

# The Most Resonant Human Rights Violations in Certain Countries



#### **LIST OF ACRONYMS OF INTERNATIONAL HUMAN RIGHTS INSTRUMENTS**

**ICCPR**—International Covenant on Civil and Political Rights

**ICESCR**—International Covenant on Economic, Social and Cultural Rights

**ICERD** — International Convention on the Elimination of All Forms of Racial Discrimination

**CEDAW**—Convention on the Elimination of All Forms of Discrimination against Women

**CRC**— Convention on the Rights of the Child

**CRPD** – Convention on the Rights of Persons with Disabilities

**CAT**— Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

**OPSC** – Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

## FOREWORD

This is the second report on the most resonant human rights violations in certain countries issued by the Ministry of Foreign Affairs. It was written on the basis of various sources, like the results of Human Rights Council's UPRs, observations of the HRC's special thematic procedures and the UN treaty bodies, information of international, regional, and national governmental and non-governmental organizations, as well as data collected from open sources by the diplomatic missions of Belarus.

Since the end of the Cold War the issue of human rights has unquestionably come into increased global prominence. What is more, the international community has in recent years elevated human rights to the level of importance at the United Nations that only the issues of peace, security and development heretofore enjoyed.

At the same time no other issue on the international agenda appears currently to be as polarizing as human rights. Indeed, international relations have been increasingly viewed and conducted today through the prism of human rights.

This happens because some countries, relying on their own political and economic clout, have come to assume the mantle of human rights «high moral» advocates. What follows from this stance is that they make political and economic relationships with other states contingent on the issue of human rights. For all intents and purposes, the whole world has to cater to those «high moral» proponents lest the former lose the latter's goodwill. Yet, it is clear to everyone, and the report has been tasked to demonstrate this, that by declaring their approaches universal, the «high moralists», however, act in a selective manner and forget about their own principled stance wherever and whenever they find it necessary. What is worse, in an attempt to arrogate the right to spell out the only true recipe of successful development, they ignore the objective reality of historical experience, as well as mental and economic peculiar features inherent to other countries.

Appreciating those specific features of historic experience of each other is the first, and perhaps, the only way to treat the issue of human rights in a non-confrontational and unbiased manner. I did my best to articulate such a vision in an article titled *Human Rights: What and Who Made Them Divide the World?*, which was published by *Russia in Global Affairs* in June 2013. There is a genuinely hope that all of us will ultimately come to embrace the above approach, because in a world of ever-rising global threats and challenges countries have no such luxury as to divert attention from them by engaging in policies aimed at «remaking» each other in someone's own image.

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## INDEX

Austria	4
Belgium	7
Bulgaria	9
Canada	11
Czech Republic	13
Estonia	15
Finland	17
France	19
Germany	22
Greece	26
Hungary	29
Italy	33
Latvia	36
Lithuania	38
Netherlands	40
Poland	43
Romania	46
Slovakia	48
Spain	51
Switzerland	53
Sweden	54
United Kingdom	56
United States of America	60

Following international commitments have been violated:

## ICCPR:

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 10** (right of those deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person; accused juvenile persons shall be separated from adults)

**art. 13** (an alien lawfully in the territory may be expelled only in pursuance of a decision reached in accordance with law)

**art. 19** (right to freedom of expression)

**art. 21** (right of peaceful assembly)

## ICESCR:

**art. 2** (right to exercise economic, social and cultural rights without discrimination)

**art. 6** (right to work)

**art. 7** (right to the enjoyment of just and favorable conditions of work)

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**art. 12** (right of everyone to the enjoyment of the highest attainable standard of physical and mental health)

## ICERD:

**art. 5** (commitment to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone without any distinction to equality before the law, notably in the enjoyment of the right to security of person and protection by the State against violence, right to work)

## CRC:

**art. 27** (right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development)

**art. 34** (commitment to protect the child from all forms of sexual exploitation and sexual abuse)

**art. 36** (commitment to protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare)

**art. 37** (commitment to protect the child from torture or other cruel, inhuman or degrading treatment or punishment; every child deprived of liberty shall be separated from adults)

## ***Refugees' Rights, Prohibition of expulsion or Return of a Refugee, Rights to Peaceful Assembly, Freedom of Expression, Right to Be Protected from Arbitrary Arrest or Detention***

Protests of asylum seekers demanding better living conditions and respect for the right to freedom of movement have been ongoing since November 2012. During the year the protesters were detained by the police and expelled from the country. The refugees who occupied *Votivkirche* of Vienna and moved to the convent *Servitenkloster* in March, demanded the termination of the deportation proceedings. The asylum application were rejected in more than half of cases.

*February 26, 2013 Vienna:* participants of November 2012 protest in church *Votivkirche* were detained. According to *K.Schwertner, press-secretary of Vienna Office of the charitable organization Caritas International*, it is not the first time when refugees were detained and deported once they leave the church.

*Cardinal Christoph Schönborn* said earlier, that all refugees in *Votivkirche* were offered an asylum and protection of the church.

*July 29, 2013 Vienna:* eight Pakistani migrants, participants of November 2012 protest in church *Votivkirche*, were detained during a search of the monastery *Servitenkloster* and deported to Pakistan.

In *July – September 2013*, Austria expelled to Italy about 900 refugees from Syria, Somali, Eritrea including pregnant women, children, elderly and disabled persons.

Despite the declared readiness of the Austrian authorities to receive war refugees from Syria in *July – September 2013* only *Federal State of Tyrol* expelled 494 Syrian refugees including young children.

*September 20-22, 2013 Vienna:* the police used force to break up protest in the church *Votivkirche* of more than 700 people, mostly Pakistani migrants awaiting decisions by the authorities for political asylum. Poor living conditions of the migrants were the cause of the protest. Several people were detained. The police action was criticized by representatives of the Austrian human rights and charitable organizations *S.O.S. S.O.S Mitmensch, Caritas Austria* as well as by the *Austrian Green party*, according to which the excessive use of force was triggered by the election campaign.

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 3** (no State Party shall expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

**Convention relating to the Status of Refugees:**

**art. 32, 33** (prohibition of expulsion or return of refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion)

It was said that authorities had not assessed adequately possible threats to life and liberty of the persons deported to Pakistan.

On *November 14, 2013* Austrian public organization *Dossier* published a report on the visits to 98 refugee centers in the Austrian *Federal States of Lower Austria, Salzburg and Burgenland*. The report states that more than 800 refugees including children live in unsanitary conditions, in some cases in overcrowded rooms without regular access to electricity and heating.

The *Committee on Economic, Social and Cultural Rights* (November 2013) and the *Committee on the Elimination of Discrimination against Women* (February 2013) in their concluding observations on the periodic reports of Austria expressed deep concern about the situation of

migrants and asylum seekers in Austria, who continue to face obstacles in accessing health-care services, receive inadequate social benefits, live in poor housing conditions, have limited access to labour market as well as the increase of xenophobic violence against migrant women and cases of incitement to hatred and violence, particularly targeting Muslim and/or black women.

***Right to Be Treated with Humanity and with Respect for the Inherent Dignity of the Human Person, Right of the Child to Be Protected from Torture and All Forms of Sexual Exploitation and Sexual Abuse, Right to the Enjoyment of the Highest Attainable Standard of Physical and Mental Health***

*May 6, 2013 Vienna:* in the remand prison of the Austrian Federal Ministry of Justice *Wien-Josefstadt* a 14-year-old adolescent detained on suspicion of minor offense (attempt to steal a mobile phone) was placed in a cell with three adults where he was subjected to sexual violence and harassed by neighbors in the cell. According to the juvenile court judge *Beate Matschnig* the responsibility for the incident rests largely with the administration of the institution.

*Beatrix Karl, the Federal Minister of Justice*, in an interview with the national public broadcaster *ORF* stated that: «Prison is not a paradise, but it would have never been better circumstances».

The *Committee on the Rights of the Child* in its concluding observations on the 3rd and 4th periodic reports of Austria expressed its deep concern that prisons where juveniles are deprived of their

liberty are reportedly overcrowded and juveniles are not always separated from adult prisoners, as well as about the limited access to adequate health care.



*The police surrounded the Votivkirche church building just before the crack down of the protest (Vienna, September 22, 2013). Photo: APA/HANS PUNZ*

***Right to Be Protected from Torture, to Be Treated with Humanity, Right to Security of Person and Protection against Violence, Racial Discrimination***

According to a survey conducted in the penitentiary institutions of the Austrian Federal Ministry of Justice by the *Ludwig Boltzmann Institute of Human Rights* prisoners and detainees in remand prisons *Josefstadt* and *Gerasdorf* complained about «systematic threats, racial insults, humiliation and provocations as well as physical abuse by staff». Prisoners and detainees do not complain officially against prison personnel actions considering that no one will believe a prisoner.

***National Minorities' Rights, Racial Discrimination, Right of Everyone without Any Distinction to Equality before the Law***

*June 4, 2013 Graz:* Nigerian citizen *Henri E.* was humiliated and beaten by the police at the railway station. The victim claims that the police actions were motivated by hatred to African migrants.

The Austrian organization *Romano Centro* in its report «*Anti-Gypsyism in Austria*» published in December 2013, described 82 cases of racial treatment of Roma in recent years (discrimination at work, inadequate access to goods and services, insults).

The *Committee on the Elimination of All Forms of Racial Discrimination* in its concluding observations on the 18th, 19th and 20th periodic reports of Austria (August 2012) noted deterioration trend in combating racial discrimination. The Committee expressed its deep concern at the resurgence of skinhead, far right wing and other groups that are inspired by extremist national socialist ideologies and neo-Nazism, the use of inflammatory language by politicians during election campaigns that vilifies and promotes prejudices against persons of minority ethnic origins, reports of racist advertisements in the media, which foment existing racial prejudice and stereotypes.

***Rights of the Child, Right to an Adequate Standard of Living***

According to the *UNICEF Innocenti Research Centre's* report «*Measuring Child Poverty*» published in October 2013 nearly one in six children in Austria (15,4 percent of children and adolescents under the age of 17 – 234,000 individuals) live at-risk of poverty. Austria now ranks 17th on this indicator among 29 economically developed countries. Another 7,3 percent of children live in relative poverty.

The *Committee on the Rights of the Child* in its concluding observations on the 3rd and 4th periodic reports of Austria (September 2012) expressed concern about the high rate of alcohol, tobacco, cannabis and other illicit substance abuse, as well as depression and obesity, among children in Austria, often due to poverty, violence, dysfunctional families and inability of parents to cope with their children.

# BELGIUM

Following international commitments have been violated:

## ICCPR:

**art. 3** (equal right of men and women to the enjoyment of all civil and political rights)

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 10** (right of those deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person)

**art. 18** (right to freedom of thought, conscience and religion)

**art. 19** (right to freedom of expression)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 21** (right of peaceful assembly)

**art. 25** (right and the opportunity to have access, on general terms of equality, to public service)

**art. 26** (right without any discrimination to the equal protection of the law)

**art. 27** (right of national minorities to use their own language)

## ICESCR:

**art. 3** (equal right of men and women to the enjoyment of all economic, social and cultural rights)

**art. 6** (right to work)

**art. 11** (right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions)

## ICERD:

**art. 2** (commitment to take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists)

**art. 5** (right of everyone without distinction to equality before the law)

## CRIC:

**ct. 2** (right of each child to exercise its rights without any discrimination, including on the base of religion)

## ***National Minorities' Rights, Right to Be Protected from Racial Discrimination, Right to Freedom of Thought, Conscience and Religion, Right of National Minorities to Use Own Language***

In October 2013, the authorities of *Menen* town, situated on the border with France, banned the use of French – second state language of Belgium – at the local city hall: administrative staff is forbidden to speak French, it is prescribed to eliminate all the inscriptions in French on the labels, instructions, official documents and to communicate with visitors in Flemish or use hand gestures or pictograms.

Thus, starting from January 2014 nearly 40 percent of French-speaking population of the commune (1,600 French speaking residents) are deprived of the right to use their native language when referring to the local authorities. Documents with drawings and pictograms, including instructions for completing official documents, have been prepared for them.

The press-service of the *mayor Martine Fournier*:  
**«We needed to establish strict rules to stop them from speaking in French and bring an end to the Frenchification of the municipality».**

According to the *European Network Against Racism (ENAR)* in Belgium racism is becoming increasingly anti-Muslim. Muslims of Belgium (around 600 thousand people) are subject to persistent discrimination in employment, access to education, at public and private institutions. Also according to the *ENAR* one of the most acute problems in Belgium is Islamophobia, which manifests itself through the violence of the police.

The *Centre for Equal Opportunities and Opposition to Racism* informs that 80 percent of all cases of discrimination on the basis of religion relate to Muslims or Muslim associations of which: 51 percent of cases – discrimination in the media (racist websites, hate speech on social networks and forums, etc.); 19 percent – discrimination at work, and 11 percent of cases – discrimination in education. Moreover, victims of discrimination do not complain to the police (because of fear or considering this measure as ineffective) in 74 percent of cases.

According to the research *«Discrimination against Muslims in French-speaking Belgium»* published by the organization *Muslims rights Belgium* in 2012 in 62 percent of cases Muslims under 30 years old face discrimination more often, in 62 percent of all cases victims of the discrimination are Muslim women.

## CAT:

art. 2 (commitment to take effective measures to prevent acts of torture)

art. 4 (commitment to ensure that all acts of torture are offences under its criminal law)

### ***Rights to Freedom of Expression, Peaceful Assembly, Right to Be Protected from Torture***

In *Brussels* and *Liège* (January 25, 2013) and in *Namur* (January 29, 2013) mass demonstrations were held in light of the planned closure of the large metallurgical plant in *ArcelorMittal* entailing massive layoffs. To disperse the protesters the police used barbed wires, tear

gas and water cannons. Many protesters were injured. In *Brussels* about 300 – 400 people blocking the traffic were detained and placed into the police trucks.

#### ***Right to Be Protected from Torture***

According to the statistics of the *Standing Police Monitoring Committee*, known as *Committee P*, published by the newspaper *Le Soir* in February 2013 the number of complaints against police is constantly growing (2405 in 2009, 2451 in 2010, 2688 in 2011) despite the simplified methodology of their recording (previously an investigation was conducted on each complaint, currently a case is open only if numerous complaints refer to the same incident). One-quarter of all complaints concerns the use of force (beating) by police officers. In 2010, only 11 law enforcement officials were found guilty of beating and degrading treatment of victims.



*Crackdown of the protest of ArcelorMittal workers (Brussels, January 25, 2013). Photo: RTL.be*

An incident at the police station of *Mortsel municipality* (province of *Antwerp*) was the reason for publishing the article. 26-year-old *Jonathan Jakob* was beaten to death by police (young man being under the influence of amphetamines behaved very aggressively, he was beaten with batons by 7 law enforcement officials and died on the spot).

As other examples of unjustified use of force or degrading treatment by the Belgian police mentioned the facts of 2009 when the police of *Brussels-Midi district* (populated mainly by migrants) replaced striking prison staff of the *Forest prison*: one prisoner was beaten in the cell and hospitalized in critical condition; a Muslim prisoner, kneeled naked and beaten, was forced to say insults to the Prophet Muhammad; two more prisoners were injured; and one of the prisoners attempted to commit suicide because of police threats.

The *Committee against Torture* in its concluding observation on the 3<sup>rd</sup> periodic report of Belgium (November 2013) expressed deep concern about the excessive use of force by the police during arrest or detention, lack of proper control over the use of stun guns, the absence of explicit prohibition of torture and the absence of punishment if such acts were committed, as well as about the symbolic character of judicial sanctions (not corresponding to the gravity of the acts) against law enforcement officials who have committed ill-treatment.

#### ***Economic and Social Rights, Right to an Adequate Standard of Living***

The economic crisis in the Eurozone had negative impact on the Belgian population. According to the joint research of *Ipsos-RTL* and *Le Soir* published in January 2013 by the newspaper *Le Soir*, about 15 percent of the population live below the poverty line, 24 percent of young people in big cities live in poverty or social exclusion, in 2012 in Flanders the poverty rate increased by 30 percent (in poverty lives 10 percent of the population), 2.3 million (nearly every fourth) live below the poverty line enduring material deprivations or permanent unemployment.

The *Committee on Economic, Social and Cultural Rights* following the consideration of the 4th periodic report of Belgium (November 2013) expressed concern about the high youth unemployment among 15 – 24-year-olds, persons aged 55 to 64, women, persons with disabilities, migrants, as well as about the high level of poverty experienced by the most underprivileged and marginalized people, in particular children and foreigners.



Following international commitments have been violated:

## ICCPR:

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 21** (right of peaceful assembly)

**art. 26** (right without any discrimination to the equal protection of the law)

## ICESCR:

**art. 6** (right to work)

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**art. 12** (right of everyone to the enjoyment of the highest attainable standard of physical and mental health)

**art. 13** (right to education)

## ICERD:

**art. 2** (commitment to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization)

**art. 4** (commitment to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts)

**art. 5** (right of everyone without distinction to equality before the law)

## CRC:

**art. 2** (right of each child to exercise its rights without any discrimination, including on the base of religion)

**art. 19** (commitment to protect the child from all forms of physical or mental violence)

**art. 20** (commitment to provide a child temporarily or permanently deprived of his or her family environment with special protection and assistance)

**art. 27** (right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development)

## ***Migrants and Refugees' Rights, Racial Discrimination***

In the course of the year the situation of migrants and refugees in Bulgaria attracted attention repeatedly. Overcrowding, poor housing conditions, prolonged consideration of asylum seekers' applications remain acute problems.

**July 31, 2013 Busmantsi:** 30 Syrian refugees, including 19 children, have announced a hunger strike against their prolonged detention in the temporary detention center for foreigners. Protesters said that the *State Agency for Refugees* significantly delayed the registration of asylum applications.

**Sofia (September 13, 2013), Pystrogor (September 26, 2013):** more than 100 Iraqi and Syrian citizens placed in the temporary detention centers protested against unreasonably long (several years) consideration of asylum applications.

In October 2013, protests and hunger strikes also took place in the temporary detention centers in *Busmantsi* and *Kharmanli*.

**November 19, 2013 Kharmanli:** about 200 refugees from Syria and Afghanistan announced a hunger strike to protest against poor living conditions, in particular lack of access to health care, heating and malnutrition.

In early **December 2013**, in the refugee camp in *Lyubimets* a riot broke out. Syrian citizens detained in the camp protested against poor living conditions.

The *UN Office of the High Commissioner for Refugees* criticized Bulgaria for the conditions of detention of refugees and for not providing food and health care.

The *Committee on Economic, Social and Cultural Rights* following the consideration of the 4th and 5th periodic reports of Bulgaria (November 2012) expressed concern about the situation of asylum seekers who were not allowed to work during the first year of their stay in Bulgaria and only had access to the monthly allowance.

Influx of refugees caused an increase of xenophobic sentiments. According to sociological studies about 30 percent of the population is in favor of expulsion of refugees from the territory of Bulgaria, 42 percent supports closing of the refugee camps.

**art. 28** (right of the child to education on the basis of equal opportunity; commitment to ensure that school discipline is administered in a manner consistent with the child's human dignity)

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

**Convention relating to the Status of Refugees:**

**art. 25** (commitment to afford administrative assistance)

**art. 31** (commitment not to apply to the movements of refugees, who are present in the territory without authorization, restrictions other than those which are necessary)

The largest *Organization Of The Jews in Bulgaria «Shalom»* expressed its concern about an increase of xenophobic, nationalist and racist sentiments in the Bulgarian society.

***National Minorities' Rights, Right of the Child to Be Protected from Discrimination, Right to Education***

The report of the *European Commission* published in May 2013 on the integration of Roma in Bulgaria draws attention to the following problems: segregation of Roma children in secondary schools, absence of health insurance for Roma population (about 10 percent of the population) and therefore lack of access to health care. In addition, problems remain in the areas of employment and housing.

The *Committee on Economic, Social and Cultural Rights* in its concluding observations on the 4<sup>th</sup> and 5<sup>th</sup> periodic reports of Bulgaria (November 2012) particularly the Roma and the Turkish

expressed concern that minorities, populations, continued to be the victims of widespread discrimination in the areas of education, employment, health and housing.

***Rights of the Child, Right to Be Protected from Violence, Right to Education***

According to the report of the *Bulgarian State Agency for Child Protection* staff of the boarding school in *Straldja* often used «severe forms of physical punishment». Children were beaten with sticks and bats, they have serious difficulties in reading and writing, their knowledge is not appropriate for their age. The requirements for nutrition and access to health care were infringed, living conditions of children were found not in compliance with the sanitary norms.

***Rights to Peaceful Assembly, Freedom of Expression, Right to Be Protected from Torture***

*February 18-19, 2013 Sofia:* the police used rubber batons to disperse the mass protests against the electricity price increase. 26 people were injured, 36 were detained.

***Right to Freedom of Expression***

According to the report «*Bulgarian media monitoring – 2012*» published by the *Foundation Media Democracy* and *Konrad-Adenauer-Stiftung*, the deterioration of the situation of freedom of expression in Bulgaria in 2012 showed the following trends: political pressure from the part of local authorities on the media, especially on the regional media; imposing on the media certain themes for coverage; absence of open public debates; creation of media oligopoly.

According to the research of the *Association of European Journalists* (June 2013), 46 percent of Bulgarian journalists were subjected to pressure. 60 percent of television journalist, 48 percent of printed media journalists and 40 percent of Internet media journalists experienced the pressure. 48 percent of all respondents stated, that the pressure on the media became systematic and regular practice.



*Victim of the protest crackdown (Sofia, January 25, 2013). Photo: www.trud.bg*

Following international commitments have been violated:

## ICCPR:

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 21** (right of peaceful assembly)

**art. 26** (right without any discrimination to the equal protection of the law)

## ICESCR:

**art. 6** (right to work)

**art. 8** (right to strike)

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**art. 13** (right to education)

## ICERD:

**art. 4** (commitment to adopt measures designed to eradicate all incitement to, or acts of, racial discrimination, to prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination)

**art. 5** (right of everyone without distinction to equality before the law)

## CAT:

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

## ***Indigenous People's Rights, Right to the Equality before the Law without Any Discrimination, Rights to Peaceful Assembly, Freedom of Expression, Right to Be Protected from Arbitrary Arrest or Detention***

*June 10, 2013 the province of New Brunswick: 6 persons were arrested during a rally against the shale gas exploration work 10 kilometers north of an Indian reservation, which can pose significant risks to the environment.*

*October 17, 2013 the province of New Brunswick: the police used rubber bullets and pepper spray to disperse a demonstration and dismantle a camp of indigenous people. At least 40 persons were detained.*

*November 29, 2013 the province of New Brunswick: the police once again dispersed protest rally of representatives of the Indian community *Elsipogtog*. Several protesters were detained.*

*Amnesty International Canada is deeply concerned by the government's response to anti-fracking protests, noting that clashes with the police could have been avoided had the administration of the *New Brunswick* province respected the rights of indigenous peoples under Canadian and international law. Representatives of the *Amnesty International Canada* stress that it is «critical to acknowledge that Indigenous Peoples have rights to their lands, territories and resources».*

*According to the report by the *Canadian Commission on Human Rights* published in April 2013, the number of complaints by the representatives of indigenous peoples about the violation of their rights has increased from 16 in 2008 to 170 in 2012.*

During the second cycle of the *Universal Periodic Review* at the *UN Human Rights Council* in April 2013, Canada was sharply criticized for widespread racial discrimination and poverty among minorities, wide-ranging violations of indigenous peoples' rights, namely for their poor living conditions, for discrimination in the sphere of healthcare, education and employment, for violation of the land rights.

In concluding observations following the February 2012 review of the 19th and 20th periodic reports of Canada, the *Committee on the Elimination of All Forms of Racial Discrimination* also expressed serious concern over the fact that indigenous peoples in Canada are not involved in the approval of the industrial projects which are implemented on their lands or violate their rights.

### ***Racial Discrimination, anti-Semitism***

*February 1, 2013 Toronto: the building of the Jewish religious school *Mishkan Torah Yeshiva* was tagged with anti-Semitic inscriptions and drawings. It is not for the first time that school is attacked by vandals.*

According to the report on anti-Semitic manifestations, published in April 2013 by the Jewish organization *Bney Brit Canada*, 1345 anti-Semitic incidents were registered in 2012, two times as much as in 2003. The biggest number of those manifestations was registered in *Ontario* and *Quebec*.

***Rights to Freedom of Expression, Peaceful Assembly, Rights to Be Protected from Torture, Arbitrary Arrest or Detention***

*February 8, 2013 Montreal:* 32 persons were arrested during a rally against Quebec's northern development plan and new mining projects.

*February 26, 2013 Montreal:* 13 students were arrested during a student demonstration against the increase in tuition fees.

*March 15, 2013 Montreal:* over 1,500 people took part in a yearly protest rally against police brutality. Cops on horseback and pepper spray were deployed to corral demonstrators. More than 250 protesters were arrested.

*April 6, 2013 Montreal:* over 1,000 people took part in a demonstration against the disproportional use of force by police. 279 demonstrators were arrested.



*The police used pepper spray to crackdown the protest against police brutality (Montreal, March 15, 2013). Photo: The Huffington Post*

*April 22, 2013 Montreal:* over 500 people took part in a protest against the province law P-6, which restricts the rights of students to hold rallies. Some people were arrested.

*May 1, 2013 Montreal:* over 1,000 people took part in a May Day anti-capitalist protest demonstration. 447 demonstrators were arrested.

*October 10, 2013 Montreal:* the police used rubber truncheons to snuff out a peaceful demonstration against the plans of *Enbridge Inc.* to construct a pipeline for carrying tar sands and crude oil from Alberta via Quebec and Ontario. 29 persons were arrested and faced fines, three other protesters faced criminal charges for assaulting police officers.

During the second cycle of the *Universal Periodic Review* at the *UN Human Rights Council* in April 2013, Canada was sharply criticized for disproportional use of force by the police.

***Economic and Social Rights, Including the Right to Education, Right to Strike, Trade Unions' Rights***

*January 11, 2013 the province of Ontario:* 76,000 teachers went on strike to protest against a new law on education. The law freezes the wages of teachers for 2013-2014 and prohibits teachers from going on strike. Teachers' wave of indignation, triggered by the violation of their economic rights and the right to freedom of assembly, resulted in 900,000 students being unable to exercise their right to education. «The strikers will be sanctioned», said Minister of Education *Laurel Broten*.

*December 4, 2013 the province of Alberta:* provincial Parliament passed two legislative acts, Bill 45 and Bill 46, which restrict the rights of employees who belong to a trade union. According to Bill 45, trade unions which organize illegal strikes are liable to a fine of 1 million Canadian dollars for each day of the strike. Bill 46 features a pay freeze for the first two years and one-per-cent hikes for each of the next two years. At the same time, the option to negotiate the salary rise by trade unions is also «frozen».

## CZECH REPUBLIC

Following international commitments have been violated:

### ICCPR:

**art.8** (no one shall be held in servitude, required to perform forced or compulsory labor)

**art. 24** (right of the child without any discrimination to such measures of protection as are required by his status as a minor)

**art. 26** (right without any discrimination to the equal protection of the law)

### ICESCR:

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**art. 13** (right of everyone to education, education shall promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups)

### ICERD:

**art. 2** (commitment to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization)

**art. 3** (commitment to condemn racial segregation and to prevent, prohibit and eradicate all practices of this nature)

**art. 4** (commitment to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts)

**art. 5** (right of everyone without distinction to equality before the law, including the right to security of person and protection by the State against violence)

### CRC:

**art. 2** (right of each child to exercise its rights without any discrimination, including on the base of religion)

**art. 27** (right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development)

**art. 28** (right of the child to education; commitment to take measures to ensure that school discipline is administered in a manner consistent with the child's human dignity)

### ***National Minorities' Rights, Right to Be Protected from Racial Discrimination***

The economic crisis in the Czech Republic gives rise to nationalistic sentiments aimed against Roma population in the first place.

*June 29, July 6-7, July 10, 2013 České Budějovice:* a quarrel between children on a playground caused a series of anti-Roma demonstrations under the slogans: «Send Roma people to Gas Chambers!», «Czech Republic is for Czechs!». Police used batons and tear gas to disperse the protesters.

*July 13, July 22, 2013 Duchcov, České Budějovice:* activists of the far-right *Workers' Social Justice Party (DSSS)* held anti-Roma demonstrations.

*Nils Muiznieks, Commissioner for Human Rights of the Council of Europe,* expressed concern about the anti-Roma incidents in the Czech Republic and called on the mayors of *České Budějovice, Duchcov* to take all necessary steps to prevent further violence against Roma people. He also said that manifestations of hatred should not be tolerated and that the perpetrators must be prosecuted.

*Janez Lenarčič, Director of the OSCE Office for Democratic Institutions and Human Rights,* expressed concern about anti-Roma manifestations in the Czech Republic, as well as about the significant support that far-right activists had enjoyed from ordinary citizens. He called on the Czech authorities to address effectively such incidents and manifestations of hatred.

*August 24, 2013:* in some towns (*Plzeň, České Budějovice, Jičín, Duchcov, Ostrava, etc.*) far-right organizations held anti-Roma demonstrations. In *Ostrava* dozens of demonstrators changed their way unexpectedly, marched towards the Roma-inhabited dormitory and began to throw stones at it.

*September 27, 2013 Ostrava:* more than 500 supporters and members of the far-right Workers Social Justice Party (DSSS) protested against the increase of the

number of neighborhoods for hosting Roma population.

Representatives of *IN INSTITUTA, Amnesty International, and the Czech Helsinki Committee* noted that the Czech authorities had no effective mechanisms to protect the Roma population and that the situation in the Roma neighborhoods

remained tense. Experts stated the growth of radicalism in the Czech Republic supported by the right-wing organizations.

**National Minorities' Rights, Rights to Be Protected from Racial Discrimination, Segregation, Right to Education**

Segregation of Roma children continues in the Czech Republic. Disproportionally large number of Roma children are placed into sub-standard schools with simplified curricular for mildly disabled children or for children showing poor progress. There are also schools segregating Roma children from their schoolmates of other nationalities.



Right-wing extremism is on the rise in the Czech Republic  
Photo: AFP/Getty/Philippe Merle

Nils Muiznieks, Council of Europe Commissioner for Human Rights, condemned the practice of segregation of Roma children at schools: «Segregation of Roma children in education remains a serious human rights concern in the Czech Republic. Many of them are still taught as children with mild disabilities, in contravention of the 2007 D.H. judgment of the European Court of Human Rights which condemned the Czech Republic for this practice. Urgent action is needed to remedy this shortcoming».

In October 2012, during the second cycle of the *Universal Periodic Review of the UN Human Rights Council* the Czech Republic was strongly criticized for continuing racially motivated discrimination against Roma, including attempted homicides, property damages, increase of acts of racism, xenophobia, violence against Roma, as well as for continuing segregation of Roma children at schools.

**Economic and Social Rights, Right to an Adequate Standard of Living**

According to the *Center for Social and Economic Strategies*, due to the high level of unemployment and poor wages among low-qualified personnel about 1 million Czechs are confronting poverty and about 700 thousands persons can approach the poverty level. Low income groups faced deterioration of their living standards prompted by increase of tax pressure and devaluation of national currency.

According to the *Ministry of Labour and Social Affairs*, in 2013 a sum of 288 mln US dollars, which is unprecedented for the Czech Republic, was spent by the government on allowances and one-time grants. However, 200,000 households still can not pay their utility costs without support from the government, 130,000 families can not provide themselves with food supplies.

The current situation has a negative impact on the children in the first place, since it provokes hostility towards wealthier classmates and is the prime reason for stratification among the students of secondary schools. Need for money at early age makes many to drop out of school for work and eventually leads to increase of the number of low-qualified workers who have no prospects for getting stable income in future.

**Right to Be Protected from Servitude**

According to *Walk Free Foundation's* report, 38,000 people are threatened with modern forms of slavery in the Czech Republic (forced labor, sale and exploitation of children, human trafficking, use of child labor). According to the *Global Slavery Index 2013*, the Czech Republic and Hungary showed the worst results among the EU member states.

Following international commitments have been violated:

## ICCPR:

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 24** (right of the child to acquire a nationality without any discrimination)

**art. 26** (right without any discrimination to the equal protection of the law)

**art. 27** (right of national minorities to use their own language)

## ICESCR:

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**art. 13** (right to education)

## ICERD:

**art. 2** (commitment to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization)

**art. 4** (commitment to adopt measures designed to eradicate all incitement to, or acts of, racial discrimination, to prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination)

**art. 5** (right of everyone without distinction to equality before the law, including the right to education)

## CRC:

**art. 2** (right of each child to exercise its rights without any discrimination, including on the base of religion)

**art. 7** (the child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality)

**art. 29** (right to education)

**art. 30** (a child belonging to national minority shall not be denied the right to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language)

## **Incitement to Racial Discrimination, Advocacy of Neonazism**

On *February 21, 2013* a book «*The Historical Speeches of Estonia*» was presented in the Museum of Occupations in Tallinn. The book was published to commemorate 95 years of the Republic of Estonia. The book contains a speech of *Hjalmar Mäe*, the *Head of the Directorate of the Estonian Self-Administration* during the occupation of Estonia by Nazi Germany, who was a proactive advocate of Nazi policies.

During the period of Mäe's administration from 1941 to 1945 there were 25 concentration camps in Estonia, 61,000 civilians and 64,000 Soviet prisoners of war were killed. The international historic commission created in the 1990s under the president *Lennart Georg Meri* found Mäe guilty of committing war crimes and crimes against humanity.

*Martin Helme*, representative of the *Conservative People's Party of Estonia*: «**Our immigration policy must be simple: if you are black, go back. As simple as that. We shouldn't allow this problem to emerge in the first place**».

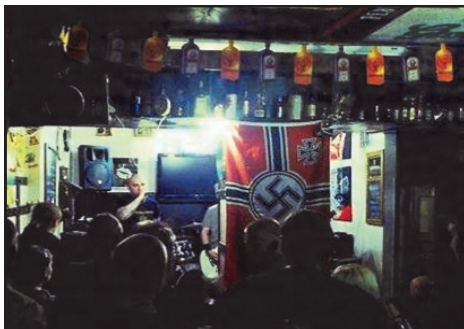
*February 2, 2013 Tallinn*: in the Government building a state reception was held to celebrate Estonian *Freedom Fighter Union* which unites the veterans from the 20th SS Division *Estonian Legion*, *Wehrmacht* and the *Nazi Germany police*, as well as *Estonia's Forest Brothers* (armed nationalist groups active on the territories of Lithuania, Latvia and Estonia in the 1940-1950s).

*Andrus Ansip*, the *Estonian Prime Minister*, the leader of the *right liberal Reform Party*, expressed his gratitude to the «freedom fighters» for the actions taken decades ago «for the sake of motherland».

*May 25, 2013 Tartu*: a gathering of neo-Nazis and skinheads under a flag with swastika took place in the bar «*Krooks*». Nazi ideology followers from Finland took part as well.

The Estonian security police made announcement: «There is no point in saying it was a crime. As far as the ultra-right movement support in Estonia is concerned, it does not exceed one hundred people».

At the end of May *Martin Helme*, one of the leaders of the *Conservative People's Party of Estonia*, during the TV show «*The Discussion club*», commenting on the riots in Sweden said that the Estonian authorities should not let it happen in Estonia: «Our immigration policy must be simple: if you are black, go back. As simple as that. We shouldn't allow this problem to emerge in the first place».



A gathering of Neo-nazis and skinheads from Estonia and Finland in the bar Krooks (Tartu, May, 25 2013). Photo: DELFI

*Kari Käsper, the head of the Estonian Human Rights Centre, while commenting on the words of Mart Helme and the neo-Nazis and skinheads' gathering in Tartu said that fertile ground for the racist ideology in Estonia is still there.*

*July 27, 2013 an annual meeting of the veterans of the 20th Estonian SS Division took place in Sinimäe. Mart Helme, the leader of the Conservative People's Party of Estonia, participated in the meeting and called the veterans heroes who had defeated the Soviet troops in an uphill struggle.*

*On October 2, 2013 Urmas Reinsalu, Minister of Defense, met the representatives of the nationalist group*

*Estonia's Forest Brothers to discuss the organization and to commemorate the 20th anniversary of the withdrawal of Soviet forces from Estonia.*

### **National Minorities' Rights, Racial Discrimination, Right of National Minorities to Use Their Own Language**

People of Russian origin make up one third of the population of Estonia, but the school education is given only in Estonian.

*September 2, 2013 Tallinn: a pupil of Linnamae Russian Lyceum Nikita Pyzh urged his Russian peers to refuse to attend classes that are given in Estonian. The only exception, as the pupil thinks, must be the subject «Estonian language».*

In an interview Nikita Pyzh confessed that he had thus started a non-cooperation campaign because he does not see any other way to take a stand against the Estonianization of Russian schools which is forcibly implemented by the local government.

*On September 24, 2013 during the OSCE meeting in Warsaw Sergei Sidorenko, Russian ombudsman of Estonia, noted: «All the gymnasiums, with no exception, shift to the Estonian language of tuition. The President of Estonia deliberately refused to accept the petition on the Russian education protection signed by approximately 30,000 people. The translation of the legislation into Russian has been abolished completely while the legislation is blatantly translated into English».*

### **Rights of the Child, Right to Acquire a Nationality**

According to the report of Nils Muižnieks, Council of Europe's Commissioner for Human Rights, published in March 2013 on the results of his visit to Estonia, 1,200 children born in Estonia do not have citizenship. They are deprived of the opportunity to participate in social life as full citizens. «All children should be granted citizenship automatically at birth, even when their parents are stateless».

N.Muižnieks also noted the increased social and economic gap between ethnic minorities and the majority of Estonian population which is taking root among young people.

The Committee Against Torture in its concluding observations on the 5th periodic report of Estonia (May 2013) expressed serious concern about the fact that 7 percent of the population have «undetermined citizenship» and that there is a low level of registration as citizens of children born to non-citizens.



Following international commitments have been violated:

**ICCPR:**

**art. 8** (no one shall be held in servitude, required to perform forced or compulsory labor)

**art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal)

**art. 26** (right without any discrimination to the equal protection of the law)

**ICESCR:**

**art. 6** (right to work)

**art. 7** (right to the enjoyment of just and favorable conditions of work)

**ICERD:**

**art. 5** (right of everyone without distinction to equality before the law, including the right to work, just and favorable conditions of work, the right to protection against unemployment, the right to security of person and protection by the State against violence, the right to equal treatment before the tribunals and all other organs administering justice)

**CRC:**

**art. 8** (commitment to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference)

## ***Right to a Fair and Public Hearing by a Competent, Independent and Impartial Tribunal, Racial Discrimination***

On *October 23, 2013*: the court authorities adopted a decision in favor of *Miroslav Laur*, a citizen of Estonia residing in Finland, and put him in guard of his daughter *Cristina Eva Laur*, in spite of well-known facts of his inadequate behavior.

The social services of Finland recognized as acceptable and meeting normal standards a case of upbringing of the girl by her mother *Alexandra Burs*, a citizen of Belarus and former spouse of *Miroslav Laur*. However, the court disregarded this aspect, thus discriminating *Alexandra Burs* on the racial base.

On the basis of the court ruling *Miroslav Laur* restricted his daughter from travelling abroad (with exception of the Schengen states), including for meeting with her next of kin.

In *November 2013*, the Social Welfare Service *Lastensuojelu* at the *Finland's Ministry of Social Affairs and Health* ruled to take *Cristina Eva Laur* away from *Alexandra Burs* entirely and to send the girl to an orphanage. Such decision was motivated by the assumption that the father could exert pressure on his former family, which would negatively affect child. Implementation of the ruling was

mental and physical health of the postponed for five months.

According to the estimates of the human rights organizations, about 3,000 children are taken away from their families in Finland annually. And this number is increasing every year. Experts call this situation as «alarmingly disturbing» due to the fact that the existing system reminds a «dangerous juvenile conveyor» without any alternative for families in crisis.

## ***Right to Be Protected from Servitude, Human Trafficking***

According to professor *Kevin Bales*, the international expert in combating human trafficking, the number of people in Finland whose situation could be described as modern slavery amounts to 650-735 persons. In most cases they are sex slaves, domestic slaves (including in ethnic restaurants), slaves doing agricultural work. The international expert notes that the authorities in Western European countries found out only 10 percent of such cases. According to the Finnish authorities, they classified 64 and 79 cases of slavery in 2009 and 2010 respectively.

The authorities of one of the schools in Western Finland learnt about the cases when girl students from immigrant families had been made to leave the country to be pushed into forced marriage abroad.

*Natalie Gerbert*, the representative of the Multicultural Women's Association «*Monika-Naiset liitto*», notes that her association receives from 15 to 20 complaints annually about forcing schoolgirls into marriage. In her practice, the youngest victim was only 13 years old, and she had to obey her relatives' will and leave the country. However, such cases occur very often without attention from public organizations and the relevant institutions.

### ***Right to Be Protected from Racial Discrimination***

A representative of Helsinki Police said in the TV program *Yle Ykkösaamu*, that law enforcement officials used racial profiling to verify legality of foreigners' stay in Finland. In particular, he stated that he personally regularly checked persons who «looked like foreigners».

*The Council of Europe* expressed its concern about the increase of cases of racist display on the part of the Finnish police towards foreigners.

*The Committee on the Elimination of Racial Discrimination* in its concluding observations on the 20th-22nd periodic report of Finland in August 2012 expressed serious concern about the increase of racist hate speech, continuing marginalization of migrants, in particular in access to employment, housing, social services, as well as persistence of bullying of Roma children and immigrant children in schools.

### ***Migrants and Refugees' Rights, Racial Discrimination***

According to the large-scale research held for the first time by the *Ministry of Labor and Economy of Finland*, there is persistent difference in living conditions of native population and immigrants:

- young grade of foreign origin with certificates proving their graduation from the ninth risk to remain unemployed six times more often than their Finnish fellow students;
- in 2010 the level of employment in Finland was 69 percent, while among the immigrants of the first year of stay this figure was only 42 percent. The level of employment among foreigners who arrived to the country 20-30 years earlier was 7 percent lower than among the native population.

Following international commitments have been violated:

**ICCPR:**

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 12** (right to liberty of movement and freedom to choose his residence)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 21** (right of peaceful assembly)

**art. 26** (right without any discrimination to the equal protection of the law)

**art. 27** (right of national minorities to use their own language)

**ICESCR:**

**art. 6** (right to work)

**art. 7** (right to the enjoyment of just and favorable conditions of work)

**art. 8** (right to strike)

**ICERD:**

**art. 2** (commitment to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization)

**art. 4** (commitment to adopt measures designed to eradicate all incitement to, or acts of, racial discrimination, to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts)

**art. 5** (right of everyone without distinction to equality before the law, including the right to security of person and protection by the State against violence, right to freedom of movement and residence within the border of the State)

**CRC:**

**art. 9** (commitment to ensure that a child shall not be separated from his or her parents against their will)

**art. 10** (right of the child to family reunification)

## Incitement to Racial Discrimination

In June 2013, *Adolf Hitler's* book «My Struggle» («*Mein Kampf*») went on sale in bookshops of *Berck-sur-Mer*.

The local department of the *French Communist Party – the Left Front* expressed its indignation in relation to the selling of the Nazi book in town's bookshops. The communists urged the deputies of *Nord-Pas-de-Calais* region to raise the proposal to ban the book selling at the republican level.

The representatives of the *Human Rights League* also expressed their outrage in connection with the selling of the book; they underlined the «danger the book which promotes the Nazi ideology presents to society».

In September 2013, the mass media spread a photo of two soldiers who posed near an entrance of *Beth David synagogue* while making anti-Semitic Nazi gestures.

*The Representative Council of the Jews of France* expressed its disappointment with the actions of the French soldiers.

On *November 12, 2013* French magazine *Minute* compared dark-skinned *Christiane Taubira, Minister of Justice of France*, to a monkey. The magazine published a photo of Taubira as a cover image with an offensive headline «*Crafty as a monkey, Taubira gets her banana back*».

On *November 30, 2013* France witnessed rallies against racism. The protests were organized by human rights and trade union organizations, including the *Human Rights League, SOS Racisme, Movement against Racism and for Friendship between Peoples*. During the protests the participants mentioned the fact of Taubira's offense.

*The Office of the United Nations High Commissioner for Human Rights* condemned the racial attacks on the Minister of Justice of France. *The spokesperson of OHCHR Rupert Colville* said: «This utterly unacceptable abuse of a prominent politician, on the basis of her color, is a stark manifestation of the rising racism, xenophobia and intolerance aimed at members of ethnic and religious minorities, as well as migrants, in many European countries».

According to the media, in 2013 in France dozens of mosques have been desecrated by Nazi symbols. The number of vandalism cases is constantly growing.

CAT:

art. 2 (commitment to take effective measures to prevent acts of torture)

art. 4 (commitment to ensure that all acts of torture are offences under its criminal law)

For example, according to the statistics of the Ministry of Internal Affairs of France in 2012 there were 201 cases of mosque and prayer hall desecration in France which is 28 per cent more than in 2011.

***National Minorities' Rights, Right to Security of Person and Protection by the State against Violence***

*July 19, 2013 Paris suburbs, Trappes:* about 250 people took part in a protest against the arrest of a Muslim who had tried to prevent the police from issuing his wife a fine for wearing a full-face veil, officially illegal in public since 2011. 6 people were detained.

*August 12, 2013 Paris suburbs, Trappes:* a Muslim girl was attacked by two skinheads. They ripped off her Muslim veil, shouted Islamophobic insults and then hit her. The girl attempted to commit suicide because of such assault.

Muslims of France believe that the new French legislation on Muslim veil ban was adopted to intentionally discriminate the Muslim minority of the country.

In the course of the second cycle of *the Universal Periodic Review of the UN Human Rights Council* in January 2013 France was severely criticized with regard to the numerous racism cases, xenophobia and minorities discrimination, in particular Muslim women, hate crimes growth, as well as for the legislation on hijabs and niqabs ban which is discriminative for Muslim women.

***National Minorities' Rights, Right to Freedom of Movement***

According to media sources, no less than 1,500 Roma people have been deported from France (*Lyon, Lille, Paris suburbs Bobigny, Saint-Ouen*), mainly Bulgarian and Romanian citizens. Among the deportees there were pregnant women, children, as well as mineworkers who had been working in France for several years.

According to *the Human Rights League* and *the European Roma Rights Centre*, 11,982 Roma people were deported from France in 2012. In the first half of 2013 10,174 more were deported.

*Amnesty International in France* and the humanitarian association *Doctors of the world* declared that it is inadmissible to carry out tough policy in relation to Roma people which confirms human rights violations.

In September 2013, *Manuel Valls, Minister of Internal Affairs*, while speaking on the French TV channel *BFM-TV*, called for deportation of Roma from the country. As he stated, «certain populations can't be integrated in France».

*Olivier Bailly, spokesman of the European Commission*, threatened sanctions against France and stated that the Roma have the right to freedom of movement across the EU as European citizens.

On *October 9, 2013* 15-year-old *Leonarda Dibrani* was exiled to Kosovo with her family. The girl was taken by the police right in front of her classmates when she was getting off the school bus. *Leonarda Dibrani's* parents, Roma from Kosovo, illegally came to France in 2009. After they were rejected asylum in France, the family was expelled.

***Right to Freedom of Expression, Peaceful Assembly, Right to be Protected from Torture, Arbitrary Arrest, Economic and Social Rights***

*February 7, 2013 Strasbourg:* more than 1,500 workers representing steel giant *ArcelorMittal* in France, Belgium and Luxemburg took part in a rally near the European Parliament headquarters against the decision to shut down its affiliated branches in Europe. The police used batons, tear gas, and rubber bullets to break up the rally. After having been shot with a rubber bullet, one of the protesters lost his eye.

**March 7, 2013 Rueil-Malmaison:** more than 1,000 workers and employees of the *Goodyear* company took part in a rally against the employer's decision to shut down the enterprise. The police used tear gas and batons to disperse the protesters. Several people were arrested.

**March 24 – 27, 2013 Paris:** about 1,4 mln participants protested against same-sex marriages and granting to same-sex couples the right to adopt children. The police used tear gas and batons to disperse the protesters. About 100 people were arrested. Several protesters were injured.



The police used tear gas to disperse the protesters (Paris, March 25, 2013). Photo: AFP Getty Images/Thomas Samson

Jean-François Copé, the leader of the right-wing opposition party *Union for a Popular Movement*, said: «It is unacceptable, that the police used tear gas in the presence of children».

*Parliamentary Assembly of the Council of Europe* adopted resolution «*Popular protest and challenges to freedom of assembly, media and speech*», which criticized police methods against the protesters during the rally in Paris, presenting the police behavior as an example of disproportional use of force against protesters.

**April 15, 2013 Paris:** from 2,500 to 7,000 protesters took part in peaceful display of opposition to same-sex marriages. The police used tear gas and batons to disperse the rally. 67 people were arrested.

**May 26, 2013 Paris:** about 1 mln people took part in a rally against same-sex marriages, organized by the movement *La Manif pour tous*. The police used batons and tear gas to crackdown the rally. On the eve of the rally, the police undertook preventive detentions and arrests. 350 protesters were arrested in the wake of the event.

Several nation-wide strikes against pension reform providing for the increase of pension age up to 62 years took place from the beginning of September 2013. According to trade unions, about 3,5 mln people took part in the protests. On **October 14, 2013** 10 students who participated in a rally were arrested in Lyon. The police used gas grenades against fighting school students in Paris suburbs *Saint-Denis* and *Montreuil*.

On **October 26, 2013** *Department Finistère, region Bretagne:* the police used tear gas to break up a rally of farmers against imposing ecology tax on transportation of the agricultural products. According to the police, the protesters were not eligible to stage the rally at that place. However, according to *Jean-Baptiste Eyraud, the founder and spokesperson for the Right to Housing Association*, the place had been previously agreed by the police.

Trade union of the Paris magistrate, the *League for Human Rights*, the *Green Party*, and the *Party «Europe Ecology – the Green»* confirmed the facts of violence committed by the law-enforcement officials.

### **Rights to Work, Just and Favorable Conditions of Work, Right to Strike**

Protesting against discrimination and persecution of trade unions' members by the management of the *Peugeot Company* (department *Yvelines, region Ile de France*) employees, members of the trade union organization *SUD* went on hunger strike. According to the protesters, they were immediately fired, as soon as they started to strike against inhuman work conditions at the factory. Protesters gained support from French trade unions *PCF, le PG, le NPA, Attac* and the organization *League for Human Rights*.

Following international commitments have been violated:

## ICCPR:

**art. 2** (right to equitable and effective remedy)

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 21** (right of peaceful assembly)

**art. 25** (right to take part in the conduct of public affairs, to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors)

## ICESCR:

**art. 7** (right to the enjoyment of just and favorable conditions of work)

## ICERD:

**art. 2** (commitment not to sponsor, defend or support racial discrimination by any persons or organizations, to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization)

**art. 4** (commitment to adopt measures designed to eradicate all incitement to, or acts of, racial discrimination, to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts)

**art. 5** (right of everyone without distinction to equality before the law, including the right to security of person and protection by the State against violence, right to freedom of movement and residence within the border of the State)

## CAT:

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

## **Incitement to Racial Discrimination, Neonazism**

In 2013, the far-right organizations which promote the extreme ideology and incite to hatred and violence, continued their activities on a legal basis in Germany. Despite the attempts of German officials to outlaw such parties and organizations, in particular, the *National Democratic Party of Germany*, the Merkel Government in March 2013 refused to try to ban the NPD.

*Magdeburg (January 12, 2013), Dresden (February 13, 2013), Kottbus (February 15, 2013)*: the advocates of the far-right organizations, including the *National Democratic Party of Germany*, held traditional «*memory marches*» on massive bombings of German cities by the Allied air forces in 1945.

*October 3, 2013 Zaltsvedel*: more than 1 hundred neo-Nazi graffiti (swastikas, runes of SS, slogans «*Hitler now!*») appeared all around the town. The memorial plaque at the place of the synagogue destroyed in 1938 was also defaced. The leftist organization representatives criticized authorities due to their insufficient efforts to restrain against rightist extremism.

*August 3, 2013 Bad Nenndorf*: the advocates of the *National Democratic Party of Germany* together with the activists of neo-Nazi «*free comradeships*» attempted to organize an event to commemorate victims of the British war prison located in the town in 1945.

*October 3, 2013 Greifswald*: a group of activists of the *National Democratic Party of Germany* headed by the member of the Landtag from this party, famous neo-Nazi *T.Müller* held a rally at the places of residence of some leftist organizations activists.

## **Racial Discrimination, National Minorities' Rights**

The statistical data, published by the *Federal Ministry of the Interior of Saxony-Anhalt* in March, indicated a considerably increasing number of crimes motivated by racial or national hatred – 203 cases in 2012 (120 cases in 2011, 83 cases in 2010), of which 84 crimes related to violence.

The Nazi organizations and parties significantly scaled up their activities in August during the election campaign. The *National Democratic Party of Germany* organized a series of protest acts against openings of new centers for refugees,

including in the *Berlin's district Marzahn Hellersdorf* and in *Hamburg*.



A supporter of Nazi organizations takes part in the anti-refugees protest (Berlin, Marzahn Hellersdorf August 28, 2013). Photo: southweb.org

The participants of those actions chanted racist slogans and demonstrated Nazi salutes to refugees.

*Bad Schandau (September 07, 2013), Cotta (September 13, 2013) and Dresden (September 14, 2013):* skinheads assaulted teenagers belonging to national minorities. As a result at least 5 people were seriously injured and hospitalized.

*September 16, 2013 Leipzig:* the activists of the party «For Germany» (*Pro Deutschland*) protested near *Al Rahman Mosque*. They chanted anti-immigrants slogans.

*October 5, 2013 Duisburg:* about 400 people participated in the protests against Roma

settlements from Bulgaria and Romania. The representatives of public association «*See Red!*» criticized a passive stance of the authorities that had not found any opportunity to enhance police protection of Roma settlements.

*October 19, 2013 Schneeberg:* from 1,000 to 5,000 people participated in the torchlight procession organized by the far right party, the *National Democratic Party of Germany* against refugee settlements in the town, mainly the Chechens.

In early October 2013, in *Hamburg* police under the executive decision of the local authorities conducted mass detention of people on racial grounds in order to find out the refugees from Libya, the members of so called group «*Lampedusa in Hamburg*» who illegally came to Germany. The detainees were finger-printed and threatened by deportation to Italy where they were granted a refugee status, besides, lawyers could not get access to the arrested persons for several hours.

*November 2, 2013 Schneeberg:* almost 2 thousand of people participated in a meeting and torchlight procession of activists of the far-right party, the *National Democratic Party of Germany* and neo-Nazi groupings protesting against the establishment of the center for refugees in the town.

*November 2, 2013 Leipzig:* about 150 people took part in the protest organized by the advocates of the far right *National Democratic Party of Germany* against the construction of a new mosque.

*November 7, 2013 Friedland, Essen, Duisburg:* the far-right parties (*the National Democratic Party of Germany and Pro NRW*) held meetings against refugee settlement, as well as the Roma coming from other countries of Europe.

*Leipzig (November 18, December 7, 2013):* the activists of the far-right party (*the National Democratic Party of Germany and Pro NRW*) held meetings against construction of a center for refugees. Some protestors demonstrated Nazi symbols and salute.

*The Commissioner for Human Rights Policy and Humanitarian Aid of Germany* acutely condemned the existing racial prejudices among individual groups of the society stressing that 90 percent of all instances of racial violence were committed by persons with far-right political views.

*The Committee on Human Rights* in its concluding recommendations on the sixth periodic report of Germany (October 2012) expressed serious concern with regard to the increasing number of racially-motivated incidents against members of the Jewish and Sinti and Roma communities, as well as Germans of foreign origin and asylum seekers, and high level of violence faced by women with immigration backgrounds, in particular those of Turkish and Russian origin, as well as continued allegations of hate speech and racist propaganda on the Internet .

Germany was heavily criticized during the second cycle of the *Universal Periodic Review of the UN Human Rights Council* in April 2013 due to the high level of racism and religious intolerance towards migrants, national minorities and considerable growth of extremist and hate speech on the Internet.

## ***Rights to Freedom of Expression, Peaceful Assembly, Rights to Be Protected from Torture, Arbitrary Arrest***

*January 12, 2013 Magdeburg:* the police used water cannons, tear gas and batons to break up a protest of the leftist representatives and antifascists against the far-right organizations. 134 people were injured. Several people were detained.

*Karlsruhe (March 08, 2013), Köln (March 09, 2013) and Neumuenster (March 18, 2013):* the participants of an agitation bus tour (February 26 – March 20, 2013) in support of the empowerment of refugees in Germany were attacked by the police that applied telescopic batons, tear gas and police dogs. Several dozens of people were arrested. Public associations that took part in the tour staged several protest acts against the police violence.

*May 01, 2013 Berlin:* the police used water cannons, batons and tear gas to disperse marches of both far-right activists and supporters of antifascist organizations. About 20 protesters were arrested.

*May 01 – 05, 2013 Hamburg:* the police used water cannons, batons and tear gas to disperse the May Day procession organized by the advocates of leftist organizations. At least 8 people were arrested.

*May 31 – June 06, 2013 Frankfurt am Main:* the police cordoned off the streets to disperse the participants of the sanctioned protest organized by the anti-capitalism *Blockupy* movement and leftist groups against ineffective economic policy: about one thousand of people were kept surrounded by the police for more than 6 hours. It was reported that personal searches conducted by the police.

The SWAT groups broke up a crowd to arrest some most active protesters (about 1,000 people). The SWAT groups used brutal force and special means (tear gas, batons).

About 200 protestors suffered physical damage of different kind, several people were beaten badly by the police resulting in unconsciousness.

The police applied force against the journalists covering the event. One of the reporters was tear-gassed at a close distance; the RTL camera-man was beaten.

The *Social Democratic Party of Germany* and *Die Linke* party, representatives of a number of public associations protested and demanded to hold special hearings in Landtag of the federal land of Hessen, as well as called on the minister of interior of the land to resign.

*Katja Kipping, the Co-chair of Die Linke party,* characterized the police's actions as an assault on peaceful demonstration, well-planned in advance.

*Dunja Mijatović, the OSCE Representative on Freedom of the Media,* called on the authorities to provide adequate treatment of journalists by the law enforcement officials, respect for their rights and obligations. *D.Mijatović* sent relevant letters to the Minister of Interior and Minister of Justice of the Federal Land Hessen.

Germany was strongly criticized during the second cycle of the *Universal Periodic Review in the UN Human Rights Council* in April 2013 due to the excessive use of force by law enforcement officials and the use of special measure towards protesters, violation of rights to peaceful assembly and freedom of expression, tortures and other forms of cruel treatment against protesters, as well as absence of specific legislation pertaining to criminal punishment for torture.



*Arrest of the participators of the protest «Blockupy Frankfurt» (Frankfurt, June 1, 2013). Photo: EPA/Boris Rössler*



***Right to Freedom of Expression, Right to Seek, Receive and Impart Information***

*February 06, 2013 Berlin, the Federal lands of Hessen, Brandenburg, Baden Württemberg and North Rhine -Westphalia:* searches in offices and apartments of journalists and cameramen who had the photos depicting the protest organized by the «*Blockupy Frankfurt*» movement, held on March 31, 2012, took place. The searches were warranted by the Prosecutor’s office of Frankfurt which investigated the attempt for homicide and infliction of physical damage to the police officers during the protest.

These measures undertaken by the authorities provoked an intensive wave of protests and criticisms by journalist associations, including *the Union of the German Journalists, the Association of the German Newspapermen*, leftist politicians and the media.

***Right to Take Part in the Conduct of Public Affairs, to Vote and to Be Elected at Genuine Periodic Elections***

Numerous voters’ complaints pertaining to a violation of their voting rights via mail were registered at the Bundestag elections on September 22, 2013:

- about 100 thousand of votes were not taken into account in Hamburg and afterwards «found»;
- there were instances of loss of votes, double mailings of ballots, sending of invalid ballots, non-receipt of ballots by voters in different parts of the country .

Following international commitments have been violated:

**ICCPR:**

**art. 6** (right to life)

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 10** (right of those deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 21** (right of peaceful assembly)

**art. 26** (right without any discrimination to the equal protection of the law)

**ICESCR:**

**art. 6** (right to work)

**art. 7** (right to the enjoyment of just and favorable conditions of work, including the right to fair wages and equal remuneration for work)

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**ICERD:**

**art. 4** (commitment to adopt measures designed to eradicate all incitement to, or acts of, racial discrimination)

**art. 5** (right of everyone without distinction to equality before the law, including the right to security of person and protection by the State against violence)

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

**Convention relating to the Status of Refugees:**

**art. 31** (commitment not to apply to the movements of illegal refugees restrictions other than those which are necessary)

**Racial Discrimination, National Minorities' Rights, Migrants and Refugees' Rights**

Numerous racially motivated attacks, including armed assaults that led to death of victims, were committed in 2013 in Greece.

*January 5, 2013 Athens:* a 18-year-old Afghani was assaulted in the street and later died of knife wounds. The police sources indicated that the attack may have been racially motivated as similar assaults in the area have been attributed to members of extreme-right organizations.

*January 16, 2013 Athens:* *Sachzat Loukman* a 27-year-old Pakistani was murdered during his morning cycling. He was assaulted with a knife by two unknown persons. The suspects of the crime, a 29-year-old *Chris Stergiopoulos* and 25-year-old *Dennis Liakopoulos*, were arrested a few hours later and immediately confessed. Following the arrest of two men with crime weapon, police searched their homes and found material of the *Golden Dawn* party which made clear the racist motives of the perpetrators.

On *January 17, 2013* the organization *Amnesty International* published a press release which stated: «This kind of assault is not just an isolated incident. We observed a dramatic escalation of racially motivated assaults throughout the entire year of 2013. The Greek authorities should scrutinize the root causes of racism and bring the perpetrators to justice. They must undertake decisive measure to put an end to a series of appalling racist attacks in the country».

*Nils Muiznieks, the Commissioner for human rights of the Council of Europe,* in his report on the results of his visit to Greece from January 28 to February 1, 2013, expressed «serious concern about the increase in racist and other hate crimes in Greece, which primarily target migrants and pose a serious threat to the rule of law and democracy». According to the report «the Commissioner calls on the Greek authorities to be highly vigilant and use all available means to combat all forms of hate speech and hate crime and to end impunity for these crimes».

*January 24, 2013 Larissa:* a group of people chanting racist slogans used bats to attack migrants in a shop. One man was hospitalized.

*March 26, 2013 Athens:* an extreme-right *Golden Dawn* political party played a Nazi anthem during a charity event that authorities had attempted to ban. A Greek version of the Horst Wessel song – known as «keep the banner flying» in Greek – was played on loud speakers outside the central Athens offices of the *Golden Dawn* party, where members handed out bags of food and clothing.

The *Committee against Torture* in its concluding observations on the 5th and 6th periodic reports of Greece (May 2012) expressed serious concern about the allegations pertaining to ill-treatment of the undocumented migrants, asylum seekers and Roma by the law enforcement officers including in detention facilities and in the context of regular police checks in the streets, as well as the increase in manifestations of xenophobic and racist attacks against foreign nationals, irrespective of their status, including by citizens' groups and far-right groups.



Members of the extreme-right Golden Dawn party hold shields with their party symbol (Athens, May 26, 2013). Photo: Getty Images/ Milos Bicanski

### ***Rights to Freedom of Expression, Peaceful Assembly, Right to Be Protected from Torture, Arbitrary Arrest or Detention***

*February 13, 2013 Lamia:* the Greek farmers protesting against soaring prices on fuel blocked one of the main highways connecting Athens with the Northern-Western part of the country. The police used tear gas, which resulted in clashes. 12 protesters were arrested.

*March 07, 2013 the Chalkidiki peninsular:* the police used tear gas to break up a rally against the construction of a gold mine on the *Chalkidiki* peninsular. One minor was injured in the head by tear gas shell. 5 people were detained.

*May 10, 2013 the Chalkidiki peninsular:* the police used tear gas and flash-bang grenades to disperse the protest. One protester was injured and several were arrested.

In its concluding observations on the 5th and 6th periodic reports of Greece (May 2012) the *Committee against Torture* expressed serious concern about the continuing allegations of acts of torture and ill-treatment by law enforcement officials during arrests and detentions, as well as excessive use of force by law enforcement officials, often related to policing of demonstrations and crowd control.

### ***Economic and Social Rights, Rights to Work, Just and Favorable Conditions of Work, Right to an Adequate Standard of Living***

*April 17, 2013 Manolada (Iliya region, Pheloponess):* during the protest of workers of farmer plantations (immigrants from Bangladesh and Pakistan) against hard conditions of work and salary delays (up to 6 months) one of the employers set fire to the protesters. 30 people were hospitalized.

*June 11, 2013:* 2 600 workers of the state broadcasting agency *ERT* were fired after the agency was closed down abruptly. Such decision was made by the Government due to «extremely high expenses» for the agency's maintenance. The Government said that the closure of *ERT* was an austerity measure and a part of the economic reform package. On *June 14, 2013* the chair of the European Broadcasting Union during his visit to Athens handed to the Greek Minister of Finance a petition signed by 51 heads of the european TV broadcasters, including BBC, ZDF, France Television, against the closure of *ERT*.

### ***Right to Be Treated with Humanity and with Respect for the Inherent Dignity of the Human Person, Right to Be Protected from Torture***

On *April 17, 2013* the Greek human rights organizations released information on torture and cruel treatment of prisoners by the *Special Anti-Terrorist Unit (EKAM)* in jails. There are dozens of physical evidences showing that the members of *EKAM* together with jail staff conducted a number of searches at night at least in 10 jails of the country. The prisoners were kept naked, tortured and beaten. The jail staff also used stun guns against the inmates.



*The police used tear gas to disperse the protesters (Chalkidiki peninsular, March 7, 2013). Photo: EpamInternational*

*The Committee against Torture* in its concluding observations on the 5th and 6th periodic reports of Greece (May 2012) expressed serious concern at the lack of an effective independent system to investigate complaints of torture, ill-treatment or excessive use of force, as well as to the continuing inspections of body cavities in the places of detention.

### ***Migrants and Refugees' Rights***

*August 10, 2013 Athens:* the immigrants from Afghanistan and Pakistan at the *Amygdaleza detention camp* protested against the decision of the authorities to increase the period of detention at the camp from 12 to 18 months. 41 people were arrested for participation in the riot, 10 migrants managed to escape from the camp.

*The Greek Ombudsman* as a follow-up of his inspections of three biggest detention centers for immigrants called on the official authorities to improve detention conditions and overhaul the country's immigrant and asylum procedures: «The indiscriminate and serious restrictions on foreigners' personal freedom for an indefinite period of time has become the rule».

Following international commitments have been violated:

## ICCPR:

**art. 2** (right to equitable and effective remedy)

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 8** (no one shall be held in servitude, required to perform forced or compulsory labor)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 26** (right without any discrimination to the equal protection of the law)

## ICESCR:

**art. 2** (right to exercise economic, social and cultural rights without discrimination)

**art. 7** (right to the enjoyment of just and favorable conditions of work)

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**art. 12** (right of everyone to the enjoyment of the highest attainable standard of physical and mental health)

**art. 13** (right of everyone to education, education shall promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups)

## ICERD:

**art. 2** (commitment to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization)

**art. 3** (commitment to condemn racial segregation and to prevent, prohibit and eradicate all practices of this nature)

**art. 4** (commitment to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts)

**art. 5** (right of everyone without distinction to equality before the law)

## ***National Minorities' Rights, Rights of the Child, Right to Be Protected from Racial Discrimination and Segregation, Right to Education on the Basis of Equal Opportunity***

According to the independent experts, though segregation is legislatively prohibited it is practiced in nearly 900 comprehensive secondary schools in the country (separate classes and separate schools for Roma children).

At the same time in May 2013 *Tibor Navracsics, Minister of Public Administration and Justice*, announced the submission of draft amendments to the *Act CXXV of 2003 on Equal Treatment and the Promotion of Equal Opportunities* to the Parliament for consideration. The draft amendments, *inter alia*, provided for an opportunity of establishment of separate schools, development of special training programs for different social groups (including on the basis of ethnic origin).

Hungarian human rights organizations stated that the planned amendments would strengthen the tendencies of segregation of Roma children in secondary schools.

*Péter Niedermüller, vice-president of the Democratic Coalition: «The Ministry of Education 'consistently strives' to isolate the mainstream children from Roma families and from families living in extreme poverty».*

*May 26, 2013 Budapest:* hundreds of people took part in a rally in front of the building of the *Ministry of Human Resources* against segregation of Roma children in schools.

The *European Commission* in its report on the issues of Roma (June 26, 2013) singled out Hungary and Slovakia for continuing and pervasive school segregation. The authors of the report drew attention to the continuing social exclusion of Roma and urged Hungary to take all efforts to tackle this problem.

In August 2013, the authorities of the Jászladány town «forgot» to inform the families of Roma, unlike the other families, about the opening of a new Szászbereki Kolping Catholic Elementary School. As a result, Roma children were deprived of the opportunity to attend this free public school.

**CRC:**

**art. 2** (right of each child to exercise its rights without any discrimination, including on the base of religion)

**art. 28** (right of the child to education on the basis of equal opportunity)

**CEDAW:**

**art. 6** (commitment to take all appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women)

**National Minorities' Rights, Right to an Adequate Standard of Living**

**August 6, 2013 Ózd:** Roma representatives, who had no access to water supply in their homes, had been actually deprived of access to potable water from street water pumps for a week in the hottest summer period (the temperature was up to 40 degrees Celsius). City authorities decided to abruptly limit the provision of water supplies (cut off street water pumps or reduce the water head) in order to avoid excessive use of water, while putting at risk people's health.

**October 19, 2013 Budapest:** more than 800 Roma people took part in the first protest march organized by the Roma movement *We Belong Here* against the absence of adequate conditions of life.

The *Committee on Elimination of Discrimination against Women* in its concluding observations on the 7<sup>th</sup> and 8<sup>th</sup> periodic reports of Hungary (February 2013) expressed serious concern with regard to the status of Roma. The Committee noted with concern that women belonging to ethnic minorities, such as Roma women and women with disabilities, were subjected to multiple discrimination and exclusion; Roma women were disproportionately affected by poverty and a low standard of living and they had limited access to health services, education and employment.

**Economic and Social Rights, Right to an Adequate Standard of Living**

**January 31 – February 11, 2013 Baranya county, Budapest:** about 2 thousand people took part in «hungry marches» under the motto «*Job, bread, salary for normal residence!*» with the demand to provide adequate social and economic conditions for life and sufficient salary.

As a result of economic crisis and impoverishment of population many borrowers were incapable to pay out their mortgage credits. Despite the promises of the Government to help to solve the problem of mortgage insolvents in 2011 – 2012, only a small part of population was granted an opportunity to settle accounts with mortgage credits on favorable terms.

**August 20, 26, 2013 Budapest:** several hundred of people took part in protests against the authorities' inaction in solving the problem of mortgage insolvents. Several people were detained, including *Árpád Kásler, head of the Homeland Not For Sale Movement*.

**September 4-6, 2013 Budapest:** borrowers of mortgage credits organized a «hunger» strike near the residence of the Prime Minister. According to *László Póka*, who initiated the strike, protests would continue until the Government solved the issues of providing favorable terms for paying out the credits.

**Propaganda of Racial Discrimination, Anti-Semitism, Xenophobia**

**April 29, 2013 Budapest:** on the eve of the World Jewish Congress *Ferenc Orosz, Chairman of Raoul Wallenberg Association*, was attacked by football fans who cried out Nazi salute *Sieg Heil!*



*Far-right football fans chanting Nazi salute «Sieg Heil!» (Budapest, April 29, 2013). Photo: REUTERS/Bernadett Szabo*



The Jobbik party supporter takes part in the anti-Semitic demonstration. There are Nazi swastika and Waffen SS motto «My Honor is Loyalty» on the tattoo (Budapest, May 4, 2013). Photo: REUTERS

May 4, 2013 Budapest: the far-right party Jobbik (*The Movement for a Better Hungary*), that is the third political force in the country and has 15 percent of seats in the Parliament, held an anti-Semitic demonstration «in commemoration of the victims of Bolshevism and Zionism». The demonstration was timed to the World Jewish Congress.

Gábor Vona, the leader of the Jobbik party, called on Hungary's Jews to «apologise for Jews killing Hungarians during the Soviet Republic of 1919 and in the 1950s».

The UN treaty bodies, *Amnesty International*, the *Hungarian Helsinki Committee*, the *Federation of Hungarian Jewish Communities (MAZSIHISZ)* repeatedly drew attention to the facts of propaganda of anti-Semitism and racial discrimination in Hungary.

### **Civil and Political Rights**

On March 11, 2013 the Hungarian Parliament adopted the Forth Amendment to Hungary's Fundamental Law. A number of amendments had been earlier recognized by the Constitutional Court of Hungary as unconstitutional. The amendments, *inter alia*, provided for:

- limitation of the mandate of the Constitutional Court;
- restriction of the freedom of religion: the Parliament was only empowered to make a decision on granting a religious organization with a status of a «church» (many religious organizations are losing this status, as well as the opportunity to apply for state funding and support);
- limitation of a right for a just trial proceedings: the chairman of the National Judicial Office by his ruling may transfer a case from one court to another lowering or increasing media attention to it.

In June 2013, the *European Commission for Democracy through Law (the Venice Commission)* made a number of comments with regard to the Fourth Amendment, that, however, were taken into account on a selective basis only. According to the Venice Commission, the right-of-center coalition using the majority in Parliament constantly unilaterally changes legislation, including the Fundamental Law, which upsets the balance of power.

José Manuel Barroso, the *President of the European Commission*, Navi Pillay, the *UN High Commissioner for Human Rights*, and the *Hungarian Socialist Party* expressed their concern due to the adoption of the Fourth Amendment.

The *Hungarian Civil Liberties Union*, the *Hungarian Helsinki Committee*, the *Amnesty International* stated that Hungary broke the principle of the rule of law, the European democratic values.

### **Right to Be Protected from Arbitrary Arrest or Detention, Right to an Effective Remedy**

According to the experts of the *Working group on arbitrary detention of the UN Human Rights Council*, who visited Hungary in September – October 2013, about 28 percent of all jail inmates, including juveniles, are in pre-trial detention. The common practice of arbitrary detention of asylum seekers and illegal migrants is deteriorated due to the absence of an effective legal remedy.

Malick El Hadji Sow, the *Chair-Rapporteur of the Working group*, stressed that under the international law the pre-trial detention should be considered as an exclusive measure. According to the UN experts, Hungary also breaks the principle of proportionality in relation to asylum seekers and illegal migrants who are in detention for a long period of time.

On *October 10, 2013* the *European Court of Human Rights* recognized illegal long pre-trial detention of Hungarian citizen *György Hunvald*, the former mayor of the 7-th district of Budapest city, and ordered to pay him a compensation for pre-trial detention in custody for the period of 31 months. In 2012 György Hunvald was sentenced to 18 months of jail for grand fraud.

***Women’s Rights, Right to Be Protected from Servitude, Domestic Violence***

According to the *Walk Free Foundation’s* report the modern slavery in Hungary (forced labour, sale and exploitation of children, trafficking in persons, child labour) threatens 36 000 people. Hungary together with the Czech Republic share first place among the EU countries according to the Global Slavery Index with the highest prevalence of modern slavery (54<sup>th</sup> rank in the world).

Every fifth woman in Hungary suffers from domestic violence. Near 70 women die annually due to domestic violence. The statistics show that 39 percent of murders occur domestically and 95 percent of victims are women.

The *Committee on the Elimination of Discrimination against Women* in its concluding observations on the 7-th and 8-th reports of Hungary (February 2013) expressed serious concern about the insufficient number of shelters specifically dedicated to women victims of violence as well as for women who are victims of trafficking and their limited access to justice and to adequate remedies, including compensation. The Committee also expressed concern about the underrepresentation of women in senior positions in the Government and Parliament as well as about statements made by male politicians in public debates in Parliament that discriminated against women and reinforced gender stereotypes.



Following international commitments have been violated:

**ICCPR:**

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 10** (right of those deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person)

**art. 17** (no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 21** (right of peaceful assembly)

**ICESCR:**

**art. 6** (right to work)

**art. 7** (right to the enjoyment of just and favorable conditions of work, including the right to fair wages and equal remuneration)

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**ICERD:**

**art. 2** (commitment to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization)

**art. 4** (commitment to adopt measures designed to eradicate all incitement to, or acts of, racial discrimination, to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts)

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

**Incitement to Racial Discrimination, Rights to Be Protected from Torture, Arbitrary Arrest**

*February 7, 2013 Pavia:* the city court acquitted 18 neofascists who had taken part in a memorial meeting in November 2009. They were accused of a violation of the so-called *Mancino Law*, which criminalizes the incitement to racial discrimination and hatred and prohibits participation in organizations that disseminate such ideas (the participants were filmed while performing the Nazi salute).

*April 20, 2013 Varese (Malnate – Valle Olona suburb):* about 600 persons from the whole Italy and a number of European countries took part in the rock-concert organized by the North Italian skinheads and neo-Nazis. The event was sanctioned by the city authorities. Officially, the event was timed to the 20th anniversary of the foundation of the Varese skin-head association. However, according to newspaper *La Repubblica*, the concert was dedicated to the 124th anniversary of A.Hitler's birth.

Newspaper *La Repubblica* relating to the rock-concert in Varese: «**There were no tarts, no candles to blow out, only hangs up and chants «Sieg heil!».**

*June 15, 2013 Milan:* about 500 people from Italy, Germany, Czech Republic, the Netherlands took part in an international concert of neo-Nazi skinheads.

The *Committee on the Elimination of All Forms of Racial Discrimination* in its concluding observations on the 16th, 17th and 18th periodic reports of Italy (March 2012) expressed serious concern about increase of racial discrimination in the media and on the Internet, the prevalence of racist discourse, stigmatization and stereotypes directed against national minorities and foreigners, as well as about the persistently low number of proceedings and convictions for racial discrimination.

**Migrants and Refugees' Rights, Right to Be Treated With Humanity**

On *December 17, 2013* the general public learned about the living conditions of refugees at the immigrant reception center on the island of *Lampedusa*. The refugees, both men and women, were stripped and then sprayed with disinfectant used to treat mites, outdoors in the eye of other immigrants and center staff.

According to the statement of the *Office of the UN High Commissioner for Refugees (UNHCR)*, such treatment of migrants was unacceptable.

The *UNHCR* called on the Government for an immediate transfer of the refugees to other regions of Italy.

*Navi Pillay*, the *UN High Commission for Human Rights*, called on the Italian Government to promptly punish those responsible for what it called the degrading treatment of refugees in the migrant-reception center on the island of Lampedusa.

***Economic and Social Rights, Including the Right to the Enjoyment of Just and Favorable Conditions of Work, Rights to Freedom of Expression, Peaceful Assembly, Rights to Be Protected from Torture, Arbitrary Arrest or Detention***

*April 8, 2013 Naples*: the police brutally prevented a protest attempt of several hundreds of employees of municipal social service «*Napoli Sociale*», who protested against delays in salary payment, to get inside the city hall. Two persons were injured.

*April 16, April 19, 2013 Milan*: the police forcefully dispersed a rally of employees of *San Raffaele hospital* who protested against mass layoffs. Three persons were wounded during the clashes.

*April 23, 2013 Pisa*: the police used rubber batons to disperse a students rally near *The Sant'Anna School of Advanced Studies of Pisa*, where *Francesco Profumo*, former *Minister of Education*, was taken part in the conference. Two protesters were injured.

*May 6, 2013 Rome*: the police used rubber batons to disperse a rally of homeless people defending their social rights. Several protesters were injured.

*June 5, 2013 Terni*: the police used rubber batons to stop the participants of a trade union's protest, workers of local steel plant, from blocking railway near the railway station. Several protestors, including the mayor *Leopoldo Di Girolamo*, were cruelly beaten by the police.



*Rally crackdown and arrests of protesters against unemployment (Rome, October 19, 2013). Photo: REUTERS/Stefano Rellandini*

*June 6, 2013 Turin*: the police used rubber batons and tear gas to disperse a rally in San Paolo quarter against fraud in the building industry.

*October 19, 2013 Rome*: tens of thousands of persons took part in a rally against unemployment and cuts in social spending. At least 15 persons were detained. The police used rubber batons. The day before the rally 5 more activists received administrative injunction to leave the city for 3 years. On October 20-22, 2013 a number of rallies took place in support of the detainees.

*November 29, 2013 Bologna, Parma*: rallies for the right to housing and against the rise of utilities costs took place. The police used rubber batons to disperse protesters in Parma. Several people were detained.

*December 16, 2013 Milan*: the police dispersed a high-school students rally against cuts in education spending. Several people were injured.

*December 20, 2013 Bologna*: the police cruelly dispersed a rally of load workers who blocked entrance to the enterprise *Granarolo* to protest against labour exploitation and politically motivated dismissals. One of the protestors was hospitalized.

***Right to Freedom of Expression, Including Freedom to Seek, Receive and Impart Information, Criminalization of Diffamation, Right to Security of Person, Rights to Be Protected from Arbitrary Arrest, Torture or Cruel Treatment***

In May 2013, the city court of Milan sentenced to prison the journalists, *Andrea Marcenaro*, *Giorgio Mulé* and *Riccardo Arena*, on charges of libel for their publication in 2010 in the weekly *Panorama* of an editorial piece about the magistrate of Palermo, *Francesco Messineo*.

*Dunja Mijatović, OSCE Representative on Freedom of the Media*, expressed concern about the sentences on Italian journalists, noting the rise in criminal proceedings on slander and diffamation in Italy in the last few years.

*May 5, 2013 Catania*: a journalist, who filmed the crackdown of an election meeting of the political movement *Catania Bene Comune*, was beaten by the police.

*September 25, 2013 Cagliari*: agents of the political police DIGOS forced *Andrea Deidda, photojournalist of the Sardegna Oggi*, to remove shot pictures of the crackdown of the protest by *Alcoa* miners.

*June 7, 2013 Cavenago di Brianza*: the Italian blogger *Andrea Mavilla* was beaten by the carabinieri following his publication in the Internet of video recording showing carabinieri' service car parked on a pedestrian crossing. According to A.Mavilla, in the evening of the same day, he was detained in his own apartment, searched, insulted and humiliated. His digital electronics and mobile phone were confiscated. After that he was conveyed to the carabinieri' barrack, where he was again cruelly humiliated which caused a hypertonic crisis, and thereafter he was transported by ambulance to a hospital. Despite the fact that neither the arrest of the blogger nor the confiscation of his data carriers were sanctioned by the prosecutor, all the data was removed.

***Rights to Freedom of Expression, Peaceful Assembly, Rights to Be Protected from Torture, Arbitrary Arrest or Detention***

*March 22, 2013 Anzola*: the police brutally dispersed a rally of load workers of the logistics center *Coop Centrale Adriatica*. Two persons, a protester and a journalist of the newspaper *Il Fatto Quotidiano*, were beaten by the police. The journalist was hospitalized.

*May 22, 2013 Milan*: the police used rubber batons, tear gas and bulldozers to disperse a protest organized by the activists of the social center *Zam*.

*October 12, 2013 Turin*: the police used rubber batons and tear gas to disperse antiracist rally against a xenophobic rally staged by *Northern League* in the center of the city. Two people were detained.

*October 31, 2013 Rome*: the police used tear gas and rubber batons to disperse homeless people demonstration near the residence of the Italian Council of Ministers. As a result, many demonstrators were injured and poisoned by tear gas. One person was hospitalized, 9 were detained.

In 2013, police continued to cruelly disperse protesters, activists of the *No-TAV Movement*, against the construction of a section of high speed railway Lyon-Turin in the Susa Valley. There is an escalation of repressive actions against this movement which the official authority increasingly labels as terrorist.

*February 1, 2013 Turin*: the police used rubber batons to disperse a rally of No-TAV activists near the court building where legal proceedings with regard to their comrades were taking place.

*July 19, 2013 Susa Valley*: the police used rubber batons and tear gas to disperse protesters against the construction of a section of high speed railway Lyon-Turin. As preventive actions, police arrested 124 No-TAV activists. During the rally 9 more people were detained. Dozens of protesters were injured. The protesters claimed that in some cases the police chased and beaten demonstrators who were retreating.

*August 5 - 6, 2013 Chianocco*: the police used tear gas to disperse No-TAV activists who tried to block a highway. About 17 people were detained, 3 were arrested.

In the course of the year in *Niscemi* (January 10–11, March 7, May 6, May 10, August 9, 2013) law enforcement officials repeatedly dispersed protesters against the construction of a base for American aerial system MUOS (Mobile User Objective System) on Sicilia. Excessive use of force by the police was reported. Several people were detained, some were injured and 5 were hospitalized.

*P.Ferrero, National Secretary of the Communist Rebirth Party*, expressed his sympathy with the protestors and called on the Interior Minister to stop using the police as occupation troops.

Following international commitments have been violated:

## ICCPR:

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 10** (right of those deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person)

**art. 17** (no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 24** (every child without any discrimination shall be registered immediately after birth and shall have a name)

**art. 26** (right without any discrimination to the equal protection of the law)

**art. 27** (right of national minorities to use their own language)

## ICESCR:

**art. 10** (the widest possible protection and assistance should be accorded to the family, mothers during a reasonable period before and after childbirth, including the right to be accorded leave with adequate social security benefits)

**art. 11** (right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions)

**art. 13** (right of everyone to education)

## ICERD:

**art. 2** (commitment to take effective measures to review policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination)

**art. 4** (commitment to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial hatred and discrimination in any form)

**art. 5** (right of everyone without distinction to equality before the law)

## CRC:

**art. 2** (right of children to be protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members)

## **Advocacy of Hatred, Incitement to Racial Discrimination**

*March 16, 2013 Riga:* about 1500 people marched in commemoration of the informal *Day of Veterans of Latvia's World War Two Waffen-SS divisions*.

Earlier this year, *Veiko Spolitis, Parliamentary Secretary, Ministry of Defence*, in *Twitter* called on to support the petition for demolition of the monument «*Soldier liberators*» in Riga. He expressed the opinion that this monument should be dismantled because its existence was not conducive to social cohesion. Under the law, if the authors of the petition are able to collect 10000 signatures, the initiative may be referred to the Saeima.

*Andrejs Klementjevs, Deputy Speaker of the Saeima*, called the collection of signatures a provocation of national anxious politicians. He noted that the nationalists have failed in their economic policy because «for 20 years of Latvia's independence nothing have been done», and this petition is only an attempt to take society's attention away from economic problems.

## **National Minorities' Rights, Right to Be Protected from Arbitrary Interference with Privacy, Right of the Child to a Name**

Since *April 2013, Sergei Antonov*, citizen of Latvia of Russian origin, cannot receive a birth certificate of his son, whom parents decided to give a Russian name *Miron*. Registry office officials in *Liepāja* city deny to issue the birth certificate because under the law a child could be named only in accordance with the rules of the Latvian language – *Mirons* – what is consonant to the Latvian word «*mironis*» (in English – *corpse*).

Without birth certificate the family is deprived of childbirth allowance, child benefit and free health care. Parents cannot put their son on the waiting list to kindergarten and to go abroad.

In judgment of the *UN Committee on human rights* change of the names and surnames in ID cards is nothing but an arbitrary interference of State with privacy.

In *October 2013, National Health Service* refused to send invitations to pass a free examination for cervical and breast cancer in Russian language despite the fact that according to the *Population Register* data, 32.9 percent of people in Latvia are Russian-speakers.

*Anton Kursitis, the representative of the Latvian State Language Center*, noted that

**art. 7** (the child shall be registered immediately after birth and shall have the right from birth to a name)

**art. 19** (right of the child to be protected from all forms of physical or mental violence, injury or abuse, neglect, maltreatment or exploitation, including sexual abuse)

**art. 27** (right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development)

**art. 28** (right of the child to education; commitment to take measures to ensure that school discipline is administered in a manner consistent with the child's human dignity)

**art. 29** (education of the child shall be directed to the development of the child's personality, respect for human rights and fundamental freedoms, preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance)

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

*Official Language Law* provides for the spread of information messages in languages other than Latvian only in case of epidemics and emergencies.

*Ingrīda Circene, Minister for Health*, in LR4 radio interview expressed the opinion that invitations for Latvian women to pass a free scan for cancer should be translated in Russian to make them clear to any addressee.

***Right to the Equal Protection of Law without Any Discrimination, Right of the Child to Be Protected from Mental Violence, Right to Education Directed to the Development of the Child***

The Government of Latvia amended the safety rules for school students with a regulation that provides for isolation of aggressive students in schools. In accordance with the regulation, children who are threatening the safety of other students should be trained in isolated classrooms.

***Economic and Social Rights, Right to an Adequate Standard of Living***

According to the report (*June 2013*) by *Juris Jansons, Ombudsman, Head of the Human Rights Office of Latvia*, one of the major human rights problems in Latvia is the risk of poverty and social inequality. More than half of the country's inhabitants face economic deprivation. The report draws attention to the increased risk of poverty, to which is now subject 40 percent of population, including 43 percent of children, 33 percent of retirees. Speaking before the Saeima, J.Jansons stressed that the Latvian Government focuses its attention on achievement of certain economic goals ignoring both public opinion and social situation in the country.

***Right of Those Deprived of Liberty to Be Treated with Humanity, Right to Be Protected from Torture***

In *August 2013*, the *European Committee for the Prevention of Torture (CPT)* published a report on the visit to Latvia in *September 2011*, in which it encouraged the Latvian authorities to take measures necessary to curb abuse in police custody, violence among inmates, to provide medical care in prisons and to improve detention conditions of prisoners convicted to life imprisonment.

During the visit the CPT's delegation received a number of complaints of ill-treatment by the police during arrests, detention and interrogations. Detention conditions in police establishments visited by the delegation were so bad that they can be regarded as inhuman and degrading treatment. The Committee concludes that those detained still face considerable risk of being subjected to ill-treatment.

In *November 2013*, the *Committee against Torture* in its concluding observations on the 5th periodic report of Latvia expressed its concern at allegations of excessive use of force and instances of ill-treatment, by law enforcement personnel at the time of apprehension and during investigation in police facilities. The Committee also noted that the detention conditions in places of deprivation of liberty, and in particular those that are old, continue to fall short of international standards with regard to infrastructure, hygiene and sanitary conditions, living space, serious deficiencies and considerable delays in the provision of medical, psychological assistance. Moreover, the Committee expressed its concern at the persistence of inter-prisoner violence and the lack of investigation of such violence, especially in view of the high number of cases and instances of deaths in custody as a result of violence.

Following international commitments have been violated:

#### ICCPR:

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 26** (right without any discrimination to the equal protection of the law)

**art. 27** (right of national minorities to use their own language)

#### ICERD:

**art. 4** (commitment to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, racial hatred and discrimination in any form)

**art. 5** (right of everyone without distinction to equality before the law)

## **Advocacy of Hatred, Incitement to Racial Discrimination**

*February 16, 2013 Kaunas:* up to 1,000 people took part in a march organized by the *Lithuanian National Youth Union* to mark the *Day of Restoration of the State of Lithuania*. Some chanted slogans «*Lithuania for Lithuanians!*», «*Lithuanians for Lithuania!*».

*Faina Kukliansky*, the representative of the *Jewish Community of Lithuania* condemned the march in her statement: «Participants of the march clearly propagate the principle of an ethnic and not civil state, and that is unacceptable in the modern world». Such behavior, according to *F.Kukliansky*, runs counter to the clarification by the Constitutional Court that all citizens make the nation and not only ethnic Lithuanians.

*March 11, 2013 Vilnius:* neo-Nazis, nationalists and skinheads took part in an unsanctioned march through *Gediminas Avenue*. People chanted «*Lithuania for Lithuanians!*». The march was led by

several current and former deputies and the signatories of the Act of Independence of Lithuania.

*On March 12, 2013 Mindaugas Linge, Chief adviser to Lithuanian President Dalia Grybauskaitė on internal policy issues,* said that such marches should not be banned: «You will not resolve similar problems with bans. In fact a dialogue is very important». *M.Linge* also noted, that «the exaggeration of this issue is huge».

*On March 14, 2013 the Lithuanian Social Democratic Party* headed by *Algirdas Butkevičius, Prime Minister,* condemned the march in its press release: «Heavy police forces called in not only failed to stop the unsanctioned march, but even escorted them, as if this had been sanctioned. Lithuania's Social Democrats severely condemn these expressions of ultra-nationalism and violations of the democratic process, and demand responsible action by law enforcement in investigating the events of March 11th and the actions of the police». According to the press release this march «tore away the veil of democracy from those who call themselves 'patriotic youth'».

According to the findings of the international movement *World without Nazism,* neo-Nazis manifestations in Lithuania became the most widespread form of street celebrations.



*Participants of the march demonstrate Nazi salute (Vilnius, March 11, 2013). Photo: regnum.ru*



Lithuanian neo-Nazis took part in the march (Vilnius, March 11, 2013). [fomo: gyvenimasne.blogas.lt](http://fomo: gyvenimasne.blogas.lt)

### **National Minorities' Rights, Right to the Equal Protection of the Law without Any Discrimination**

The Foundation for the Support of the Press, Radio and Television while distributing money from the state budget 2013 for the next year once again rejected financial support to the sole Polish-language daily newspaper published in Lithuania *The Kurier Wilenski*. On February 4, 2013 in its statement the editorial office noted that the actions of the Lithuanian authorities were deliberate politics of discrimination against national minorities' media: «Such politics of Lithuania against national minorities has nothing in common with European standards, of which Lithuanian

politicians talk a lot».

According to the report (April 2013) by the Office of Equal Opportunities more than 200 complaints of discrimination were considered in 2012:

- 202 complaints of discrimination based on sex, social status, age;
- 12 complaints of discrimination based on nationality and ethnicity;
- 6 complaints of discrimination based on language.

18 percent of recorded cases involved public authorities, 24 percent – occurred in the service sector and trade, 23 percent – in working relationships. In some cases information on complaints was forwarded to a public prosecutor's office to begin pre-trial investigation, however such an investigation was not initiated.

According to *Danguole Grigolovichene*, the adviser of the inspector by the equal rights and possibilities, a large proportion of complaints of discrimination by nationality constitute treatment of Roma and Roma organizations. There are also complaints of discrimination related to inappropriate behavior of employees to subordinates and colleagues of other nationalities at work.

### **Right to Freedom of Expression**

On October 9, 2013 Lithuania's Commission for Radio and Television decided to suspend for three months rebroadcasting of *First Baltic Channel* telecast from non-EU countries. The decision was made after the Russian program «Man and Law» had been on the air, in which according to Lithuania's Commission for Radio and Television «events on January 13, 1991 were humiliated and the struggle of the Lithuanians for freedom was brazenly mocked».

Following international commitments have been violated:

## ICCPR:

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 21** (right of peaceful assembly)

**art. 23** (right of family to protection by society and the State)

**art. 24** (right of the child to such measures of protection as are required by his status as a minor, on the part of his family, society and the State)

**art. 26** (right without any discrimination to the equal protection of the law)

**art. 27** (right of national minorities to use their own language)

## ICESCR:

**art. 10** (special measures of protection and assistance should be taken on behalf of all children and young persons without any discrimination)

**art. 12** (right of everyone to the enjoyment of the highest attainable standard of physical and mental health)

**art. 13** (right of everyone to education)

## ICERD:

**art. 2** (each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists)

**art. 4** (commitment to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts; commitment to declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law)

**art. 5** (right of everyone without any distinction to equality before the law)

## CRC:

**art. 9** (right if the child not be separated from his or her parents against their will without an appropriate judicial decision)

## ***Right of the Child to Protection of All Forms of Physical or Mental Violence, Including Sexual Abuse***

*April 3, 2013 Leeuwarden:* district court of appeal overturned a lower court decision to ban the activities of *Martijn Foundation (Vereniging Martijn)*, also known as the *Dutch Association of pedophiles*.

Decision to dissolve the organization was adopted in June 2012 by *Assen* civil court indicating that its activities is «a grave infraction of the values of our society».

According to the court of appeal, despite the fact that the organization promotes sexual contact between adults and children the Dutch society is strong and flexible enough to withstand this without banning the foundation.

The decision of the Leeuwarden district court of appeal disappointed several members of the Parliament, who declared their intention to strive to ban the foundation.

*The public prosecution department* said it would take the matter to the high court. It says that the existence of the foundation does cause social disruption and should therefore be banned.

During the second cycle of the *Universal Periodic Review* in the *UN Human Rights Council* in May 2013 the Netherlands were severely criticized due to the large number of cases of violence against children, as well as the prevalence of child sex tourism and the lack of adequate response to this phenomenon.

## ***National Minorities' Rights, Racial Discrimination, Right of the Child not to Be Separated from Parents, Right of National Minorities to Use Their Own Language***

On *February 20, 2013* *Committee on Petitions of the European Parliament* considered the complaint by *Elena Antonova*, a citizen of Latvia residing in the Netherlands, about the removal of two 9-year-old children from her care in March 2012. The reason to remove children was that mother spoke Russian with them at home. Another reason was that *Youth care organization (Jeugdzorg)* employees had suspicion that *E. Antonova* could have moved to Latvia although the official father of the children lived in the Netherlands.

Mother is allowed to visit children once every two weeks and communicate with them in the presence of boarding school staff.



**art. 10** (applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner)

**art. 19** (commitment to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse)

**art. 20** (commitment to provide a child temporarily or permanently deprived of his or her family environment with special protection and assistance)

**art. 24** (right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health)

**OPSC:**

**art.3** (commitment to ensure that sexual exploitation of the child is fully covered under criminal or penal law)

According to the children, they are prohibited to speak Russian with each other. *Jeugd zorg* also denies any contact between children and their elder brother for already 10 months. Furthermore, children were not provided with necessary medical care during illness. Compulsory vaccination planned for 2013 year also was not carried out, despite the insistence of their mother.

Those MEPs present at the meeting expressed disappointment that the European Parliament adopts laws to protect and safeguard human rights, but does not use real tools to implement them. Deputies noted that the removal of children from their mother on the grounds that they are talking in her native language at home is unacceptable, absurd and outrageous.

*The MEP from Latvia Tatiana Zhdanok* said: «This is a clear case of discrimination on the basis of language and ethnicity, and this is contrary to the Charter of fundamental rights of the European Union. Latvia as well

as the Netherlands is EU member-state. Infringement of the rights of our citizens is unacceptable. What can also be ascertained is, that it is a clear violation of the Treaty on the Functioning of the European Union, which is part of the Lisbon Treaty, which guarantees all EU citizens the right to free movement. These apparent violations served as the basis for the appeal to the Committee on Petitions, where the case is now considered on an expedited basis».

### **National Minorities' Rights, Racial Discrimination**

According to the report (*October 2013*) of the *European Commission against Racism and Intolerance, Council of Europe*, there is a rise of xenophobic sentiments and propaganda of racial discrimination in the Netherlands under the guise of freedom of speech:

- the settlement of Eastern Europeans in the Netherlands, as well as Islam and Muslims, have been portrayed by politicians and media as a threat to Dutch society;
- the practices of recruitment officers and of employment agencies are often discriminatory;
- antisemitic chants are used during football matches;
- segregation in Dutch schools;
- the settlement of Dutch citizens from Aruba, Curacao and St. Maarten in the Netherlands is regulated in accordance with two consecutive bills with discriminatory implications.

On *October 20, 2013* *Alex Breninkmeijer, National Ombudsman*, speaking on TV program *Buitenhof* stated that the political climate in the Netherlands is discriminatory. According to A.Breninkmeijer, racism has become commonplace in the Netherlands and the Government has to launch a large-scale campaign to combat racism and discrimination.

According to the study of the *Netherlands Institute for Social Research*, about 60 percent of the population believe there are too many immigrants from Eastern Europe, especially from Poland, Romania and Bulgaria who contribute to high-crime rates and «occupy Dutch jobs».

During the second cycle of the *Universal Periodic Review* in the *UN Human Rights Council* in May 2013 the Netherlands were heavily criticized for racist rhetoric of political parties, xenophobic statements in the media and of influential political and public figures, especially during election campaigns.

### ***Migrants and Refugees' Rights, Right to Family Reunification***

In June 2013, Marc Dullaert, Children's Ombudsman, published a report on the outcomes of the Immigration and Naturalization Service's record of the consideration of requests for family reunification. According to the report, the number of refusals of requests for family reunification has increased from 12 percent in 2008 to 83 percent in 2011. Simultaneously the efficiency of consideration of requests has declined and consideration procedure is characterized as «too tough» and «careless». M.Dullaert notes that the Netherlands violate the *UN Convention on the Rights of the Child* while tightening policy of family reunification. There are also doubts about the validity of refusals. Ombudsman proposed to review all 3910 cases of refusal over the past 5 years.

On October 31, 2013 the *European Committee of Social Rights* published a preliminary conclusion that the Netherlands have to put an end to the practice of excluding undocumented migrants from the access to shelters and food. This conclusion was made in connection with the complaint of the Conference of *European Churches* on behalf of the *Protestant Church in the Netherlands* about violation of social rights of illegal migrants. In its conclusion the Committee noted that even if people live in the Netherlands illegally, the Netherlands should ensure their basic social needs.

During the second cycle of the *Universal Periodic Review* in the *UN Human Rights Council* in May 2013 the Netherlands were widely criticized for restricting access of undocumented migrants to basic services, criminalization of migrants, turning down of the majority of asylum requests made by children outside the country who wanted to join their parents.

The *UN Committee against Torture* in its concluding observations on the outcome of the consideration of the 5th and 6th periodic reports of the Netherlands in May 2013 expressed serious concern regarding the fact that the legal regime in alien detention centers is not different from the legal regime in penal detention centers (confinement in cell for 16 hours, the absence of day-activities, the use of isolation cells, handcuffs and strip searches of aliens detained under migration law who await expulsion to their home country).

### ***Right to Liberty and Protection from Arbitrary Arrest or Detention, Rights to Peaceful Assembly, Freedom of Expression***

April 30, 2013 *Amsterdam*: during the festivities on the occasion of the transfer of royal power from *Queen Beatrix* to the new monarch *Willem-Alexander* the police arrested two activists *Joanna van der Hoek*, member of the anti-monarchist group «It's 2013» («Het is 2013»), and *Hans Maessen*, member of the *New Republican Society*, just the royal family emerged on the balcony at Dam Square. There were no grounds for arrest. J. van der Hoek was holding an anti-monarchist poster that had officially been allowed by the city authorities before the event.

According to the police, H.Maessen's arrest was caused by a «mistaken identity», he was misidentified as a person under investigation (the fact H.Maessen had his ID card with him was not taken into account) and J. van der Hoek was arrested «in the commotion».

Following international commitments have been violated:

**ICCPR:**

- art. 1** (right to self-determination)
- art. 2** (right to equitable and effective remedy)
- art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)
- art. 10** (right of those deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person)
- art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal)
- art. 18** (right to freedom of thought, conscience and religion, including freedom to manifest religion or belief in worship, observance, practice and teaching)
- art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)
- art. 26** (right without any discrimination to the equal protection of the law)
- art. 27** (right of national minorities to enjoy their own culture, to profess and practice their own religion, or to use their own language)

**ICESCR:**

- art. 11** (right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions)

**ICERD:**

- art. 2** (commitment to prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization, to take effective measures to review policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination)
- art. 4** (commitment to adopt measures designed to eradicate all incitement to, or acts of, racial discrimination, not to permit public authorities or public institutions, national or local, to promote or incite racial discrimination)
- art. 5** (right of everyone without distinction to equality before the law, including the right to security of person and protection by the State against violence)

**Incitement to Racial Discrimination, Neonazism**

*February 12, 2013 Warsaw:* desecration of the monument «Gratitude towards Red Army» in Skaryszewski city park. Unknown individuals painted a red swastika over a five-pointed star embossed in a stone.

*June 10, 2013 Ossów, Masovian province:* unknown individuals painted a swastika and inscribed «Bolsheviks» on a fence of the house of *Piotr Wyszynski* who planned to present his candidature at the mayoral elections. P. Wyszynski considered this as a revenge for his protection of a local monument to the Russian soldiers who had fallen in Poland in 1920. He was the first who made public the fact of desecration of the aforementioned monument in June 2011.

*September 12 – 13, 2013 Legnica:* unknown individuals spilled red paint on the *monument of the Polish-Russian friendship* and on the image of the Soviet soldier on it. Experts supposed that it was a reaction of vandals to the meeting of Polish and Russian soldiers on September 13–15 at the commemorative festival «Twenty years later» (anniversary of the Soviet troops pullout from Poland in 1993).

*November 4, 2013 Gdansk:* unknown individuals desecrated a synagogue with swastikas and other Nazi symbols.

*November 10, 2013 Bialystok:* participants of the Independence Day march demonstrated a Nazi salute in front of the monument to Polish soldiers fallen during the World War II. The march was organized by a far-right movement *National Revival of Poland*.

In the second cycle of the *Universal Periodic Review in the UN Human Rights Council* in May 2012 Poland was heavily criticized due to the continuous growth of xenophobic and racist sentiments.

**Racial Discrimination, National Minorities' Rights**

*May 8 – 9, 2013 Bialystok:* in a condominium *Forest Valley* unknown individuals tried to set fire to the apartment of the Polish family of Kowalczyks and their son-in-law, citizen of India. According to the family members, unknown individuals «recommended» the Hindu to leave Poland with a use of obscene language while passing by their home just before the arson.

In June 2013, in *Bialystok* a 17-year-old Chechen was attacked on racial grounds in one of the city buses. At the time of the attack neither passengers, nor the bus driver reacted to the incident.

**CRC:**

**art. 27** (right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development)

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

In *Zabrze* in September 2013, a group of young people attacked Roma children on their way home from school. A young man threw several stones at children with the words: «Here is Poland! Niggers get out of here!».

*October 5, 2013 Lodz:* a group of people attacked a Roma family house and sprayed tear gas in the face of an elderly woman. A few hours after the police had detained some of the attackers, unknown people were threatening to kill the family if they contact the police again. After the incident other Roma families complained to journalists about lasting infringement of their rights by local inhabitants,

including threats and systematic use of force. None of their complaints to the police came to court.

During the second cycle of the *Universal Periodic Review in the UN Human Rights Council* in May 2012 Poland was heavily criticized for the prevalence of acts of discrimination against religious and ethnic minorities, discriminatory attitudes among police officers who have inclination to ignore crimes committed on racial grounds.

**National Minorities' Rights, Right to Freedom of Thought, Conscience and Religion**

On *July 14, 2013* the Polish Sejm rejected a bill allowing ritual slaughter of animals that is practiced under Halal laws in Islam and Kashrut in Judaism. The ban on ritual slaughter of animals was introduced in Poland in November 2012 by the repeal of 2004 law on the ritual slaughter of animals. However, from 1 January 2013 the European Union applied general rules allowing ritual slaughter of cattle and poultry without mandatory stunning before killing as required by Halal and Kashrut laws.

The decision of the Polish Sejm outraged Muslim and Jewish community in Poland. Jewish organizations reminded that the argument about the inhumanity of kosher slaughter of animals was used by the Nazis as a proof of the innate cruelty of Jews and there also was a ban on kosher slaughter in Nazi Germany. *Michael Schudrich, the Chief Rabbi of Poland*, said that he didn't know how he could perform his duties in a country where religious rights were restricted.

**Right to an Adequate Standard of Living, Including Adequate Food, Rights of the Child**

According to the study «*The Hunger and Undernourishment of Children in Poland*» prepared by the *Research House Maison* and commissioned by the *Polish Foundation for Helping Children «Maciuś»*, about 800,000 Polish children, mostly aged 6-12, are starving first of all due to poverty of their parents. Every third child in Poland is born in a poor or very poor family, every fourth Polish child from a large family lives below extreme poverty level that, according to the methodology of the *Central Statistical Office of Poland*, shows a real threat of «biological extinction».

**Right to a Fair and Public Hearing by a Competent, Independent and Impartial Tribunal, Right to Be Protected from Racial Discrimination**

*July 12, 2013 Warsaw:* *Ewa Grabowska*, the judge of the District Court for Warsaw Praga–North, dismissed the case of desecration in September 2011 of the monuments to Soviet soldiers «*Gratitude towards Red Army*» and «*Soviet-Polish brotherhood of arms*» by two 21-year-old Polish citizens who threw paint on monuments and placed inscriptions «The Red Plague» on them.



A desecrated synagogue (Gdansk, November 4, 2013). Photo: EPA/Adam Warzawa

The judge proceeded from the assumption that the defiled objects did not correspond to the definition «monument» being symbols of Communism, false history and visible symbol of Soviet violent occupation. The judge said that they should be pulled down.

### **Right to Be Protected from Torture, Arbitrary Arrest or Detention**

*May 8, 2013 Poznan:* the police used nerve gas to evict the anarchists-squatters from an occupied building. One person was cruelly beaten.

*June 18, 2013 Warsaw:* a driver was beaten to death by the traffic police. The man tried to escape after the police found him carrying drugs, but was detained and then, according to the police, «he deliberately smashed his head onto the glass of a police car».

*November 11, 2013 Warsaw:* the police used rubber bullets and tear gas to disperse participants of riots during the Independence Day march. 72 people were arrested.

### **Right to Be Treated with Humanity, Right to Be Protected from Torture**

In 2013, the general public learned about the case of torture and incitement to suicide which had happened in the police criminal department of *Siedlce* in August 2012. Police officers abused three citizens detained on suspicion of stealing from a jewelry store.

Already on the day of the arrest the suspects confessed to the theft due to the «effective» interrogation. According to the testimony of *M.Mariusz*, one of the detainees, the police gagged his mouth with duct tape, beat him on the head, ears, heels with a baton, used a stun gun, threatening to «show Guantanamo».

According to *M.Mariusz*, he heard the screams of his accomplice in theft *E.Kryszkiewicz* from behind the wall. After the release *E.Kryszkiewicz* committed suicide leaving a suicide note, where he had accused the police of abusing him.

The *Committee against Torture* in its concluding observations on the 5th and 6th periodic reports of Poland (October 2013) expressed deep concern about the reports that the police used illegal methods and abused their power during interrogations, and that few criminal proceedings were conducted into such allegations, the majority of cases being discontinued by the prosecution authorities, as well as about the prevalence of violence among prison inmates.

### **Right to Self-Determination**

On *December 5, 2013* the Supreme Court of Poland decided that *the Association of People of Silesian Nationality* could not be registered under its current name. Commenting his decision the judge stated: «Silesians cannot be considered as a separate nation». According to the decision, the desire of Silesians to get an autonomy is «weakening the unity and solidarity of the Polish state, which is contrary to Article 3 of the Constitution of Poland».

*The Association of People of Silesian Nationality* cannot get an official registration and recognition of Silesians as a national minority in Poland since 2011. In December 2011 the organization was included into the *National Court Register* upon the decision of the court of *Opole*, but the prosecutor's office challenged this decision.

Following international commitments have been violated:

**ICCPR:**

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 17** (no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 21** (right to peaceful assembly)

**art. 22** (right to freedom of association with others, including the right to form and join trade unions for the protection of his interests)

**art. 26** (right without any discrimination to the equal protection of the law)

**ICESCR:**

**art. 6** (right to work)

**art. 7** (right to the enjoyment of just and favorable conditions of work)

**art. 11** (right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions)

**ICERD:**

**art. 5** (right of everyone without distinction to equality before the law, including the right to security of person and protection by the State against violence)

**CRC:**

**art. 27** (right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development)

**art. 28** (right of the child to education on the basis of equal opportunity)

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

**National Minorities' Rights, Right to an Adequate Standard of Living, Right to Be Protected from Torture**

*May 24, 2013 the suburb of Craivo: the local authorities cleared out a Roma settlement. Fifty people, among them 14 children, were evicted from their houses and buildings were demolished.*

The victims said that they had nowhere to go, had no permanent work, nor did they expect any governmental assistance, «being cognizant of the authorities' attitude to their ethnicity».

During the second cycle of the *Universal Periodic Review of the UN Human Rights Council* Romania was seriously criticized due to continuing allegations of racially motivated discrimination, in particular against Roma, as well as Roma children segregation and their school dropouts, high number of abandoned Roma children at orphanages.

**Right of the Child to Education, Right to an Adequate Standard of Living**

According to the joint research of the *Ministry of Education and Research of Romania* and the *UN Children's Fund (UNICEF)*, more than 16 percent of children do not attend secondary schools or drop out. They are Roma children, children from disadvantaged families and children with disabilities from rural areas.

*Sandie Blanchet, the UNICEF Representative in Romania*, stated: «More than 70 percent of children refuse to attend school due to poverty or adverse climate in the family».

**Rights to Peaceful Assembly, Freedom of Expression, Rights to Be Protected from Torture, Arbitrary Arrest or Detention**

*December 2 – 16, 2013, Village of Pungesti: the police repeatedly cracked down peaceful demonstrators protesting against Chevron's plans to drill an exploration well for shale gas in a nearby area and create a special «area of public safety», seriously restricting the right of locals to movement. During the protests, 50 people were arrested and suit filed against 16 were persons. 30 people incurred were*

administrative penalties. Several persons were hospitalized.

*December 15, 2013 Bucharest: several thousands of people held a demonstration in support to the locals of Pungesti village. In order to disperse the demonstrators the police used tear gas and batons. 4 people were arrested and one was sent to hospital.*

***Right to Freedom of Association***

On *April 24, 2013* several reporters and media trade unions representatives protested against the executive decision of the *Romanian radio broadcasting company* authorities to fire a leader of the Joint trade union of SRR A.Mouce due to his activities in support to the rights of trade unions. The headquarter of this trade union was forcibly closed down: without an eviction warrant furniture, office equipment and documents of the trade union were removed from the office and damaged.

The organization *ActiveWatch* appealed to the Parliament to investigate the situation of public broadcasting in Romania.

***Right to Be Protected from Arbitrary Interference with Privacy***

Since August 2012 *the Supreme Court of National Defense-CSAT* has been recording phone calls of the nationals, made from the pre-paid cards. *The Prime-Minister Victor Ponta* declared that the decision to register such phone calls was adopted as a protective measure after a series of terrorist acts happened in Bulgaria in the summer of 2012.

In this regard the *Association for the Defense of Human Rights in Romania-the Helsinki Committee (APADOR-CH)* voiced its disagreement and noted that such bills, which can infringe civil rights of people to some extent, should be publicly discussed by the Parliament.

Following international commitments have been violated:

## ICCPR:

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art.8** (no one shall be held in servitude, required to perform forced or compulsory labor)

**art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal)

**art. 17** (no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 20** (any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law)

**art. 21** (right of peaceful assembly)

**art. 26** (right without any discrimination to the equal protection of the law)

**art. 27** (right of national minorities to use their own language)

## ICESCR:

**art. 2** (right to exercise economic, social and cultural rights without discrimination)

**art. 7** (right to the enjoyment of just and favorable conditions of work, including the right to fair wages and equal remuneration for work of equal value)

**art. 11** (right of everyone to an adequate standard of living for himself and his family)

**art. 12** (right of everyone to the enjoyment of the highest attainable standard of physical and mental health)

**art. 13** (right of everyone to education, education shall promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups)

## ICERD:

**art. 2** (right to exercise economic, social and cultural rights without discrimination)

**art. 3** (commitment to condemn racial segregation and to prevent, prohibit and eradicate all practices of this nature)

**art. 4** (commitment to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts)

## **Incitement to Racial Discrimination, Neonazism**

*April 18, 2013 Bratislava:* extreme-nationalist organizations *Slovak National Union* and *Society of Dr. Jozef Tiso* staged a march and prayer service in commemoration of the 66th anniversary of martyr death of the first Slovak President Dr. Jozef Tiso who had been sentenced by a Czechoslovak court in 1947 to death for treason (the partition of Czechoslovakia), suppression of the Slovak national rebellion, collaboration with the Nazi Germany, including in policies to solve the «Jewish question» during World War II.

*The Committee against the Elimination of All Forms of Racial Discrimination* in its concluding observations on the 9th and 10th periodic reports of Slovakia (February 2013) expressed serious concern about the of activities by extremist organizations in Slovakia.

## **National Minorities' Rights, Right to Security of Person, Right to Be Protected from Arbitrary Interference with Privacy**

*June 19, 2013 Moldova nad Bodvou:* about 50 masked and specially uniformed policemen without any warning or explanation carried out a search in some Roma family houses, using physical force against the persons concerned. The police action faced resistance from the inhabitants. As a result, more than 30 people, including children, sustained various injuries. Some 15 people were detained. According to the latter, they experienced physical violence after they had been detained.

*Robert Kaliňák, Deputy Prime Minister and Minister of Interior,* and chief of the police, delivered a joint statement saying that the police's conduct was consistent with operational standards.

*Janez Lenarčič, the Director of the OSCE Office for Democratic Institutions and Human Rights,* drew attention to the need to uphold the *OSCE Action Plan on Improving the Situation of Roma and Sinti* with regard to the police's interaction with representative of the above nationalities.



art. 5 (right of everyone without distinction to equality before the law, including the right to security of person and protection by the State against violence)

**CRC:**

art. 2 (right of children to be protected against all forms of discrimination)

art. 27 (right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development)

art. 28 (right of the child to education on the basis of equal opportunity)

**CAT:**

art. 2 (commitment to take effective measures to prevent acts of torture)

art. 4 (commitment to ensure that all acts of torture are offences under its criminal law)

*The European Roma Rights Center, Amnesty International, the European cultural-public union* issued sharp statements about the police conduct, calling it a violation of international human rights norms and standards.

***National Minorities' Rights, Right to an Adequate Standard of Living, Including the Right to Housing***

According to *the European Roman Rights Center*, about 40 percent of Slovakia's Roma lives in unsatisfactory conditions, typically, in segregated communities on the outskirts of cities without access to infrastructure and lacking sanitary conditions. More than 16 percent of Roma families live in houses unsuitable for living, 10 percent live in shacks, 4.3 percent reside in self-made wooden huts, 1.3 percent live in other types of uninhabitable housing, like containers. 9 percent of people in the Roma communities have no electricity, 37 percent

lack piped water, 81 percent live without sewage systems.

Local authorities in some of Slovakia's regions have been engaged in unlawful eviction of Roma families, demolition of Roma settlements under various guises but without furnishing the families with another accommodation. In certain regions, there were cases of coercive segregation of Roma by means of erecting walls or barriers around their settlements.

*The European Roman Rights Center* pointed out the high level of violence in Slovak society (including on the part of the police) against Roma, including the facts involving anti-Roma statements, demonstrations, and other activities.

*The Committee on Economic and Social Rights* in its concluding observations on 2nd periodic report of Slovakia (May 2012) expressed serious concern over a high proportion of people living below the poverty line, high unemployment rates among vulnerable and marginalized population groups, including Roma, lack of access to adequate housing, as well as about reports of countless cases of Roma evictions. The Committee noted that the measures adopted to safeguard Roma's rights to adequate housing, and to eliminate their spatial segregation were insufficient, pointing out that some Roma settlements, in particular in Eastern Slovakia, lacked major social amenities, like sewage, electricity, drinking water, garbage removal.

*The Committee on the Elimination of All Forms of Racial Discrimination* in its concluding observations on the 9th and 10th periodic reports of Slovakia (February 2013) decried the continued stigmatization and discrimination of Roma, as well as their fragile social and economic situation.

***National Minorities' Rights, Segregation of Roma Children***

Measures taken to ensure equal rights to education for the Roma minority have been insufficient. Only 59.7 percent of Roma children attend primary schools. About 43 percent of Slovakia's Roma children are being taught in separate classes, organized on the basis of ethnicity.

Representatives of *Amnesty International* addressed the Government of Slovakia, and its Ministry of Education with a call to ensure equal right to education for all children, regardless of their ethnic origin.

*Dušan Čaplovič, Minister of Education: «Not every Roma child can internalize school curriculum to the extent, to which other children do».*

*Dušan Čaplovič, Minister of Education*, categorically rejected accusations of Roma segregation in Slovak schools and clarified that the special classes had been introduced for the purpose of creating for the Roma children special conditions that involved more teachers and specific educational methodologies.

Minority languages, mainly the Roma language, in which education in areas where minorities live in a compact and dense way should be carried out, have not been used sufficiently. There is shortage of teachers able to teach in the Roma language, while many teachers do not deem it necessary to speak with the children in the latter's language, or are ill-disposed to that language.

*The Committee on Economic, Social and Cultural Rights* in its concluding observations on the 2nd periodic report of Slovakia (May 2012) expressed concern about the de-facto continued segregation of Roma children in education, as well as the existence of exclusive Roma schools and classes.

### ***National Minorities' Rights, Right to Be Protected from Servitude, Human Trafficking***

In October 2013, the *People in Need Slovakia* organization published the results of a study conducted in a joint effort with the British «*Crossroads*» on the extent to which Roma people had been affected by trafficking in persons. The poll that covered 19 villages revealed 25 cases of human trafficking. The victims overwhelmingly were Roma males aged 25 – 35, who had been illegally forced to do drudge labor (construction, agriculture) both in Slovakia and abroad.

According to the researchers, what caused that situation were the atmosphere of distrust between local law enforcement officials and the Roma, high unemployment among the latter, as well as poverty, low level of education and awareness about the problem of human trafficking.

Providing a commentary to the situation, the Ministry of the Interior declared that Slovakia belonged to those countries that «fully comply with the relevant international standards».

### ***Rights of the Child, Right to an Adequate Standard of Living***

According to the *UNICEF Innocenti Research Centre's* report titled «Child well-being in rich countries», Slovakia faces an extremely adverse situation with children:

- it has one of the highest rates of child mortality;
- about 25 percent of children aged 4-6 fail to attend pre-school institutions;
- every eighth child has neither a PC at home nor access to the Internet;
- every one out of 10 children has no books suited for his/her age, he/she cannot participate in guided tours with his/her classmates owing to financial exigencies faced by the family;
- every one out of 12 children has only one pair of shoes, he/she has no place at home to do homework;
- every one out of 16 children suffers because his/her fellow mates do not want to play with him/her because of his/her family's poverty.

### ***Migrants and Refugees' Rights, Right to Be Protected from Racial Discrimination, Including the Right to Security of Person***

According to the study by the Slovak office of *the International Organization on Migration*, 6 percent of immigrants from non-EU countries fall victims of violence in Slovakia; 15 percent of immigrants have experienced violence in public places, at home or at work; 23 percent of Muslims and 32 percent of people of African origin were subjected to violence so intensive that police intervention was required.

### ***Right to Be Tried without Undue Delay***

In July 2013, *the Slovak National Center for Human Rights* published a report on the observance of fundamental human rights in Slovakia, which argues that the worst situation in Slovakia for many years was related to the observance of the right for public court proceedings to take place within a reasonable time period.

Following international commitments have been violated:

**ICCPR:**

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 21** (right of peaceful assembly)

**ICESCR:**

**art. 6** (right to work)

**art. 11** (right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions)

**CRC:**

**art. 27** (right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development)

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

***Economic and Social Rights, Including Right to Work, Rights to Freedom of Expression, Peaceful Assembly, to Be Protected from Torture, Arbitrary Arrest or Detention***

Budgetary and fiscal measures undertaken by Spain in response to the crisis had a considerable impact on economic and social rights. Austerity measures have targeted social spending on education, housing and social security. Budget cuts, labour and health reforms, and housing foreclosures and evictions, as well as substantial increase of unemployment resulted in mass protests. Protesters were systematically beaten by the police.

*February 9, 2013 Madrid:* employees of the «Iberia» company started a 5-day strike at the airport of Madrid to protest against salary cuts and elimination of thousands of jobs. Police used rubber batons to disperse the protesters. At least 5 protesters were arrested.

On *March 10, 2013* thousands of people in 60 cities of Spain took part in mass protests against austerity measures under the motto «*Against unemployment, for the renewal of democracy!*». The demonstrations were organized by about 150 non-governmental organizations and trade-unions.

*Candido Mendez, General Workers Union spokesman:* «Mariano Rajoy Government's policy aimed at cutting allocations for social needs lead to further unemployment

growth and deterioration of living standard of the Spaniards. That's why we call on the Government to change its policy for the benefit of workers, not bankers».

*April 26, 2013 Madrid:* the police used tear gas and rubber batons to disperse the participants of a mass rally against austerity measures. At least 15 persons were arrested. 30 protesters were wounded.

*July 19, 2013 Madrid:* the police used rubber batons to disperse the participants of a mass rally. Protesters required the resignation of the *Prime Minister, Mariano Rajoy*, who got involved in a financial scandal of misus of public funds. Several persons were arrested, about 15 people were wounded.

*December 15, 2013 Madrid:* the police dispersed demonstration of many thousands against the draft law on public safety and cutbacks to public services toughen sanctions for public order violations during public rallies. At least 7 persons were arrested.



*Арест участника забастовки в аэропорту Бархас (Мадрид, 19.02.2013). Фото: Antonio Navas-Corbis*

***Right to an Adequate Standard of Living, Including the Right to Be Free from Hunger, Right to Be Protected from Arbitrary Arrest or Detention, Torture and Cruel Treatment***

According to the report by *Nils Muzhnieks, Commissioner for Human Rights, Council of Europe*, following his visit to Spain (June 3 – 7, 2013), more than 30 percent of children in Spain are at risk of poverty. It is reported that children lost consciousness at school because of malnutrition. Some children have to wear the same clothes for three weeks.

N.Muzhnieks invited the authorities to limit the negative impact of budgetary cuts on children and other vulnerable social groups, namely children and persons with disabilities.

Moreover, in his report N. Muzhnieks pointed out the social and economic consequences of the austerity policy, especially rising poverty, cuts in spending on education, as well as an excessive use of force by the law enforcement officials with regard to demonstrators protesting against austerity measures and disproportionate fines to which participants of such protests were subjected.

N.Muzhnieks called on the Spanish authorities to elaborate an effective strategy to overcome the consequences of impoverishment, to strengthen the protection of social and economic rights, to end the long-standing practice of granting pardons to law enforcement officials who committed serious human rights violations such as torture.

Following the consideration of the 5th periodic report of Spain (May 2012), the *Committee on Economic, Social and Cultural Rights* in its concluding observations expressed serious concern about the negative impact of austerity measures on the economic and social rights. The Committee noted that the austerity measures adopted by Spain disproportionately curtail the enjoyment of rights by disadvantaged and marginalized individuals and groups. Over 20 percent of the population was already living below the poverty line and the percentage of those at risk of falling into poverty had increased considerably owing to the current economic and financial crisis.

Following international commitments have been violated:

**ICCPR:**

**art. 26** (right without any discrimination to the equal protection of the law)

**art. 27** (right of national minorities to use their own language)

**ICERD:**

**art. 2** (commitment to condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms)

**art. 5** (right of everyone without any distinction to equality before the law)

**CRC:**

**art. 20** (commitment to provide a child temporarily or permanently deprived of his or her family environment with special protection and assistance)

**art. 22** (commitment to take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance; commitment to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family)

**CAT:**

**art. 3** (commitment not to expel, return or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture)

## **National Minorities' Rights, Racial Discrimination**

*September 22, 2013 Ticino canton:* the results of the local referendum showed that 52 percent of the population voted for the prohibition of wearing face-concealing clothes.

The initiator of the proposal, local politician *Giorgio Ghiringhelli*, did not conceal that the prohibition targeted the traditional Muslim women clothes – niqabs and hijabs.

About 2 percent of 340 000 population of Ticino are Muslims. In total approximately 400 thousand Muslims live in Switzerland now.

## **Right to Be Protected from Racial Discrimination**

At the beginning of August 2013 in her interview to *Ora.tv* the American talk show host *Oprah Winfrey* complained about racial discrimination she had experienced in Switzerland. In *Tom Ford* showroom in *Zurich* a shop assistant refused to show her a bag saying «it's too expensive». When *O. Winfrey* insisted on seeing the bag, the consultant suggested her to consider a cheaper one.

The spokeswoman of the national tourism office *Daniela Baer* expressed deep regret in connection with the incident.

In the course of the second cycle of *the Universal Periodic Review of the UN Human Rights Council* in October 2012 Switzerland was criticized in connection with the increase of racism, intolerance and xenophobia, weak institutional guarantees against discrimination, as well as for the initiatives incompatible with human rights international standards like, for example, the prohibition to build minarets.

## **Migrants and Refugees' Rights**

The research of the organization «*Terre des Hommes*» shows that the Swiss authorities unreasonably complicate and delay the procedure of documents issuance to underage refugees with a view to exiling them once they come of age, which pushes them to commit crimes (prostitution, beggary, robbery, drug dealing). According to the research, basic norms of children's protection are not provided during the acceptance period of granting the asylum to an underage person.

According to the *Federal Migration Service* statistics, every year in Switzerland up to 500 underage migrants who have come to the country alone request refugee status. No less that two thirds of them have escaped from countries where they were exposed to the threat of violence and exploitation.

*The European Court of Human Rights* has repeatedly made decisions in relation to the unlawfulness of refugees' exile, including children's exile, to countries where they are exposed to the threat of tortures.

Following international commitments have been violated:

**ICCPR:**

**art. 2** (commitment to ensure that any person whose rights or freedoms are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity)

**art. 6** (right to life)

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal)

**art. 17** (no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 26** (right without any discrimination to the equal protection of the law)

**ICERD:**

**art. 5** (right of everyone without any distinction to equality before the law)

**CAT:**

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

**Convention relating to the Status of Refugees:**

**art. 32, 33** (prohibition of expulsion or return of refugee to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion)

**National Minorities' Rights, Right to Be Protected from Racial Discrimination, Right to Security of Person, Arbitrary Interference with Privacy**

*September 8, 2013, Malmö:* unknown persons attacked a man with a 18-month-old child, representatives of a national minority. According to the police, the unknown first attacked the man verbally on the basis of his ethnic origin and skin color, and then beat him, threatening to kill the child. There were several witnesses of the case, but the police detained no one.

In September 2013, it was found out that since 2005 the Swedish police had been illegally keeping the database with more than 4,000 people with Roma names and surnames in it. There were data about their personal numbers, addresses and relatives.

Within the framework of *Reva* project aimed at identifying illegal migrants the police have been checking documents of all people of non-Swedish appearance since 2010.

*September 23, 2013 Stockholm, Malmö:* during the protests against racist actions by the police the representatives of the *Centre Against Racism/ENAR, the Swedish and Finnish Youth Unions, Roma Women Network* urged to stop the racist profiling and called on to create a special commission to investigate the situation.

*December 16, 2013 Stockholm:* neo-Nazi attacked the participants of the anti-Nazi demonstration against the growing neo-Nazi sentiments.

*The Committee on the Elimination of All Forms of Racial Discrimination* criticized Sweden in respect of Roma discrimination for the third time in 15 years. In particular, in its concluding observations on the 21st periodic report of Sweden (August 2013) the Committee noted with concern the discrepancy between increased reports to the police of hate crimes and the decrease in the number of preliminary investigations and convictions. The Committee also expresses its concern about the increase in

reports of racially motivated hate speech against national minorities, including Muslims, Afro-Swedes, Roma and Jews, in particular by some far-right politicians, as well as about the reported increase of hate speech in the media and on the Internet, including by certain media professionals.

**Migrants and Refugees' Rights, Right to Be Protected from Expulsion**

The policy of Roma refugees' expulsion to Kosovo, where they are exposed to systemic discrimination including violence and other violations of human rights, is expanding. *The Swedish Migration Board* regularly refuses to grant asylum and expulses Roma to Kosovo referring to the fact that the Swedish asylum regulations do not consider discrimination as a basis for granting asylum.

According to the international organization *Civil Rights Defenders*, the Swedish legislation contradicts the international law, in particularly the principles stated by *A Guide to International Refugee Law of the United Nations Office of the High Commissioner for Refugees*, according to which the basis for granting asylum must not be limited only to life or liberty danger, but also include other serious human rights violations like ethnic discrimination.

The Swedish authorities are regularly criticized by *the Committee Against Torture* in connection with the refugees deportation to countries where they are exposed to the risk of torture.

***Right to Life, Rights to Be Protected from Torture, Arbitrary Arrest or Detention***

*May 14, 2013 Husby region, Stockholm:* the police shot a senior citizen during detention because he supposedly threatened them with a machete.

*May 20 – 24, 2013 Stockholm:* the killing of the man generated mass protests against excessive police cruelty. The protestants urged an independent investigation of the case. 29 people were arrested.

***Rights to an Effective Remedy, a Fair and Public Hearing by a Competent, Independent and Impartial Tribunal***

There has been an increase in the number of complaints in Sweden relating to the excessive use of force by the police and abuse of power. According to the Swedish newspaper *Dagens Nyheter* which refers to a professor in criminology *Leif GW Persson*:

– in 2011, there were more than 5,600 complaints against police officers, and only 1,6 percent of them led to criminal prosecution or punishment. In other cases absence of *corpus delicti* (legally defined crime) or lack of evidence was stated.

– from 2005 to 2012 Swedish courts considered 53 cases of violence committed by the police, in 50 percent of the cases the accused law enforcement officials were acquitted for lack of evidence. Experts say this is much less than in the cases involving people other than police officers (in more than 80 percent of cases suspects are found guilty).

# UNITED KINGDOM

Following international commitments have been violated:

## ICCPR:

**art. 2** (right to effective remedy)

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal)

**art. 17** (no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 21** (right of peaceful assembly)

## ICERD:

**art. 2** (each State Party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists)

**art. 4** (commitment to declare an offence punishable by law all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination, as well as all acts of violence or incitement to such acts; commitment to declare illegal and prohibit organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law)

## CAT:

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

## ***Rights to Freedom of Expression, Freedom to Seek, Receive and Impart Information***

For more than a year and a half, since the middle of June 2012, the British government has been actually holding in detention inside the Ecuadorian Embassy the founder of *Wikileaks Julian Assange*, to whom Ecuador has officially granted political asylum. J.Assange is forced to remain inside the Embassy all day round because if he tries to go outdoors, he will be arrested by the British police, extradited to Sweden, and then to the United States where he may face death penalty.

In September 2013, during a videoconference within the framework of the *UN Human Rights Council* session J.Assange noted that the objective of the organization was the practical implementation of Article 19 of the *Universal Declaration of Human Rights*. The journalist underlined that *Wikileaks* had drawn attention of the international community to the fact that the United States violate human rights, interfere into independent states' policy by means of the mass intelligence activities and exert political pressure.

The persecution of the Australian organization *Wikileaks* which disclosed the secret information on US and their allies in war crimes in Iraq and Afghanistan, started in 2010 with the «bank blockade» of the organization's financial resources by international payment systems *Visa*, *MasterCard* and *American Express*.

## ***Right to Be Protected from Arbitrary Interference with Privacy, Correspondence***

In June 2013, British newspaper *The Guardian* with reference to the documents provided by *Edward Snowden*, a former

agent of the *USA National Security Agency* and the *Central Intelligence Agency*, reported that the British intelligence *Government Communications Headquarters* monitored private calls and contacts in the Internet. According to the documents, as of the 2012 the British secret services received data on 600 million communication traffics a day. The given program, codenamed *Tempora*, has been running for five years. *David Cameron*, the *Prime-Minister*, said that the secret services provide security «within the law».

*Nick Pickles*, the representative of the *Big Brother Watch*: «If the Government Communications Headquarters have been intercepting huge quantity of innocent people's communications, then I struggle to see how that squares with a process that requires a warrant for each individual intercept».





Julian Assange, Australian journalist, founder of Wikileaks, more than a year and a half has been actually holding in detention inside the Embassy of Ecuador that had granted him a political asylum (London, August 19, 2012). Photo: cryptome.org

According to the information published in November in the German magazine *Der Spiegel* with reference to the data provided by *Edward Snowden*, GCHQ had been monitoring hotel bookings in more than 350 hotels around the world in order to know the hotels where foreign diplomats and members of governmental delegations stayed during their visits. The Headquarters' specialists could wiretap the hotel room telephone, computer which the surveillance object used. A special program «*Royal Concierge*» was elaborated in order to monitor online bookings. The secret service agents could also place diplomats and foreign

state authorities under personal visual surveillance.

**Right to Freedom of Expression, Freedom to Seek, Receive and Impart Information, Right to Liberty, Right to Be Protected from Arbitrary Arrest or Detention**

August 18, 2013 London: David Miranda, the partner of *The Guardian* journalist Glenn Greenwald who deals with the publication of the materials from the former US intelligence services agent *Edward Snowden*, was detained at *Heathrow airport* under anti-terror legislation. According to D. Miranda, he had been questioned for nine hours on the journalist Greenwald's activity and none of the questions dealt with terrorist activity. The police confiscated all the electronic equipment and ordered to communicate passwords to them. During the interrogation Miranda was not provided with the opportunity to call his relatives and to inform about his detention.

After David Miranda's detention Alan Rusbridger, the editor-in-chief of *The Guardian*, said that the British secret services had brought pressure on the journalist demanding to destroy all the hard discs with the information from Snowden.

Dunja Mijatović, OSCE Representative on Freedom of the Media, expressed her concern with the British authorities' activity towards *The Guardian*. In her opinion, using anti-terror legislation, threatening legal action and forcing journalists to destroy data creates an adverse effect on the media in the United Kingdom and beyond. Mijatović called it unacceptable to threaten the UK major newspapers' editor in the 21st century.

According to *The Guardian*, the data provided by E.Snowden confirm that modern secret services not only gather and examine electronic communications for their purposes but also that they start to be unaccountable to the authorities. *The Guardian* journalist Glenn Greenwald said that these actions of the British government were aimed to intimidate him and to make him stop publishing the materials provided by Snowden.

Nils Muzhnieks, Council of Europe Commissioner for Human Rights, condemned the activity of the British Government Communications Headquarters (GCHQ) for using the technologies to intercept Internet messages, in particular in the social networks, and for exerting pressure on *The Guardian* to destroy Snowden's hard discs.

### ***Rights to Freedom of Expression, Peaceful Assembly, Rights to Be Protected from Torture, Arbitrary Arrest or Detention***

*December 03, 2012 – January 12, 2013, January 26, 2013 Belfast:* Thousands of people participated in the protests against the authorities' decision to limit the days of flying of the Union Flag from *the Belfast City Hall* and to fly it only on specific days. The protest action led to clashes with the police who used water cannons and plastic bullets. More than 100 people were arrested.

*April 15, 2013 The County of Argyll:* The police used force to crackdown the anti-nuclear weapon protest near *Faslane naval base* where British submarines equipped with nuclear missiles *Trident* are based. 45 people were arrested. The participants of the protest (more than 100 activists) demanded to stop the use of submarines equipped with nuclear weapons and to use its budget to fund education and health instead.

*December 07, 2013 London:* 42 students were arrested during the protests near *the University of London*. The protest was held against the presence of police officers in colleges. The motive for the protest was the announcement about the tuition fees growth. According to the students, the police acted violently, there were cases of battering.

### ***Incitement to Racial Discrimination***

*July 20, 2013 Birmingham:* about 2,000 proponents of the far-right group *English Defense League* organized a demonstration against England's Islamisation. The participants chanted anti-Muslim slogans.

*September 07, 2013, London:* about 500 people participated in the nationalist rally shouting anti-Muslim slogans. They were opposed by several thousands of anti-Nazis. About 150 people were detained.



*Supporters of the English Defense League take part in the anti-Muslim demonstration (Birmingham, July 20, 2013). Photo: REUTERS/Stefan Wermuth*

During the second cycle of the *Universal Periodic Review* in the *UN Human Rights Council* in May 2012 the United Kingdom was gravely criticized in relation to the increase of racist incidents, discrimination against Muslims, Roma and migrant workers, ill-treatment and assaults on schoolchildren due to their religion and belief.

### ***Right to Fair and Public Hearing by a Competent, Independent and Impartial Tribunal, Right to Effective Remedy***

In July 2013, the *Justice and Security Act 2013* came into force. It substantially extends the use of secret evidence during trials (so called «secret courts») and allows:

– to rely on secret evidence in civil cases, including cases of alleged government responsibility for human rights violations such as torture and enforced disappearance;

– to resort to «closed material procedures» to prevent plaintiffs and their lawyers from seeing documents submitted to the court even if the given documents prove the involvement of UK officials in wrongdoing. If the disclosure of sensitive material is likely to result in «harm to the public interest», such material can be kept classified for an indefinite term.

*Tim Hancock, the head of Amnesty International UK*, called March 26, 2013 (the day of the bill's approval by the House of Lords) «a terrible day for British justice». *Alice Wyss, representative of Amnesty International*, said: «The Justice and Security Bill is a real threat to the principles of fairness and open justice in the United Kingdom – principles which should always be at the heart of the justice system. It's already bad enough that secret procedures have been allowed to creep into the justice system, but the government is now trying to extend secret justice to an unprecedented degree. It wants a system where it can simply play the 'national security' card whenever it wants to keep things secret. The Justice and Security Bill will enable the government to throw a cloak of secrecy over wrongdoing».

According to *The Guardian*, the procedures provided for by the law may be used in cases of death of Iraqi civilians who were imprisoned by the British troops during the war in Iraq; it will allow the government to avoid taking responsibility for violence, torture, unlawful detentions accepted by the British army and secret services in Iraq as well as during the combined operation with American secret services within the framework of the combat against Al-Qaeda and «the global war on terrorism».

*The Committee Against Torture* in its concluding observations on the 5th periodic report of the United Kingdom (May 2013) expressed its serious concern about the fact that the British Justice and Security Act 2013 extended the use of closed material procedures in civil proceedings in cases of threats to «national security», as well as about the growing number of serious allegations of torture and ill-treatment, including by means of complicity, as a result of UK's military interventions in Iraq and Afghanistan.

# UNITED STATES OF AMERICA

Following international commitments have been violated:

## ICCPR:

**art. 6** (right to life, no one shall be arbitrarily deprived of his life)

**art. 7** (no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person; no one shall be subjected to arbitrary arrest or detention)

**art. 10** (right of those deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person)

**art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal)

**art. 17** (no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence)

**art. 19** (right to freedom of expression, including freedom to seek, receive and impart information and ideas)

**art. 21** (right of peaceful assembly)

## CAT:

**art. 2** (commitment to take effective measures to prevent acts of torture)

**art. 4** (commitment to ensure that all acts of torture are offences under its criminal law)

## ***Right to Be Protected from Arbitrary Interference with Privacy or Correspondence***

During the reporting year the widest response was sparked by the international news reports disclosing the details of the *U.S. National Security Agency (NSA)* activities on mass surveillance, cyber attacks and arbitrary intrusion into the private communications of the targeted world leaders, foreign nationals and the U.S. citizens. The reports emanate from the top-secret documents, revealed by *Edward Snowden*, a former *U.S. Central Intelligence Agency* employee and ex-contractor of *NSA*.

As it was revealed, since 2007 the U.S. Government has been carrying out PRISM-program aiming at clandestine mass monitoring and data collection of phone calls and electronic communications between targeted foreigners and the U.S. nationals. According to the allegations of *The Washington Post*, 98 percent of information was provided by *Yahoo*, *Google*, *Microsoft*, *Facebook*, *YouTube*, *Skype* and *Apple Inc.*

*American Civil Liberties Union* and *Freedom Watch* filed a lawsuit against U.S. Government officials and all others involved in the PRISM-program, claiming that they

violate the First, the Forth and Fifth Amendments to the U.S. Constitution, and appealing to announce the program illegal.

*The Washington Post* and *The Guardian* reported that in 2011 U.S. intelligence services carried out 231 offensive cyber-operations against other states, in particular, Russia, Iran, China, North Korea and Pakistan. American intelligence operations were targeted at software structure of the mentioned states' nuclear programs, and electronic communications of main oil companies, such as Brazilian *Petrobras*.

Pursuant to materials provided by *Edward Snowden* to the media, since 2010 *NSA* controlled e-mails of high-ranking officials of Mexico and had access to diplomatic, economic and political communications of Mexican Ministers. Since summer of 2012, American intelligence services concentrated on communication surveillance of *Enrique Peña Nieto*, who won the Mexican presidency late in 2012.

According to the documents handed over by *Edward Snowden*, *NSA* monitored electronic communications of senior officials of Brazil, Germany, France and Spain.

*Commissioner for Human Rights of the Council of Europe Mr Nils Muižnieks* condemned *NSA* for using interception Internet communication technologies, in particular, in social networks.

## ***Right to Be Protected from Arbitrary Interference with Privacy or Correspondence, Right to Freedom to Seek, Receive and Impart Information***

In May 2013, it became known that in 2012 the U.S. Justice Department seized two

months of telephone records for 20 reporters and editors of *The Associated Press* while investigating into the leakage of information on a classified CIA operation to stop a bomb plot in 2012.

*Dunja Mijatović, OSCE Representative on Freedom of the Media*, urged the U.S. government to conduct a comprehensive and transparent investigation in order to find out who and why had ordered to disclose telephone records. *D. Mijatović* stressed that spying on journalists by the law enforcement «could have an adverse effect on the ability of journalists to investigate and to report on sensitive issues».

### **Right to Life, Right to Be Protected from Torture**

The U.S. Administration continues to use lethal drone aircraft in the countries which are not internationally recognized as armed conflict zones. During combat operations, «targeted killings» are carried out without judicial review, while the standards for targeting and information on civilian casualties are not disclosed.

*December 12, 2013 Al-Baida Governorate, Yemen:* as a result of one of many lethal drone airstrikes conducted by the U.S. Air Force, 16 civilians were killed and at least 10 injured, having mistakenly been identified as members of *Al-Qaeda*.

*Special Rapporteur of the Human Rights Council on Extrajudicial, Summary or Arbitrary Executions Christof Heyns and Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment Juan Mendez* publicly voiced joint concern about usage of deadly drone attacks in Yemen and stressed that a deadly attack on illegitimate targets amounts to cruel, inhuman or degrading treatment. The Special Rapporteurs called on the U.S. and Yemen to undertake comprehensive investigation into the reported incidents and to disclose the information on the targeting standards, the number of civilian casualties and whether the compensation to the victims' families would be offered.

### **Right to be Treated with Humanity and with Respect for the Inherent Dignity of the Human Person, Right to Be Protected from Torture, Arbitrary Arrest or Detention**

The detainees of the *Guantanamo Bay* detention camp organized a five-month hunger strike to protest their indefinite, and in some cases without charge, incarceration. Allegedly, 86 detainees cleared for release are still held in prison. The hunger strikers in critical health condition are force-fed by the camp authorities, and the detainees claim rough treatment during forced feeding.

According to the media, the hunger strike started in February after the prison authorities searched the cells, confiscated some illegal detainees' belongings and allegedly mishandled the copies of the Koran, which resulted in the attempts of two detainees to commit suicide.

13.04.2013 The detainees claimed that the detention camp authorities used tear gas and rubber bullets in response to the attempts of the detainees to prevent video surveillance in the cells.



*Evidence of Torture in Guantanamo Bay detention camp. Photo: Shane T. McCoy via The Association Press*

On April 5, 2013 *Navi Pillay, the UN High Commissioner for Human Rights*, in her statement called on the United States to close the *Guantanamo Bay* detention camp, stressing that «the continuing indefinite incarceration of many of the detainees amounts to arbitrary detention and is in clear breach of international law».

*Human Right Watch* urged the immediate shutdown of the *Guantanamo Bay* prison and criticized the U.S. President *Barack Obama* for pointing finger at the Congress to justify the reasons for keeping the facility at *Guantanamo* still open and failure to undertake appropriate steps to improve the conditions of the confinement.

08.01.2013 *Military Judge Col. Denise Lind* confessed as «excessive» the cruel conditions of incarceration of an *intelligence analyst* and a former *United States Army Private First Class Bradley E. Manning*, now known as *Chelsea Manning* (he spent 9 months in solitary confinement). Regardless of the fact that since July 2010 *Bradley Manning* has been incarcerated in a solitary cell without windows for 23 hours a day in a *Quantico* facility in Virginia, *Judge Lind* refused to admit his detention as «solitary confinement». She also dismissed a request for a defense motion to stop prosecution of *Bradley Manning* with regard to ill-treatment and keeping him in conditions of solitary confinement. In August 2013 *Bradley Manning* was sentenced to 35 years of imprisonment for passing to *WikiLeaks* classified files on the war crimes committed by the United States in Iraq.

*American Civil Liberties Union* expressed protest against not admitting incarceration of *Bradley Manning* as «solitary confinement». *The Politico* drew attention to the fact that the *Judge Lind's* verdict contradicts the U.S. President *Barack Obama's* statement (March 2011) that *Manning's* confinement was appropriate and met the basic standards. With regard to *Obama's* comment that *Manning* «broke the law» *The Politico* reported that the Fifth Amendment to the U.S. Constitution prohibits pre-trial charge for a conviction and that the U.S. martial law prohibits harsh confinement in order to ensure the presence of the defendant in court.

*Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment Juan Mendez* stated that «solitary confinement could amount to a breach of the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* by the United States, but in order to take the final decision on this matter the details of treatment towards this person should be thoroughly scrutinized» (the Special Rapporteur had submitted a request to conduct a visit to the United States in January 2011, but was not able to visit the country due to the fact that the U.S. government didn't allow him to speak to *Bradley Manning* in private).

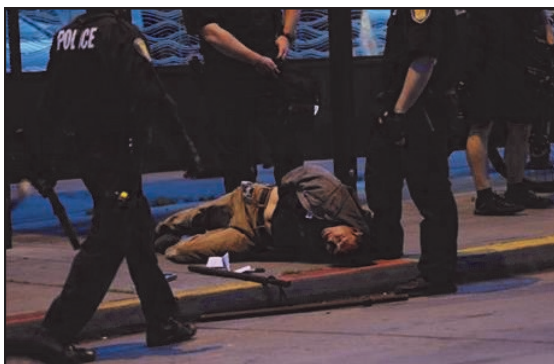
On July 8, 2013 the detainees of the Californian prisons started a mass hunger strike to protest against the failure of *California Department of Corrections and Rehabilitation* to conduct reforms to improve incarceration conditions, in particular, in solitary confinement. Some of them had been held in solitary confinement for decades.

*Amnesty International* described the conditions in California prisons as cruel, inhumane and degrading human treatment and called for reforms to improve the conditions of prisoners locked in solitary confinement.

*Albert Woodfox*, who was put in solitary confinement in *Louisiana State Penitentiary* after the 1972 killing of a prison guard, though no physical evidence links him to this crime, spent 40 years in a small 8,2ft by 11,5ft single-occupancy cell, which he was allowed to leave only for an hour a day.

*Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment Mr Juan Mendez* urged the United States to immediately stop keeping *Albert Woodfox* in solitary confinement. According to the Special Rapporteur, the practice of indefinite incarceration in solitary confinement clearly amounts to torture and application of this form of punishment in the American penal system is inconsistent with international humanitarian law.

### **Right to Freedom of Expression, Peaceful Assembly, Right to Be Protected from Arbitrary Arrest or Detention**



At least 17 people were arrested during the crackdown of the May Day demonstration (Seattle, May 1, 2013). Photo: The Associated Press/Ted S. Warren

*February 13, 2013 Washington, D.C.:* 48 environmental activists were arrested at protest, conducted by the environmental organization *Sierra Club*, calling on to reject the construction of the ecologically unsafe *Keystone XL oil pipeline* from Canada to Texas.

*April 22, 2013 Washington, D.C.:* more than 40 protesters with disabilities were arrested during the crackdown of the demonstration initiated by the American organization *ADAPT*. The demonstrators sought a meeting with representatives of the White House to protest

against the lack of access to required services in the places of their residence that in fact forces people with disabilities to live at hospitals.

*May 1, 2013 Seattle:* during the crackdown on the demonstration held under the slogan «No Capitalism!» police used flash-bang grenades and pepper spray. At least 17 people were arrested.

*August 1, 2013, Washington DC:* about 40 demonstrators were arrested near the building of the U.S. Congress for supporting immigration system reforms. *Executive Director of the Center for Community Development Mr Deepak Bhargava* said that the demonstration was an extraordinary measure in order to draw attention of the Republicans in Congress to the problems of migrants, as all the other measures failed.

*August 31, 2013 – September 1, 2013 Philadelphia, Los Angeles, Tampa, New York:* police dispersed peaceful demonstrators protesting over the possible U.S. intervention in Syria. In Los Angeles, 40 demonstrators were subpoenaed. In Philadelphia, police arrested *Emily Yates*, a peace activist, veteran and member of *Iraq Veterans Against the War*, for playing the banjo for other demonstrators.

*September 12, 2013 Washington, DC:* 115 women were arrested after engaging in a mass act of civil disobedience, organized by several activist groups of the women's coalition, in support of the immigration reform bill stalled in the U.S. Congress. The demonstrators stood for equal immigration rights for women and children, most prone to deportation.

October 8, 2013 Washington, DC: 200 people, including eight Democratic members of the House of Representatives were arrested during a massive rally seeking to push Republicans to hold a vote on an immigration reform bill and to pass it.



*Luis Gutierrez is arrested by U.S. Capitol Police officers on Capitol Hill during a immigration rally (Washington, October 8, 2013). Photo: The Associated Press/Jose Luis Magana*

The arrested Republican *Luis Gutiérrez* (Illinois) stated that every day 1,100 people were deported from the United States, who were considered illegal but could obtain legal status if the immigration reform bill was adopted.

Representative of *Centro de los Derechos del Migrante, Inc. (Center for Immigrant Rights)* *Ms Sarah Rempel* said that the Obama Administration, despite the failure of the U.S. Congress to adopt an immigration reform bill, could suspend or at least reduce the level of migrants deportations, especially women and children.

07.11.2013, Bellevue: about 200 people participated in pro-immigration reform protest. At least 40 people were arrested. The protesters intend to continue acts of civil disobedience to persuade the Republican Party to pass immigration reform bill.