's station, as stated by the victims themselves, by a representative of Escolhas social service providing assistance to that Roma community and by the staff members of SOS Racismo NGO. Violence inflicted on the detained persons allegedly included waterboarding, the use of electric stun device, etc.

In February 2013, the Central Criminal Investigation Department of Portugal announced the resumption of investigation into the case of secret

flights through the Portuguese territory conducted by the CIA to transport persons suspected of terrorism that was closed two years ago. Such a decision was triggered by the fact that earlier that month an international NGO called Open Society Foundations published a report entitled *Globalizing Torture* that mentioned Portugal among the 54 countries that had opened their territories for the transportation of "dangerous elements" to the US black-sites, where they were kept in legal vacuum and subjected to torture. According to the report, about 115 stopovers were made within the Portuguese territory by aircraft presumably associated with the CIA over the period of 2001–2006. In particular, the airports of Porto and Santa Maria Island (Madeira) and the air base at Lajes (the Azores Islands) were indicated. The document states that Portugal, acting in violation of domestic and international standards of fight against torture, permitted the use of its airspace and national airports to accommodate the needs of the CIA.

Domestic violence remains a major humanitarian issue. In 2012, law enforcement agencies recorded 26,000 incidents of domestic violence (10 percent fewer than in 2011). In 82 percent of the incidents, victims were females. Over the period of 2011–2012, perpetrators faced charges only in 8,000 cases out of 50,000 cases initiated by the prosecution authorities, while about 80 percent of cases were closed. According to the Portuguese Victim Support Association and the Portuguese Ombudsman, the number of complaints over the incidents of domestic violence filed to the human rights institutions increased (from 15,724 in 2011 to 16,970 in 2012).

According to the Women's Union Alternative and Response NGO, the number of murders resulting from domestic violence increased from 27 in 2011 to 40 in 2012, while the number of attempted murders reached 53 in 2012. Ten murders were recorded as of March 2013.

Human trafficking is still an acute issue in Portugal. As it was estimated in the report prepared for the Council of Europe and published in February 2013

by the Group of Experts on Action against Trafficking in Human Beings, Portugal had made considerable progress in preventing and combating human trafficking, in particular, by establishing the Portuguese Monitoring Center and adopting two national plans of action against human trafficking for the periods of 2007–2010 and 2010–2013. However, it was emphasized in the report that the number of persons charged with this offence remained small. It was stated that the fight against human trafficking required greater engagement of NGOs. The availability of a shelter providing accommodation and assistance to the victims of human trafficking under the Family Planning Association was welcomed, but it was noted that the shelter was open only to women and had a limited capacity.

According to official data, in 2012, the group of potential victims of human trafficking comprised 125 persons, including 81 nationals of Portugal or foreigners, who were enslaved within the Portuguese territory, and 44 nationals of Portugal, who were trafficked abroad. At the same time, 83 such offences were related to labor slavery, 25 – to sexual slavery, and the rest – to other forms of human trafficking.

As indicated by the International Institute for Strategic Studies that published a report on the outcomes of its 3-year study of the situation concerning human trafficking in May 2013, 260 persons were sold into slavery in Portugal annually. Such significant difference is due to the fact that official data do not include the enslaved persons, who are transported through the Portuguese territory. At the same time, it is noted that the Portuguese territory is crossed by 37 international routes used for human trafficking. Victims originate mainly from Nigeria, Thailand, Bulgaria, Brazil and Ghana. Thus, 70 percent of victims are imported from outside the EU: 44 percent – from Africa, 13 percent – from Latin America and 13 percent – from Asia. Human trafficking involving Spain is growing and amounts to 12 percent of the total number of cases. Fifty three percent of victims, who managed to escape from

slavery, have not received any support from the governmental agencies and NGOs.

According to the Foreigners and Borders Service, working migrants account for 6 percent of the GDP in Portugal, while 50,000–75,000 people stay in the country illegally.

Portugal's record includes higher incidence of paedophilia and the use of children in pornography (46 and 14 percent respectively of all sexual offences committed in 2012, totaling 880 initiated cases). About a thousand of cases involving paedophilia have been investigated in Portugal annually since 2003. Forty two suspects in paedophilia were detained in the first half of 2013. According to the criminal police, 36 incidents of sexual violence against children were discovered as of May 2013. Law enforcement agencies pay particular attention to preventing incidents of paedophilia at schools, seminaries and shelters after the exposure of a number of high-ranking persons, including TV stars, a politician, a diplomat, etc., in the high-profile Casa Pia case involving sexual abuse of more than 100 children at an orphanage in Lisbon. A former orphanage employee was accused of having sexually abused dozens of children for 30 years, as well as of having organized a child prostitution network used by many influential nationals of Portugal and some foreigners. Two out of seven persons involved in the case were released and five are serving prison sentences. As stated by the prosecution authorities, investigation into two cases of supposed child abuse at church parishes in the city of Lisbon and another high-profile case of paedophilia at the seminary in the city of Fundao is currently underway.

The case of 49-year-old M. Fortes, who made the acquaintance of 9 to 14-year-old children through Facebook social network, pretending to be a teenager, has also been widely publicized. In April 2013, he was charged with 240 sexual offences against 76 children.

In 2007–2011, R. Campos, an IT-specialist, lured 3 to 11-year-old

children to his home. In January 2013, the offender was sentenced to 19 years in prison for 17 child molestation incidents, while he was originally charged with 165 such incidents.

It is more often that children are forced into prostitution by their own parents and relatives. In the city of Paredes, a woman for three years forced her 13 and 15-year-old daughters to stay in sexual relationship with a 73-year-old man for money and food. Both suspects have been detained.

## Romania

International and national human rights organizations continue to report human rights problems identified in Romania. The most common ones include the inhumane treatment of prisoners by police and gendarmerie, infringement of the rights of Roma, violation of freedom of speech, etc.

In May–July 2012, there were three reported cases, including the use of firearms by policemen and gendarmes against the alleged Roma perpetrators, leading to death. At the same time one of the incidents was later qualified by the court as self-defense that helped the law enforcement officer to avoid punishment. This provoked a strong reaction from the NGO "Romani CRISS" protecting Roma rights which disagreed with the court's decision.

According to November 2011 report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), the officers of the Romania's Directorate for Countering Organized Crime and Terrorism committed acts against detainees, including adolescents, during the interrogation process, that were subsequently qualified by the CPT as torture (with stun guns, batons, arm-twisting methods, etc.).

Human rights organizations are concerned about the situation in the Romanian penitentiary system due to poor detention conditions, maltreatment of prisoners and inadequate medical care. In some prisons the detainees had no access to drinking water.

According to observers, the situation with Roma rights has been deplorable for years now. Some NGOs (especially the "Romani CRISS") are still criticizing the policy of the Romanian authorities regarding the Roma access to normal education, labour market and health care. According to the European experts, there are between 1.8 and 2.5 million Roma living in Romania, 45 percent of whom do not have permanent jobs, most of them living in extreme poverty.

The level of intolerance towards Roma in the Romanian society remains high, with stereotypes of discriminatory character that are widespread. Journalists and politicians still allow offensive remarks against Roma in their professional life. During public (especially sports) events anti-Roma posters, slogans and songs are frequently used.

In this regard, specialized NGOs were concerned about the statements made by the President Traian Basescu in June 2013, who, speaking on the demographic situation in the country, sarcastically noted: "Why a gypsy can have five or six children, and a Romanian not? Because a gypsy has no managerial skills".

There are frequently reported cases to human rights defenders of Roma forcible transfer in Romania. During the local government election campaign in May–June 2012, by order of the mayor of Baia-Mare who was known in his time for the construction of segregation wall, 90 Roma families were forcibly taken off to the administrative buildings of the abandoned chemical plant on the outskirts of the town. In September 2012, the mayor ordered to dismantle residential buildings in other part of the municipality, where about 45 families lived.

There are cases of segregation with regard to Roma children in the Romanian schools when teachers group them at the back desks or in classrooms separate from the Romanian pupils, as well as ignore them in the course of the education process.

In December 2011, the Romanian government approved the national strategy for the integration of Roma national minority into the Romanian society for the period 2012–2020. However, The National Agency for the Roma established for this purpose is constantly criticized by the human rights organizations. In the context of a difficult socio-economic situation in the country along with the clumsy and uncoordinated interaction of this institution with other government agencies, it implements a very limited number of

projects that, according to NGOs, challenges the resolution of the Roma issue in a short term.

The NGO "Center for Monitoring and Combating Anti-Semitism in Romania" continues to attract attention of the state and the public to the cases of anti-Semitism, xenophobia, racism and nationalism, and identify them.

The Romanian law prohibits public denial of the Holocaust. Despite this fact, in March last year, the official representative of the largest in the governing coalition Social Democratic Party, D. Sova stated on a television program that "no Jew suffered on Romanian territory thanks to Marshal Antonescu". This statement provoked a strong reaction from the Jewish human rights organizations as it practically exonerated the main Romanian fascist, convicted by the Nuremberg Tribunal. D. Sova was dismissed from his post, publicly apologized and even authored a legislative initiative aimed at improving the Holocaust educational programs.

In April 2012, Elie Wiesel National Institute for Holocaust Studies filed a complaint to a judicial body regarding the erection of the monument near Buftea in honor of Corneliu Zelea Codreanu, the leader of the Romanian ultranationalists in the interwar period, the founder of the "Iron Guard". However, the court dismissed the appeal, considering that no offence had been committed in this case.

The attempts that have been made since 2012 by the Jewish organizations and the Prosecutor-General's Office of Romania to suspend the activity of the party "Everything for the country" that is, in fact, a successor to the "Iron Guard" with a typically fascist doctrine, which actions are frequently characterized by the experts in recent years as xenophobic and racist, have failed thus far. Against this background, in Bucharest there are frequently reported cases of painting swastikas and Nazi symbols on the walls of buildings and constructions, publications of anti-Semitic articles and materials in the Internet, glorifying the ideas of the fascist organizations. Human rights

defenders continue to criticize the Romanian authorities for attaching little importance to the acts of vandalism in this country, especially in Jewish cemeteries and memorials.

In May 2013, the Romanian NGO "Active Watch – Press Monitoring Agency" operating within the framework of the international organization "Reporters without Borders", presented the progress report to the public on "Press Freedom in Romania for 2012". This document provides the examples of political or other pressure on the local and foreign journalists, infringement of the freedom of expression by public authorities and politicians, as well as the influence of the security services on the work of the media. According to human rights defenders, the freedom of speech in Romania is currently in danger due to de facto censorship and secret service agents working "undercover" in the media teams; frequent use of law enforcement agencies to intimidate unwanted journalists and civil society activists, including with the approval of political authority; suppression of street protests and opposition demonstrations with violent use of force; use of the media by their owners as a tool of unfair political struggle; increasing vulnerability of journalists to media owners, especially during the economic crisis, use of financial pressure tools and ill-treatment by the latter due to a retreat from the editorial policy or non-performance of "orders".

The Romanian and Western human rights defenders continue to identify serious abuses of the rights of the children. About 40 thousand children in Romania live in poverty with no access to medical care. Child labour is widely used in the country, especially in rural areas.

According to the International Labour Organization, about 80 thousand children in Romania are involved in illegal business, including drug trafficking and prostitution. The General Directorate of Social Assistance and Child Protection of Romania regularly exposes bonded child labour.

## **Slovakia**

The situation with the implementation of fundamental rights and freedoms of citizens in Slovakia is quite stable. The SR legislation in this area is adapted to the EU, the Council of Europe and the OSCE standards.

The range of human rights problems faced by Slovakia remains the same. The main attention and recommendations of the international monitoring mechanisms and non-governmental human rights organizations are focused on the Roma community issue, delay in legal proceedings and strict migration policy.

According to 2011 official population census, there are nearly 106 thousand Roma in Slovakia. Experts estimate that the real number of Roma living in the SR is much larger – about 500 thousand people (more than 9 percent of the population).

According to human rights defenders, Roma people still refer to the most discriminated group in the labour market, in the area of education, health care and housing. The UN Committee on Economic, Social and Cultural Rights and Amnesty International properly criticize the Slovak authorities.

There are more and more reported cases in Slovakia of opposing the residence of Roma people in the central parts of towns, attempts to transfer Roma communities to the outskirts and isolate them. More often it happens through separation barriers and leads to multi-ethnic Roma enclaves. The Roma expulsion due to the debt on utility bills (which often exceed the social benefit), sometimes without providing the alternative accommodation, has become quite usual. Moreover, according to the European Roma Rights Center, unlike other European countries, there is no moratorium in Slovakia on forcible transfer in winter. Thus, in October 2012, local authorities demolished the small Roma settlement built between the city Presov and the village Maly Saris. At the same time, the local authorities of Kosice demolished the illegal enclave buildings

and expelled 150 Roma (63 children among them) to Nizne Kapustniky. According to the recent information, today in Slovakia there are nearly 700 of such Roma squatter poor settlements, where people are living in makeshift buildings in unhygienic conditions, without roads, sewerage, water and heating. More than 150 of them are subject to demolition.

The policy towards Roma segregation is especially evident in the areas of pre-school and school education. Pre-school education of Roma children is mostly carried out in families, since kindergartens often refuse to accept them. As a result, when such children enter school age, they do not know the Slovak language well enough and are consequently enrolled in separate classes or special schools as mentally retarded. The Slovak government is seeking to remedy the situation and taking appropriate steps. The Ministry of Education of the SR has adopted a regulation strictly prohibiting segregation and allocated 110 thousand euro for 2012/2013 academic year for work with students from disadvantaged families.

There are still frequent cases of forced sterilization of Roma women. Thus, in 2012 the European Court of Human Rights in Strasbourg has taken three favourable decisions on the appropriate complaints.

Extremist sentiments in Slovakia are also alarming. The police registered about 2 thousand extremists, most of them in the capital region. Racist and nationalist crimes are mainly directed against national minorities, the vast majority of which are the Roma. Nationalist sentiments are spreading through the Internet community. During the first half of 2013 the authorities identified several extremist cases. According to experts, the election of ultra-right radical M.Kotleba as the governor of Banskobystricky region in November 2013, was a serious sign of underestimation of the danger of extremism in this country, and also highlighted the evident shortcomings in addressing the "Roma" issue.

It should be noted that increased attention of law-enforcement agencies of Slovakia is paid to radical groups. The Conception for the fight against

extremism for 2011–2014 is being implemented, where particular importance is attached to the development of legal mechanisms and a range of measures to protect citizens from the manifestations of extremism.

At the same time, the European Committee for the Prevention of Torture criticizes Slovakia due to the facts of the Slovak police abuses of detainees at the time of arrest and during imprisonment. Most of the offences are committed by the officials of local law-enforcement agencies against Roma people.

Reports on the activity of the representative of Slovakia to the European Court of Human Rights annually confirm the Slovak Republic's persistent problem with prolonged judicial proceedings. There are reported cases of long-term pre-trial detention without presenting a charge.

International bodies and non-governmental human rights organizations also pay attention to the strict migration policy of Slovakia. Since 1993, only 611 out of 57 thousand applicants received asylum in the country. Since January 1, 2013 the amendments to the SR Civil Procedure Code have come into force, prohibiting lawyers from NGOs to represent in courts free of charge the interests of foreigners seeking asylum.

## **Slovenia**

Local citizens and international human rights organizations remain concerned over the problem which has been ongoing since the time when Slovenia became independent and regards citizens of the former Socialist Federal Republic of Yugoslavia whose names were deleted from the Slovenian Register of Permanent Residents in February 1992. More than 25 thousand persons belonging to this category which amounts to about 200 thousand people failed to register their permanent place of residence in due time. The amendments made in 2010 to the Law on the Erased under pressure of the Council of Europe and international human rights NGOs made it possible for a part of those people to be recognized as holders of the status of persons who were permanent residents of the country before December 23, 1990 (before holding the plebiscite on independence) and thus to legalize their residence.

However, despite the efforts made by the state, nowadays in Slovenia there are about 13 thousand "erased" persons who cannot restore their status for different reasons. The decision taken in June 2012 by the European Court of Human Rights obliging Ljubljana to pay to a group of 6 "erased" persons a compensation in the amount of 150 thousand euro for the damage inflicted was a turning point in this long-running story. It was based on the fact that Slovenia violated Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (concerns prohibition of discrimination), as well as the rights of "the erased" to respect for their private and family life and their right to effective legal assistance. Besides this, The European Court of Human Rights demanded that Ljubljana should, within one year, set up a compensation scheme for this category of people.

By late June 2013, the compensation scheme had not been yet worked out. The Slovene authorities plan to adopt a corresponding bill before the end of 2013.

On June 5, 2013, Minister of the Interior of the Republic of Slovenia Gregor Virant submitted to the Council of Europe a report on measures taken by the Slovene government to solve the problem of the "erased". A new proposal of Ljubljana envisages that all the "erased" will be paid 30–40 euro for every month they fell under this category. Citizens who are covered by the measure include those "erased", who have already registered permanent residence, acquired citizenship, or made an attempt to acquire citizenship (all in all 8 thousand persons).

The Roma issue has not been yet deleted from the agenda in Slovenia. The Government makes efforts to ensure rights of the Roma who have been living in the South-East of Slovenia since 1940–1950s. In compliance with the Constitution of the country this ethnic minority has special status and rights. However, the process of their implementation has not been completed yet. There are problems in using by the Roma their native language when communicating with administrative authorities, or getting education.

According to the Ombudsman of Slovenia, areas densely inhabited by the Roma usually lack electricity and water supply. At the municipal level in some communities, the Roma can not be elected to work in administrative authorities, which is a violation of the Law on Municipal Government.

Amnesty International Slovenia regularly records cases of ethnic discrimination of the Roma in daily life and points out the lack of conditions for their activities of daily living.

Human rights organizations continue to monitor the situation of migrant workers (mostly from the former SFRY) in Slovenia. The most common violations include cases when salaries are not paid to them or delayed for many months, and when they are fired without any prior notification, as well as the lack of social guarantees.

According to human rights institutions, the country lacks a clear legal base which would exclude arbitrary actions by employers towards migrant

workers and would envisage effective tools to provide them legal assistance.

## **Finland**

International organizations, national and international monitoring mechanisms, NGOs and Media in general positively assess the level to which human rights and fundamental freedoms are protected in Finland.

According to human rights experts, in Finland urgent and the most common problems in the area of human rights are the following:

- court proceedings are excessively long, as well as the period between arresting and charging, and no lawyer is provided in case of the so-called "minor offences";
- poor situation with accommodation for asylum seekers, including pregnant women and minors;
- protection of rights of persons sent to compulsory psychiatric care is insufficient;
- domestic violence, in particular against women and children, has high rates and is quite latent;
- the International Labour Organization Convention No.169 has not been ratified;
- reservations to the International Covenant on Civil and Political Rights as of 1966 (para. 7 of Article 14 and para.1 of Article 20) remain;
- protection of rights of the indigenous Saami mostly in the area of their economic activities is insufficient;
- there is discrimination of ethnic and language minorities, especially of the Roma, Somali and the Russian speaking people;
- the lack of statistics taking into account the ethnic composition makes it difficult to give an unbiased assessment of the level to which rights of those groups are protected;
- shortcomings of statistics on issues concerning violence against women and children.

Statistics that has been accumulated by the Police of Finland since 2009 shows the intensification of racist and xenophobic tendencies in the Finnish society.

Promotion of racism in Internet is common, including posting statements by certain politicians. At least two court decisions on the issue against members of municipal councils of Lappeenranta, namely F. Van Wouterghem and Kontiolahti M. Hiltunen, were announced. In 2012 H. Eronen, an assistant of a Member of Parliament, joked that foreigners and minorities may be obliged to wear badges to be make it easier for the Police to identify them. She quitted as a result of large-scale public condemnation.

"Save the Children of Finland", a Finnish public organization, tells about large-scale proliferation, almost day-to-day practice, of racism and xenophobia against children of migrants. They mainly refer to humiliating and aggressive comments in schools and streets.

Manifestations of intolerance concern not only minorities, but also those who protect them. In January 2013, in Jyväskylä during a presentation of book "The Finnish Far-right", its authors were attacked with a knife, when security guards were injured. On March 10, 2013, the Helsingin Sanomat, which is a key newspaper, published materials on threats which experts and researchers specialising in the protection of migrants' rights and interests receive repeatedly.

The Report on Finland by the European Commission Against Racism and Intolerance (ECRI) issued on July 9, 2013, after the fourth monitoring cycle noted serious problems existing in this area in Finland. In particular, weakness of national human rights bodies and mechanisms, including the Finnish Ombudsman for Minorities, the Advisory Board for Ethnic Relations, the National Discrimination Tribunal. According to the summary of the ECRI, racial discrimination and xenophobia do not fade in Finland. The report emphasized that activities of The True Finns, an extreme right party working in the Parliament, played a certain role in promoting such tendencies.

The labour discrimination of women, including different salaries paid to men and women for equal job (at present the "female euro" amounts to 84 percent). Refusals to renew employment contracts or limitations of terms thereof, as well as cases of illegal firing because of pregnancy or birth are quite often.

The problem that sexual abuses remain latent to a large extent is characteristic for Finland.

The issue of the Helsingin Sanomat newspaper as of May 13, 2013, included detailed information on criminal penalties to compare sentences for sexual abuses and thefts. It noted that courts tend to impose actual imprisonment and fines of thousands euro for property crimes (for instance, 13 thousand euro for 7 illegally caught taimens, imprisonment and 50 thousand euro for illegal dismantlement of museum rails and an attempt to sail them), while suspended imprisonment and small fines might be imposed for crimes against the person. It described the following examples of sentences: for regular harassment by a 66-year old relative towards a 10-year old child during a year – less than two years of suspended imprisonment and community service; for sexual abuse of a 15-year old girl who the offender got to know via Internet – less than 2 years of suspended imprisonment and community service plus 3 thousand euro for moral damage; for multiple sexual abuse of a 14-year old girl who was heavily drunk – less than 2 years of suspended imprisonment and community service plus a fine of 5 thousand euro (the girl undergo psychiatric treatment as a result of the injury).

The UN Human Rights Committee expresses concern over the fact that in Finland women who became trafficking victims are not considered by the Police and immigration authorities as crime victims, but as witnesses only without any proper protection and assistance provided by the state.

The UN Committee on the Elimination of Discrimination against Women previously noted that one of the factors, which make measures taken to counter

crimes against women not effective enough, is that in Finland such crimes are not recognized as manifestations of discrimination and that the focus is only on the criminal law aspect of the problem without due regard to the social one.

Extremely high rates of children who are brought up out of their families remain a serious problem in Finland. According to the official statistics, their number was 17,409. It is regularly stressed that the volume of financing and the number of staff for social work with children are insufficient in some municipalities. According to the information provided by the Yle TV and Radio Company in July 29, 2012, a social worker's load is 120 children per one worker.

According to the ECRI experts, Russian-speakers who are the second minority according to their number (the ECRI says that more than 51 thousand people) form a separate category of people who face "multiple discrimination".

Russian speakers living in Finland often become victims of prejudices and negative attitude in daily life. In 2013 as in 2012 it was first of all highlighted that labour discrimination was common. The report prepared by the ECRI in July noted a high level of unemployment among Russian speaking residents of Finland and serious difficulties with work for candidates with Russian family names (even if they were born in Finland and know Finnish well enough). It noted cases when Russians were denied banking services because they were presumed basing on the ethnic background to be engaged in money laundering.

The Russian speaking residents of Finland are one of the groups who frequently claim that they suffered discrimination. Russians rank the second after the Roma according to the number of applications to the Ombudsman for Minorities. The report by Council of Europe Commissioner for Human Rights N. Muiznieks as of September 25, 2012, shows, there is no consulting mechanism for dialogue between this group of people and authorities, "which would describe the current problems and measures needed to solve them".

## France

In general, the majority of experts and NGOs estimate the situation in the area of human rights in France as retentively favourable for the moment, but characterized by enhancing clearly negative trends. France is regularly criticized by the national and international human rights structures. In recent years Paris was many times a defendant and lost its cases in the European Court of Human Rights.

The French government policy to counter the increasing threat of illegal immigration is strongly criticized by the human rights community. According to numerous human rights NGOs the French legislation in the field of immigration and the right of asylum as well as the law-enforcement practice do not respond to the international standards in the area of human rights.

The cases of cruel treatment of illegal immigrants (as well as legal immigrants and French citizens of non-European origin) by the police officers are regularly registered. The identity checks of these persons are practiced unreasonably often and they are frequently done on the grounds of their "ethnic phenotype".

The human rights activists, in particular the "Association of assistance to persons without documentation", complain that up to 10 thousand people are apprehended and placed in the bullpen (often without the possibility of timely access to lawyers and their family) at the Paris airports annually. The decree, which appeared during the Arab Spring and concerned the detention of migrants from North Africa in pre-trial centres on the border (groups of more than 10 persons) for the whole period of consideration of their applications for entry to the French territory, was largely criticized. According to the human rights activists the procedure of repatriation of the illegal immigrants remains humiliating and even cruel. In 2012 only they abolished under pressure of the human rights NGOs the custody order concerning the detention of families with

young children waiting for deportation (this measure was replaced by a pledge not to leave the jurisdiction pending trial) which was in force for many years.

The human rights activists state that immigrants coming to the country are often deprived of a chance for the resettlement and integration. Under French law any person applying for the refugee status is entitled to a free accommodation for three months (a common period for processing such claims). In reality, people seeking the refugee status add to the army of homeless. In July 2012, in Lyon on the initiative of the local prefecture a surge of large-scale evictions from illegally occupied buildings and of destruction of temporary camps took place. A question about what to do with the evicted people, the majority of whom were the illegal immigrants, was not discussed.

The measures taken in 2010 for expulsion of the illegal Romanian and Bulgarian Roma from the country made a wide resonance. The European Commission and the Council of Europe strongly condemned the action of the French authorities, accusing them of violating the right to freedom of movement. The French human rights activists stressed that decisions concerning the expulsion of Roma were taken "automatically and indiscriminately." Another illegal Roma deportation and elimination of their illegal settlements campaign was carried out between June and August 2013 (10 thousand Roma were deported in the first half of 2013).

A French NGO "The supreme body for countering discrimination and defending equal rights" stressed that the repatriation allowance provided to Roma who were the EU citizens (300 Euro for an adult and 100 Euro for a child) was smaller than that provided to the non-EU citizens (2,000 Euro for an adult and 500–1,000 Euro for a child).

A traditional object of criticism by French human rights activists was the judicial and law enforcement system. The most serious claims still concern ill-treatment of detainees and prisoners, unjustifiable delays in the investigation, limitation of access of lawyers to the defendants or to the materials of

investigation.

The Amnesty International notes the numerous cases of ill-treatment of detainees and persons under investigation some of which resulted in death. These cases are being investigated slowly and not impartially. The human rights activists believe that France often violates the European Convention on the prohibition of torture and other ill-treatment of detainees, protest the impunity of the French law enforcement officers and judicial bias.

On October 14, 2010, France lost the case in the ECHR, which delivered a judgment about inconsistencies of the French law with the "requirements of a fair trial". Earlier, in 1992, 1999, 2004 and 2009, the ECHR delivered judgments against France with regard to violation of Article 3 of the European Convention on human rights concerning inhuman and degrading treatment of prisoners. In 2006, the ECHR accused France of "violation of the right to life" in connection with the death of a prisoner in his cell.

The condition of the French penitential system remains quite problematic. Due to overcrowded, overpopulated and insanitary conditions prisons and the preventive-detention cells have been believed to be the worst in comparison to those in other Western European countries for many years. This is, in particular, indicated in the reports of the European Committee for the Prevention of Torture of the Council of Europe for 2006, 2008 and 2010.

There is a growing concern of the human rights organizations about the consistent increase of xenophobia, racism and anti-Semitism in France.

The French National Consultative Commission on human rights (CNCDDH) noted that starting from 2010 the level of tolerance of the French society was steadily declining. The Commission report for 2012 includes the worrying data of public opinion polls according to which 55 percent of French consider Muslims to be a social group separate from the society, 69 percent of respondents consider that there are "too many immigrants" in France (22 percent more than in 2009). 73 percent believe that the majority of immigrants

come to the country to "parasite on its social system", 56 percent are sure that immigrants do not integrate into the French society.

According to the French Ministry of Interior, the total number of racist, anti-Muslim and anti-Semitic manifestations raised in 2012 compared to 2011 by 23 percent.

The number of hostile actions against Muslims rose drastically – by 34 percent. According to the NGO "Collectif Contre l'Islamophobie", in 2011 and 2012 numerous cases of desecration of cemeteries, cultural centres and mosques, death threats, outrage upon the Koran and other such actions were registered.

We are witnessing a surge in anti-Semitism in France (the number of anti-Semitic manifestations rose in 2012 by 58 percent), which is fuelled by aggravation of the Middle East problems. Specific cases are documented by the "French service for the protection of the Jewish community" to the Representative Council of Jews in France. As the Council statistics show the notorious shooting of Jewish children in Toulouse by an Islamic fanatic M. Merah in March 2012 became in a sense a catalyst for anti-Semitic manifestations. Late May 2012, 268 cases were registered, 78 of which were particularly serious crimes (riots and violence) and 190 cases of intimidation. Typical examples: three Jewish teenagers were brutally beaten in June 2012 by a gang of young people of Arab (North African) origin in Villeurbanne, a Jewish boy was beaten by two Frenchmen of Arab origin in the train Toulon-Lyon because they heard Jewish names mentioned while he was speaking over the phone.

The CNCDH recommendations concerning the reduction of xenophobic feelings in the society include: the introduction of "human rights" as a compulsory subject in schools; the development of innovative training methods aimed at raising the level of tolerance in educational institutions; establishment of a special agency to monitor the cases of xenophobia and racial

intolerance manifestation in Internet.

The French human rights activists point out that authorities usually do not pay attention to "numerous cases of violence", human dignity humiliation on the grounds of race, ethnic origin and religion, desecration of the Christian cult sites and qualify them as common law offences.

In recent years the human rights organizations more often pay attention to the cases of violation of the freedom of expression, the freedom of speech and mass media. One of the most resonant cases is the prosecution of journalist Ch. Grébert on charges of libel against the mayor of Puteaux. In his article in "Le Figaro" of October 20, 2011, Ch. Grébert accused the mayor of embezzlement giving the appropriate evidence. But the municipal council, according to the human rights activists, gained a suit at law through the pressure on judges and the journalist was sentenced on September 4, 2012, to a fine of 1,500 Euro – this fact was estimated as an open violation of the freedom of speech.

The case involving "Le Nouvel Observateur" in Marseilles became a classic one. On June 7, 2012, the city authorities prohibited the distribution of a new issue of the newspaper because of the fact that it allegedly contained unlawful propaganda on the eve of parliamentary elections. According to the decision of the city council, the article "Carlotti, Hollande's all-in" was of a promotional nature. But NGOs point out that under French law "the silence day" came no sooner than June 9, 2012. The decision of Marseilles' authorities was qualified as a breach of lawful rights to the election campaign as well as violence of the freedom of speech and the freedom of the press.

In 1999 and 2009, in March 2013 (a famous case of E.Eon versus France) the ECHR accused France of violation of the freedom of speech and expression.

The human rights activists criticize the attempts of authorities to put under strict control the Internet. The profile NGOs point out that the relevant French authorities try to use the famous case of the terrorist M. Merah in an

attempt to institutionalize the right to monitor the e-mail correspondence, create special "traps" and block websites, which in their opinion have an extremist content.

A new scandal in this area was provoked by the publication in the newspaper "Le Monde" of June 5, 2013, of an article where it was reported that the French special services practice as well the large-scale wiretapping and "stockpiling" of metadata. The journalists' information was implicitly confirmed by a number of retired French high-level intelligence officers.

In May 2013 a law on legalization of the same-sex marriages and recognition of the right of the same-sex couples to adopt children was adopted in France. In the national human rights community opinion the Government of the country rudely ignored the point of view of many supporters of traditional family values who took part in unprecedented by the number of their participants (up to one million persons) protest rallies. In some cases the police violently dispersed demonstrators, used disproportionate force. The supporters of traditional marriages were often arrested just for wearing symbols embodying family (a man and woman image). Some arrested activists, in particular N. Bernard-Bussa, according to his fellows in arms, were put under psychological and physical pressure.

Contrary to the French Constitution and Article 9 of the European Convention on Human Rights the French authorities forced the city mayors to register same-sex marriages. In particular, on October 18, 2013, the Constitutional Council of France denied them the right to use the reservation "On freedom of conscience" by which they wanted to delegate their power to register such marriages to their deputies. According to the human rights activists this decision of the Constitutional Council violates the citizens' rights.

## **Croatia**

The situation with the protection of human rights in the Republic of Croatia is relatively positive, as compared to a few other EU Member States. In compliance with the Constitution, international agreements signed and ratified by Croatia have been incorporated in the legislative system and take priority over the domestic legislation. Courts have the right to apply directly international agreements when considering disputes related to the protection of human rights.

The average number of citizens who lodge the claims concerning violation of human rights in Croatia with the Ombudsman per year is about two thousand. The most part of complaints are claims concerning work of the judicial system (25 percent), situation of prisoners (20 percent) and employment relations (8 percent).

According to the Croatian human rights activists, serious problems exist in penitentiary establishments of Croatia. Overcrowding of prisons (in average by 35 percent more than the estimated capacity, and in some cities – two times more), insufficient medical, in particular, psychiatric help, and bad living conditions in cells have become common.

Problems regularly arise in such areas as the freedom of speech and Mass Media (direct interference of powerful authorities in the activities of Mass Media is reported at the regional level), corruption (involvement of top statesmen in the corruption schemes is registered), family violence (up to 20 percent from the overall number of murders in the country), sexual abuses of women, including sexual harassment by employers (in particular, in textile, tannery and trade industries), racial intolerance (anti-Semitism, anti-Serbian tendencies), and illegal use of child labour.

According to the research made by human rights organizations, there is gender discrimination. In particular, salaries paid to women are less by

9.8 percent and pensions are less by 25 percent than those paid to the Croatian men.

Human rights activists note that in Croatia there is a growth of cases related to incitement of hatred towards the Serbian minority living in this country. In particular, attacks at property owned by the Serbians and "anti-Cyrillic" campaigns continue to be registered.

## **Czech Republic**

However the situation with the protection of human rights in the Czech Republic remains quite calm in general, there are a few issues in this area which regularly draw criticism and concern by national and international human rights communities.

The Roma issue continues to be the most pressing problem and has not been solved yet. The situation of the most part of Roma population of the Czech Republic is obviously hard (according to different assessments, there are about from 200 up to 300 thousand Roma living in the territory of the state). The most part of the local Roma fall under the category of the so-called "socially excluded": they do not have permanent employment, live mostly at the expense of social benefits, in many regions of Czechia there are "closed" districts (ghettos) which are characterized by poverty and a high level of criminalization.

Authorities try to take measures to redress this situation. In 2010 the government of Czechia adopted the national plan of actions related to the issues of inclusive education and aimed at addressing the problem of education of Romani children and special needs children. In autumn 2011, the government adopted the Strategy for the Fight Against Social Exclusion which specifies key directions of efforts: safety, housing, social services, family and health, education, employment and social benefits, regional development. Though in practice all those measures have yet failed to solve the problem in principle. Commissioner for Human Rights of the Council of Europe N. Muiznieks noted in February 2013 in his regular report, that "despite actions and initiatives of the Czech authorities, there is a lot to do for redressing the public dislike of Roma".

The said report by N. Muiznieks mentions that the number of cases when Romani children are segregated and forced to study in schools for children with mild mental disabilities, is still big, though the ECHR repeatedly condemned the Czech Republic for these actions. The Commissioner also paid attention to

the fact that representatives of the Roma communities in the Czech Republic rank the first among victims of racist crimes and "it is necessary to combine measures aimed at countering this phenomenon with effective work to be carried out by corresponding bodies to search for and punish perpetrators, and with elaboration of political statements condemning such crimes".

The report by the CE Commissioner also reiterates the issue that has not been yet solved by the Czechs and concerns the removal of the pig farm located in the town of Lety (Strakonice district), which was built on the site of the former Nazi concentration camp, where many Roma lost their lives during WWII and at the site of which a memorial should be erected.

The UN Human Rights Council also monitors the Roma issue in the Czech Republic. It notes problems in access for the Roma population of the country to school education, manifestations of social discrimination and xenophobia, forced sterilization of the Roma women in some Czech regions.

Human rights activists draw attention to the fact that persons with physical disabilities and disabled persons fail to be provided with corresponding living conditions to the full in the Czech Republic: more than 60 thousand are kept in special social establishments, and about a half of them are totally or partially "excluded" from the public life, deprived of legal capacity and actually placed under "arrest". Though it is recognized that the Civil Code entering into force on January 1, 2014, is to redress the situation to a big extent, concerns are expressed that no preparation is carried out for this "on the sites", and thus the situation of this category of persons is unlikely to become better.

Amnesty International NGO draws attention to "the alarming and obvious trend" of growth of extremist and racist tendencies in the Czech Republic. By way of illustration large-scale protests and marches against Roma in Varnsdorf (August–September of 2011), Duchcov (May–July 2013), Ceske Budejovice (June–July 2013), and etc are mentioned. President of the country M. Zeman roundly condemned such nationalist protests.

The 2012 summary report prepared by the Ministry of Interior of the Czech Republic shows a three-fold growth of anti-Semitism manifestations versus the previous reporting period.

Human rights experts criticize placement of refugees coming to the Czech Republic in special camps (living conditions, lack of effective legislative mechanisms which would allow to reduce the time of refugees' stay in camps), living conditions of prisoners in prisons (overcrowding), mistreatment of prisoners, and the often lack of basic hygiene products in penitentiary establishments.

## Sweden

Human rights situation in Sweden, despite its positive development, is currently characterized by a number of alarming trends.

First of all, human rights experts single out violations in the sphere of human rights committed by Sweden, by its natives against the increasing number of immigrants, and by immigrants themselves. Specific violations of rights and freedoms include cases of xenophobia, intolerance, and various forms of discrimination of population groups (women, immigrants, and national minorities).

The number of claims against Sweden brought before the European Court of Human Rights increases (at present, 732 complaints, 52 indictments).

Despite politically motivated refusals to extradite to Russia persons accused of committing felonies on its territory, in some situations the Swedish Government handles similar problems in its own country rigidly, especially concerning non-Europeans, referring to “a threat to the national security interests”. Such approach was proved while detaining (non-guilty, as the investigation then showed) people as part of operation for terrorist attacks prevention in Gothenburg, in November 2010 and September 2011.

Stockholm's position on the detention of two Swedish citizens of Somalian descent in 2012, in Djibouti, is ambiguous; they were interrogated during several months by the American police and then were transferred to the USA where they were charged with terrorism including on the basis of technical evidentiary foundation provided by the Swedish Security Service, and they may face a lifetime imprisonment.

At the beginning of 2013, Swedish Islamic organizations submitted an alternative report to the UN Committee on the Elimination of Racial Discrimination (CERD). It contains, in particular, proposals to reinforce rights of Muslims within counter-terrorism framework, to bridge housing segregation

and solve Islamophobic problems in the society.

ECHR, the United Nations High Commissioner for Refugees, the UN Committee Against Torture, and international human rights organizations criticize Swedish authorities for the widely applied practice of deportation of refugees to their home countries, including the sick, the minors, and journalists, natives of Serbia, Iraq, Iran, Afghanistan, Morocco, Eritrea, Ethiopia, despite armed conflicts there and obvious risk of persecution in their countries, including torture and imprisonment. In particular, the UN Committee Against Torture in its recent report has recognized 19 deportations as groundless.

The process of deportation to Italy of underage refugees (in 2012 – more than 100 children) who come to Europe alone and before arriving to Sweden cross the Italian border, where they are fingerprinted. The Swedish immigration authorities equate fingerprinting and a refuge request and deport refugees to the country of the first entry.

The UN Committee on the Elimination of Racial Discrimination condemns the Swedish policy regarding national minorities and immigrants because Stockholm often refuses residence permits to persons who really need a refuge (giving priority to political motives), and an insignificant part of cases related to hate crimes and racial and ethnic discrimination of refugees/migrants (first of all, in the labour market and social sphere) come to trial and all the more to conviction. The European Commission against Racism and Intolerance (ECRI) calls the Swedish Government to adopt a plan of bridging housing segregation of population and facilitating procedures for reunification of families.

In courts, criminals-immigrants, as a rule, get more severe penalties than ethnic Swedes. More than 40 percent of immigrants think that their rights are infringed; among non-Europeans this number is higher. Significant difference between the level of unemployment among the native population and immigrants is one of the biggest in the OECD countries (8 percent among

Swedes, 25 percent among immigrants). The level of immigrants' representation in top management is still rather low – from 6 to 10 percent in different industries (when they represent 20 percent of the employed). Non-European immigrants find it hard to find accommodation.

Swedish public opinion criticizes housing conditions of persons who applied for a refuge and who during the examination procedure sometimes for several years have to live in an environment close to prison.

Well-known problems in the labour migration sphere are still acute in Sweden. For example, in the country there are many berry pickers from Central and Eastern Europe and Asia who are often deprived of basic hygiene conditions, residence, and sometimes full payment.

In comparison with 2011, in 2012 the activity of right extreme organizations increased, first of all, Nazi "Party of the Swedes" (Svenskarnas parti). There is a rise in popularity of organizations (more than 15) engaged in propaganda of racial, confessional, and national intolerance. In 2009–2012, the number of web-sites engaged in propaganda of xenophobia and religious intolerance doubled (up to 16,000).

In February 2013, the International Labour Organization (ILO) decided that the Swedish labour legislation (on the possibility for trade unions to apply conflict measures to make collective agreements with foreign companies only if these companies offer better conditions to workers than at home) contradicts international conventions on trade unions and violate the fundamental human rights in working life. In 2013, the European Commission also reiterated (after 2010) its criticism toward the Swedish labour legislation in respect of temporary employment ("unlimited period of temporary employment") as contrary to the EU directive and called the Government to take measures for reducing employers' possibilities in this sphere.

The Council of Europe and a number of international human rights organizations note that in Sweden not enough efforts are taken to implement

provisions stipulated in the 2008 Council of Europe's Framework Convention for the Protection of National Minorities. In particular, the findings of the Advisory Committee on the Framework Convention for the Protection of National Minorities (FCNM) of May 23, 2013, prepared within the 3rd cycle country visit (monitoring of the implementation of the FCNM) contain around ten recommendations to the Swedish authorities, some of which require "immediate action": to enhance efforts on the effective implementation of the 2009 Act on National Minorities and National Minority Languages at the municipal level; to take specific measures to improve access to education, including higher education, in a native language; guarantee effective participation of the Sami (indigenous national minority) Parliament in making decisions involving this people; reinforce monitoring of ethnic discrimination facts; improve the situation of the Roma children; increase the coordination level of central and local authorities in protecting national minorities.

The Sami (17,000) and the Roma (50,000) population of Sweden express concerns about the observance of their rights. As a result of the native Sami lands being held by the State of Sweden and a group of private owners, community conflicts became more frequent. The local population is as well concerned by the negative impact of the extractive industry development on flora and fauna of the region, as well as on the conventional Sami methods of land-keeping.

Prejudices with regard to the Roma, including those who lead a "European" life, are still present in Sweden even among highly educated people; and this forces a lot of representatives of this nationality to change their names and hide their descent. According to a sociological study, the main problems of the Roma population in Sweden are in the labour market and educational spheres. The level of unemployment among the Roma reaches 80 percent, and often their children do not attend school at all.

The Committee on Women's Rights and Gender Equality, local NGOs,

and mass media state the aggravation of gender inequality. Female representation in top management remains low (25 percent national average), the gap in average annual salary between men and women increased up to 2,000 Euros. Starting from 45 year old average annual income of men with high education is 40 percent higher than of women with the same education. The conditions of labour and of access to education are stricter for women; "sexual slavery" is often registered (more than 500 female victims annually), family violence (20,000 Swedish women every year), sexual harassment, discrimination of pregnant women and immigrants. In 2009-2012, only 7 of 119 initiated criminal cases of human trafficking were adjudged upon.

According to the conclusions of the UN Committee on the Rights of the Child (CRC), Sweden is too liberal about implementation of the provisions of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution, and child pornography. There are suspicions on 116 cases of the sale of children in Sweden in 2009–2011, including 137 duly documented cases, 77 of which involved the sale of children for the purposes of sexual exploitation. Only two out of 68 cases of human trafficking reported to the police were adjudged upon.

Corruption of minors via Internet is frequent in Sweden. According to mass media, Swedes are repeatedly caught in buying infant sexual services in other countries via Internet. There is a stable rise in the number of appeals to the police concerning maltreatment of the child: in 1995 – 500, in 2011 – more than 2,500.

Despite the criticism from the UN Committee on the Rights of the Child (CRC) and the UN Committee against Torture (CAT), the practice of isolation of children under arrest or in custody grows (more than 3,000 people in 2011), accompanied by repugnant conditions and violations of rights; a prolonged investigation period of crimes committed against children (more than one year over normal 90 days), as well as eviction of families with children for

nonpayment (more than 3,500 children since 2007; when the Minister for Children and the Elderly M. Larsson promised to stop forced eviction of families with children).

Human rights defenders called on the Swedish Government for more effective implementation in the national legislation of the main provisions of the mentioned Convention and Protocol to it on the sale of children, child prostitution, and child pornography. The necessity in more clear alignment of work of law enforcement and judicial bodies in the purposes of prevention and counteraction to trafficking of minors is underlined.

Swedish companies do not always consider rights of local citizens, including children and women, in their activity, prioritizing commercial advantages. Among well-known examples – retouching of women photos in IKEA catalogues in Saudi Arabia, miserable conditions for factory workers of the Swedish company Hennes & Mauritz in Bangladesh, cooperation of the state telecommunications company TeliaSonera with special services in post-Soviet countries, in particular, with the purpose of tapping and persecuting the opposition. Major Swedish tourist businesses would not sign the UN WTO Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism.

Swedish professional organization "Community of Lawyers" states the "very alarming" situation with lawyers' access to convicted persons. It is stressed that penitentiary institutions intend to significantly reduce the time allocated to lawyers to talk to prisoners, limiting it just to working hours. In a number of cases, a lawyer has to sign up for a talk with his client in advance. Leading Swedish lawyers share claims to the Swedish judicial system of the founder of *WikiLeaks* J.Assange. In particular, Sweden is one of few countries where the time when the suspect, who is not even indicted, can be put under restraint and in custody under the Prosecutor's petition without the court's decision (often some years before the trial), is not regulated.

In December 2012, the Swedish Commission on Security and Integrity Protection discovered violations of the Swedish Personal Data Act (which prohibits collection, registration, storage, processing, and dissemination of data on ethnic descent, political views and activity, religious and philosophic beliefs, health, etc.). The police register suspects and criminals on religious and national basis; Radio Sweden (Sveriges Radio) records the views of listeners and data on their political orientation, religious affiliation, illnesses, age, etc. In May 2013, Nordea State Bank (earlier Nordbanken) was exposed in similar abuses: in 1970–1990s it made "black lists" of citizens, 2,000 people.

The public is still concerned with the FRA law (FRA-lagen) – a Swedish legislative package that authorizes the National Defense Radio Establishment under the Ministry of Defense on the request of certain state authorities (and under the permission of the Defense Intelligence Court and in close contact with Statens inspektion av försvarsunderrättelseverksamheten – SIUN (State Defense Intelligence Inspection) and the FRA Council on personal immunity) to warrantlessly wiretap all telephone and intercept Internet traffic that crosses Sweden's borders. In June 2013, SIUN reprimanded FRA for the second time for saving sensitive information on individuals. The local NGO Centrum för Rättvisa – *CFR* (Center for Justice) filed to ECHR a case for contradiction of this law to the fundamental rights and freedoms of citizens.

## **Estonia**

The human rights situation in Estonia remains alarming and there is still no independent human rights institution to monitor this situation. Many experts and including those from the Estonian Human Rights Centre have been calling for such an institution that would also prepare opinions on the conformity of certain legal acts and actions of the authorities with international conventions and make recommendations on implementation of the requirements arising from them. Estonia has also failed to develop a national strategy to protect human rights.

The issue of mass statelessness of the Russian-speaking population persists in Estonia with the so-called "non-citizens" constituting about 7 percent of the total population. Estonia is still slow in implementing its naturalization programme. It has not adopted the recommendations of relevant international organizations, including those regarding easier naturalization procedure for the elderly permanently residing in Estonia.

Nils Muižnieks, Human Rights Commissioner of the Council of Europe, included the issue of mass statelessness in his report published on June 20, 2013.

The Commissioner noted an ever more visible social and economic gap between ethnic Estonians and national minorities, in particular, the Russian-speaking minority. Non-titular nationals (according to given statistics, the largest group is 320,000 Russians and the second largest is 12,000 Belarusians) are intentionally placed in unfavourable conditions in terms of employment and salaries and are most susceptible to poverty.

Nils Muižnieks believes that the recent years have seen a substantial growth of unemployment among ethnic minorities which is now almost two times higher than among ethnic Estonians (15.3 percent vs. 7.8 percent in 2012, respectively). The report states that social and economic inequality has

a regional dimension and is particularly pronounced in the north-eastern part of Estonia where Russian-speaking population constitutes the majority. Moreover, the employment rate for Russian-speaking youth is about 42.1 percent, while the same figure for Estonian young people is only 29.1 percent.

The report also draws attention to the fact that ethnic minorities are generally engaged in low income sectors, while most titular nationals are working in white-collar jobs.

The Commissioner devotes special attention to the overly strict employment requirements in terms of the Estonian language proficiency, which, he thinks, “negatively affects the conditions of non-titular nations.” In some cases, employers have more severe standards in this area than those established by the law, which results in clear ethnic discrimination. The report reiterates the conclusion of the Advisory Committee on the Framework Convention for the Protection of National Minorities and the recommendation of the UN Committee on the Elimination of Racial Discrimination that the Estonian language proficiency requirements should be proportionate to the legitimate aim pursued.

According to the EU Agency for Fundamental Rights, 13 percent of Russians experienced discrimination in the workplace in 2009, while Eurobarometer reports that 37 percent of permanent residents of Estonia complained about widespread ethnic discrimination in 2012. The results of 2011 sociological survey regarding the effectiveness of the Estonian ethnic minority integration policy showed that 20 percent of non-titular respondents had been subjected to unequal treatment.

The Commissioner's key recommendations to the Estonian authorities were to take decisive action to remove barriers preventing social integration of ethnic minorities and to combat ethnic discrimination; to revise stringent employment requirements in terms of the Estonian language proficiency; to adopt a set of structural measures to address the issue of unemployment and

social exclusion of ethnic minorities.

He urges the Estonian authorities to automatically grant Estonian citizenship to the children of "non-citizens", which requires amendment of the Estonian Law on Citizenship (the Commissioner's proposal almost immediately became a subject of sharp criticism and rejection by senior officials of the Estonian Ministry of the Interior). Nils Muižnieks reports that there were nearly 1,200 non-citizen children under the age of 15 in Estonia as of January 1, 2013, years with the total number of non-citizens almost reaching 91,000 people (as of April 1, 2013) and draws attention to the slowdown of naturalization process with only 469 children acquiring citizenship in 2011, as compared to 605 in 2011.

Discrimination against ethnic Russians in Estonia as a linguistic minority is also practiced through government's actions aimed at ousting the Russian language from the educational system.

The large-scale inspection of Institute of Economics and Management ECOMEN (the country's only university with all disciplines taught in Russian) conducted by the Estonian Ministry of Education in February–March 2013 revealed "a large number of deficiencies" in its work, and Jaak Aaviksoo, Minister of Education, suggested that the government should withdraw the license of the institution. The Minister also publicly advised the ECOMEN students to start looking for "other universities" to continue their studies.

It is worth noting that all other repeated inspections of the ECOMEN that have taken place for 20 years found no serious issues about the work of the institute. In particular, Bureau Veritas, an independent firm, conducted a regular inspection of its management system compliance with international standards at the end of April 2013 and gave a favourable opinion. In October 2012, the Estonian Higher Education Quality Agency has recognized that teaching at the institute meets applicable quality requirements.

Hanon Barabaner, rector of ECOMEN, said that the deficiencies found

are mainly technical flaws that could have been fixed on a routine basis. Thus, the leadership of the institute considers the steps taken by the Estonian Ministry of Education to be politically motivated and aimed at "the complete destruction of educational process in Russian."

The same goal is believed to be behind the amendments to the Law on Private Schools adopted in the third reading by the Estonian parliament on April 17, 2013, which deprive the Estonian municipalities the right to choose a language other than Estonian for instruction in the private schools they establish. According to the adopted amendments, this right can only be granted by decision of the government.

These amendments are largely driven by the desire of the ruling political coalition to put an end to the activities of the authorities of Tallinn and Narva seeking to create a network of private gymnasiums using Russian as the language of instruction. The situation with ECOMEN and the amendments are a part of an openly discriminatory strategic policy of the Estonian authorities aimed at dismantling the Russian language segment of the Estonian educational system.

Estonia has been failing to bring the relevant articles of its Penal Code (Article 151 on hate speech) in compliance with the EU Framework Decision 2008/913 for the sixth year, as the country's legislation is deliberately placing xenophobia, nationalism, racism, and latent discrimination outside the scope of criminal and administrative prosecution.

Similarly, Estonia has not signed a number of international instruments, including the European Convention on Nationality and the European Charter of Regional and Minority Languages.

Moreover, the Estonian authorities seek to downplay a number of provisions and the general spirit of the Council of Europe Framework Convention for the Protection of National Minorities. When acceding to the instrument in 1996, Estonia adopted a ratification law, according to which only

citizens can constitute a national minority. Thus, the Convention covers neither the citizens of other states permanently residing in Estonia nor nearly 100,000 permanent residents with no nationality ("non-citizens").

Human rights community pays attention to the actual linguistic segregation in Estonian prisons (prisoners are put into deferent categories based on their Estonian language proficiency). Estonian authorities have virtually blocked the admission of foreign refugees into the country (Only one positive decision for 77 petitions that have been submitted over the recent years). Asylum seekers have to live together with illegal immigrants in a building located on the territory of Tallinn's prison.

In the light of all this, special attention is also given to the racist remarks by Martin Helme, a board member for the Conservative People's Party of Estonia, ("black, go back", "I want Estonia to be a white state", etc.).

There are continuous efforts to glamorize and perpetuate the memory of former Waffen-SS legionaries and their accomplices in Estonia.

On February 26, 2013, Andrus Ansip, Prime Minister of Estonia A.Ansip held an annual meeting with the members of the Estonian Freedom Fighters Union and thanked them for their work "for the sake of the country."

This March, the Estonian Grenadier Publishing specializing in the nationalist and military-patriotic literature published a biography book about Waffen-SS General Johannes Soodla, who headed the Estonian police and the Omakaitse voluntary military formation directly involved in counter-insurgency operations in the Leningrad region and the genocide against the Jewish population of Estonia.

On March 30, 2013, Urmas Reinsalu, Estonian Minister of Defence, sent his greetings to participants of the Estonian Freedom Fighters Union conference in Tallinn, devoted to the 100th anniversary of the birth of Paul Maitla, Obersturmbannfuehrer SS, who received the Knight's Cross of the Iron Cross. In his address, Mr Reynsalu thanked "all those who gathered to honour the

memory of a remarkable man."

On July 6, 2013, the Estonian Freedom Fighters Union held its twenty-first meeting. Although it was not attended by government officials, the Estonian Defense Minister also sent his welcoming address to participants.

On July 27, 2013, former Estonian Waffen-SS legionnaires held their annual meeting in Sinimäe.

There is a growing criticism of the Estonian overly restrictive immigration rules aimed at shortening the period for which foreigner can stay in Estonia for educational and personal reasons or for business purposes and limiting opportunities for such stay. Estonian Law on Foreigners significantly complicates the issuance of a residence permit to a foreigner, whose spouse is a citizen of Estonia if the spouses are unable to prove that they cannot move to some other country.

There are recorded violations of the rights of disabled persons in Estonia. Only 21.2 percent of disabled people have jobs. Human rights organizations point out that there is no law in Estonia to protect persons with disabilities from discrimination.