



# HUMAN RIGHTS IN EUROPE

REVIEW OF 2019

AMNESTY  
INTERNATIONAL



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**Cover photo:**

*A protester speaks through a megaphone as smoke from coloured smoke bombs billows near people taking part in the annual May Day rally in Strasbourg, eastern France, on May 1, 2019.*

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**AMNESTY  
INTERNATIONAL**



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# REGIONAL OVERVIEW

In 2019 in the heart of Europe, some states actively sought to erode the independence of the judiciary to avoid state accountability. The European Union continued to outsource border and migration control. Grave human rights risks ensued: tens of thousands of people remained exposed to conflict, violence, torture and an uncertain future in destitute conditions. Those opposing these border and migration control policies frequently faced smear

campaigns, harassment, and even administrative and criminal penalties. Increasing numbers of human rights defenders, activists and independent media faced intimidation and prosecution. Expressions of dissent on the streets were often met with a range of restrictive measures and excessive use of force by police. Against this overall backdrop of intolerance and discrimination, minorities and those seeking to defend their rights were met with violence, increasing stigmatization of some communities. Survivors of sexual violence, including rape, continued to face obstacles in accessing justice. While two countries held their first ever Pride parades, there was a roll-back in a number of others on law and policies related to the rights of LGBTI people.

In 2019, founding values of the European Union (EU) were directly challenged from within. The independence of the judiciary, an essential component of the rule of law, was threatened in Poland as the ruling party took bolder steps to control judges and courts. The process in Poland was a clear illustration of how values were changing across Europe, and concerns about the independence of the judiciary in Hungary, Romania and Turkey persisted. Symptoms surfaced all over Europe, from migration policies where protection of borders was considered more important than protection of human lives, to dealing with popular dissent and public protest, which often led to abuses by law enforcement agencies. Intolerance towards religious and ethnic minorities frequently took the form of violence and discrimination.



Demonstrators gather to protest against femicide and violence against women on November 25, 2019 in Istanbul, Turkey. November 25 is international day for the elimination of violence against women. © Burak Kara via Getty Images

While 2019 shows that many states failed to guarantee rights for all within their borders, nonetheless there was no shortage of courageous people who dared to stand up whatever the personal cost, and worked to hold states accountable. People took the streets in large numbers to claim their rights and campaign for a fairer and more just society. Their clear call was for governments to face their responsibilities not only at home but also in light of global challenges such as climate change. Their mobilization around these issues was a ray of hope for the future.

## MIGRATION

In 2019, approximately 120,000 asylum-seekers and migrants arrived in Europe irregularly. Arrivals decreased on the central and western Mediterranean routes and increased on the eastern Mediterranean route.

The belief prevailed that migration and border control could best be managed by “outsourcing” to countries with questionable human rights records. It appeared equally acceptable for EU countries to contain migrants and asylum-seekers in abysmal conditions at the periphery of the EU or just outside its borders.

Human rights abuses against asylum-seekers and migrants seeking to cross the central Mediterranean Sea reached new heights when renewed hostilities broke out in Libya in April. In addition to torture and arbitrary detention, they also faced shelling and direct attacks by the warring factions, resulting in the deaths of dozens of migrants and asylum-seekers. Despite the deteriorating security situation, and continuing evidence pointing at systematic human rights violations in Libya’s detention centres, European countries continued to cooperate with Libya to contain migrants and asylum-seekers there. In November, the Italian government extended its agreement with Libya on migration for a further three years.

Cooperation with Libya went hand in hand with the policy of “closed ports” established by the Italian government. Under this policy, NGO ships were denied a safe port after rescuing people at sea, and forced to wait for weeks while Mediterranean states argued amongst themselves about where to disembark them. The policy ended after a change of government in Italy, which created the conditions for a temporary agreement between France, Germany, Italy and Malta. The agreement – a small, tentative step forward – ensures minimum coordination between the four countries to disembark and relocate those rescued at sea.

Despite consistent condemnation by human rights organizations, the 2016 EU-Turkey Deal continued to shape the migration policy of the EU in the Eastern Mediterranean. Reports of grave human rights violations against asylum-seekers and refugees in Turkey did nothing to deter the continued use of Turkey as a partner on migration. Ahead of Turkey’s incursion into north-eastern Syria in October, Amnesty International conducted dozens of interviews which suggested hundreds of Syrians were likely forcibly deported from Turkey between May and September, under the guise of “voluntary returns”.

Meanwhile in Greece, mid-2019 saw the biggest increase in sea arrivals since 2016. This led to unprecedented overcrowding in the camps on the Aegean islands. More than 38,000 people were held in facilities with a capacity of little more than 6,000. Confronted with the ever-growing protection needs for asylum-seekers, refugees and migrants in-country, in November Greece’s newly installed government rushed to introduce new legislation featuring accelerated asylum procedures, increased detention and returns to Turkey. These followed trends in Austria, Finland, and Germany which have restricted the rights of asylum-seekers and placed greater focus on detention and deportations.

Land arrivals via the Greece-Turkey land border increased, accompanied

by serious and consistent allegations of pushbacks and violence on the Greek side. Those who managed to avoid pushbacks continued their journey through the Balkan peninsula, amid reports that more than 30,000 people transited along this route after leaving Greece and Bulgaria. Over 10,000 remain stranded in squalid camps in Bosnia and Herzegovina and Serbia, unable to continue their journeys due to persistent and systemic collective expulsions and violence by the Croatian police. In October, despite overwhelming evidence of human rights violations at the Croatian border, the European Commission recommended Croatia’s full integration into the Schengen Border Area.

## HUMAN RIGHTS DEFENDERS

Individuals and civil society organizations continued to oppose these anti-migration policies as human rights defenders, providing concrete support and solidarity to migrants and asylum-seekers. They rescued people at sea and in the mountains, providing transport, food and medicines to those in need all over the continent.

The response of many European states to these acts of humanity was to criticize, intimidate, harass, fine and even prosecute human rights defenders. In Greece, Italy and France, governments often treated rescue activities as smuggling and the actions of human rights defenders were considered as threats to national security, prompting the adoption of supposedly urgent, more restrictive laws.

The lack of clarity in relevant EU legislation left ample room for states to make draconian interpretations of this legislation at domestic level, resulting in a chilling effect on the work of human rights defenders. Many individuals and NGOs became increasingly reluctant to initiate solidarity actions.

In Turkey, dozens of human rights defenders faced criminal investigations

and prosecutions and were held in police custody or imprisoned for their human rights work. Amongst them, the trials of of Taner Kılıç and İdil Eser, Honorary Chair and former Director of Amnesty International Turkey respectively, and nine other human rights defenders, continued throughout 2019. The trial of Osman Kavala and 15 civil society figures also continued.

## FREEDOM OF EXPRESSION

Human rights defenders were not alone in facing challenges to their work. In many parts of the region, journalists who investigated corruption, organized crime and war crimes continued to be subjected to threats, smear campaigns, intimidation and in some cases physical violence as was the case in Croatia, Serbia and Bosnia and Herzegovina. While too often the authorities failed to condemn such attacks or undertake effective investigations, in Bulgaria it was the authorities themselves who brought charges against investigative journalists who had exposed corruption scandals potentially implicating senior government officials. In Albania, a controversial legislative package threatened the freedom of online media.

## FREEDOM OF ASSEMBLY

Major protests took place in numerous countries across Europe including France, Austria, Poland, Romania, the Czech Republic and Hungary. People protested against austerity measures and about social justice, but also against corruption and about the independence of the judiciary. Protests and strikes urging governments to take measures against climate change became a regular occurrence in major European cities.

In response many states often opted for measures that breached the rights to freedom of peaceful assembly and expression. In France, Austria and Spain, hundreds of people were injured during protests. Police resorted to unlawful use of force in France and violently disrupted peaceful gatherings in Turkey, where blanket bans were often used to deny the

right to freedom of peaceful assembly. States failed to hold their security forces accountable for violence perpetrated during the protests. Some states also provided police with heightened powers, as in Germany, where measures like assigned residency or communication surveillance can now be imposed on “future perpetrators of crimes”. In response, some courts played a critical role in safeguarding individual freedoms by annulling blanket bans on protests or, as in Poland, by upholding the rights of protesters who expressed their opposition to nationalism and racism. This however came at a price: some judges adjudicating in these cases were harassed or demoted by the Polish authorities striving to undermine the independence of the judiciary.

## INDEPENDENCE OF THE JUDICIARY

In Poland, Hungary, Romania and Turkey, legislative and administrative initiatives threatened the independence of the judiciary, the rule of law and as a result the right to a fair trial.

This clash was most visible in Poland, where the government and parliament tried to implement legal and policy changes to force the judiciary to comply with its political direction.

Judges and prosecutors found themselves at risk of disciplinary proceedings for speaking out in defence of the judiciary and risked becoming victims of human rights violations themselves. Smear campaigns on state and social media also targeted and intimidated individual judges.

In Hungary, the erosion of checks and balances in ordinary courts continued to undermine the independence of the judiciary. In May the European Commission warned Romania that it should address issues including interference with the rule of law by the executive, or face the triggering of a procedure under which certain rights can be suspended from a member state for persistent breach of the EU’s founding values.

While EU institutions promptly escalated their response to the situation in Poland, their interventions had not led to significant improvements by the end of the year.

Outside the European Union, the judiciary was under threat in Turkey. Following the crackdown after the 2016 coup attempt, in 2018 new legislation was introduced, allowing dismissal of officials from public service for alleged links to “terrorist organizations”.

## HATE CRIMES AND DISCRIMINATION

Evidence of a downward trend, intolerance and discrimination often turned violent in 2019. The violence was targeted at those who spoke out in favour of minorities, tolerance and inclusion.

At least two officials paid the highest price for upholding these values. In January, in Poland the mayor of Gdansk, Pawel Adamowicz, a supporter of LGBTI and migrant rights, was fatally stabbed during a charity event. In June, the acting administrative president of the German town of Kassel, Walter Lübcke, was killed by a shot in the head for his support of policies welcoming refugees.

Two people were killed in the German city of Halle/Saale in October after a suspected far-right gunman tried to attack a synagogue during Yom Kippur prayers and afterwards attacked a local food outlet. Assaults on mosques were also reported in France; a man attempted to burn a mosque in Bayonne in October and fired shots at two men, seriously injuring them.

Across Europe attacks on and discrimination against Roma communities continued. In Bulgaria, Roma in Vojvodinovo and Gabrovo were subject to forced evictions and demolition of their houses. Local authorities and mobs were responsible for these incidents, and as a result hundreds of people were forcibly evicted and their houses torched or demolished. Authorities in Giugliano, Italy, evicted a community of around 450 Roma, including families with

children, and offered them no alternative accommodation. Forced evictions of Roma also occurred in Sweden and France.

## **WOMEN'S RIGHTS**

In a long-awaited development and following a Belfast High Court decision, abortion in Northern Ireland was decriminalized and all pending criminal proceedings were dropped. In Slovakia, attempts in parliament to further restrict access to and criminalize abortion continued, triggering protests of rights organizations and prompting the Council of Europe Human Rights Commissioner to call on parliament to withdraw the law.

Survivors of sexual violence, including rape, continued to face obstacles in accessing justice. Legal definitions of rape in most European countries remained based on force, at odds with human rights laws and standards, which recognize that sex without consent is rape. In countries including Denmark,

Spain and the UK, there were systemic failures in sexual violence prevention, investigation and prosecution. Survivors of sexual violence and women's rights activists challenged these failings and demanded justice.

In Spain, widespread protests in reaction to judgments in the "Wolf Pack" case led the government to announce that the legal definition of rape would be amended to make clear that sex without consent is rape. Spanish courts had previously acquitted the five men known as the "Wolf Pack" of rape, even while recognizing that the woman concerned had not consented, and had instead convicted them for the lesser offence of sexual abuse as violence or intimidation was not found. The rulings were eventually overturned by the Supreme Court, and the men were sentenced in June to 15 years' imprisonment.

Survivors' and campaigners' efforts in Greece helped to change the legal definition of rape to one based on consent.

## **LGBTI RIGHTS**

Pride week events were explicitly banned in several Turkish provinces. A blanket and indefinite ban in place in Ankara since November 2017 was finally lifted in April. However, bans subsequently imposed on individual events maintained the unlawful restrictions on LGBTI rights. Those who challenged the bans faced police violence, investigations and prosecutions. In Poland, up to 64 local councils adopted resolutions opposing "LGBT ideology".

On a more positive note, two countries held their first Pride parades: North Macedonia in June, and Bosnia and Herzegovina in September. Despite alarming signs of potential violence and high security measures, both events enjoyed the support and endorsement of the national authorities and took place in a festive atmosphere with no violence.



Albanian women carry placards and shout slogans during a protest to denounce institutional failure to protect women from violence, including domestic violence, during the International Women's Day in Tirana, Albania on March 8, 2019. © GENT SHKULLAKU/AFP via Getty Images

## ALBANIA

Republic of Albania  
 Head of state: **Ilir Meta**  
 Head of government: **Edi Rama**

Violence against women and girls was widespread and protection measures were inadequately implemented. A controversial legislative package threatened the freedom of online media.

### BACKGROUND

The political landscape remained polarized, with opposition parties boycotting local elections in June. Regular opposition-led protests were marred by violence. The OSCE voiced criticism around the elections noting that, although voting was generally

peaceful and orderly, the atmosphere of legal uncertainty and the standoff between key institutions undermined public confidence in the electoral process.

Albania's path to EU membership continued to be hindered by slow progress in tackling corruption and organized crime.

### JUSTICE SYSTEM

A vetting process for judges and prosecutors negatively impacted on the functioning of the judiciary. While it continued to be crucial to ensure its independence from political interference and organized crime, the process undermined the functioning of the judicial system owing to widespread dismissals and a backlog of cases.

### VIOLENCE AGAINST WOMEN AND GIRLS

Domestic violence remained widespread and previously adopted measures to address it were inadequate. One in two women reported having experienced violence in their lifetime, according to the National Population Survey. Over 3,200 protection orders were issued for women abused by partners and relatives. Twelve women and young girls died as a result of domestic violence.

The UN Human Rights Council, in its examination of Albania's human rights record under the Universal Periodic Review process, noted concerns about the low rate of reporting of cases of gender-based violence against women, the insufficient number of shelters and the frequent failure to enforce protection orders.



## **WOMEN'S RIGHTS**

Although pervasive, gender-based discrimination at work, including sexual harassment, remained greatly underreported. In a survey by the Gender Alliance for Development Centre, most women respondents reported being subjected to sexual harassment and some said they were denied maternity leave.

The gender wealth gap persisted. Only 19% of women owned property due to poor implementation of the property registration law and a patriarchal tradition that favours male inheritance.

## **FREEDOM OF EXPRESSION – JOURNALISTS**

The media remained diverse but polarized, depending on the owner's political alignment and interests. This led to selective coverage of issues. According to a local NGO, one in three

journalists reported being physically or verbally assaulted because of their work. Journalist Enver Doçi was attacked by police officers while filming the arrest of demonstrators in the wake of the June local elections. The police issued an apology for their actions, but no further disciplinary or other appropriate proceedings were taken against the officers concerned.

Controversial anti-defamation legislation widening the powers of the regulator of audio-visual media threatened the freedom of online media. The Council of Europe's Commissioner for Human Rights had urged the parliament to review the draft laws of the so-called "anti-defamation package" and bring them in line with international human rights standards.

## **DISCRIMINATION**

Most members of Roma and Egyptian communities continued to face

barriers in their access to a range of rights, including housing, education, employment and health services. A market for used clothing was opened to aid Roma and Egyptian families on the outskirts of Tirana.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)**

To escape ostracism and various forms of discrimination most LGBTI people continued to conceal their sexual identity. A transgender person who attended the annual LGBTI rally was physically abused by unidentified perpetrators. In May, the NGO *PINK Embassy* requested that parliament issue an apology to those convicted for their sexual orientation under the Communist regime.



A young man is pinned down to the ground by the police during a spontaneous assembly in the context of the climate protest 'Streik mit Greta – No Future on a Dead Planet' in the Austrian capital, Vienna, on 31 May 2019. © Lukas David Beck / @\_lukasbeck

## AUSTRIA

Republic of Austria

Head of state: **Alexander van der Bellen**

Head of government: **Brigitte Bierlein (interim chancellor appointed by Head of State, replaced Sebastian Kurz in June)**

Several measures, which would have negative consequences for the rights of asylum-seekers and women, were adopted or discussed. A new law endangered the fairness of the asylum procedure. The authorities continued to deport rejected asylum-seekers to Afghanistan. The Committee of Petitions of the national parliament discussed two citizens' initiatives that would restrict access to abortion.

### REFUGEES AND ASYLUM-SEEKERS

The number of asylum applications continued to decline. According to

official statistics, 11,334 individuals applied for asylum between January and November; 11.81% fewer than in the same period in 2018.

Parliament introduced several legislative proposals that restricted the rights of asylum-seekers.

In June, it passed the law that establishes the Federal Agency for the Provision of Care and Support. This new governmental agency, embedded in the Ministry of Interior, will provide legal counselling to asylum-seekers as of January 2021, replacing independent civil society counselling. This change raised serious concerns regarding the fairness of the asylum procedure.

In May, Parliament passed the Fundamental Law on Social Assistance, which reduced social benefits for people with subsidiary protection status to the

level of basic care provided for asylum-seekers.

In the first nine months of the year, the Ministry of Interior deported more than 200 Afghan nationals to Afghanistan, subjecting them to a risk of torture and ill-treatment. The authorities decided to deport several Syrian nationals to Syria, also in clear contravention of international law, although the decisions had not been implemented at the end of the year.

In June, asylum-seekers living in a return centre (*Rückkehrberatungszentrum*) in Fieberbrunn, Tyrol, went on a 46-day hunger strike to protest against the poor housing conditions and the remote location of the facility. The Ministry of Interior opened an inquiry into the human rights compliance of the centre's living conditions. In November, findings of the inquiry were presented; families with school-age children were no longer accommodated in the centre.

## **FREEDOM OF EXPRESSION**

In April, the Minister for the European Union, Art, Culture and Media introduced a bill in Parliament that would establish an identity verification system for users of online platforms. Companies would incur exorbitant fines up to €1 million if they failed to comply. If adopted, the law would negatively impact the right to freedom of expression on the internet.

## **EXCESSIVE USE OF FORCE**

Authorities continued to fail to establish an independent mechanism to investigate cases of ill-treatment and excessive use of force by law enforcement officials and to legally require them to wear identification badges.

In May, police used excessive force against several climate activists while dispersing a spontaneous assembly. At the end of the year, an investigation by the Prosecutor's Office was ongoing into the conduct of several law enforcement

officials. The Ministry of Interior informed Amnesty International that an internal police investigation would be conducted once the Prosecutor's Office had concluded its investigation. The Vienna Administrative Court ruled that several police conducts, including bag searches and the arrest of an activist, were unlawful.

Civil society organizations continued to report cases of police officers discriminating against people belonging to ethnic and religious minorities through the use of identity checks and by making discriminatory comments.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)**

Since January, same-sex couples can marry and heterosexual couples can enter registered partnerships. Intersex individuals who do not identify as either male or female can register their gender

according to a third gender option following a 2018 Constitutional Court's ruling.

## **WOMEN'S RIGHTS**

In September, the Parliament passed the Protection against Violence Act. The law intended to improve the protection of survivors of sexual violence and strengthened cooperation between relevant institutions, more specifically between police and the courts.

At the end of the year, two citizens' initiatives that sought amendments to abortion law were pending in Parliament. The initiatives proposed introducing a mandatory reflection period for women seeking abortion, an obligation of medical professionals to inform women about support and counselling services as well as repealing the decriminalization of abortion after three months' pregnancy in case of serious risks for the foetus' mental or physical health.



A group of Amnesty International activists holding a big banner with placards and a violet hand painted in their faces, during the demonstration stop violence against women, in Brussels on November 24th, 2019. © Romy Arroyo Fernandez/NurPhoto

## BELGIUM

Kingdom of Belgium

Head of state: **King Philippe**

Head of government: **Sophie Wilmès (replaced Charles Michel in October)**

Parliament adopted a law to establish a federal human rights institution. Arms transfers to warring parties in the conflict in Yemen continued. Civil society called for better responses to gender-based violence. The government continued its policy to detain children for repatriation purposes but was thwarted by the Council of State.

### LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

At the end of April, the Federal Parliament adopted a law establishing a federal human rights institution. Civil

society actors welcomed the law but were concerned about the limited mandate of the institution and about how it will fit into Belgium's complex institutional landscape.

### COUNTER-TERROR AND SECURITY

In January and February, new laws entered into force aimed at improving the system for the financial assistance for victims of terrorism-related attacks. Despite recommendations from victims' associations, the authorities did not sufficiently address the complexity of the compensation system for victims of such attacks.

### CHILDREN'S RIGHTS

Dozens of children with at least one Belgian parent are being held in camps for internally displaced people, Al Hol,

Al Roj and Aïn Issa in Northern Syria. Belgium repatriated six such children to Belgium, four orphans and two victims of international child abduction. Dozens of other children, who were accompanied by a parent, were not repatriated due to the state's continued policy that it would not facilitate the return of adults. According to Child Focus at least five young Belgian children died in IDP-camps in 2019.

### MIGRANTS' RIGHTS

In April, the Council of State suspended the practice of holding families with children in detention for immigration purposes. In August 2018, the government had started detaining families with children in "family units" in the immigration detention centre of Steenokkerzeel, next to an airport landing strip. The practice was suspended on the basis of the possible health consequences of the noise from the

airport. The government announced it would improve sound insulation in order to be able to resume the detention of families with children.

In February, the Commission evaluating policies relating to the voluntary and forced return of foreign nationals issued a mid-term report. This Commission was set up in February 2018 to review Belgium's return policies and practices, following the identification and return of Sudanese nationals in violation of the principle of non-refoulement (whereby states are prohibited from returning individuals to a country where there is a real risk of persecution). Civil society was disappointed at the lack of critical evaluation, and the lack of civil society representatives and independent experts among the membership of the Commission.

In February, the Standing Police Monitoring Committee ("Committee P") published a report on the police handling of refugees and migrants in transit, following a number of reports from NGOs alleging ill-treatment of refugees and migrants by the police. The Committee P concluded that migrants were treated "correctly and humanely" in "large-scale operations" and made policy recommendations for a more integrated, uniform and humane approach. A review of the Committee P report by Myria, the Belgian Federal Migration Centre, concluded the report did not contradict NGO findings, since it did not verify the cases reported by NGOs and only focused on large scale operations and on formal complaints. Myria highlighted a

number of issues with protecting human rights of migrants during arrest, and recommended the authorities be more proactive in investigating police violence, also when no formal complaint was made.

## DETENTION

Prisons continued to be overcrowded, prisoners were detained in dilapidated facilities and had insufficient access to basic services.

In May, the European Court of Human Rights gave its judgement in the case of *Clasens v. Belgium*. It found that during a protracted staff strike in 2016, material prison conditions amounted to a violation of the prohibition of inhuman or degrading treatment.

In July, a new law entered into force aimed at introducing minimum service provisions in prisons during industrial action.

## VIOLENCE AGAINST WOMEN AND GIRLS

In February, the state submitted its first report to the Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), outlining the state's efforts to implement the Istanbul Convention. Nearly 50 civil society organizations urged Belgium to step up its efforts and to allocate sufficient resources to tackle gender-based violence.

## ARMS TRADE

The Walloon Region continued to allow arms transfers to members of the Saudi-led coalition in Yemen, following licences worth €195.8 million granted for transfers to Saudi Arabia in 2018.

In June, the Council of State cancelled eight licences stating that the Walloon Region had failed to examine the conduct of the buyer country. NGOs called on the government to stop arms transfers to countries committing serious violations of international humanitarian law and human rights law. Amnesty International and others launched the Walloon Arms Monitor, an attempt to hold the Walloon Region accountable to its international obligations with respect to arms trade.

## POLICE AND SECURITY FORCES

In February, the UN Working Group on People of African Descent conducted a fact-finding mission. The Working Group called for action on racial profiling by police, including through documenting and analyzing stop-and-searches. In December, the Human Rights Committee expressed concern at the persistence of ethnic profiling and urged Belgium to change its laws to explicitly prohibit ethnic profiling.

## RACIAL DISCRIMINATION

Several UN bodies, including human rights bodies and UNESCO, expressed concern over the persistence of racism and antisemitism and called upon the state to take measures.



People march with a banner and rainbow flags during the first Bosnian pride parade “Ima Izać!” in Sarajevo on 8 September 2019. © Martina Šalov

## BOSNIA AND HERZEGOVINA

Bosnia and Herzegovina

Head of state: **Rotating presidency – Milorad Dodik, Željko Komšić, Šefik Džaferović**

Head of government: **Denis Zvizdić**

The authorities failed to provide basic reception and support to thousands of refugees, asylum-seekers and migrants stranded in the country. Minorities continued to face widespread discrimination and social exclusion. Threats and attacks against journalists and media freedom persisted. Access to justice and reparations for civilian victims of war remained limited.

### REFUGEES AND ASYLUM-SEEKERS

Bosnia and Herzegovina (BiH) failed to provide asylum-seekers with effective

access to international protection or adequate reception conditions.<sup>1</sup> Tens of thousands of people travelled through BiH, most intending to seek asylum in the European Union. By the end of 2019, the authorities had registered almost 29,000 irregular entries.

Numerous bureaucratic obstacles to registration, lack of adequate legal assistance and translation, limited capacity and scarce financial support for potential asylum-seekers prevented effective access to international protection. By the end of the year, less than 5% of the 28,000 people who expressed their intention to apply for asylum had managed to do so.

The authorities at different levels failed to cooperate to meet the needs of over 8,000 refugees and migrants stranded in the country, many as a result of pushbacks from neighbouring Croatia. Temporary reception centres, operated

by the International Organization for Migration, housed around 4,000 people in overcrowded and inadequate conditions. Reception centres remained solely located in one of the country’s two entities, the Federation BiH, primarily in Una-Sana Canton. The authorities in the other entity, Republika Srpska, refused to set up any camps on their territory.

In May, local authorities forcibly transferred around 800 people, mostly single men, to an informal camp in Vučjak, a former landfill site without access to drinking water or adequate sanitation and in close proximity to a minefield. The UN Special Rapporteur on the human rights of migrants warned the authorities that the site posed a serious health and safety risk and was completely unfit for human occupation. The camp was finally dismantled in December and people accommodated there were transferred to formal reception centres elsewhere in the country.

## DISCRIMINATION

Roma continued to face systemic barriers to education, housing, health services and employment. The inability to register a permanent residence remained an insurmountable obstacle preventing many Roma from accessing basic rights and services, many of which require a legal proof of residence.

LGBTI people faced widespread social exclusion and discrimination. Although LGBTI rights organizations reported improved cooperation with the police and judiciary in the Federation BiH, acts of violence and discrimination against LGBTI people were not thoroughly investigated.

Despite several counter-protests and threats of violence, the country's first Pride event was successfully organized in September in Sarajevo.

The authorities failed to implement multiple rulings of the European Court of Human Rights and the BiH Constitutional Court that found the power-sharing arrangements set out in the constitution to be discriminatory, preventing people who did not belong to one of the constituent peoples (Bosniak, Croat or Serb) from running for legislative and executive office.

## FREEDOM OF ASSEMBLY AND EXPRESSION

The pattern of threats, political pressure and attacks against journalists continued. Journalists were targeted because of their ethnic origin and the content of their work. BiH ranked 63rd out of 180 countries in the Reporters Without Borders World Press Freedom Index. In January, the authorities in Republika

Srpska used excessive force to break up months-long protests demanding the truth over the unexplained death of a youth in 2018 and banned further gatherings in the entity's capital, Banja Luka.

Legal amendments seeking to criminalize unauthorized filming or photographing of public officials during protests in Republika Srpska were withdrawn following pressure from journalists' associations and the international community.

## MIGRANTS' RIGHTS

The BiH Ministry of Security revoked the residence permits of several Turkish nationals putting them at risk of forcible return to Turkey. The Ministry took the decision shortly after a state visit by Turkey's President during which he requested the deportation of Turkish citizens residing in BiH because of their alleged links with the so-called Fethullah Gülen movement, which Turkey considers to be a terrorist organization.

## CRIMES UNDER INTERNATIONAL LAW

In March, the appeals chamber of the International Residual Mechanism for Criminal Tribunals in The Hague upheld the original 2016 verdict and sentenced the former Bosnian Serb leader Radovan Karadžić to life imprisonment.

The BiH Council of Ministers failed to adopt the revised War Crimes Strategy. Domestic prosecution of war crimes further slowed with over 550 cases pending before various courts at the end of the year. Systemic deficiencies in the Prosecutor's Office, including a

persistent backlog of cases, ineffective case management and a dramatic decline in conviction rates, threatened to leave many victims without justice, truth and reparation.

The Republika Srpska Law on the protection of victims of wartime torture entered into force in January. By the end of the year, 86 people had applied for the status of victims of wartime rape and monthly financial support. Nevertheless, applicants faced numerous obstacles in the process, including lack of information, difficulty in securing adequate documentation, unclear procedures and arbitrary refusals.

Criminal courts continued to grant financial compensation to victims of wartime rape. However, with one exception, such claims could not be enforced as perpetrators lacked sufficient funds. Victims who pursued compensation claims in separate civil proceedings had to do so at their own cost and routinely faced rejection owing to the widespread application of the statute of limitations to reparation claims by all courts in BiH.

In August, the UN Committee against Torture ruled in the case of a victim of wartime rape that the statute of limitations or the inability of perpetrators to pay compensation should not prevent victims from receiving the redress awarded by the courts and ordered BiH to provide all victims of torture with adequate compensation and access to medical and psychological support.

Lack of resources and capacity and poor cooperation between the authorities continued to hamper the search for 7,200 people still missing as a result of the armed conflict.

1. Amnesty International, *Bosnia and Herzegovina: Pushed to the edge: Violence and abuse against refugees and migrants along the Balkans Route* (Index: EUR 05/9964/2019) <https://www.amnesty.org/en/documents/eur05/9964/2019/en/>



People gather to protest against the only nominee for Bulgaria's chief prosecutor Ivan Geshev, in Sofia, on October 23, 2019. © NIKOLAY DOYCHINOV/AFP via Getty Images

## BULGARIA

Republic of Bulgaria  
 Head of state: **Rumen Radev**  
 Head of government: **Boyko Borisov**

Conditions in reception and detention centres for refugees and asylum-seekers remained inadequate. Domestic violence was widespread. A climate of xenophobia and intolerance intensified in the run-up to elections. Widespread discrimination against Roma, Jews and other minority communities resulted in incidents of violence and harassment. Journalists were threatened and prosecuted because of their work.

### REFUGEES AND ASYLUM-SEEKERS

Reception and accommodation conditions, including food provision, for

migrants and asylum-seekers remained inadequate, despite the significantly reduced number of people entering Bulgaria.

Detention, including of unaccompanied children, remained a routine practice. Irregular migrants in detention centres had limited access to legal representation, interpretation or health care, including essential psychological and psychiatric care.

The authorities lacked systems to correctly identify asylum-seekers in particularly vulnerable situations and provide them with safe accommodation and adequate support.

Discrimination against certain groups resulted in some asylum-seekers facing an increased likelihood of having their applications rejected: people from countries including Pakistan, Iraq and

Algeria seemed to receive automatic rejections, while the recognition rate of Afghan nationals remained significantly lower than that in many other EU countries.

### VIOLENCE AGAINST WOMEN AND GIRLS

Bulgaria failed to ratify the Istanbul Convention following a sustained campaign by far-right groups, supported by the nationalist parties in the coalition government, and a 2018 Constitutional Court ruling declaring the Convention unconstitutional.

Domestic violence remained widespread, with significant under-reporting masking the true scale of the problem. Police failed to thoroughly investigate violence against women. Funding for shelters and support services was insufficient and



victims in some regions had no access at all to shelters or assistance.

In February, the National Assembly amended the country's criminal legislation to introduce tougher penalties for perpetrators of domestic violence. However, the measures were partial and insufficient. The Council of Europe asked Bulgaria to invest more in education and prevention programmes and provide consistent funding for shelters and psychological and other support for the victims of domestic violence.

## DISCRIMINATION

Racist and intolerant rhetoric increased in the lead-up to European Parliament and local elections. The authorities not only failed to condemn hate speech, but some actively encouraged or engaged in it. Minority groups continued to be at risk of persistent discrimination and harassment.

The UN Committee on Economic, Social and Cultural Rights noted limited impact of the government's Roma integration strategy, with Roma remaining disproportionately affected by poverty and social exclusion and facing systemic barriers to education, housing, health services and employment.

In January, following violent anti-Roma protests in Voivodinovo triggered by an incident in which two Roma men assaulted a Bulgarian army officer, the authorities forcibly evicted and demolished the homes of local Roma leaving more than 50 people, including children, without alternative accommodation.

In April, several Roma homes in Gabrovo were burned down by a violent mob calling for the town to be "cleansed" of its Roma community, following widely

circulated footage that showed Roma men allegedly assaulting a shop owner. Nearly 80% of Gabrovo's 600 Roma fled the village as a result of the violence. Instead of providing police protection, the authorities instructed the Roma to flee, according to some members of the community and Roma rights activists.

The Bulgarian National Movement (VMRO) party, a member of the coalition government, proposed a "Strategy for Integration of Unsocialized Roma", including measures to restrict welfare payments to Roma families, provide free abortions for mothers with more than three children, dismantle informal settlements and "eradicate crime in Gypsy ghettos". The proposed strategy was widely criticized by human rights organizations.

Political parties and government officials made discriminatory and xenophobic statements. Deputy Prime Minister Krasimir Karakachanov regularly used derogatory language about Roma and called for a "final solution to the Gypsy question". The government failed to unequivocally condemn his statements.

In January, the Supreme Administrative Court in Bulgaria ruled that Valery Simeonov, the former Deputy Prime Minister, was not liable for harassment resulting from openly anti-Roma public statements he had made in 2017, thereby overturning a rare lower court conviction for hate speech.

In February, over 2,000 members of far-right groups gathered in Sofia to honour a Bulgarian pro-Nazi general despite the opposition of Jewish groups and other political parties. Physical attacks against religious sites, including the desecration of cemeteries, continued throughout 2019.

Lesbian, gay, bisexual, transgender and intersex (LGBTI) groups reported a rise in

the number of homophobic incidents. In July, a court officially recognized a marriage between two women who married in France. Despite the ruling, same-sex unions, which are explicitly prohibited by the Constitution, remained illegal.

## FREEDOM OF EXPRESSION

In September, the VMRO asked the country's Prosecutor General to deregister the Bulgarian Helsinki Committee, one of the oldest and largest human rights organizations in the country, accusing it of "unconstitutional, unlawful, immoral and openly anti-Bulgarian activities".

Journalists continued to face intense political pressure, threats and intimidation, as a significant portion of the media remained under the tight control of political parties. The authorities brought criminal charges against investigative reporters who exposed corruption scandals that potentially implicated senior government and judicial officials, while others routinely faced threats for their work.

Journalists who were publicly opposed to the government were particular targets. In September, a popular Bulgarian national radio channel came off air for several hours and its editor was suspended from her job after she had criticized the appointment of the new Prosecutor General, which sparked public protests.

Bulgaria remained the lowest ranking EU member state on the World Press Freedom Index, lagging even behind other countries in the Balkans. The NGO Reporters without Borders ranked Bulgaria 111th out of 180 countries in terms of press freedom.



A group of migrants from the Asian continent walk on a dusty track through a wooded area in the countryside, near Bosanska Krupa, in Northern Bosnia, on July 3, 2019, after being physically expelled by police from neighbouring Croatia for another illegal attempt to cross the border into EU. © ELVIS BARUKCIC/AFP via Getty Images

## CROATIA

Republic of Croatia

Head of state: **Kolinda Grabar-Kitarović**

Head of government: **Andrej Plenković**

Refugees and migrants faced pushbacks and abuse by the Croatian police. Domestic violence continued to attract light penalties and protective measures were rarely enforced. Women faced numerous barriers in accessing abortion. Journalists were threatened and prosecuted because of their work.

### REFUGEES AND ASYLUM-SEEKERS

Croatia failed to provide refugees with effective access to international protection and used pushbacks and collective expulsions, frequently accompanied by violence, to keep people out of its territory. NGOs and the media documented numerous cases of refugees

and migrants being apprehended deep inside Croatian territory, held for hours in police custody and forcibly returned to Bosnia and Herzegovina in groups without an opportunity to seek asylum. Such returns took place without due process and away from official border crossings. People reported being rounded up by police, shouted at and beaten with batons, stripped of their clothes and made to walk barefoot, sometimes through deep snow and freezing rivers.<sup>1</sup>

The authorities continued to deny the violence. However, in July the President acknowledged that pushbacks, accompanied by “some violence”, were necessary to prevent irregular entries.

In July, the Swiss Federal Administrative Court suspended the return of an asylum-seeker to Croatia citing the risk of repeated pushbacks and violence that had left him with serious physical and psychological consequences.

The authorities targeted two NGOs, Are You Syrious and the Centre for Peace Studies, who criticized police activities at the border. The NGOs were accused of “facilitating illegal migration” and activists and volunteers were detained without charge. An appeal against the judgement of the Are You Syrious volunteer convicted of “involuntary negligence” for assisting an Afghan family to cross the border was pending at the end of the year.

Fewer than 150 asylum-seekers were granted international protection in Croatia during 2019.

### VIOLENCE AGAINST WOMEN AND GIRLS

Croatia had still not fully harmonized its legislative and policy framework on gender-based violence with the Istanbul Convention by the end of the year. In the

vast majority of cases, domestic violence continued to be treated as a minor offence attracting lesser penalties, and protective measures were rarely enforced. The practice of dual arrests persisted, with some women who reported abuse being arrested as co-perpetrators, questioned in the presence of the abuser and, in some cases, sanctioned for offensive language or acting in self-defence.

Despite considerable improvements, the Law on Protection against Domestic Violence continued to exclude victims who did not share the same residence as a partner, who had lived with their partner for less than three years or who did not have children with their partner, forcing some women to undertake private prosecutions against their abusers. Shelters for victims of domestic violence were not available in six regions and facilities and support services in others remained underfunded.

The vast majority of successful rape convictions resulted in prison sentences of one year or less. The criminal law continued to distinguish between rape and the lesser offence of “sexual violence without consent”, which carried lighter penalties. In September, the government announced legal amendments that would bring the definition of rape into line with international standards and increase penalties for crimes of gender-based violence.

## **RIGHT TO HEALTH**

Women’s access to sexual and reproductive rights remained seriously constrained. Individual doctors, and in some cases health care institutions, continued to refuse abortions on the grounds of conscience. In several regions, abortion services were not available at any authorized clinic and women were often forced to travel to nearby towns at their own cost. National health insurance did not cover termination of pregnancy and the cost at some authorized clinics was prohibitively high. Combined, these factors represented insurmountable obstacles for women with lower socio-economic status, forcing some to seek unsafe clandestine abortions.

The National Assembly failed to adopt a new law on termination of pregnancy by the deadline set by a 2017 Constitutional Court ruling. An expert commission set up by the Ministry of Health was widely criticized for including conservative healthcare professionals and no representatives of organizations advocating sexual and reproductive rights.

## **CRIMES UNDER INTERNATIONAL LAW**

The fate and whereabouts of over 1,500 of the 6,000 people who went missing during the 1991-1995 armed conflict remained unknown. The authorities

warned that further progress depended primarily on an improved cooperation with the Serbian authorities, who failed to provide information about the locations of mass and individual graves.

In July, the National Assembly adopted the Law on Missing Persons, granting victims and their families special rights to truth and justice.

## **FREEDOM OF EXPRESSION**

Journalists who investigated corruption, organized crime and war crimes continued to be threatened, intimidated and, in some cases, attacked. The authorities failed to condemn such attacks.

In September, journalist Gordan Duhaček was arbitrarily detained for 24 hours on charges of “discrediting public authorities” for posting a satirical message on Twitter. His arrest was criticized by the Organization for Security and Co-operation in Europe and the Council of Europe.

## **DISCRIMINATION**

Discrimination against ethnic minorities, as well as refugees and migrants, remained widespread. Roma continued to face numerous barriers in accessing education, health, housing and employment.



A refugee stands in front of the UN buffer zone in Nicosia on the island of Cyprus, 15 February 2019. The divided island is currently one of the main gates to Europe for refugees. However, the lack of infrastructure, bureaucracy and xenophobia make life difficult for those seeking protection. © Chrissi Wilkens

## CYPRUS

Republic of Cyprus  
Head of state: **Nikos Anastasiades**

The year saw an upward trend in refugee and migrant flows and asylum applications.

### BACKGROUND

In November the UN Secretary-General met the Greek-Cypriot and Turkish-Cypriot leaders, who renewed their commitment to achieving a comprehensive and durable settlement within a foreseeable horizon.

### REFUGEES AND ASYLUM-SEEKERS

Between January and September, 1,500 refugees and migrants arrived by sea, compared to 400 during the same period

in 2018. Cyprus continued to have the highest number of registered first-time asylum applicants per capita in the European Union (EU). Between January and December, 13,259 people registered their asylum claims, in comparison to 7,761 during the whole of 2018. Meanwhile, despite a reported increase in the number of staff dealing with asylum claims, the backlog of applications reached over 16,437 by the end of the year.

The NGO Cyprus Refugee Council expressed concern that the increase in numbers worsened pre-existing shortfalls in asylum procedures and reception conditions. In particular, lack of capacity in the Kofinou reception centre, together with insufficient material assistance, resulted in many asylum-seekers living in housing of poor quality or being homeless.

At the end of September, Ahmed H., a Syrian national and a former long-term resident of Cyprus, was allowed to return

to Cyprus and reunite with his family. He had been imprisoned for more than three years by the Hungarian authorities and unjustly convicted of “complicity in an act of terrorism”. Following his release, he spent more than eight months in immigration detention waiting for the Cypriot authorities to decide on his fate. During that time, Ahmed H. was at risk of being forcibly returned to Syria.

### ENFORCED DISAPPEARANCES

Efforts to establish the fate of the people who went missing during the inter-communal fighting of 1963 to 1964 and the events of 1974 continued. During the year, the Committee of Missing Persons in Cyprus exhumed the remains of 28 people, bringing the total number of exhumations since 2006 to 1,217. Between 2006 and 2019, the remains of 969 missing individuals (700 Greek Cypriots and 269 Turkish Cypriots) were identified.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

In April, the uncovering of the murders of five migrant women and two young migrant girls by a serial killer drew international attention to the multiple forms of discrimination and exploitation experienced by female migrant workers in the country. The NGO KISA denounced the authorities' failure to take special measures to protect migrant women subjected to gender-based violence and called for an investigation into the handling of the case by the police. Serious concerns arose about the

reported shortcomings of the police investigation into a British teenager's report of being subjected to gang rape, and the fairness of a subsequent trial where she was convicted by a district court in December of making the claim falsely.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)**

A bill on the legal recognition of gender identity opened for public consultation in 2018 had not been submitted to

Parliament by the end of the year. The bill provides that transgender people can change their official identity documents without medical interventions or tests and mental health assessments being required. The bill does not impose blanket age restrictions, although for minors, a mental health assessment and a court order is needed.



People attend a demonstration for the independence of justice and the resignation of Prime Minister Babiš, which took place in Prague on Letná Plain on 23 June 2019. The protest was organised by the non-governmental organisation Million Moments for Democracy - [www.millionchvilek.cz](http://www.millionchvilek.cz). © Ibra Ibrahimovic (Million Moments)

## CZECH REPUBLIC

Czech Republic

Head of state: **Miloš Zeman**

Head of state: **Andrej Babiš**

Parliament failed to ratify the Council of Europe Convention on preventing and combating violence against women. The Ministry of Social Affairs proposed a new law on housing benefits that may put many at risk of homelessness. Concerns over the use of discriminatory speech targeting migrants and Roma persisted.

### BACKGROUND

In April, May, June and November, large-scale protests were held with hundreds of thousands taking to the streets across the country. These were organized by the

same group and were triggered by fears over the government's interference with the judiciary, and during the assemblies earlier in the year also the lack of action to tackle the climate crisis.

In August, the Committee on the Elimination of Racial Discrimination (CERD) criticized the discrimination of Roma in access to economic, social and cultural rights, as well as racist rhetoric of politicians, including mayors and members of Parliament and the government. The Committee also highlighted the prevalence of racially motivated attacks targeting Roma, Jews, migrants and minority rights activists.

Parliament failed to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), despite reports that only a small number of perpetrators are brought to justice.

### ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In February, the European Commission noted that the Czech Republic lacked affordable and quality social housing; and that homelessness and levels of personal debt were increasing.

In June, the Ministry of Social Affairs presented a draft law on housing benefits, introducing stricter eligibility criteria, which would exclude those living in residential hotels. NGOs working in housing warned that the law would effectively put benefits at risk for thousands of families.

### DISCRIMINATION – ROMA

#### Housing

In March, the Regional Authority of Central Bohemia ruled unlawful a municipal decree in the town of Kladno,

which had declared several areas, many of them inhabited by Roma, as “zones of socially undesirable behaviour”. The decree had been adopted in line with a 2017 amendment to welfare legislation, which prevents the residents of such “zones” from claiming some housing benefits. The Regional Office held that the decree failed to adequately specify the locations and declared entire town districts as “zones.” The practice of declaring the “zones” was criticized as discriminatory by the CERD in August.

However, dozens of other municipalities with a significant Roma population, including Ústí nad Labem, Most, Karviná, and Ostrava-South, continued to declare areas within their territories as “zones” despite calls by international human rights monitoring bodies to promote access of Roma to adequate housing and to combat discriminatory practices in this sector.

#### **Education**

In August, the CERD expressed concerns over the prevalence of segregated schools where the large majority of pupils are Roma.

In September, the Committee of Ministers of the Council of Europe reviewed the measures taken to address the discriminatory segregation of Roma pupils in schools and classes for pupils with mental disabilities (following the continued failure to implement the judgment in *D.H. and Others v. Czech Republic*). Whilst welcoming some

reforms, the Committee noted with concern that Roma children remained continuously over-represented in programmes for children with mild mental disabilities. According to government figures, while the proportion of Roma among pupils in primary schools in 2018/2019 was 3.7%, the proportion of Roma among pupils educated under reduced educational programmes in the 2018/2019 school year is 29.1%.

In October, the Ministry of Education limited the support available for pupils with special educational needs by restricting the number of teaching assistants to one per class. It also gave schools the retrogressive option of running separate classes for pupils with learning and behavioural issues. A number of NGOs expressed concerns that these moves would increase segregation of Roma in schools.

#### **DISCRIMINATION - LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)**

In March, Parliament discussed a draft amendment to the Civil Code that would introduce the possibility of marriage for same-sex couples, replacing the existing legislation that allows same-sex couples to enter civil partnerships. A counter-proposal by a group of MPs sought to enshrine protection for “traditional marriage” between a man and woman in the Constitution. Neither proposal had been voted on by the end of the year...

#### **REFUGEES AND ASYLUM-SEEKERS**

The Czech Republic continued to detain some asylum-seekers, including children, who are subject to a transfer order under the EU’s asylum system.

The government continued to refuse to participate in any relocation efforts within the EU. The European Commission brought a case against the Czech Republic to the European Court of Justice in 2017 for a refusal to participate in the EU’s Emergency Relocation Scheme which sets mandatory refugee relocation quotas, which was still pending at the end of the year.

The Public Defender of Human Rights had previously criticized the authorities’ treatment of a group of Chinese asylum-seekers on both procedural and substantive grounds. In 2017, 78 Chinese citizens had applied for asylum on grounds of religious persecution, but as many as 70 of these applications were rejected in 2018. In September, the Supreme Administrative Court returned three cases of the rejected asylum-seekers to the migration office for a new assessment.

#### **ARMS TRADE**

Concerns remained over continuing arms transfers to the Saudi Arabia/United Arab Emirate-led coalition. There is a substantial risk of them being used to commit or facilitate serious violations of international human rights and humanitarian law in the Yemen conflict.



A photo from Let's talk about yes campaign protest in Denmark. © Jonas Persson

## DENMARK

Kingdom of Denmark

Head of state: **Queen Margrethe II**

Head of government: **Mette Frederiksen (replaced Lars Løkke Rasmussen in June)**

Survivors of rape continued to face inadequate and outdated laws although changes to the legal definition of rape were announced. Denmark announced it would re-enter the UN Refugee Agency's (UNHCR) refugee resettlement programme – however, in very insignificant numbers. New housing legislation was criticized by the Committee on Economic, Social and Cultural Rights (CESCR) for being discriminatory.

### REFUGEES AND ASYLUM-SEEKERS

In July, the Minister for Immigration and Integration announced that Denmark

would re-enter the UNHCR resettlement programme and receive 30 refugees in 2019, but no refugees had been resettled to Denmark by the end of the year.

Individuals granted subsidiary temporary protection status still had to wait three years before being eligible to apply for family reunification. Asylum-seeking families with children whose claims were rejected were accommodated in the Sjælsmark deportation camp. Only very few children had access to ordinary schools and according to a survey, 61% of the children displayed mental health problems. In November, the government and its parliamentary support agreed to close Sjælsmark by April 2020.

### VIOLENCE AGAINST WOMEN AND GIRLS

Danish legislation and practice of handling cases of sexual violence including rape continued to fall

short of international human rights standards, as mentioned in the CESCR recommendations to Denmark in October 2019, with serious consequences for survivors of rape. While the prevalence of rape was significant, only a minority of cases were reported to the police and very few led to convictions. Sexuality education to tackle gender stereotypes and rape myths and prevent sexual violence did not reach enough students or include teaching on consent.<sup>1</sup> Denmark was also criticized by the CESCR in 2019 on this issue.

In June, the government and supporting parties agreed to change the legal definition of rape to a consent-based one. The government announced that a bill will be tabled in Parliament in February 2020, although no schedule had been put forward by the end of the year. This commitment came after years of campaigning by survivor-activists and women's and human rights organizations.



## RIGHT TO HOUSING

Under the 2018 regulation L38 on social housing, a number of low-income neighbourhoods were categorized as “vulnerable areas”, ghettos” and “hard ghettos”. A “ghetto” is defined as an area where the proportion of immigrants and descendants from “non-Western countries” exceeds 50 percent, and where at least two of the four criteria for “vulnerable areas” are met (higher than average rates of unemployment, criminal convictions, low education, and low income). A “hard ghetto” has met those criteria for four years. Special and disproportionate regulatory measures apply to residents living there such as compulsory day care for children from the age of 1 year and no access to family reunification. The associated programme of planned privatization or demolition of social housing in “hard ghettos” risks pushing residents into inadequate housing and even homelessness in

the absence of any published plans to provide adequate alternative housing. In November, the CESCR urged Denmark to address this clear case of discrimination against and stigmatisation of residents in these neighbourhoods.

## DISCRIMINATION

The adoption by parliament in 2018 of a ban on wearing face coverings in public has had a particularly negative and discriminatory impact on Muslim women who choose to wear the niqab or the burqa.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

Danish medical standards and decision-making processes continued to allow non-emergency and irreversible medical

interventions on young children born with variations of sex characteristics. The Danish Health Authority did not introduce any human rights-based guidelines to say that such interventions, both surgical and hormonal, on infants and children should be postponed until they can meaningfully participate in decision-making and give informed consent. This resulted in a violation of the children’s rights to private life, bodily integrity and the highest attainable standard of health.

## ARMS TRADE

In January, the government extended the suspension of future exports to Saudi Arabia of weapons, military equipment and dual-use products it had made in 2018 to also cover the United Arab Emirates.

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1. Amnesty International, Denmark: “Give us respect and justice!” *Overcoming barriers to justice for women rape survivors in Denmark* (Index: EUR 18/9784/2019) <https://www.amnesty.org/en/documents/eur18/9784/2019/en/>

# ESTONIA

Republic of Estonia

Head of state: **Kersti Kaljulaid**

Head of government: **Jüri Ratas**

A national human rights institution was established. Levels of statelessness remained high.

## LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

The UN Human Rights Committee welcomed the expansion of the mandate of the Chancellor of Justice to enable it to act as the national human rights institution. However, it expressed concern that the resources allocated may not be adequate for effective funding.

## REFUGEES AND ASYLUM SEEKERS

Estonia received 100 asylum applications, the lowest within the European Union.

The UN Refugee Agency, UNHCR, recognized Estonia's commitment to provide effective access to legal aid for asylum-seekers, but identified a number of necessary legislative changes to the Asylum Act. These included recognizing vulnerable applicants' need for special safeguards and advice, providing timely information on rights and obligations,

improving communication with state legal aid providers, allowing for legal representation at all stages of the procedure (notably at first instance), enhancing the capacity of lawyers, and ensuring full translations of asylum decisions.

A draft amendment to the Asylum Act was withdrawn. The draft would have extended the exceptions under which *refoulement* – the forcible return of people to countries where they are at real risk of persecution – could have been allowed when refugees had been sentenced for certain crimes. *Refoulement* is always forbidden under international law and standards. The Committee on Economic, Social and Cultural Rights (CESCR) raised concern about the poor living conditions in reception centres, as well as the acute shortage of housing available for refugees, which has led some of them to stay in reception centres even after they were granted refugee status.

## DISCRIMINATION – ETHNIC MINORITIES

Some 76,000 people, around 5.5% of the population, remained stateless, mainly due to their lack of proficiency in Estonian. Non-Estonian speaking minorities, albeit with permanent residency rights, continued to face discrimination in relation to a range of

rights including employment, housing, education and health care. The government's integration development plan "Integrating Estonia 2020" did not address specific target groups, making it difficult to reach certain minorities such as the Roma.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

Although the Registered Partnership Act entered into force in 2016, by the year's end parliament had yet to pass implementing legislation. The lack of specific provisions led to unequal treatment of same-sex partnerships. In June, however, the Supreme Court ruled that the provisions in the Aliens Act precluding same-sex registered partners of Estonian citizens from residence permits are unconstitutional and invalid.

Despite the lack of implementing legislation, in September an administrative court decision underscored that same-sex partners who have legally registered their partnership have equal rights to health insurance for stay-at-home parents.

The Estonian LGBTI Association Eesti LGBT Ühing reported attacks aimed at stopping the association from proposing projects for public funding, silencing and marginalizing the LGBTI community, which created a climate of fear among activists and the community.



Demonstration in Helsinki on 9 October 2018 that AI Finland organised together with Afghan community to oppose deportations to Afghanistan. © Tomi Asikainen/AI Finland

## FINLAND

Republic of Finland

Head of state: **Sauli Niinistö**

Head of government: **Sanna Marin (replaced Antti Rinne in December)**

Changes to asylum procedures further restricted asylum-seekers' rights. The European Court of Human Rights found Finland to have violated the principle of *non-refoulement* (which prohibits states from returning individuals to a country where there is a real risk of persecution) in the case of an Iraqi asylum-seeker. Support services for women who experienced domestic violence remained inadequate. Legislation on legal gender recognition violated transgender people's rights.

### REFUGEES AND ASYLUM-SEEKERS

In November, the European Court of Human Rights held that Finland violated the European Convention on Human Rights in the case of an Iraqi asylum-seeker who was returned to Iraq in December 2017 and killed only a few weeks later. According to the court, the

quality of assessment of the relevant facts, including the risk to which the asylum-seeker would be exposed upon return, was not satisfactory.

Legal changes introduced in 2016, including restrictions to free legal representation and reduced time frames for appeals, continued to place asylum-seekers at risk of human rights violations such as *refoulement*. Asylum-seekers' rights were further restricted in June 2019, when amendments to the Aliens Act made it possible to execute deportation orders already while the first subsequent application was pending.

Finland continued to forcibly return asylum-seekers whose applications were rejected to Afghanistan.

The authorities continued to detain unaccompanied children, and families with children, based on their immigration status. There was no time limit on detaining families with children.

Family reunification remained difficult for most refugees due to both legislative and practical obstacles, including high income requirements.

### POLICE AND SECURITY FORCES

During 2019 at least three persons have been reported dead after police used force on them. Projectile electroshock devices (Tasers) were used in at least two of these cases. The Supreme Court granted a leave to appeal in a case where a police officer was found guilty of excessive use of force when using a Taser on an unarmed man in 2015.

### RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

Legislation on legal gender recognition continued to violate the rights of transgender individuals. They could obtain legal gender recognition only if they were aged over 18, agreed to sterilization, and were diagnosed with a mental disorder.

### VIOLENCE AGAINST WOMEN AND GIRLS

Three new Sexual Assault Support Centres opened in Tampere, Turku and Kuopio. However, NGOs and state

institutions working to combat violence against women and girls remained systematically under-resourced and there was no nationwide, accessible service network for victims of all forms of sexual violence, to provide long-term support. Legislation on rape remained unaligned with international standards as set out in the Istanbul Convention as it did not base the definition of sexual crimes on the lack of consent. Existing legislation did not sufficiently protect children and institutionalized or hospitalized individuals from sexual violence.

## **RIGHT TO PRIVACY**

In June, new legislation entered into force, enabling military and civilian intelligence agencies to acquire information on alleged threats to national

security through communications surveillance, without any requirement for a link to a specific criminal offence.

## **CONSCIENTIOUS OBJECTORS**

Conscientious objectors to military service who refused to undertake alternative civilian service continued to face punitive and discriminatory measures. At 347 days, the duration of alternative civilian service is more than double the shortest military service period of 165 days.

## **ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

The level of many social security benefits, including unemployment, maternity,

and sickness benefits remained below that prescribed by the European Social Charter.

## **INDIGENOUS PEOPLES' RIGHTS**

Finland still failed to ratify International Labour Organization (ILO) Convention 169, which would protect the rights of the indigenous Sámi people.



Demonstration against police violence organised by the Adama Committee. Amnesty International France (AIF) took part in the 3rd march organised by the Truth for Adama Committee in Beaumont-sur-Oise on 20 July 2019 to support the calls for justice for the family of Adama Traoré, three years on from her death, and to denounce the increasingly excessive, even arbitrary, use of force by the law enforcement agencies. © Benjamin Girette

## FRANCE

French Republic  
 Head of state: **Emmanuel Macron**  
 Head of government: **Édouard Philippe**

The authorities disproportionately restricted the right to freedom of peaceful assembly. Thousands of protesters suffered injuries at the hands of police or were arrested and prosecuted on flimsy grounds or offences that are protected under human rights law and standards.

Human rights observers, independent journalists, environmental activists and activists defending the rights of refugees and migrants, were subjected to frequent police intimidation and harassment.

France continued to sell arms to Saudi Arabia and the United Arab Emirates despite the risk that they would be

used to commit human rights violations against civilians in the conflict in Yemen.

### FREEDOM OF ASSEMBLY

The social movement of the “Yellow Vests” (*“gilets jaunes”*), which started in November 2018, continued to mobilize throughout the year with the stated aim of achieving greater social and economic justice.

According to official statistics, 1,944 law enforcement officers and 2,945 protesters were injured during protests of “Yellow Vests”.

Law enforcement officials very often used arbitrary or disproportionate force, especially, but not exclusively, in the context of demonstrations. They frequently resorted to using dangerous weapons including imprecise rubber bullets and tear gas grenades (GLI-F4)

that should not be used for policing public assemblies. At least 25 protesters lost an eye and five protesters lost a hand as a result. Steve Maia Caniço, a 24-year-old man, and Zineb Redouane, an 80-year-old woman, both died during law enforcement operations.

In March, the UN High Commissioner for Human Rights recommended a “full investigation” into allegations of excessive use of force by police. At the end of the year, the authorities had not set up any independent mechanisms to investigate such allegations. In October, a police unit tasked with investigating allegations of excessive use of force by police (*Inspection Générale de la Police Nationale (IGPN)*) had opened 313 criminal investigations since the beginning of the movement. At the end of the year, only one police officer had been convicted for unlawful use of force during the protests.

In August, the President acknowledged that the strategy for policing public assemblies had to be reviewed to reduce the number of injuries. At the end of the year, a working group set up by the Ministry of Interior was drafting a new strategy.

In the first six months of the year, around 11,000 protesters were placed in pre-charge detention and more than 3,000 people were convicted, mostly through fast-track proceedings. Hundreds of protesters were arrested and prosecuted for conduct that is protected by human rights law, including contempt of public officials, concealing the face or failure to comply with notification requirements. In the first nine months of the year, 954 protesters were convicted for “forming a group with a view to committing violence”, a vaguely defined offence which allowed arrests of protesters who had not engaged in any violent act.

In April, a new law aimed at protecting public order in the context of protests entered into force. It established a blanket ban on face coverings during protests.

## FREEDOM OF EXPRESSION

Hundreds of journalists reported injuries while covering the protests. On 5 December alone, 34 journalists were injured during protests against the pension reform. In most of these cases the injuries resulted from excessive or arbitrary use of police force. Independent journalists Gaspard Glanz and Taha Bouhafs were arrested and prosecuted for charges including contempt and rebellion. In November, the former was convicted to a €300 fine for contempt of public officials.

Intelligence services (*Direction Générale de la sécurité intérieure*) summoned at least nine journalists for a hearing in the context of a preliminary investigation into the “Yemen papers”, a series of publications of classified documents that proved that the weapons that the government had sold to Saudi Arabia and the United Arab Emirates were likely to

be used against the civilian population of Yemen.

## ARMS TRADE

The authorities continued not to comply with France’s commitments resulting from the 2014 ratification of the Arms Trade Treaty, according to which arms should not be sold when there is a substantial risk that they could be used to commit abuses of international human rights and humanitarian law. In 2018, Saudi Arabia and the United Arab Emirates were respectively the first and fifth largest recipient of war materials from France, despite their involvement in the Yemen conflict.

According to the Stockholm International Peace Research Institute (SIPRI), France was the third largest exporter of arms worldwide during 2019. However, the French government failed to provide detailed, exhaustive and up-to-date information on the arms transfers authorized by the Prime Minister.

## HUMAN RIGHTS DEFENDERS

Environmental activists and activists defending the rights of refugees and migrants were often harassed, intimidated or prosecuted.

Loan Torondel, a defender of migrants’ rights in Calais, was convicted and given a suspended fine for defamation for having reported ill-treatment of migrants by police. In June, Tom Ciotkowski, a young British activist in Calais, was acquitted of charges of contempt and assault. In May, he filed a complaint with the IGPN against the police officer who pushed him and against other officers who provided false reports to support his arrest and prosecution. At the end of the year, the investigation was still pending. These prosecutions were symptomatic of the criminalization of acts of solidarity at the European level and were likely to have a chilling effect on other activists.

In December 2018, France had announced that it would prioritize the protection of human rights defenders

worldwide. However, there was no consistent and sustainable strategy to that purpose. While the Foreign Minister criticized the harassment that human rights defenders experienced in Turkey and Russia, the authorities remained silent about human rights defenders in Saudi Arabia.

## REFUGEES AND ASYLUM-SEEKERS

In the first six months of the year, 33,628 migrants and refugees, including unaccompanied children, were stopped at the French borders and pushed back to Italy and Spain without the possibility to seek asylum in France.

In 2018, 690 Iraqi, 320 Iranian, 278 Afghan, 247 Sudanese, 165 Eritrean and 133 Syrian nationals, whose asylum applications had been rejected, were detained awaiting deportation to their countries, despite the risk of grave human rights violations that they could suffer upon return. Among them were several families with children. In June 2019, NGOs reported that 12, seven and 10 individuals had been returned to Sudan, Iran and Iraq respectively in 2018.

In September, parliament ratified the cooperation agreement between the European Union and Afghanistan, which facilitated forced returns of Afghan nationals to Afghanistan. By September, the authorities deported two individuals whose asylum claims had been rejected to Afghanistan, where they faced risks of grave human rights violations.

In November, the French government withdrew its decision to donate six boats to the Libyan Navy and Coast Guard. A coalition of eight NGOs challenged the donation, which had been announced by the French Defence Minister in February, in court by arguing that the boats would be used to intercept refugees and migrants and pull them back to Libya, where they would suffer serious human rights violations.

Individuals providing humanitarian support to refugees and migrants

continued to be prosecuted and convicted, in particular on the French-Italian border near Briançon. In January, Pierre Mumber was convicted and given a suspended three-month prison sentence for “facilitating irregular entry” after having offered tea and warm clothing to migrants near the French-Italian border. In November, he was acquitted on appeal.

## **DISCRIMINATION**

### **Sexual and reproductive rights**

On 24 July, the government introduced a bill in parliament that would give access to in-vitro fertilization treatment to all women irrespective of sexual orientation or marital status. If adopted, the law would put an end to discrimination experienced by lesbian couples and single women in the access to sexual and reproductive health and rights. On 15 October the National Assembly adopted the bill which was pending before the Senate at the end of the year.

### **Freedom of religion and belief**

On 29 October, the Senate adopted a law to ban parents from wearing religious symbols when accompanying children on school outings. At the end of the year, the law was pending before the National Assembly. If adopted, this law would violate the rights to freedom of expression and to freedom of religion or belief and

would discriminate against Muslims on grounds of religion or belief.

### **Forced evictions**

NGOs reported that the authorities forcibly evicted throughout the year thousands of people, including many Roma, migrants and refugees, who lived in informal settlements or occupied buildings or other dwellings without security of tenure.

### **Hate crimes**

In March, NGOs reported 38 hate crimes against Roma in informal settlements in the Paris region, following rumours on social media about child kidnapping by Roma people. Judicial authorities convicted some of the perpetrators. On 28 October, a man attempted to burn a mosque in Bayonne and fired shots at two men, seriously injuring them.

## **COUNTER-TERROR AND SECURITY**

Between 1 November 2018 and 31 October 2019, the Minister of Interior had imposed 134 new control measures, which corresponded to an 84% increase from the previous year. These measures, which include forbidding individuals from leaving a specific town, requiring them to report to the police daily and prohibiting them from contacting certain people, are often applied to individuals without any reasonable suspicion that they had been

involved in the preparation of a crime.

In February, the Ministry of Interior changed the conditions of the assigned residence that had been imposed on Kamel Daoudi, a man who had been subject to control measures since 2008. He was allowed to move to a town closer to his family and to report to a police station twice instead of three times a day.

## **INTERNATIONAL JUSTICE**

On 23 March, the reform of the justice system entered into force. In November 2018, the government had opposed an amendment that would have facilitated the exercise of universal jurisdiction for crimes under international law in France. The parliament eventually voted down the amendment.

## **BUSINESS AND HUMAN RIGHTS**

Companies continued to fail to comply with the 2017 law on the duty of vigilance of parent companies and sub-contracting companies. In 2019, most companies published vague and incomplete plans on how they intended to comply with the law. The government failed to propose measures to strengthen the monitoring system established by law.



On 20th September 2019, Amnesty members support the global climate strike and demonstrate together with the activists of Fridays for Future.  
© Amnesty International / Photo: Jarek Godlewski

## GERMANY

Federal Republic of Germany  
Head of state: **Frank-Walter Steinmeier**  
Head of government: **Angela Merkel**

A majority of federal states introduced far-reaching new police powers, including extensive surveillance measures. There was an increase in anti-Semitic and racist hate crimes. Germany relocated one in four of the migrants and refugees rescued in the Mediterranean. The government revised its arms export principles.

### INTERNATIONAL JUSTICE

The Federal Prosecutor General continued to investigate war crimes and crimes against humanity committed by Syrian officials working for the military

police and various intelligence services. In June 2018 the Federal Court of Justice issued an international arrest warrant against Jamil Hassan, the head of the Syrian Air Force Intelligence until July 2019.

In February two members of the Syrian General Intelligence suspected of crimes against humanity and other crimes under international law were arrested in Germany. In October the Federal Prosecutor General charged the two suspects for crimes against humanity.

### POLICE AND SECURITY FORCES

A majority of federal states amended their state police laws, substantially expanding the powers of their police forces based on recent amendments of the Federal Police Act.

Most states introduced the power to impose various administrative measures on so-called “potential attackers”, even when there is no reasonable suspicion of their involvement in a crime or that they pose an imminent threat. Based on a very vague definition, individuals can be subjected to far-reaching police measures such as communication surveillance or assigned residency if they are perceived to be “future perpetrators of crimes”. Furthermore, several states, including North-Rhine Westphalia, Bavaria, Hesse and Lower Saxony, introduced extensive surveillance measures that can also be imposed on “potential attackers”, such as installing spyware to monitor mobile phones and computers or to tap into ongoing encrypted communication.

In North-Rhine Westphalia individuals can be subjected to administrative detention for up to one week in order to be identified, if they refuse to be identified.



Civil society organizations continued to report discriminatory identity checks by police on members of ethnic and religious minorities. Authorities at both federal and state levels failed to establish independent complaints mechanisms to investigate unlawful behaviour by police.

By November, there were no indictments for ill-treatment by the police against protesters of the 2017 G20 summit in Hamburg, despite 168 preliminary proceedings initiated against police officers. In several cases, charges were dropped because the relevant police officers could not be identified.

In October, the Hamburg state parliament introduced a requirement for law enforcement officials to wear identification badges. However, in six other federal states police officers had no such obligation.

## RIGHT TO PRIVACY

Many states expanded the power to use video surveillance in public places. Baden-Wuerttemberg and Saxony included the use of facial recognition in specific situations, such as to identify behavioural patterns used for committing crimes.

Intelligence law continued to be at odds with international human rights law and standards. Intelligence agencies, in particular the Federal Intelligence Service, continued to practise surveillance based on overly broad and vague provisions. Germany's intelligence oversight regime remained inadequate.

## MIGRANTS' RIGHTS

From January, the authorities implemented a new mechanism to reunite beneficiaries of subsidiary protection with their families, based on a monthly quota of 1,000 family members.

New legislation was adopted in June facilitating immigration detention prior to deportation. It extended the criteria for detention beyond the risk of absconding, prolonged its potential duration and

allowed the detention of migrants in regular prisons pending their deportation. By the end of the year, 360 Afghan nationals had been forcibly returned.

Germany accepted the relocation of 25% of the refugees and migrants rescued in search and rescue operations in the central Mediterranean on an ad-hoc basis and advocated for a temporary disembarkation mechanism.

Germany pledged 10,200 resettlement places for 2018/19. By the end of 2019, 7,974 refugees had been resettled, including 4,987 Syrian refugees under the EU-Turkey deal.

## DISCRIMINATION – HATE CRIMES

On 11 July 2018 the Higher Regional Court of Munich delivered a judgment on the racist murders and other crimes committed by the Nationalist Social Underground (NSU) group, over the course of a decade. The court sentenced Beate Zschäpe to life imprisonment for murder, attempted murder and membership of a terrorist organization. Four men were sentenced as accessories to murder. Two other main suspects had committed suicide in 2011.

The Federal Ministry of the Interior registered 8,113 hate crimes committed in 2018. Anti-Semitic and racist hate crimes had risen by 19% in that year. Despite this, authorities at both federal and state levels failed to implement a comprehensive strategy against hate crimes.

In June, the acting administrative president of Kassel, Walter Lübcke, was shot in the head and killed. A suspected neo-Nazi confessed to the murder because of Walter Lübcke's pronounced support for Angela Merkel's policy to welcome refugees in 2015. Later he retracted the confession but remained in pretrial detention.

In October, a gunman tried unsuccessfully to storm the synagogue in Halle/Saale during the Yom Kippur prayer service, firing at the door. He then

shot a woman and proceeded to a local food outlet where he shot a man. In his detailed confession he admitted to an anti-Semitic and racist motivation.

## ARMS TRADE

In June, the government revised its non-binding "Political Principles for the Export of War Weapons and Other Military Equipment" for the first time in 19 years. According to the principles, small arms would no longer be allowed to be exported to countries outside the EU, NATO or a group of equivalent states (Australia, New Zealand, Japan and Switzerland). The revision included options for the controls on extraterritorial arms production and compliance with post-shipment inspections. However, it promoted joint European arms manufacturing, raising concerns that stricter German national export controls would continue to be circumvented.

In October, Germany and France reached an agreement that facilitated the supply of German parts and components for joint arms projects manufactured in France. The agreement allows for the supply of parts and components for arms destined for states not eligible for a permit under German export regulation, as long as the value of the German-supplied parts and components did not exceed 20% of the total value of the exported goods.

An arms export moratorium on Saudi Arabia was prolonged twice in 2019 and remained in force at the end of the year. The moratorium covered only Saudi Arabia, not other countries involved in the Yemen conflict. The export of German parts and components for joint European arms projects was still permitted.

In September, a public prosecutor launched a criminal investigation against CEOs of the German company group FinFisher for the alleged illegal export of surveillance technology to Turkey without licence.

Following Turkey's military offensive in Northern Syria in October, the issuing of export permits to Turkey for arms that

could be used in the conflict was halted. Exports under permits that had already been issued continued.

## **CORPORATE ACCOUNTABILITY**

It remained voluntary for companies to undertake due diligence to ensure respect for human rights throughout their operations and supply chains. In July, following a debate on the need for a binding regulation, the government launched a monitoring process to examine the level of due diligence implementation by sending out questionnaires to 3,000 randomly selected large German companies. Under its National Action Plan on Business and Human Rights, the government said that it might take legislative measures if fewer than 50% of companies claimed they were doing a sufficient level of due diligence by 2020. Of the

464 companies that responded, only 20% implemented due diligence to a sufficient level. Concerns were raised, however, that actual numbers might be even lower as the voluntary nature of the questionnaire and the lack of a process for verifying responses could have led to unreliable results. In December 2019, two ministries announced that they had started work on a binding law.

Access to judicial remedies for victims of human rights abuses by or involving German companies abroad remained difficult to obtain.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)**

The process of legal gender and name recognition for transgender people

continued to violate the human rights of those affected. Humiliating processes such as psychiatric diagnosis, expert assessments and the examination of a stereotypical gender performance in daily life were still required. In the coalition agreement as of March 2018 the federal government pledged to adopt a legal regulation clarifying that surgeries on intersex children are only permitted to avert life-threatening dangers. This pledge has not been implemented yet. Invasive and irreversible harmful medical procedures, including “normalizing” surgeries, carried out on children with variations of sex characteristics continued.



A woman carries her child as she crosses a wooden bridge in the refugee camp of Moria, on the island of Lesbos on November 26, 2019.  
 © ARIS MESSINIS/AFP via Getty Images

## GREECE

Hellenic Republic  
 Head of state: **Prokopis Pavlopoulos**  
 Head of government: **Kyriakos Mitsotakis (replaced Alexis Tsipras in July)**

In June, in a historic victory for women’s rights, Greece became the ninth country in Europe to introduce a consent-based rape law. Refugee “hotspots” (EU-funded reception and identification centres for new arrivals) on the Aegean islands were consistently overcrowded and conditions remained dire. New asylum legislation adopted in October expanded asylum-related detention and rolled back safeguards for vulnerable groups. A spike was observed in reports of excessive use of force and ill-treatment by police. Austerity measures adopted over the past decade continued to severely impact access to health care.

### BACKGROUND

In July, the conservative New Democracy party won parliamentary elections. Greece’s general and youth unemployment rates (16.6% and 33.1% respectively as of October) remained the highest in the European Union (EU), despite a drop from the previous year.

### EXCESSIVE USE OF FORCE, TORTURE AND OTHER ILL-TREATMENT

Allegations of excessive use for force, torture and other ill-treatment by law enforcement officials persisted. In the last quarter of 2019, there was a spike in reports of such incidents against individuals during arrest and detention, journalists and students protesting against the repeal of a long-standing law banning police from entering university campuses. In a number of cases, arbitrary

strip-searches were reported as part of the ill-treatment. Serious concerns arose that these repeated incidents were not isolated and at the pervasive culture of impunity for such actions.

There were continuing delays in the criminal and disciplinary investigations into the death of queer activist and human rights defender Zak Kostopoulos in September 2018 following a violent attack. The initial criminal investigation resulted in six people, including four police officers, being charged with grievous bodily harm resulting in death, but no trial had commenced by the end of the year.

### REFUGEES AND ASYLUM-SEEKERS

#### Sea and land arrivals and conditions on the islands

From July onwards, arrivals of asylum-seekers and refugees by sea increased

at the highest rate since 2016. Between January and October, the International Organization for Migration recorded 66 deaths on the Eastern Mediterranean route.

From 2018 and throughout 2019, land arrivals at the northern border also rose significantly and were accompanied by consistent allegations of pushbacks to Turkey at the Evros River. Despite numerous reports, the authorities denied the allegations. In December, six people reportedly died of hypothermia along this route.

By the end of the year, land and sea arrivals stood at 74,482.

The EU-Turkey agreement of 2016 continued to shape the country's policy of containing new arrivals in the "hotspots" and facilities on the Aegean islands where people remained for long periods and in abysmal conditions. As of December 2019, the islands hosted more than 40,000 people, 35% of whom children. Hotspots were consistently extremely overcrowded, with Lesbos and Samos almost six and 11 times over capacity respectively at the end of 2019. People in camps continued to face insanitary conditions, lack of proper medical care and violence, including based on gender. In October, the Council of Europe (CoE) Commissioner for Human Rights called on Greece to urgently transfer people from the islands and improve their conditions.

### **Refugee and migrant children**

The situation of refugee and migrant children deteriorated sharply. Three children died in Moria camp and the NGO Médecins Sans Frontières reported that many of the children in camps experienced mental health issues. Hundreds of school-age children living in the hotspots did not have access to formal education during the new school year. Following the filing of a collective complaint under the European Social Charter, in May the CoE Committee on Social Rights requested that the government take immediate measures

including the provision of "age-appropriate shelters" for unaccompanied children in pre-removal and reception and identification centres.

Across police stations and detention facilities in Greece, 195 unaccompanied children were deprived of their liberty through "protective custody," as of 31 December 2019. In several cases, the European Court of Human Rights indicated interim measures and ordered Greece to release the applicant unaccompanied children from detention and transfer them to suitable accommodation. In February, in the case of *H.A. and others v. Greece*, the Court found lengthy "protective custody" of minors in unsuitable conditions to be degrading treatment under the European Convention on Human Rights and a violation of the applicants' rights to liberty and security.

### **New migration and asylum policies**

From July, the new government began implementing a more punitive migration policy, vowing to reduce the number of people arriving, increase the number of returns to Turkey and strengthen border control measures. As of September, a pledge was made to transfer more people from the islands to the mainland and two "transit centres" were established in Corinth and Karavomylos. However, the capacity and adequacy of facilities on mainland Greece remained unsatisfactory. In addition, transfers to the mainland did not proceed at a sufficient pace to actually reduce overcrowding on the islands.

In October, a new Asylum Bill (Law 4636/2019) introduced major changes to asylum procedures, the rights and obligations of asylum-seekers as well as detention, among other things.

There was no significant consultation with civil society before its adoption and NGOs considered it an attempt to lower protection standards and create unwarranted procedural and substantive hurdles for people seeking international protection. Among the main concerns were the expansion of asylum-related

detention, the rollback of safeguards for particularly vulnerable groups and the creation of a "safe third countries" list. After the bill was passed, the government announced the creation of closed facilities with entry/exit controls across Greece.

### **Access to health and housing**

From August onwards, the government began clearing squats in Athens. Those affected were mainly refugee families who were evicted without proper prior consultation, adequate notice or the provision of adequate alternative accommodation.

In February and March, the authorities announced the gradual discontinuation of the provision of housing and cash support to recognized refugees living in camps and in accommodation provided by the UN High Commissioner for Refugees'- run ESTIA programme. The failure to provide adequate alternatives for their support or integration exposed many to uncertainty and in some cases destitution.

Thousands of newly arrived asylum-seekers were denied access to free health care in the public health system following changes in the social security system in July. The Ministry of Labour discontinued the procedure allowing asylum seekers to obtain a Social Security Number ("AMKA"), a prerequisite for their access to health care, without offering viable alternatives. A provision in the new asylum legislation proposing an alternative for asylum-seekers through a temporary social security number had not been implemented by the end of the year.

### **Criminalization of solidarity**

The new Asylum Law requires NGOs working with refugees to obtain certification in order to access reception and detention centres. There were fears that this could unduly interfere with NGO work and undermine asylum-seekers' right to receive information. Individuals also continued to face

charges in connection with their humanitarian work with refugees. The criminal proceedings against rescuers Sarahardini and Séan Binder, accused among other things of facilitating the smuggling of migrants into Greece, remained pending. There were serious concerns that the charges were baseless.

## **VIOLENCE AGAINST WOMEN AND GIRLS**

In June, the Ministry of Justice proposed amendments to the legal definition of rape in the Greek Criminal Code that were not compatible with international human rights standards and impeded even further victims' access to justice. Strong reactions and intense advocacy by campaigning groups led to a swift reversal by the Ministry which amended the proposed reform so that sex without consent was criminalized as rape. In a historic victory for women's rights, on 5 June parliament approved the amended provision and Greece became the ninth country in the European Economic Area to introduce a consent-based rape law.

## **DISCRIMINATION**

In November, parliament decided not to proceed with the revision of the constitutional provision on discrimination. The revised provision would have expanded the prohibited grounds of discrimination to include gender identity, sexual orientation, age, disability and membership of a national minority.

In April, the Racist Violence Recording Network (RVRN) presented its 2018 Annual Report, documenting 117 incidents of hate-motivated violence involving more than 130 victims, including 27 incidents where the targets were lesbian, gay, bisexual, transgender or intersex (LGBTI) people.

In December, the Prosecutor in the trial of 69 individuals linked to the Golden Dawn party proposed that all those charged with participating in a criminal organization be acquitted. She sought the conviction of party supporter, Giorgos Roupakias, for the murder of singer Pavlos Fyssas in 2013, but also proposed that those accused of complicity in the killing be acquitted, claiming their involvement could not be established. At the time of writing, the judges had yet to make a decision on whether to accept the proposal. Lawyers representing the family of Pavlos Fyssas expressed their serious concerns at the proposal and pointed to extensive evidence presented during the trial that highlighted the organized character of the offences committed by groups linked to the party. The trial started in 2015 and the court's verdict was expected in 2020.

## **RIGHT TO HEALTH**

Austerity measures adopted over the past decade continued to severely impact access to health care. Amnesty International's research noted that the austerity measures have continued to impact the accessibility and affordability of health care in Greece a decade after the crisis began and austerity measures

were introduced. People interviewed spoke about the multiple barriers they faced accessing health care, including lengthy waiting times and the high costs of care. The economic crisis severely affected people in Greece, with huge increases in unemployment and poverty. Even though Greece exited from the bail-out agreements in 2018, the impact of the crisis has been on-going. As per available data, even today, many of these levels remain worse than before the crisis began.

## **CONSCIENTIOUS OBJECTORS**

Despite some positive legal amendments concerning conscientious objectors, serious violations of their rights continued, resulting in arrests, prosecutions, fines, trials in military courts, repeated punishment and suspended prison sentences.

In June, the then government reduced the length of full alternative service from 15 to 12 months, in line with recommendations by international human rights bodies. The full military service is nine months in the land army where the vast majority of conscripts serve. It also reduced the length of the three categories of reduced alternative service to almost the same length as for the reduced military service.

However, in October, the new government reinstated the previous punitive and discriminatory length of alternative service.



Budapest Pride 2019, Budapest, 6 July 2019. © Amnesty International Hungary

## HUNGARY

Hungary

Head of state: **János Áder**

Head of government: **Viktor Orbán**

The government extended its control over the judiciary. Restrictive legislation targeting NGOs remained in place, exerting a chilling effect on civil society. Access to the country remained severely restricted for refugees and asylum-seekers.

### LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

The government continued to face domestic resistance and international scrutiny for its ongoing rollback of human rights and non-compliance with EU law. In January, protests continued over the

adoption by Parliament in December 2018 of legislation allowing employers to increase the amount of overtime they can require of their workers and potentially delay overtime payment for up to three years. Protesters and media dubbed it “the slave law”.

In May, the European Association of Judges and the European Commission expressed concern that checks and balances within ordinary courts had been weakened by further undermining their independence. In June, Parliament indefinitely postponed plans to set up a separate administrative court system. Although the Constitutional Court had ruled that this proposal was in line with Hungary’s Fundamental Law (Hungary’s Constitution), it had been heavily criticized, including by the Venice Commission of the Council of Europe, over potential risks of political interference. In December, the Parliament adopted an “omnibus bill”,

which, among other changes, allows public authorities to challenge decisions of ordinary courts in politically sensitive cases by filing a complaint with the Constitutional Court, whose members are nominated by the governing majority in Parliament.

Proceedings under Article 7(1) of the Treaty of the European Union, triggered by the European Parliament in 2018, which referred Hungary to the European Council for what it regarded as “a clear risk of a serious breach of the EU founding values”, remained pending at the end of the year.

### FREEDOM OF EXPRESSION AND ASSOCIATION

The government continued to attack and smear human rights defenders and civil society organizations.

Restrictive legislations targeting NGOs and activists defending the rights of refugees, migrants and asylum-seekers remained in place, exerting a chilling effect on civil society. In February, the Constitutional Court ruled that the criminal offence of “facilitating illegal immigration”, introduced by the so-called “Stop Soros” legislation, is not unconstitutional. In June, the European Commission referred Hungary to the Court of Justice of the European Union (CJEU) on the grounds that the “Stop Soros” legislation violates several EU directives. A different court case challenging the legislation that stigmatizes NGOs receiving funding from abroad that the European Commission brought to the CJEU in December 2017 remained pending.<sup>1</sup>

The Hungarian government continued clamping down on academic freedom. Legislation in July increased government influence over the research institutes of the Hungarian Academy of Sciences, raising concerns about the independence of academic research in the future. A challenge by the Academy’s President to the Constitutional Court was pending at the end of the year.

Following the establishment in November 2018 of a government-aligned media holding, which controls about 80% of the news media market based on revenue, critical views of the government were limited as state media outlets greatly prioritized coverage of government-affiliated figures and views over those of the opposition.

## **DISCRIMINATION – ROMA**

In May, the Committee on the Elimination of Racial Discrimination (CERD) concluded that the prevalence of racist hate speech against Roma, migrants, refugees, asylum-seekers and other minorities, including by public figures at the highest level, was alarming. The Committee also expressed concern over the high level of hate crimes against Roma, with law enforcement officials failing to sufficiently investigate those attacks or

provide adequate protection to Roma communities. The CERD also found that systemic discrimination against Roma persisted across many sectors, including in health care, education, housing and employment. Many Roma continued to face extreme poverty and live in segregated neighbourhoods lacking proper infrastructure and services.

In amending the Public Education Law in July, the government failed to take the opportunity to address the segregation in education of Roma children, which continued to increase. Infringement proceedings launched by the European Commission in 2016 concerning this issue remain pending at the end of the year.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)**

Politicians, including the Speaker of the Parliament, and certain public figures increasingly targeted LGBTI people with homophobic and discriminatory comments.

From July, far-right groups verbally and physically attacked people who organized and participated in Budapest Pride Month events and other workshops organized by LGBTI organizations on several occasions. NGOs and the media reported that in some cases police had failed to provide adequate protection against such attacks.

## **RIGHT TO HOUSING AND FORCED EVICTIONS**

Steps to criminalize homelessness continued. Despite strong international and domestic criticism, the Constitutional Court ruled in June that 2018 changes to the Fundamental Law making it illegal to live in public places was constitutional.

In June, Parliament rejected a proposal requiring municipalities to provide adequate alternative accommodation to families with children subjected to forced eviction despite this being an obligation under international law.

## **WOMEN’S RIGHTS**

Following her February visit, the Council of Europe Commissioner on Human Rights concluded that Hungary was backsliding on gender equality and women’s rights, including by failing to prepare a new national strategy on gender equality and by introducing policies solely associating women with family affairs.

The government launched a family protection action plan in February 2019. While this includes measures to facilitate integrating work and family life, and to improve family support, the UN Working Group on the issue of discrimination against women and women’s rights groups criticized the plan for appearing to favour middle to high-income parents over low-income families.

Failures to prevent and combat violence against women persisted, with prosecutions of these crimes remaining low and victims often experiencing stigmatization, insensitive treatment by law enforcement officers and judges leading to victim blaming and biased judgments. The government continued to ignore civil society pressure to ratify the Istanbul Convention, describing the convention as “political whining”.

## **REFUGEES AND ASYLUM-SEEKERS**

Hungary continued to severely restrict access to the country for refugees and asylum-seekers, limiting admission to only two “transit zones” on the border with Serbia. Practically all asylum applications lodged by those arriving from a “safe transit country”, such as Serbia, were rejected, following new inadmissibility criteria introduced in 2018.

Asylum-seekers with pending cases were detained in the two “transit zones”, while those whose applications had been rejected and were awaiting deportation were deprived of food by the authorities. By the end of the year, 27 persons with the help of the Hungarian Helsinki Committee had sought interim measures from the European Court of

Human Rights to start receiving food. In June, the European Commission opened new infringement proceedings for non-provision of food to individuals awaiting deportation after rejection of their asylum claim.

A number of organizations expressed concern at reports that law enforcement officials used excessive force and violence against asylum-seekers, refugees and migrants, including children, during “push backs” to Serbia, often resulting in bodily harm and injuries.

The CERD expressed deep alarm at reports that the international prohibition on forcibly returning people to a country where they risked persecution or other serious human rights violations (non-*refoulement*) was not fully respected in law and practice.

In November, the European Court of Human Rights Grand Chamber confirmed

in *Ilias and Ahmed v Hungary* that Hungary fell short in assessing risks on return for asylum-seekers expelled to Serbia. The Court failed, however, to uphold its previous findings that the applicants’ confinement in the transit zone without safeguards or a formal decision amounted to arbitrary detention.<sup>2</sup>

## COUNTER-TERROR AND SECURITY

In September, the government extended by six months the “crisis situation caused by mass immigration”, which has been in force since 2015 and grants extraordinary powers to the police and military. Following his visit in July, the UN Special Rapporteur on the human rights of migrants urged the Hungarian government to “immediately stop proclaiming it is confronting a ‘crisis situation’” and to protect the rights of those seeking asylum.

Public authorities installed thousands of CCTV cameras around Budapest. These were integrated with private camera systems and linked into a government-owned database, raising concerns about the right to privacy and protection against mass surveillance. In December, the Parliament adopted a law allowing police forces to use facial recognition software to identify people during identity checks.

Ahmed H., a Syrian national unjustly convicted on misapplied terrorism charges, was conditionally released in January and finally reunited with his family in Cyprus in September. He had served three and a half years in prison after prosecution under Hungary’s draconian anti-terrorism laws and was subjected to a targeted smear campaign by the government.<sup>3</sup>

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1. Amnesty International, *Hungary: EU action shows ‘intimidation campaign’ against those defending asylum-seekers will not be tolerated*, 25 July 2019 <https://www.amnesty.org/en/latest/news/2019/07/hungary-eu-action-shows-intimidation-campaign-against-those-defending-asylumseekers-will-not-be-tolerated/>

2. Amnesty International, *European Court of Human Rights confirms Hungary failed to assess risks on return for asylum-seekers expelled to Serbia*, 25 November 2019 (Index: EUR 27/1465/2019) <https://www.amnesty.org/en/documents/eur27/1465/2019/en/>

3. Amnesty International, *Ahmed H: What happened*, 28 September 2019 <https://www.amnesty.org/en/latest/news/2019/09/ahmed-h-what-happened/>



# IRELAND

Ireland  
Head of state: **Michael D. Higgins**  
Head of government: **Leo Varadkar**

Ireland's new law expanding access to abortion services came into operation, but restrictions remained, and healthcare providers continued to be criminalized in certain circumstances. Concerns grew about homelessness and housing rights. The law on political funding impacted civil society groups' freedom of expression.

## SEXUAL AND REPRODUCTIVE RIGHTS

The Health (Regulation of Termination of Pregnancy) Act 2018 came into operation on 1 January, expanding lawful access to abortion services. From that date, abortion services were provided without cost within mainstream healthcare. Previously, a pregnancy could be lawfully terminated only where the life of the pregnant person was at "real and substantial risk".

Significant gaps remained in the law, however. These included a mandatory three-day waiting period for access on request, a high threshold of "serious harm" to the pregnant person's health, the lack of provision for access in cases of pregnancies with severe rather than fatal foetal impairments, and the continued criminalization of health professionals for providing abortion outside lawful grounds.

By the end of the year, just 10 out of the 19 maternity hospitals or units offered full termination of pregnancy services, with concerns that healthcare professionals' conscience-based refusals to provide abortions prevented the expansion of services in some.

## REFUGEES AND ASYLUM-SEEKERS

There were growing calls for an alternative to the "direct provision" accommodation system for the 6,082

asylum-seekers housed there. A report of a parliamentary committee review published in December found the system of "shared, institutionalised living fails to fully respect the rights to privacy and human dignity of those placed in these centres". Also in December, the UN Committee on the Elimination of Racial Discrimination (CERD) expressed concern at the "inadequate living conditions in direct provision centres and its significant impact on mental health and family life of asylum seekers". It also criticized the "substandard living conditions" of emergency accommodation provided for new asylum seekers due to capacity pressures, and the lack of necessary services and support provided therein.

The government, in partnership with UNHCR and civil society groups, in March commenced rolling out a Community Sponsorship Programme as a complement to the traditional state-centred resettlement programme. The programme, officially launched in November, provided private individuals and community-based organizations an opportunity to directly support the arrival and integration of refugee families. By the end of the year, 25 refugees had been settled under this programme.

## RIGHT TO HOUSING

Increasing numbers of people experienced homelessness, many as a result of the shrinking availability of affordable privately-owned rental properties. In September, 10,397 people (including 3,873 children) were officially experiencing homelessness, representing an increase of 278% since December 2014.

In July, a government-sponsored review of the Traveller Accommodation Programme found that this community disproportionately experiences homelessness. It identified persistent under-delivery of Traveller-specific accommodation by some local authorities. It also found that the increasing reliance on private rented

accommodation for low-income households impacts Travellers because they face barriers in securing and maintaining tenancies.

## SEX WORKERS

The criminal offence of "brothel-keeping" continued to be used against sex workers. In one reported case, two young migrant women, one of whom was pregnant, were sentenced to nine months' imprisonment for "brothel-keeping" when the police found them working together in an apartment.

## IMPUNITY

The government issued an apology to people who were sexually abused as children in schools before 1992. In July, a former High Court judge acting as Independent Assessor had ruled that the State had misinterpreted the 2014 decision against it by the European Court of Human Rights in *O'Keefe v Ireland*, by only providing redress to survivors where there had been prior complaints made against their abusers by others.

In April, the fifth interim report of the Commission of Investigation into Mother and Baby Homes run by religious orders between 1922 and 1998 found that, for the overwhelming majority of children who died in seven of these institutions, their burial locations are unknown and burial records non-existent. It also confirmed 2014 media reports that hundreds of children were buried informally in underground chambers designed to hold wastewater and sewage on the grounds of the Tuam institution, Co Galway.

## FREEDOM OF EXPRESSION

Concerns continued about the impact on civil society groups of the Electoral Act. 1997, a law which regulates political funding. The Act, as amended in 2001, prohibits overseas donations, or domestic donations over €2,500, to "third

party” organizations for vaguely defined “political purposes”.

## **CORPORATE ACCOUNTABILITY**

The Control of Economic Activity (Occupied Territories) Bill progressed from the Seanad (upper house of parliament) to the Dáil (lower house), where it passed its second reading vote in January but was then blocked by the government. This landmark bill would prohibit trade in goods and services with illegal Israeli settlements in the Occupied Territories.<sup>1</sup>

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1. Amnesty International, *Israel and Occupied Palestinian Territories: Destination: Occupation digital tourism and Israel's illegal settlements in the Occupied Palestinian Territories* (Index: MDE 15/9490/2019) <https://www.amnesty.org/en/documents/mde15/9490/2019/en/>



View of the Giugliano camp in the outskirts of Naples in February 2017. © Amnesty International/Claudio Menna

## ITALY

Italian Republic

Head of state: **Sergio Mattarella**

Head of government: **Giuseppe Conte**

The government continued to pursue an anti-immigration agenda through laws and policies aimed at restricting access to rights and preventing people rescued at sea from disembarking in Italy. There were numerous attempts at obstructing and criminalizing NGOs that rescued people at sea. Co-operation with the Libyan authorities to contain refugees and migrants in Libya also continued despite persisting grave human rights violations there. Thousands of Roma continued to live in segregated camps in sub-standard housing conditions and exposed to forced evictions.

## BACKGROUND

In August, Deputy Prime Minister and Minister of the Interior Matteo Salvini put forward a motion of no confidence in the Prime Minister, Giuseppe Conte, resulting in the fall of the coalition government after little more than a year. In September, Giuseppe Conte was reappointed as Prime Minister, this time to lead a centre-left coalition government. The second Conte government put forward a new programme which was expected to adopt less populist and anti-immigrant policies and rhetoric than the first.

## REFUGEES AND ASYLUM-SEEKERS

The first Conte government's anti-immigrant policies and rhetoric continued to affect the enjoyment of rights by

refugees, asylum-seekers and migrants in the country and at its borders.

Just over a year after Law Decree 113/2018 abolished humanitarian protection status, an estimated 24,000 people were deprived of a legal status, curtailing their access to health care, housing, social services, education and work and leaving them vulnerable to exploitation and abuse. Further effects of the new provisions included: the deterioration of integration opportunities for asylum-seekers, who were excluded from the local authorities' network of reception facilities, and prolonged detention in repatriation centres in gravely sub-standard conditions and with limited opportunities to communicate with lawyers and family members.<sup>1</sup>

In February, the Committee on the Rights of the Child expressed concern

about the protection afforded to refugee and migrant children and, in April, the Committee on Enforced Disappearances highlighted concerns about conditions in migrant detention centres.

## THE “CLOSED PORTS” POLICY

Italy continued to pursue a “closed ports” policy aimed at preventing people rescued at sea from disembarking in the country. Between March and April, the Minister of the Interior issued four directives targeting rescue NGOs. The directives instruct maritime border control authorities to prevent entry into Italian waters and disembarkation in Italy of vessels carrying rescued people deemed to constitute a potential threat to public order and security.

In May, in a joint letter about the directives, six UN special procedures expressed grave concern stating that they constituted a politically motivated criminalization of civil society, contributed to xenophobic sentiments and potentially discouraged rescue at sea. They urged Italy not to adopt legislation enshrining the “closed ports” policy. Government and parliament proceeded regardless, and Law Decree 53/2019 was issued in June and transposed into Law 77/2019 in August. Under the law, a breach of an entry ban carries penalties ranging from €150,000 to €1 million for the shipmaster and ship owner and the confiscation and impounding of the vessel.

Throughout the year, rescue NGOs were left stranded at sea for protracted periods of time, subjecting rescued people on board to unnecessary suffering before they were allowed to disembark in Italy. In several cases the vessels were impounded either as part of criminal investigations or purportedly for compliance reasons. In June, the captain of the *Sea Watch 3* was arrested after she decided to disregard the entry ban and lead her ship into the port of Lampedusa. In July, the judge leading the preliminary investigation released her stating she acted in a state of necessity and to abide by her obligations under international

law. *The Sea Watch 3* had been refused the right to disembark for over two weeks after rescuing more than 50 people.

Following the change of government in September, Italy joined efforts by a group of European countries to agree on a “predictable” disembarkation mechanism to avoid leaving rescue vessels stranded at sea with rescued people on board. The mechanism had not been agreed yet by the end of the year, however from September onwards disembarkation crises were resolved more rapidly and relocation offers from other European countries increased.

In March, the Senate voted against lifting the then Minister of the Interior’s parliamentary immunity, blocking criminal proceedings against him for kidnapping in relation to the delayed disembarkation of an Italian coastguard ship, the *Diciotti*, in August 2018. A similar investigation was opened against the same former Minister in July for the delayed disembarkation of the *Gregoretti*, another coastguard ship.

## CO-OPERATION WITH LIBYA TO CONTROL MIGRATION

The number of irregular crossings continued the downward trend started in August 2017, mostly due to co-operation with Libya to deter departures. By the end of the year, 11,471 people had reached Italy irregularly by sea. An estimated 744 people were believed to have died or were missing at sea on the central Mediterranean route. It is estimated that 9,225 people were intercepted at sea by the Libyan authorities and returned to Libya, where most were arbitrarily detained in inhumane conditions.

Despite the intensifying conflict and systemic abuses against refugees and migrants in Libya, the Italian authorities continued to support the Libyan maritime authorities, including by reportedly donating 10 new speedboats in November, and by training Libyan crews. Italy also kept assisting the Libyan authorities with the coordination of

interceptions at sea, including through the continued stationing of an Italian Navy vessel in Tripoli.

In March, EU governments agreed to downscale the joint naval operation “Sophia”, under Italy’s command, withdrawing ships from the central Mediterranean and only continuing the mission with air surveillance, instrumental in informing the Libyan authorities of the position of refugee and migrant boats.

In September, evidence emerged that a Libyan Coast Guard official, also an alleged smuggler, had travelled to Italy in May 2017 as a member of an official Libyan delegation to discuss migration-related matters.

In November, the Italy-Libya Memorandum of Understanding setting the terms of the two countries’ co-operation on migration was automatically extended for a further three years from February 2020. Following pressure from parliamentarians regarding its human rights consequences, the Italian government committed to amend the agreement but had not done so by the end of the year.

Co-operation with Libya was the focus of several judicial developments during the year, both for and against the government. While one first-instance court in Lazio ruled that the use of aid funds by Italy to provide speedboats to Libya had not breached Italian administrative law, a separate court in Rome ruled that 14 Eritrean asylum-seekers, who had been unlawfully pushed back to Libya by the Italian Navy in 2009, had a right to reparation and access to Italy to apply for asylum.

Two complaints regarding co-operation with Libya were also lodged at the international level.

In June, the European Court of Human Rights opened the case of *S.S. and others v. Italy*, brought by survivors of an interception carried out by the Libyan Coast Guard in 2017; they argued that Italy’s co-operation with Libya

was instrumental to the interception and breached Italy's human rights obligations.

In December, a 20-year old man from South Sudan filed a complaint against Italy to the UN Human Rights Committee. He was part of a group of 93 people who had been rescued at sea in 2018 by the merchant vessel *Nivin* only to be disembarked in Libya and exposed to abuse there. The complaint challenges the lawfulness of the Italian authorities' practice of transferring the co-ordination of rescue operations to the Libyan authorities.

## RIGHT TO HOUSING AND FORCED EVICTIONS

The authorities continued to violate Roma's right to adequate housing in multiple ways. Thousands of Roma continued to live in segregated camps, in most cases in sub-standard accommodation. Access to social housing for Roma remained disproportionately low.

In May, a community of about 450 people, including around 150 children, pregnant women and older people were

left homeless after being forcibly evicted by the authorities from their settlement in the municipality of Giugliano in Campania, near Naples. They were not offered any alternative housing or emergency accommodation plan. In July, the European Committee of Social Rights, in declaring admissible a complaint by Amnesty International against Italy for violations of the right of Roma to adequate housing, also requested that Italy adopt immediate measures to eliminate the risk of serious and irreparable harm to people after an eviction.<sup>2</sup>

## TORTURE AND OTHER ILL-TREATMENT

Allegations of ill-treatment in detention continued.

In September, 15 prison officers were investigated for multiple crimes, including aggravated torture, for assaulting a detainee in the prison of San Gimignano, Siena, in 2018. Four of the officers were barred from work by the investigating judge. A week after the news of the investigation was reported, the then Minister of the Interior visited

the prison and expressed seemingly unconditional support for the accused, undermining attempts by the judiciary and the prisons administration to ensure accountability for grave violations of human rights. The investigation was ongoing at the end of the year.

## DEATHS IN CUSTODY

After 10 years of judicial battles, in November, two police officers were found guilty of involuntary manslaughter for the death in custody of Stefano Cucchi in 2009. They were sentenced to 12 years' imprisonment for the beating which eventually led to his death as a result of the injuries sustained. A third officer was acquitted of manslaughter and he and a fourth officer were sentenced to prison terms for making false statements.

## ARMS TRADE

In July, following civil society campaigning to expose violations of human rights in the Yemen conflict, the Italian government stopped sales and transfers of aerial bombs and missiles to Saudi Arabia and the United Arab Emirates.

1. Amnesty International, *Italy: refugees and migrants' rights under attack: Amnesty International submission for the UN Universal Periodic Review, 34th session of the UPR Working Group*, November 2019 (Index: EUR 30/0237/2019) <https://www.amnesty.org/en/documents/eur30/0237/2019/en/>

2. Amnesty International, *Italy: Council of Europe Committee takes important steps to protect Roma from forced evictions* (News story, 5 July) <https://www.amnesty.org/en/latest/news/2019/07/italy-council-of-europe-committee-takes-important-steps-to-protect-roma-from-forced-evictions/>



Russian and Latvian border marks are seen beside barbed wire fence on the Latvian-Russian border near Pasiene, eastern Latvia, on April 10, 2019.  
© WOJTEK RADWANSKI/AFP via Getty Images

## LATVIA

Republic of Latvia

Head of state: **Egils Levits**

Head of government: **Arturs Krišjānis Kariņš** (replaced Māris Kučinskis in January)

The government made some progress towards reducing children's statelessness. Latvia failed to ratify the Istanbul Convention. Discrimination occurred against refugees and asylum-seekers, Roma and the LGBTI community.

## BACKGROUND

The government continued to construct a barbed wire fence on the border with Russia, and had completed 93 kilometres in March in order to - in the government's words - "combat illegal migration".

## DISCRIMINATION

### Statelessness

In October, the Latvian Parliament adopted a law to grant automatic citizenship to children of "non-citizens" born on or after 1 January 2020 (unless the parents opt for another nationality), a significant step towards realizing the right of each child to a nationality and towards fully including all children in Latvian society. Regrettably, the law did not extend automatic citizenship to the almost 4,900 stateless children under the age of 15. "Non-citizen" children between 15 and 18 could apply for Latvian citizenship. Statelessness in Latvia remained high: an estimated 230,000 people – more than 10% of the population – were deprived of the right to vote in national parliamentary elections and could not occupy certain positions in local and national government and civil service.

### Refugees and asylum-seekers

In its fifth monitoring cycle, the European Commission against Racism and Intolerance (ECRI) found that support was insufficient for refugees and those under subsidiary protection (that is people not eligible for refugee status but at risk of serious harm in the country of origin), especially in the areas of language training and integration into the labour market. In addition, refugees and people under subsidiary protection reported that they were refused access to health care services.

### Roma

Progress to increase enrolment rates of Roma children was limited despite various efforts by the authorities. ECRI reported that the number of Roma children enrolled in special needs programmes remained disproportionately high. The government's long-term plans

to integrate all children with special needs into mainstream education did not constitute timely steps to improve the situation for Roma children wrongly placed into these programmes.

### **Lesbian, gay, bisexual, transgender and intersex people**

There was a marked absence of government research, allocated funding or any monitoring mechanism to provide a basis for developing and implementing policies to address intolerance and discrimination faced by LGBTI people. Issues raised by ECRI range from insufficient provisions in

anti-discrimination legislation recognizing sexual orientation and gender identity as grounds, non-recognition of same-sex partnerships, to discrimination in the workplace.

### **WOMEN'S RIGHTS**

Latvia had not ratified the Istanbul Convention by the end of 2019, despite an earlier ministerial announcement that the government would do so before the end of 2018. In its latest report, the Committee against Torture (CAT) expressed concern that domestic violence is not defined as a specific crime in criminal law, and that marital

rape remains unrecognized as a separate criminal offence. Victims faced difficulties in filing complaints and accessing the authorities for protection measures and separation from the perpetrators.

### **DETENTION**

The conditions of detention in places of deprivation of liberty continued to fall short of international standards, including with regard to material conditions such as hygiene, sanitation, humidity, ventilation and access to natural light.

# LITHUANIA

Republic of Lithuania

Head of state: **Gitanas Nausėda** (replaced **Dalia Grybauskaitė** in July)

Head of government: **Saulius Skvernelis**

Lithuanian authorities' alleged complicity in the CIA's secret detention programme continued to be under scrutiny.

Proposed amendments to the Law of Equal Treatment lacked provisions on legal recognition of gender identity. Lithuania failed to ratify the Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

## COUNTER-TERRORISM AND SECURITY

In February, the European Court of Human Rights (ECtHR) communicated to Lithuania a second case in relation to the alleged complicity of its authorities in the US CIA's secret detention programme. Mustafa Al-Hawsawi, a Saudi Arabian national still detained at Guantanamo Bay, was arrested in Pakistan in 2003 and subjected to unlawful transfers and secret detention in a number of countries, allegedly including Lithuania. Lithuania had submitted its position on the Al-Hawsawi case to the ECtHR by the end of November. The case remained pending at the end of the year.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

In January, the Constitutional Court ruled that Lithuania must grant temporary residence permits for third-country nationals in same-sex marriages or registered partnerships. In September, the Parliament started to review a new legislative proposal amending the Law of Equal Treatment, initiated by the Office of the Equal Opportunities Ombudsperson. While the proposal would introduce some positive changes, such as including the definition of associative discrimination (discrimination based on an individual's association with another person belonging to a protected group), it still lacked provisions on legal recognition of gender identity, which have been stalled for over a decade.

## WOMEN'S RIGHTS

Gender-based violence continued to be widespread. Lithuania still has not ratified the Istanbul Convention and, despite its passing to Parliament for ratification by the former President in 2018, no hearings had been held. Harmonization of legislation combatting violence against women in accordance with the Convention, as repeatedly raised by the Committee on the Elimination of Discrimination Against Women (CEDAW) would be a first step towards addressing

the inadequate handling of cases by the investigating authorities, such as failure to complete the investigation or to move to criminal prosecution.

## DETENTION

Prisoners' rights were still violated. Physical ill-treatment, as well as reprisals for prisoners having exercised their lawful right to make complaints, were reported in several prisons. Legal provisions to accommodate prisoners in need of protection were absent, which led to the provisions on disciplinary isolation/segregation amounting to de facto solitary confinement. Other longstanding recommendations by the European Committee for the Prevention of Torture were still not implemented.

## FREEDOM OF EXPRESSION

In January, the Parliamentary Culture Committee abandoned an attempt to amend the Law on Provision of Information to the Public, after widespread criticism. The amendments would have restricted freedom of speech and the ability to criticize the government, in particular through the prohibition of the publication of information "promoting mistrust and dissatisfaction with the Lithuanian state and its institutions".





People gather for a protest called for by the family of killed journalist Daphne Caruana Galizia and civic movements on December 3, 2019 outside the police headquarters in Valletta. © ANDREAS SOLARO/AFP via Getty Images

## MALTA

Republic of Malta

Head of state: **George Vella** (replaced Marie-Louise Coleiro Preca in April)

Head of government: **Joseph Muscat**

A prominent Maltese businessman was arrested on charges of complicity in the killing of journalist Daphne Caruana Galizia and implicated the Prime Minister's chief of staff, throwing the government into a deep political crisis. Following international criticism, the government agreed to a public inquiry into her death. Over 3,300 refugees and migrants arrived in Malta by sea. Many were rescued by the Maltese authorities, which also allowed the disembarkation of hundreds of people rescued by NGOs. However, refugees and migrants were routinely unlawfully detained in

gravely inadequate conditions. Abortion remained prohibited in all circumstances.

### LACK OF ACCOUNTABILITY

On 20 November, the arrest of a prominent Maltese businessman on charges of complicity in the killing of journalist Daphne Caruana Galizia in a car bomb explosion on 16 October 2017, threw the government into a deep political crisis. The businessman implicated Prime Minister Joseph Muscat's chief of staff in the killing. The revelations sparked widespread public protests in the island. The Caruana Galizia family demanded that the Prime Minister stepped down immediately, concerned that key evidence about the killing could be destroyed. Joseph Muscat announced he would step down in January 2020. In December, following an urgent fact-finding visit to Malta to

assess the inquiry into the journalist's killing, the European Parliament expressed deep concern that the delayed resignation of the Prime Minister could undermine the integrity of the inquiry and for the state of the rule of law in Malta. In September, following significant international pressure including during the UN Human Rights Council's examination of the country's human rights record under the Universal Periodic Review process, Malta agreed to carry out a public inquiry into the killing of the journalist.<sup>1</sup> In June, the Council of Europe Parliamentary Assembly (PACE) gave Malta three months to agree to an independent public inquiry into the journalist's death, in line with obligations under the European Convention on Human Rights. The PACE decision was based on the findings of highly critical reports into systemic failures of the Maltese criminal justice system

and constitutional set-up to ensure respect for the rule of law and guarantee accountability.

Three men charged in connection with the execution of the journalist's killing were awaiting trial at the end of the year.

## REFUGEES AND ASYLUM-SEEKERS

Over 3,300 refugees and migrants arrived in Malta through the central Mediterranean route, up from 1,445 in 2018. Nearly half were Sudanese, with Eritreans making up the next largest group. Nearly a third of people arriving were children, nearly half of whom were unaccompanied.

Malta rescued hundreds of refugees and migrants in its search and rescue region. In addition, Malta accepted the disembarkation of hundreds more, rescued by others, including NGOs, on condition that those rescued in circumstances for which Malta did not regard itself as legally responsible would be transferred elsewhere in the EU.

In September, Malta, along with France, Germany and Italy, committed to establishing a “temporary solidarity mechanism”. The mechanism aimed to facilitate predictable and “dignified” disembarkation in a place of safety for refugees and migrants rescued at sea and a fair system to ensure their relocation among EU member states.

Asylum authorities struggled to cope with the number of claims and accepted assistance from the European Asylum Support Office. Very few successful claimants were granted refugee status; most received subsidiary protection status, which does not allow family reunification and significantly limits integration opportunities. Transfers of

asylum-seekers towards France, Germany, Ireland, Italy, Luxembourg, Portugal, Romania and Slovenia, which had started in 2018, continued.

Hundreds of refugees and migrants were arbitrarily detained in overcrowded and sub-standard conditions, in some cases for over three months, in the Initial Reception Centre and in the Safi Barracks Detention Centre. There was no meaningful opportunity for review of their detention, which the authorities said was justifiable on medical grounds – Malta's laws allow for the restriction of movement on medical grounds for up to four weeks, which can in exceptional circumstances be extended to 10 weeks. In October, the Court of Magistrates ruled the detention of six asylum-seekers on purported medical grounds for over 10 weeks to be unlawful and set them free, following habeas corpus proceedings filed by their lawyers. Lawyers and international and national NGOs indicated that the underlying reason preventing people from being released was the failure of the authorities to provide sufficient reception spaces in open centres. The authorities were planning to address the problem by removing asylum-seekers from open reception facilities after a certain amount of time to make space for those arrived more recently. However, there were no plans to provide adequate housing alternatives to those being removed, nor to expand the overall availability of places in open centres. In June, the Committee on the Rights of the Child (CRC) expressed concern about the detention and treatment of child asylum-seekers and migrants.

In March, three teenage asylum-seekers – a 15-year-old from the Ivory Coast and two teenagers aged 16 and 19 from Guinea – were arrested upon arrival in Malta on suspicion of having hijacked

the ship which had rescued them to prevent the captain returning them to Libya. They and some 100 others had left Libya in a rubber boat and been picked up by the merchant vessel *E/ Hibleu 1*. The three were charged with grave offences, some punishable with life imprisonment, including under counter-terrorism legislation. In May, the UN High Commissioner for Human Rights urged Malta to reconsider the severity of the charges and expressed concern about their initial detention in a high-security section of an adult prison and the failure to appoint legal guardians for the two children before their interrogation. In June, the CRC also expressed concern that the case of the two children was being heard in an adult court rather than a juvenile one. A magistrate's inquiry into the case was ongoing at the end of the year.<sup>2</sup>

In May, the captain of the *Lifeline* rescue ship, operated by a German NGO, was fined €10,000 for registration irregularities, after rescuing hundreds of refugees and migrants. The *Lifeline*, which was flying a Dutch flag, remained impounded in Malta. The criminal proceedings and their outcome represented a breach of Malta's obligation to protect the work of human rights defenders. An appeal was pending at the end of the year.

## SEXUAL AND REPRODUCTIVE RIGHTS

Women continued to be denied access to abortion even when the life of the pregnant woman was at risk. Malta rejected recommendations to amend the total ban on abortion expressed by several states during Malta's Universal Periodic Review in November 2018.

1. Amnesty International, *Malta: Responsibility to rescue and protect people at sea scarcely addressed in review* (Index: EUR 33/0056/2019) <https://www.amnesty.org/en/documents/eur33/0056/2019/en/>

2. Amnesty International, *Malta: The E/ Hibleu 1 case – Three teenagers in the dock for daring to oppose their return to suffering in Libya* (Index: EUR 33/1270/2019) <https://www.amnesty.org/en/documents/eur33/1270/2019/en/>



Protesters gather to stage a protest demanding the resignations of Montenegrin President Milo Đukanović and Prime Minister Duško Marković in Podgorica, Montenegro on February 16, 2019. © Adel Omeragic/Anadolu Agency/Getty Images

## MONTENEGRO

Montenegro

Head of state: **Milo Đukanović**

Head of government: **Duško Marković**

Progress towards EU membership was impeded by high-level corruption and concerns about media freedom. Repeated civil society demonstrations, triggered by alleged electoral corruption, highlighted chronic poverty and declining human rights, and demanded the resignation of the President and senior prosecutors.

### LACK OF ACCOUNTABILITY

Impunity for war crimes persisted, with only one domestic prosecution. Although four war crimes cases remained under investigation, no proceedings were initiated by the Special Prosecutor's Office. In June, Vlado Zmajević was

convicted of war crimes for killing four ethnic Albanian civilians in Žegra/Zhegër in Kosovo in 1999 and sentenced to 14 years' imprisonment.

### FREEDOM OF EXPRESSION

Montenegro dropped to 104 in the world press freedom index. Investigative journalist Jovo Martinović was sentenced to 18 months' imprisonment in January for involvement in drug trafficking, drawing international condemnation. He denied the allegations and argued that he was legitimately investigating the criminal group. His appeal was upheld in October; a retrial opened in December.

In February, nine men were arrested on suspicion of involvement in the May 2018 shooting of journalist Olivera Lakić who had been investigating state links with organized crime.

### RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

Reports of hate crimes increased, but the number of prosecutions remained low. In March, the NGO LGBT Forum Progress recorded 66 discriminatory online statements, including threats and hate speech, which were forwarded to the police. In July, the parliament rejected a bill legalizing same-sex life partnerships.

### TORTURE AND OTHER ILL-TREATMENT

In February, the European Committee for the Prevention of Torture highlighted the continued impunity of 54 members of the Special Anti-Terrorist Unit suspected of ill-treating 21 people during a 2015 demonstration. Despite the Committees' past recommendations, the Unit

had not worn personal name-tags or numbers, making it impossible for those responsible to be identified.

## **RIGHT TO HOUSING AND FORCED EVICTIONS**

The last 51 of 219 Kosovo Roma refugee families who had lived at Konik camp since 1999 were resettled into adequate housing in December 2018. However,

housing remains precarious for an estimated 40% of Roma households, living in informal settlements, who will be unable to afford to legalize their property. In December, 28 families in Bijelo Polje at risk of forced eviction were still waiting for adequate housing.

## **REFUGEES AND ASYLUM-SEEKERS**

Refugee and migrant arrivals increased; most were in transit. By 31 December,

7,975 refugees and migrants had registered their intention to claim asylum, but only 1,921 did so; five were granted asylum and one temporary protection. Montenegrin police tried to stop people crossing into Bosnia-Herzegovina; others were regularly pushed back from there.



Hundreds of people gathered around the Dam Square in Amsterdam on 21 April 2019 to demand the Dutch government let the Sea-Watch 3 (a ship that has been rescuing refugees in the Mediterranean Sea) continue to do its work. They also called for politicians in Amsterdam to reopen the winter shelter and establish a permanent emergency shelter for undocumented refugees and homeless people. © Ana Fernandez/SOPA Images/LightRocket via Getty Images

## THE NETHERLANDS

Kingdom of the Netherlands  
 Head of state: **King Willem-Alexander**  
 Head of government: **Mark Rutte**

Forcible returns to Afghanistan continued. Security measures used in the context of the counter-terrorism strategy continued to be a pressing concern. At the request of the police, the government announced the introduction of projectile electro-shock weapons (Tasers) for day-to-day use.

### REFUGEES AND ASYLUM-SEEKERS

Political pressure to increase deportation rates continued to pose a risk to human rights. The Netherlands continued to forcibly return asylum-seekers whose claims were rejected to Afghanistan, including families with children,

in breach of the principle of non-*refoulement* (that is forced return to a country or territory where persecution is likely).

A draft law on amending immigration detention rules was adopted by the House of Representatives in July and was pending in the Senate at the end of the year. Due to new amendments the bill will be offered (again) to the Council of State in January 2020. After this the House of Representatives must decide again about the new proposals. Although the bill offers minor improvements, the detention regime would remain “prison-like” in terms of facilities, detention conditions and the use of disciplinary measures, including isolation cells and handcuffs.

In Curaçao, one of the constituent countries of the Kingdom of the Netherlands, Venezuelans seeking

protection were denied their rights. Venezuelans faced deportation without an individual assessment of their protection needs and were held in detention centres in appalling conditions.

### COUNTER-TERROR AND SECURITY

The Minister of Justice placed restrictions on individual liberties and initially revoked the Dutch nationality of 13 individuals, based on perceived national security risks rather than established criminal offences. It made use of two new counter-terrorism laws that are at odds with international human rights treaties and limit the rights to both an effective remedy and a fair hearing. Nevertheless, some individuals have successfully challenged the decision to revoke their nationality and thus remain Dutch nationals.

The Netherlands continued to automatically place people suspected and convicted of terrorism-related charges in two special high-security detention units, without any prior individual assessment. Without such assessments concluding that a placement is necessary and proportionate, security measures routinely used in these units, such as frequent invasive body searches, prolonged isolation and constant monitoring, may constitute torture or other cruel, inhuman, or degrading treatment.

Changes to the controversial Intelligence and Security Services Act are pending. These changes still provide sweeping surveillance powers to intelligence and security services, threatening the rights to privacy, freedom of expression and non-discrimination. Safeguards against abuse of these powers are insufficient.

Serious concerns remain about the possibility of information-sharing with intelligence agencies in other countries and direct access to databases of informants.

## **POLICE AND SECURITY FORCES**

The police requested that electro-shock weapons be authorized for use in day-to-day policing and that the government should equip some 17,000 patrol officers with a Taser X2.

A one-year pilot project concluded in 2018 showed that police used these weapons in situations where there was no imminent threat to life or risk of serious injury, which is the internationally recognized standard for such use of force by police. In over half of the situations where the weapon was discharged, individuals were given electric shocks in

direct contact mode (drive-stun mode), including when already handcuffed, inside a police cell or vehicle, and in a separation cell in a psychiatric hospital. Direct contact mode causes significant pain to the person it is used on, but without incapacitating them. This usage is inconsistent with international human rights standards. In November, the Minister of Justice announced that this usage (drive-stun mode) will be restricted. Data on Taser use in the first half of 2019 show that the drive-stun mode has been used only once.

## **FREEDOM OF RELIGION AND BELIEF**

A ban on face-coverings in certain public spaces entered into force in July, restricting the rights to freedom of religion and expression, particularly of Muslim women.



A participant holds an umbrella in the rainbow flag colours during the “Skopje Pride” march in downtown Skopje, on June 29, 2019, as North Macedonia is holding its first ever pride parade. © ROBERT ATANASOVSKI/AFP via Getty Images

## NORTH MACEDONIA

Republic of North Macedonia

Head of state: **Stevo Pendarovski (replaced Gjorge Ivanov in May)**

Head of government: **Zoran Zaev**

Despite progress in implementing reforms identified by the European Commission (EC), concerns remained about corruption, the right to asylum and discrimination against women, Roma, and lesbian, gay, bisexual, transgender and intersex (LGBTI) people.

### BACKGROUND

The country was renamed in February following the conclusion in 2018 of a long-standing dispute with Greece. The government formed in May 2017

continued to take measures required by the EC following a political crisis in 2015 when the then opposition published audio recordings revealing extensive unlawful surveillance and widespread government corruption. Priorities included guaranteeing the rule of law, the rights to privacy and freedom of expression, the independence of the judiciary and an end to government corruption.

The Special Prosecution Office (SPO) continued to hold former government ministers, officials and employees to account.

In March, the former Director of Security and Counterintelligence was sentenced to three years’ imprisonment for electoral corruption. In April, 16 police and internal security officers, including the former police chief, were

convicted of “terrorist endangerment of the constitutional order” for colluding in the April 2017 attack on opposition members of parliament.

Proceedings opened in December against Katica Janeva, head of the SPO until August, charged with abuse of office and taking bribes. Measures to transfer the SPO’s case-load to the public prosecutor were proposed.

Media freedom gradually increased and fewer journalists were physically attacked.

In May, parliament adopted a clarification of the exact meaning of, and a preliminary amendment to financial laws which had been deliberately misinterpreted by the previous government to penalize NGOs which received external funding.

## **TORTURE AND OTHER ILL-TREATMENT**

Measures were initiated to address long-standing impunity for police ill-treatment, including an external oversight mechanism. By March, the Public Prosecutor's Office was investigating 50 reports against police officers and others relating to prison guards.

The International Convention for the Protection of All Persons from Enforced Disappearance, signed in 2007, has not yet been ratified.

## **DISCRIMINATION**

In May, the new Law on Prevention and Protection against Discrimination included sexual orientation and gender identity as protected categories, but did not recognize same-sex partnerships. The commission to receive complaints was not in place by the end of the year.

Both the Prime Minister and Head of the Islamic Community were criticized for homophobic remarks. Hate speech against LGBTI people rose before the first Skopje Pride held in June.

Inter-ethnic hate speech and hate crimes - including a murder case decided in April - remained consistently high. Roma continue to experience institutional discrimination in education, health, housing and employment, as well as access to bars, cafés and shops. Legal advocates reported repeated human rights violations in cases including property rights, contact with the police

and employment. Around 440 Roma remained stateless.

## **SEXUAL AND REPRODUCTIVE RIGHTS**

In July, the amended Law on Termination of Pregnancy eased access to abortion, removing mandatory waiting periods, counselling and spousal approval. Contraception was not available at primary health-care centres.

## **REFUGEES AND ASYLUM-SEEKERS**

As of 31 December, 40,887 refugees and migrants who entered the country irregularly had officially been registered by the Ministry of Interior. Of 490 asylum applications, 407 were discontinued; of 18 applications considered, 17 were rejected; subsidiary protection was granted in only one case. Some 47% of applications were submitted by refugees and migrants unlawfully detained as witnesses against smugglers in inadequate conditions at Gazi Baba. An Emirati woman fleeing domestic violence was released from Gazi Baba after being granted interim measures by the European Court of Human Rights.

The Ministry of the Interior continued collective expulsions to Greece, pushing back 10,017 people trying to enter North Macedonia. Under an agreement with the EC, the European Border and Coast Guard Agency (Frontex) was deployed with border police. People seeking international protection reported being unlawfully pushed back to Greece by Frontex after being fingerprinted

and detained for 24 hours; four were explicitly told by Frontex that they could not claim asylum.

The administrative courts rejected the overwhelming majority of cases brought by Kosovo Roma refugees denied asylum in 2017-18. They had challenged the revocation of their subsidiary protection status, which left them without legal status and vulnerable to deportation.

## **COUNTER-TERROR AND SECURITY**

In September, the Supreme Court denied an appeal by the "Kumanovo group" of 33 ethnic Albanians, 16 from Kosovo, against their 2017 conviction for terrorism. The charges against them related to the killing of eight police officers and the injuring of 40 others in May 2015 in Divo naselje, Kumanovo; police killed 10 ethnic Albanians. The accused claimed that the confrontation was set up by the former government and had demanded an international investigation.

In December, the Council of Europe's Committee of Ministers closed the case of Khaled el Masri, despite the fact that the Macedonian authorities had failed to conduct a full and effective criminal investigation, as required by the European Court of Human Rights' judgment. In 2003, the German citizen had been subjected to unlawful detention, enforced disappearance, torture and other ill-treatment, before being transferred to the US authorities, who violated his human rights outside Macedonia.





Pride march in Stavanger, Norway, 2 September, 2017. © Amnesty International

## NORWAY

Kingdom of Norway

Head of state: **King Harald V**

Head of government: **Erna Solberg**

As in previous years, the rights of refugees and asylum seekers continued to be restricted and Afghan asylum-seekers still faced forced returns to Afghanistan. Serious concerns remained about the prevalence of, and inadequate state response to, rape and other violence against women, with the legal definition of rape still falling short of Norway's international human rights law obligations.

### REFUGEES AND ASYLUM-SEEKERS

Government statistics published in January 2020 stated that 2305 people had claimed asylum -in 2019, the

lowest number since 1997. The biggest groups were Syrian, Turkish and Eritrean nationals. Afghan nationals continued to face obstacles in accessing asylum as well as a risk of forced return to Afghanistan. The Abbasi family – a mother and three children who had lived in Norway for seven years – were taken from their home by the police on 15 June in the middle of night and flown to Turkey in transit to Afghanistan. The mother, who was unconscious throughout the flight, was returned to Norway alone due to her deteriorating health. The three siblings, one of them a minor, were returned to Norway after the Afghan authorities refused to accept them.

During the two first weeks of August, the Norwegian registered vessel Ocean Viking – operated by Leger Uten Grenser (Norwegian Médecins Sans Frontières) and SOS Méditerranée – rescued 356 migrants and asylum-seekers off the

coast of Libya. After 14 days at sea the passengers were permitted to disembark in Malta. The Norwegian government refused to take anyone to Norway. Six EU countries took responsibility to receive them instead.

Although the Immigration Appeal Board had re-evaluated its decision 29 October 2018 on Joseph Nkusi, a Rwandan national who had been deported in 2016, and had granted him a stay and working permit, he had not been able to return. He was still in prison in Rwanda, where in March 2018 he had been sentenced to 10 years' imprisonment for articles that he had posted online criticizing the Rwandan regime.

### VIOLENCE AGAINST WOMEN AND GIRLS

Gender-based violence, including rape, remained widespread and survivors

continue to experience significant barriers accessing justice.<sup>1</sup> These include the Penal Code definition of rape which imposes a limited set of qualifying circumstances and is not consistent with a consent-based approach, and ) Norway's obligations under the Council of Europe's Convention on preventing and combating violence against women and domestic violence ( Istanbul Convention. The law also affects the wider understanding in society of what constitutes rape.

Lack of capacity and weaknesses in police investigations also resulted in few

cases being successfully prosecuted. From 2008-2017 between 75% and 80% of rape cases reported and investigated by the police were closed by the public prosecutor and never reached the stage of prosecution.

## **DISCRIMINATION - STATELESSNESS**

The Government proposed to amend legislation to end the possibility of a child's citizenship being revoked because of violations of the Immigration Law committed by their parents and grandparents. This will include persons above the age of 18 if they gained

Norwegian citizenship as minors. Revoking such citizenship will still be possible if a court decides the person's attachment to Norway is very limited.

## **INTERNATIONAL JUSTICE**

The case was still pending of a Rwandan national accused of complicity in the 1994 genocide in Rwanda, who had been released in March 2018 after four years in custody. The Ministry of Justice had concluded he could be extradited to Rwanda but further investigation concluded two prosecution witnesses were not sufficiently credible.

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1. Amnesty International, *Europe: Time for Change: Justice for rape survivors in the Nordic countries* (Index: EUR 01/0089/2019) <https://www.amnesty.org/en/documents/eur01/0089/2019/en/>



Group photo of 10 of the 14 women against fascism inside the courtroom in Warsaw on 13th February when the judge ordered re-opening of the investigation into the attack against them during an Independence Day March in 2017. © Grzegorz Żukowski

## POLAND

Republic of Poland

Head of state: **Andrzej Duda**

Head of government: **Mateusz Morawiecki**

The government continued to implement legal and policy changes that undermined the independence of the judiciary. Dozens of judges who spoke out against those changes faced disciplinary proceedings. The courts continued to uphold the rights of peaceful protesters, including those who engaged in civil disobedience.

## BACKGROUND

Throughout the year, leading public figures, including politicians and media officials, frequently made discriminatory statements targeting minorities, including

LGBTI people and Jews. In September, the Committee on the Elimination of Racial Discrimination (CERD) called on the government to take measures to end extreme poverty among Roma, and to end forced evictions of Roma and housing demolitions.

In January, a man fatally stabbed the Mayor of Gdańsk, Paweł Adamowicz, during an annual charity event. The mayor was known for his support of LGBTI rights and openness towards refugees and migrants.

The Human Rights Commissioner, Adam Bodnar, was targeted by officials and state media several times during the year. In February, state TV took legal action against him demanding an apology after he stated that they had been engaged in possible hate speech against the Mayor of Gdańsk. In May, the court upheld his right to criticize the TV channel.

The governing Law and Justice party, which has implemented the changes undermining the independence of the judiciary and whose members have been increasingly using rhetoric targeting minorities, won parliamentary elections in October, retaining its majority in the lower chamber (Sejm) but losing to the opposition in the Senate.

## JUSTICE SYSTEM

In April, the European Commission (EC) started an infringement procedure against Poland over the legislation on disciplinary proceedings against judges. In October, the EC concluded that the government's response to its concerns that the new disciplinary regime undermines the independence of judges, was unsatisfactory. It referred the case to the European Court of Justice (ECJ).

In June, the ECJ ruled that the Law on the Supreme Court, which attempted to

oust one third of the court's judges, was in breach of EU law. An interim decision from the ECJ from December 2018 had already ordered the Polish authorities to restore the Supreme Court to its composition before the law came into force.

Also in June, the Parliament adopted an amendment to the Criminal Code. It introduced among other things the penalty of life imprisonment without possibility of parole, contravening international human rights obligations. After widespread concerns voiced by experts in criminal law, the President referred the amendment to the Constitutional Tribunal for review, which was pending at year's end.

On 5 November, the ECJ ruled that the law, which lowered the retirement age of judges and set a different retirement age depending on gender, was in breach of EU law. In a separate case on 19 November, the ECJ ruled that the new Disciplinary Chamber of the Supreme Court, whose members were elected by the new judicial council, must meet the requirement of independence and impartiality. The ECJ clarified that it is up to the Supreme Court to make an assessment whether this requirement has been met. On 5 December, the Supreme Court ruled that the new National Council of the Judiciary was appointed in a manner that does not guarantee its independence. On 20 December, the lower chamber of the Parliament adopted another amendment further undermining judicial independence.

Two cases were communicated by the European Court of Human Rights to the Polish government for response. In these cases, judges argued a breach of their right to a fair hearing in the context of the reform of the judiciary.

Judges and prosecutors who spoke out in defence of an independent judiciary continued to face politicized disciplinary proceedings.

An intensive smear campaign continued throughout the year against judges defending the rule of law by state media

and on social media. In August, media revealed links between the campaign that involved personal attacks on judges, and high-ranking officials at the Ministry of Justice. Following these revelations, the deputy Minister of Justice Łukasz Piebiak resigned in August.

## FREEDOM OF ASSEMBLY

Dozens of peaceful anti-government and anti-nationalism protesters continued to face criminal or administrative charges. In the majority of cases, the courts upheld the rights of the protesters to freedom of expression and peaceful assembly. The courts dropped charges against protesters who, among others, climbed through metal barriers that the police used to prevent them accessing the area around parliament in 2017. In a small number of cases, individuals were fined for holding a protest under the legislation which gives so-called "cyclical assemblies" priority over attempts to hold counter- or spontaneous demonstrations.

In February, a Warsaw judge ordered the re-opening of an investigation into the case of 14 women who alleged they had been verbally and physically attacked when they unfurled a banner saying "Fascism Stop" during the Independence Day march in Warsaw in November 2017. The women had challenged the prosecutor's 2018 decision to drop the case. In separate proceedings, they appealed against the fines the courts had given them for "interfering with a lawful assembly". On 24 October, a district court in Warsaw quashed all charges against them, stating that they had the right to protest peacefully and express their views against fascism. On 20 December, the prosecutor for the second time decided to close the investigation into the women's complaint. Just like in her 2018 decision, she argued that there was no "public interest" to justify public prosecution into the case.

## FREEDOM OF EXPRESSION

In May, activist Elżbieta Podleśna was arrested and detained for several hours on suspicion of "offending religious

beliefs" – a charge carrying up to two years' imprisonment – after police claimed that they had found copies of posters depicting the Virgin Mary with her halo in the rainbow colours of the LGBTQ flag. The image had been posted around the town of Płock the previous month. The case was pending at the end of the year.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE

The newspaper *Gazeta Polska* was forced by the Regional Court in Warsaw to end its campaign of distributing "LGBT-free zone" stickers after one of the organizers of Lublin's LGBTI pride march won his complaint on grounds that the stickers were an affront to human dignity. Up to 64 local councils across Poland adopted resolutions declaring their opposition to "LGBT ideology" in "defence of families [or] the rights of Catholics".

In July, amid widespread anti-LGBTI rhetoric from politicians and the media, the first LGBTI pride march took place in the town of Białystok. According to police estimates, around 1,000 participants were attacked by roughly 4,000 counter-protesters who threw fire crackers, cobblestones and eggs, shouted insults and physically assaulted some of the marchers. There were concerns over the adequacy of the police protection of the participants and the lack of safe access to the beginning of the march.

## COUNTER-TERROR AND SECURITY

In May, the Supreme Administrative Court dismissed a complaint of the Helsinki Foundation for Human Rights against the use of classified information in cases of deportation, including of asylum-seekers. The court held that authorities have the right to refuse granting access to information on which the decision is based, if state security is at stake. The case raises concerns over the right to due process in cases of deportations where national security grounds are invoked.

The criminal investigation into Poland's co-operation with the CIA and the hosting of a secret detention site was still pending. The 2015 ECtHR judgments in the cases of al-Nashiri and Abu Zubaydah were not fully implemented. In June, the Committee of Ministers of the Council of Europe noted a lack of tangible progress

in the domestic investigation into the serious human rights violations, including torture and unacknowledged detention.

## **REFUGEES AND ASYLUM-SEEKERS**

Concerns over push-backs of asylum-seekers at the border crossing with

Belarus continued. In September, the CERD expressed concerns over reports that asylum-seekers have been denied entry to Poland or denied access to asylum procedures by border guards.



*Bairro da Torre, an informal settlement located on the outskirts of Lisbon / Loures, Lisbon /December 2019. © Amnistia Internacional Portugal*

## PORTUGAL

Portuguese Republic

Head of state: **Marcelo Rebelo de Sousa**

Head of government: **António Costa**

A framework law on housing with stronger safeguards against evictions was passed but failed to outlaw forced evictions. New legislation on rape was passed introducing some provisions in line with the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

### RIGHT TO HOUSING AND FORCED EVICTIONS

A framework law on housing passed in September recognized the right to adequate housing and strengthened existing safeguards regarding evictions. However, it failed to outlaw forced evictions.

Although the government took steps to make housing more affordable, the most vulnerable continued to struggle to access adequate housing and residents of informal settlements remained at risk of having their houses demolished and being forcibly evicted without access to adequate processes.

### VIOLENCE AGAINST WOMEN AND GIRLS

In October, Parliament passed legislation to bring the definition of sexual crimes in the Criminal Code, including rape, in line with the Istanbul Convention. However, the new provisions still fell short of international standards, including by continuing to place the onus on the victim to express their lack of consent. Following several contentious court decisions in recent years on domestic violence, a new law was introduced in September making training on human rights and domestic violence compulsory for judges.

### REFUGEES AND ASYLUM-SEEKERS

According to the government, since 2015, Portugal has received 2,144 people entitled to international protection, mainly from Eritrea, Iraq and Syria. Portugal took part in efforts to relocate people rescued in the Mediterranean to EU Members States, receiving 144 asylum-seekers since the summer of 2018.

In September, the Committee on the Rights of the Child (CRC) recommended legislative changes to ensure alternatives to the detention of migrant children and child asylum-seekers.

### CHILDREN'S RIGHTS

In September, the CRC expressed concern at the deterioration in the standard of living of children in or at risk of poverty and at the inadequate living conditions of children living in informal settlements, including children

of Roma and African descent. The CRC recommended that Portugal strengthen measures to ensure that at-risk children have access to adequate and affordable housing.

There were also concerns that children with disabilities were not receiving the care and support to which they were entitled.

## **TORTURE AND OTHER ILL-TREATMENT**

In May, eight police officers were convicted of unlawfully imprisonment, assaulting and insulting six young men of African descent living in the Cova da Mura neighbourhood near Amadora in February 2015. They were also found guilty of giving false testimony. Charges of torture and racist motivation were dismissed by the court. One of the eight officers was sentenced to 18 months' imprisonment; the remaining seven were given suspended sentences of between

two months and five years. The victims were awarded compensation.

The UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment recommended in May that Portugal investigate allegations of ill-treatment in detention, ensure access to healthcare for prisoners and provide a prisoner complaints system, among other issues.

Portugal failed to create a fully independent body to investigate misconduct by law enforcement officials and rejected recommendations to institute such an oversight mechanism made by the UN Human Rights Committee in the framework of its examination of the country's human rights record under the Universal Periodic Review (UPR) process in May.<sup>1</sup>

The National Ombudsman's Office, acting as the National Preventive Mechanism, continued to lack resources to properly fulfil its mandate, despite

recommendations to ensure such resources made during the UPR.

## **DISCRIMINATION**

The CRC recommended that Portugal strengthen awareness among the public, civil servants and law enforcement personnel on diversity and inter-ethnic understanding.

Portugal received numerous recommendations to combat racism in various areas during its Universal Periodic Review.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)**

A 2018 law safeguarding the right to self-determination in legal gender recognition and the protection of everyone's sexual characteristics was complemented in August by legislation to secure its implementation in the school system.

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1. Amnesty International, *Portugal: Amnesty International recommendations to Portugal for 33rd UPR 2019* (Index: EUR 38/0223/2019) <https://www.amnesty.org/en/documents/eur38/0223/2019/en/>



Actors of the Bucharest National Theatre (TNB) protest in front of the theater prior to their evening play demanding an independent justice system on March 3, 2019 in Bucharest. © DANIEL MIHAILESCU/AFP via Getty Images

## ROMANIA

Romania

Head of state: **Klaus Iohannis**

Head of government: **Ludovic Orban (replaced Vasilica Viorica Dancila in November)**

The European Commission warned Romania to roll back legislative changes that posed a threat to the rule of law. NGOs criticized pending amendments to a law regulating the activities of organizations and foundations. The implementation of prison reforms was subject to delays. Roma continued to experience systemic discrimination in many areas of life, including education, housing and employment. The investigation into the excessive use of force by the Gendarmerie during 10 August 2018 protests in Bucharest remained pending.

### LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

Two proposals gained overwhelming approval in a consultative referendum in May. The first was to prohibit amnesties and pardons for corruption offences. The second would ban the government from passing emergency orders concerning the judiciary and would extend the right to appeal against them to the Constitutional Court. In July, the Constitutional Court rejected two proposals initiated by parliamentarians to revise the Constitution.

In June, the Parliament rejected a draft law, sponsored by a member of parliament, proposing amending the law regulating the activity of NGOs and foundations by adding grounds under which such entities could be dissolved. National NGOs criticized the proposed

grounds as either redundant, as some are already covered in the Criminal Code, or subjective and open to potential abuse against critical organizations. Legislation on the financing, organization and functioning of NGOs adopted in 2018 had similarly been criticized as having a potentially intimidating effect on civil society and conflicting with the rights to freedom of association and privacy.

The resumption of discussions around the approval of the draft National Housing Strategy, led to a draft new Law on Housing, being opened for public consultation in October, ending the previous stalemate. In its June report, the European Commission against Racism and Intolerance (ECRI) recommended that housing legislation be amended to improve access to social housing through transparent and non-discriminatory criteria, particularly in relation to vulnerable groups, including Roma.



In May, the European Commission (EC) warned Romania that it would initiate procedures under the Rule of Law framework unless the government addressed concerns in relation to threats to the independence of the judiciary; lack of cooperation between state institutions affecting the efficiency and independence of the judicial system; and measures negatively impacting the fight against corruption. Such procedures could lead to the triggering of Article 7 of the Treaty of the EU, under which certain rights can be suspended from a member state for persistent breach of the EU's founding values. This followed the 2018 opinions of the Venice Commission that criticized the process of reforming the judiciary as "excessively fast and non-transparent" and recommended a number of procedural and institutional changes.

## DETENTION

The seven-year plan put in place by authorities to address prison overcrowding and inadequate detention conditions, which had been criticized by the European Court of Human Rights in its pilot judgment against Romania in 2017, was under way. The judgement imposed an obligation on the state to resolve the highlighted structural dysfunctions or risk sanctions. NGOs, however, raised concerns over delays in the implementation of the plan.

## DISCRIMINATION – ROMA

Roma continued to face discrimination and segregation in many areas of life

such as education, access to housing and employment.

In March, Blocul, a network of organizations promoting housing justice, published a study of evictions drawing on data obtained from online media and local, regional and national level authorities, including judicial authorities. It concluded that since 1989, over 100,000 evictions had been carried out across the country. Many constituted forced evictions, with people often left homeless without alternative housing provided, or placed in inadequate alternatives. They affected, among others, destitute families, Roma living in formal and informal housing, and families with children or adults with disabilities.

In April, in the case *Lingurar v. Romania*, the European Court of Human Rights condemned Romania for police ill-treatment of four Roma and for the first time, found that "Roma communities are often confronted with institutionalised racism and are prone to excessive use of force by the law-enforcement authorities" in Romania.

In its June report, ECRI called on the authorities to implement the 2015-2020 Roma Inclusion Strategy and include more targeted measures and impact indicators on education, housing and employment. This should include measures such as monitoring the effectiveness of anti-segregation legislation in education, legalizing informal settlements and providing safeguards against forced evictions.

## RIGHT TO FREEDOM OF ASSEMBLY

Throughout 2018 and 2019, many demonstrations were held across the country with people protesting against the government and denouncing their failure to fight corruption, attacks on the judiciary and the deteriorating economic situation.

An investigation by the Military Tribunal into allegations of excessive use of force by the Gendarmerie against protesters in Bucharest on 10 August 2018 remained pending. The Office of the Prosecutor General initiated criminal proceedings against several chiefs of the Gendarmerie and a former secretary of state for crimes related to these events. National and international media, the European Commission and foreign states expressed dismay at the allegations of indiscriminate use of water cannon, tear gas, pepper spray and batons by law enforcement officials while dispersing the demonstration, resulting in hundreds of protesters and some gendarmes requiring medical treatment.

## COUNTER-TERROR AND SECURITY

In September, the European Court of Human Rights convened a public hearing before the Grand Chamber in the case of *Muhammed and Muhammed v. Romania*. The case concerns two Pakistani students who were deported to Pakistan in 2012 based on secret intelligence information alleging that their activities posed a potential threat to Romania's national security. The men argued that they should have had access to the reasons for their removal and relevant evidence in order to be able to mount a challenge to their deportations. A judgment in the case remained pending at the end of the year.



Protesters demonstrate against Serbian President outside the state-run TV headquarters, on March 16, 2019 in Belgrade. © OLIVER BUNIC/AFP via Getty Images

## SERBIA

Republic of Serbia (including Kosovo)

Head of state: **Aleksandar Vučić**

Head of government: **Ana Brnabić**

Impunity persisted for crimes under international law. The authorities actively eroded media freedom. Human rights defenders were threatened.

## BACKGROUND

Opposition parties boycotted parliament in protest of the undermining of human rights and the rule of law by an increasingly authoritarian government. Thousands of citizens participated in weekly demonstrations calling for the resignation of the President and Prime Minister and for freedom of expression, fair elections and an end to corruption and abuse of power.

In May, the Commissioner for Human Rights of the Council of Europe urged the authorities to revise draft legislation introducing life imprisonment for serious crimes without the possibility of release or review.

## CRIMES UNDER INTERNATIONAL LAW

Impunity persisted, encouraged by the absence of political will, for the reintegration of senior officials convicted at international courts and denial of the Srebrenica genocide. There were few new investigations or indictments. Trials proceeded glacially at the Belgrade Higher Court, with no prosecutions for command responsibility.

Proceedings began in cases transferred from Bosnia and Herzegovina (BiH), including the case against five Bosnian Serb paramilitaries indicted for abducting and subsequently killing 20

predominantly Bosniak passengers taken from a train at Štrpci in BiH in February 1993.

In September, a former member of the Special Operations Unit was sentenced to eight years' imprisonment for the rape of a woman in Brčko (BiH) in June 1992.

The retrial continued of 11 former Yugoslav Army (VJ) soldiers charged with killing more than 118 Kosovo Albanians in Čuska/Qushk, Pavljan, Zahac/Zahaq and Ljubenic in May 1999. In April, a VJ officer was sentenced to 15 years' imprisonment for the murder of more than 31 Kosovo Albanians in Trnje/Terne in March 1999; his commanding officer was acquitted.

The re-trial continued of former state security officials Jovica Stanišić (in his absence) and Franko Simatović for war crimes and crimes against humanity at the International Residual Mechanism for Criminal Tribunals in The Hague.

NGOs criticized Serbia's failure to recognize around 200,000 Serbs forced to flee Croatia in 1995 during "Operation Storm" as civilian victims of war. No tangible progress was made during the year in drafting a law on missing persons or finding the bodies of victims.

## FREEDOM OF EXPRESSION

The government actively eroded media freedom by rewarding supportive media with advertising and funding and harassing critical media through taxation or legal proceedings. The country fell 14 places in the 2019 Reporters Without Borders press freedom index.

The President and ministers conducted a smear campaign against independent journalists. Threats were commonplace. In April, reporting of the President's brother's business interests was followed by social media attacks on Slobodan Georgiev of the Balkan Investigative Reporting Network (BIRN). In October, thousands of journalists protested repeated death threats made against colleagues at the independent news channel N1TV.

## HUMAN RIGHTS DEFENDERS

Human rights defenders were threatened by convicted war criminals and their supporters.

In July there were calls for convicted war criminal Vojislav Šešelj to be investigated and suspended from Parliament. He had made sexual threats against Brankica Janković, Commissioner for the Protection of Equality, who had condemned his abusive statements about Snežana Čongradin, a *Danas* journalist who had written about the Srebrenica commemoration.

Aleksandar Obradović, a despatcher at the Krusik arms factory, was detained in September accused of revealing trade secrets. He had shared data with both BIRN and ArmsWatch, which confirmed that mortars manufactured by Krusik for sale to Saudi Arabia and identified in Yemen, had been exported by a company

represented by Branko Stefanović, the Deputy Prime Minister's father. He was released from house arrest in December.

## DISCRIMINATION - ROMA

Roma continued to be denied their social and economic rights, including education, health and housing. Many Roma girls left school before completing their primary education; and are almost fully absent from the education system after the age of 18. Four Roma families forcibly evicted from a landfill site at Vinča, Belgrade, in December 2018 were still homeless in 2019.

Roma also faced ill-treatment by the police. A series of attacks by youths on Roma in Leskovac in May were not investigated as hate crimes.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

In July a lesbian couple from Novi Sad challenged Serbia's failure to legally recognize same-sex partnerships, while draft legislation remained stalled. In February, Prime Minister Ana Brnabić's partner, Milica Djurdjić, gave birth, having reportedly travelled abroad for assisted fertilization.

In March the Health Minister prohibited artificial insemination and IVF for individuals with a recent "history of homosexual relations".

The authorities responded inadequately to attacks on the LGBTI community, and failed to collect data on hate crimes, with only one prosecution concluded to date.

After the September Pride March, the police stopped protecting the Pride Info Centre, which was attacked by football fans in October.

## REFUGEES AND ASYLUM-SEEKERS

Around 30,200 refugees and migrants entered Serbia. Reception conditions and the asylum process remained

inadequate: by 31 December only 252 people claimed asylum out of 12,937 who had registered an intention to do so; 17 were granted asylum and 18 temporary protection. Most refugees and migrants were in transit, but were often violently pushed back from surrounding EU Member States, particularly Croatia. Increasingly violent pushbacks to North Macedonia by the Serbian police were reported in September.

In November, Serbia signed an agreement with the European Commission, enabling Frontex (the European Border and Coast Guard Agency) police to be deployed in joint operations with border police and granted immunity from prosecution.

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## KOSOVO

### BACKGROUND

Kosovo/Kosova remained within Serbia under UN Security Council Resolution 1244/99, despite recognition of its independence by around 100 UN member states. EU-mediated talks on the normalization of Serbia-Kosovo relationships remained stalled. Prime Minister Ramush Haradinaj resigned in July triggering elections which were won by the Vetëvendosje party.

### CRIMES UNDER INTERNATIONAL LAW

The Special Prosecution Office lacked sufficient staff and resources to address 900 unresolved war crimes and 2,000 missing persons cases transferred from the EU-led police and justice mission in 2018, and received limited mutual cooperation from Serbia.

In July, former Kosova Liberation Army (KLA) member Remzi Shala was convicted and sentenced to 14 years' imprisonment for abducting Haxhi Përteshi, who was later found dead, in June 1998.

In April, the Appeals Court confirmed the six-and-a-half-year prison sentence imposed on former prison guard Zoran Vukotić for his role in the unlawful detention, ill-treatment and torture of 3,000 Kosovo Albanian civilians held in Smrekonica prison in May and June 1999.

Proceedings continued against former Serbian police reservist Darko Tasić accused of burning bodies of murdered Kosovo Albanians and throwing them in a river following the massacre in Krusha e Vogel/Mala Krusha in March 1999.

## WAR CRIMES OF SEXUAL VIOLENCE

Despite one indictment and 48 ongoing investigations, no trials of perpetrators of sexual violence during the war took place. In October, survivor Shyhrete Tahiri-Sylejmani publicly announced that she had filed testimony in an ongoing investigation to encourage other women to come forward. Of 1,198 applicants, (985 women - including 27 women from minority communities - and 62 men), 756 have so far been awarded the legal status of victims of wartime sexual violence, affording them recognition and a small pension. Some of the 211 rejected applicants have appealed the decision in the courts. The law does not provide survivors with access to medical and psychological rehabilitation.

## INTERNATIONAL JUSTICE

No indictments were made public by the Kosovo Specialist Prosecutor's Office in The Hague, established to investigate alleged war crimes and crimes against humanity by the KLA, but around 100 former KLA members were summoned for questioning.

## ENFORCED DISAPPEARANCES

More than 20 years after the end of the war, 1,646 individuals remained missing,

264 of them female, including 1,100 Albanians, over 400 Serbs and 150 people of other ethnicities.

In September, the remains of seven Kosovo Serbs exhumed in Gjakova/ Djakovica in 2018 were returned to their relatives.

## UNLAWFUL KILLINGS

In October, two suspects – one a Kosovo-Serb police officer suspected of concealing evidence – were arrested in Mitrovica in connection with the murder of Kosovo-Serb leader Oliver Ivanović in January 2018. Six suspects were indicted in December.

## DEATHS IN CUSTODY

The investigation into the death in custody in 2016 of Vetëvendosje party member Astrit Dehari reopened in October after a Swiss forensic report undermined the authorities' suicide verdict.

## FREEDOM OF EXPRESSION

Media freedom and pluralism improved, with fewer physical attacks on journalists. However, in July N1TV's Kosovo correspondent Zana Cimili received ethnically motivated death threats; a suspect was arrested in Serbia. In September and October, Serbian journalists were detained upon entering Kosovo.

## VIOLENCE AGAINST WOMEN AND GIRLS

Following repeated inadequate responses from the authorities, domestic violence was redefined in the 2019 Criminal Code as a separate criminal offence, and in accordance with the Council of Europe Convention on preventing and combating

violence against women and domestic violence (Istanbul Convention), which was also recognized in the Constitution.

In September, Prizren Court awarded €95,000 compensation for their suffering to the parents of Diana Kastrati, who was murdered by her former partner in 2011. This followed a 2013 Constitutional Court ruling that the authorities had violated Diana's rights in failing to respond to her request for an emergency protection order.

In November, six men were charged in connection with the alleged rape of a 16-year-old schoolgirl in 2017. Among the six were her former teacher and the police officer assigned to investigate the case.

## DISCRIMINATION – ROMA

Members of the Roma, Ashkali and Egyptians (RAE) communities experienced chronic discrimination in education, health, housing and employment, and many lacked personal documentation.

In March, the UN Special Rapporteur on human rights and toxics urged the UN to immediately award compensation to members of RAE communities exposed to lead poisoning while displaced in UN-run camps from 1999 to 2013, a recommendation made in 2016 by the Human Rights Advisory Panel.

## RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)

In August, an Appeals Court ruling enabled transgender people to register changes of name and gender. In October, Pristina Pride urged the government and courts to respect and implement laws on sexual minorities.



Protest against repressive legislation restricting access to safe abortion care in Bratislava, Slovakia. © Dorota Holubova

## SLOVAKIA

Slovak Republic

Head of state: **Zuzana Čaputová** (replaced **Andrej Kiska** in June)

Head of government: **Peter Pellegrini**

### BACKGROUND

In March, voters elected Slovakia's first female president on an anti-corruption platform.

In March, a businessman was charged with ordering the murder of investigative journalist Ján Kuciak and his fiancée in 2018. In April, a former soldier was charged with carrying out the killings. The journalist had been investigating various allegations of irregularities in public procurement, some of which involved the businessman charged with ordering his murder. Several months

before his death, Ján Kuciak had filed a criminal complaint against the same man, alleging he had made direct threats against him.

### DISCRIMINATION – ROMA

In August, the Constitutional Court awarded compensation to a group of Roma, represented by the Centre for Civil and Human Rights NGO, for the delays they had experienced in a 13-year search for justice against discrimination. They had first turned to the courts in 2006 after staff at a village pub in eastern Slovakia refused to serve them because of their ethnic origin.

### POLICE AND SECURITY FORCES

Allegations of excessive use of force by the police against Roma persisted, alongside a lack of independent scrutiny.

In June, the Public Defender of Human Rights criticized the failure of the police inspectorate to investigate allegations that police had used excessive force during an operation in the Roma settlement of Moldava nad Bodvou in June 2013, resulting in injuries to over 30 individuals including children. In the absence of a domestic remedy, eight of the Roma brought a case before the European Court of Human Rights which was ongoing at the end of the year. The Public Defender also raised concerns about police investigations into six of the victims for allegedly falsely accusing the police of wrongdoing.

### RIGHT TO EDUCATION

In January, the Government updated action plans for the 2020 Roma Inclusion Strategy, one of the objectives of which is to address the racial school segregation of Roma. Despite these

commitments, concerns over racial discrimination against Roma children in education persisted. A report commissioned by the Ministry of Finance identified systemic shortcomings and continuing discrimination of Roma in access to education (as well as employment and healthcare). It raised concerns that Roma children were often educated in separate classes in mainstream schools, and that over half of the pupils in “special schools” for children with mental disabilities were Roma and/or recipients of welfare.

Similar concerns were expressed during the year by other bodies, including the European Commission, which escalated the infringement proceedings against Slovakia for breaching the EU’s equality legislation in October. The Commission gave the government two months to take measures to address the systematic discrimination and segregation of Roma children in education; otherwise, it could decide to refer the matter to the Court of Justice of the EU. In November, the Committee on Economic, Social and Cultural Rights (CESCR) called on the government to take immediate steps to increase the integration of Roma children who are currently in special schools and classes into mainstream education.

## **FORCED STERILIZATIONS**

In June, the Centre for Civil and Human Rights raised concerns over the ongoing

failure of the government to take responsibility for forced sterilizations of Roma women, and ensure the survivors have access to remedy. A 2018 proposal by the Public Defender of Human Rights to adopt special legislation providing a framework for adequate compensation to the victims of these violations had not been actioned by the end of the year. In November, the CESCR called on Slovakia to ensure full, independent and transparent investigation of cases of forced sterilization of Roma women, and to provide remedies to all victims thereof.

## **WOMEN’S RIGHTS**

In March, the parliament refused to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). NGOs working with survivors of domestic violence raised concerns at the authorities’ continued failure to adequately address domestic violence and provide sufficient funding for support services.

Attempts in Parliament to further restrict access to and to criminalize abortion continued. In September and October, the Parliament rejected four such proposals, including one from the far-right People’s Party, Our Slovakia, which would have shortened the permitted limit until which an abortion could be performed from 12 to eight weeks. In December, amidst protests of rights

organizations, the MPs rejected another draft legislation that would have forced women seeking an abortion to view an ultrasound scan of the embryo or foetus. The Commissioner for Human Rights of the Council of Europe called on the parliament to reject the law, which would jeopardize human rights.

## **REFUGEES AND ASYLUM-SEEKERS**

In August, the UN Committee on the Rights of the Child (CRC) intervened against a separation of an Afghan asylum-seeking family and prevented the authorities from transferring the mother and four children to the Netherlands, under the Dublin III Regulation. An NGO, Human Rights League, campaigned on the case.

## **TORTURE AND OTHER ILL-TREATMENT**

In July, a year after the Slovak authorities extradited Aslan Yandiev to the Russian Federation, he was sentenced to 19 years’ imprisonment. Two of the three witnesses withdrew their statements on grounds that they had been extracted under torture. Amnesty International had been among those denouncing his extradition, as there was evidence that he would face real risks of torture and other ill-treatment if returned, in violation of Slovakia’s obligations under international law.



Roma child in Ribnica settlement in Slovenia. © Jaka Gasar

## SLOVENIA

Republic of Slovenia  
 Head of state: **Borut Pahor**  
 Head of government: **Marjan Šarec**

Slovenia failed to respect, protect and promote the rights of refugees and migrants. The legal definition of rape in the Criminal Code fell short of international human rights law and standards. The social care system for the elderly remained grossly inadequate. Roma continued to face widespread discrimination and social exclusion in all walks of life.

### REFUGEES AND ASYLUM-SEEKERS

Many potential asylum-seekers irregularly entering Slovenia were denied access to asylum, fined and forcibly returned – frequently in groups – to neighbouring Croatia. Such collective expulsions took

place without appropriate procedural safeguards against *refoulement* (that is forced return to a country or territory where persecution is likely) and despite credible reports of widespread violence and abuse by the Croatian police and the risk of their likely further expulsion to Bosnia and Herzegovina.<sup>1</sup>

Human rights organizations documented numerous cases of the Slovenian authorities ignoring asylum-seekers' intention to apply for international protection and failing to provide information or adequate translation assistance to those arriving at the border. The authorities failed to properly and effectively investigate these allegations. The government also continued to deny public access to official information relating to police procedures and the general situation at the Slovenian-Croatian border, despite the Information Commissioner's instruction that these

documents be made public. The government contested the request for disclosure in the courts.

### VIOLENCE AGAINST WOMEN AND GIRLS

The definition of rape in the Criminal Code remained based on the use of force, threat of force or coercion, rather than lack of consent, contrary to international human rights law and standards. The Ministry of Justice committed to address this as part of wider changes to the Criminal Code and established a working group to propose reforms. There was no formal proposal by the end of the year.

### ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In September, the Court of Audit issued a report on the social care system which

criticized the government's complacency over the past decade and concluded that the system was in a critical condition. According to the report, the authorities failed to provide adequate access to long-term affordable residential care for the majority of people who needed it. Elderly people from lower socio-economic backgrounds were disproportionately affected. Nursing home representatives reported that approximately 53,000 applications were filed for estimated 20,000 beds, reflecting growing concern about inadequate capacity for the aging population in publicly funded facilities.

In September, the Ministry of Health announced the preparation of long-delayed draft legislation on long-term

care for the elderly, but no progress was made before the end of the year.

## **DISCRIMINATION – ROMA**

Roma continued to face widespread discrimination, high levels of unemployment and social exclusion. Many still lived in segregated settlements in inadequate housing, lacking security of tenure and access to water, electricity, sanitation and public transport.

The Ministry for the Environment prepared draft amendments to the Building Act, implementing an October 2017 Constitutional Court ruling that demolishing an illegally constructed building which was a person's only

home constituted a violation of the right to housing. The draft legislation, if adopted, would provide more substantial safeguards against forced evictions, in particular in unregulated Roma settlements.

Roma pupils' educational achievement rates remained poor with unofficially collected data showing that over 60% failed to complete primary education. A more comprehensive assessment of Roma students' performance and completion rates in primary schools was not available, however, as the government continued the practice of not systematically collecting data on Roma children. Roma children continued to be disproportionately represented in special needs schools.

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1. Amnesty International, *Pushed to the edge: violence and abuse against refugees and migrants along Balkan route* (Index: EUR 05/9964/2019) <https://www.amnesty.org/en/documents/eur05/9964/2019/en/>





International Women's Day demonstration in Madrid, March 8, 2019. The banner reads: "Transform the world". © Adolfo Lujan

## SPAIN

Kingdom of Spain

Head of state: **King Felipe VI de Borbón**

Head of government: **Pedro Sánchez**

Jordi Sánchez and Jordi Cuixart, presidents of two pro-independence organizations in Catalonia, were among those sentenced for their role in the protests held in Barcelona on 20 September 2017 and for their involvement in the 1 October 2017 referendum on Catalan independence. The outcome of investigations into excessive use of force by police during the 2017 demonstrations remained pending. The Supreme Court upheld the convictions of eight people for their involvement in a 2016 attack on two off-duty police officers and their partners in Alsasua (Navarra), but rejected the aggravating factors for terrorist

offences and reduced their sentences. Amid ongoing economic challenges, obstacles to access to housing and health care persisted. Despite recent reforms, migrants in an irregular situation continued to face obstacles in accessing health care. Hundreds of people continued to face forced eviction without access to alternative housing.

### TRIAL OF CATALAN LEADERS

Between February and June, 12 Catalan leaders stood trial in connection with events in September and October 2017 surrounding a referendum on independence conducted by the Catalan regional government in defiance of several Constitutional Court rulings. In October, the Supreme Court found seven senior Catalan officials (six former members of the Catalan government and the former president of the Catalan parliament) and the presidents of two

pro-independence organizations, Jordi Sánchez and Jordi Cuixart, guilty of sedition. They were sentenced to prison terms of between nine and 13 years. Three other former members of the Catalan government were convicted of "disobedience", fined and disqualified from public office.

While there was no evidence that the right to a fair trial of the 12 Catalan leaders had been violated, there are concerns that the crime of sedition, of which nine of them were convicted, is both vaguely defined in law and was broadly interpreted by the court in a way that disproportionately restricts the exercise of human rights.

In addition, the convictions for the crime of sedition of Jordi Sánchez and Jordi Cuixart, who had been held on remand since 16 October 2017, constituted an excessive and disproportionate restriction

of their right to freedom of expression and peaceful assembly. Amnesty International therefore called for their convictions to be quashed and for their immediate release.

## EXCESSIVE USE OF FORCE

Following the Supreme Court ruling in October, several protests took place in Catalonia. Although most demonstrations were largely peaceful, there were several violent incidents during which hundreds of people were injured. This included 318 members of the security forces, one of whom was injured seriously. In a number of instances, the police used excessive force against protesters. At least 367 people needed medical assistance, four of whom reportedly lost sight in one eye after being hit by rubber bullets and balls fired by police to disperse protesters.

None of the investigations into reports of excessive use of force by police during the protests in October 2017 in Catalonia had resulted in prosecutions by the end of the year.

## FREEDOM OF EXPRESSION AND ASSEMBLY

The authorities continued to use the Law on Public Security to impose administrative sanctions, including increasingly heavy fines, on protesters, human rights defenders and journalists. In some cases, this unlawfully restricted their rights to freedom of expression, peaceful assembly and access to information.

In April, journalist Mikel Saénz de Buruaga, who had been fined €602 in July 2017 for crossing police lines and endangering officers' safety in Vitoria (Basque Country), was acquitted. The court found that the authorities failed to sufficiently demonstrate that his aim was to disobey police orders rather than pursue his journalistic activities. At least three people were tried for expressing opinions that the authorities considered constituted "incitement to terrorism", despite failing to demonstrate that the threshold of prohibited speech

under international human rights law was reached. They were charged under counter-terrorism legislation that outlaws the "glorification of terrorism" and "humiliation of victims". One was acquitted, and two were convicted over comments posted on social media, which were regarded as a glorification of the armed organization Euskadi Ta Askatasuna (ETA).

At least two prosecutions were initiated for offences related to "publicly disparaging dogmas, beliefs, rites or public ceremonies", causing offence to members of religious groups or "slander or defamation" against the Crown. In October, after a five-year trial, three women's rights activists prosecuted for causing offence to religious feelings after participating in a feminist demonstration in Seville in May 2014 were acquitted. During the demonstration, they had carried a model of a vagina, used religious ornaments and used the format of prayer to express their opinions.

## TORTURE AND OTHER ILL-TREATMENT

Legislation to provide adequate reparations to victims of torture and other ill-treatment faced continuing obstacles. In April, the Basque parliament passed a second law on recognition and reparation for victims of political violence. However, in September, the Constitutional Court declared admissible two appeals against this law lodged by the political parties Ciudadanos and the Partido Popular. A similar law passed in Navarra in March also remained subject to a constitutional challenge since September. A previous similar law of 2015 was declared unconstitutional.

In May, the UN Human Rights Committee found that Spain had violated the human rights of Gorka-Joseba Lupiañez Mintegi, a member of the armed organization ETA, by failing to carry out a thorough investigation into his allegations of torture. Gorka-Joseba Lupiañez Mintegi was arrested in December 2007 and, at his first hearing before the National High Court on 11 December 2007,

had alleged that he had been tortured while held incommunicado. However, no investigation into his allegation was initiated until 2008, after he filed a complaint before an investigative judge. The case was subsequently closed for lack of evidence. The Committee urged Spain to end incommunicado detention as it can facilitate torture and other ill-treatment.

## REFUGEES AND MIGRANTS

Between January and December, 118,264 people claimed asylum, 53,723 of them women. There was continuing concern about the increasing backlog of pending asylum decisions; between January and December, the number of people awaiting decisions on their applications rose from 85,185 to 133,015. Delays in receiving decisions had a negative impact on asylum-seekers' right to adequate reception conditions.

Spain failed to fulfil its 2015 pledge to relocate 15,888 asylum-seekers from Greece and Italy under the European Union emergency relocation scheme, as only 1,359 were relocated by April 2018 when the scheme ended. Since 2016, Spain had resettled only 2,040 of the 3,464 refugees it promised to resettle under a separate procedure from countries outside the European Union.

Hundreds of people were expelled to Morocco under the 1992 Readmission Agreement, under accelerated proceedings which in certain circumstances may have failed to ensure access to asylum. A Grand Chamber ruling of the European Court of Human Rights remained pending on Spain's appeal against a 2017 first ruling of the same Court that the immediate return to Morocco of migrants attempting to enter Spanish territory in Melilla in 2014 amounted to a collective expulsion (case *N.D. & N.T v Spain*).

Investigations into racially motivated attacks on unaccompanied children in Catalonia between February and March were continuing at the end of the year. In November, bomb-disposal experts

detonated a hand grenade that had failed to explode after it was left in the patio of a youth shelter for unaccompanied children in Madrid by unknown assailants. This was later found to be a grenade used for training purposes.

## COUNTER-TERRORISM AND SECURITY

In October, the Supreme Court upheld the conviction of eight people for their involvement in an attack on two off-duty Civil Guard officials and their partners in Alsasua (Navarra) in 2016. However, the Supreme Court rejected the imposition of heavier penalties for aggravating circumstances by the National High Court (Audiencia Nacional) on the grounds that the attack was motivated by ideological discrimination and reduced their sentences. The Supreme Court found that, in terms of discrimination constituting an aggravating circumstance, the Civil Guard could not be regarded as a vulnerable group facing discrimination.

## VIOLENCE AGAINST WOMEN

55 women and three children were killed by their partners or former partners.

In June, the Supreme Court convicted five men of rape in the so-called “Wolf Pack” case. The ruling overturned previous judgments by the Navarra courts, which had found the men not guilty of rape, due to a lack of evidence of violence or intimidation of the victim (and had instead convicted them for the lesser offence of sexual abuse).

Widespread protests in 2018 in reaction to the Navarra courts’ judgments had led the government to announce that laws would be amended in 2020 to make clear that sex without consent is rape. According to official data, 11,587

complaints of sexual violence were filed with the police between January and September 2019. Victims of sexual violence faced obstacles when seeking justice and a lack of adequate protection, assistance and support measures.

## RIGHT TO HOUSING

Between January and September, there were 40,492 evictions of people who were unable to pay their mortgages (10,673), rent (26,962) or for other reasons (2,857). In March, the government adopted Royal Decree Law 7/2019 improving protection for tenants, but this contained insufficient measures to strengthen protection from forced evictions or ensure access to affordable housing. In October 2019, the UN Committee on Economic, Social and Cultural Rights (CESCR) found that Spain violated a family’s right to housing by failing to take into account their vulnerability in an eviction and without a court considering the proportionality of the measure. More than a hundred cases regarding housing rights remained pending before the CESCR.

## RIGHT TO HEALTH

Austerity measures adopted in 2012 affecting access to health care were not reversed during 2019. Many of these changes continued to have a disproportionate impact on people on lower incomes, especially those with chronic health conditions or disabilities, older people and those seeking mental health care. The UN Committee on the Rights of Persons with Disabilities asked Spain to ensure the accessibility and availability of healthcare services for all persons with disabilities. In June, a Supreme Court ruling

prevented access to health care to a Cuban woman who had legally been reunited with her daughter in Spain on the grounds that a temporary residence permit for a family member of European Union citizens does not imply the automatic existence of this right. The decision contravened UN and Council of Europe recommendations to Spain to ensure equal access to health care without discrimination.

Migrants in an irregular situation continued to face obstacles in accessing health care such as administrative barriers due to the ambiguity of the July 2018 Royal Decree Law 7/2018 on universal access to the National Health System.

## IMPUNITY

In October, the remains of former ruler Francisco Franco were exhumed from the Valle de los Caídos cemetery and taken to a private family vault in Madrid, as recommended by UN human rights bodies.

Victims of human rights violations committed under his regime continued to be denied their right to truth, justice and reparation. No investigations were initiated into crimes under international law committed during the Civil War (1936-1939) and the Franco regime, such as enforced disappearances and torture. Efforts to locate and identify the remains of victims were still mainly undertaken by families and organizations, without state support.

Individuals affected by the so-called “stolen babies” cases continued to face obstacles and difficulties in finding out the truth about their identity and the whereabouts of their relatives.



Members of Amnesty International Sweden take part in demonstration against sexual violence in Stockholm on 8th March 2019. © AI Sweden

## SWEDEN

Kingdom of Sweden

Head of state: King Carl XVI Gustaf

Head of government: Stefan Löfven

Rape and other forms of sexual violence against women and girls remained widespread. Roma people continued to face discrimination. Torture was not criminalized in Swedish criminal law.

### WOMEN'S RIGHTS

Sexual violence, particularly against women and girls, remained pervasive and 6,256 rapes against people aged 15 or above were reported in 2019, according to official preliminary crime statistics. Parliament had passed a law in 2018 which changed the legal definition of rape to a consent-based one. However, Amnesty International noted

in April that survivors continued to face barriers in accessing justice and few investigations led to prosecutions and convictions. Many of the flaws stemmed from the police's inadequate handling of rape cases, including inconsistent implementation of investigative best practice, significant delays both in interrogation of suspects and in obtaining results of forensic analysis.<sup>1</sup>

In June, the Police Authority announced an initiative to intensify efforts to improve the quality and efficiency of rape investigations, which included the recruitment of 350 new investigators.

### DISCRIMINATION

So-called "vulnerable EU citizens" – primarily citizens of Romania and Bulgaria, the majority of whom are Roma, who live in destitution and homelessness in Sweden – continued

to face discriminatory treatment with many sleeping in tents or temporary settlements on the outskirts of cities. Forced evictions occurred. Many "vulnerable EU citizens" had taken recourse to begging on the streets, which eleven municipalities made a criminal offence, following an Administrative High Court decision in December 2018 enabling municipalities to pass local begging bans. Anti-begging rhetoric from leading politicians and opinion-makers across the political spectrum fed deep, discriminatory attitudes and increased the risk of human rights violations against Roma EU citizens already living in destitution in Sweden. In Stockholm, harassment and removal by the police of Roma EU citizens who beg continued. Local support groups reported an increasing number of hate crimes targeting Roma EU citizens in municipalities where bans had been introduced.

## CORPORATE ACCOUNTABILITY

Saab, which has supplied military equipment to the Saudi Arabia/United Arab Emirates-led Coalition that is a party to the ongoing conflict in Yemen, was one of several global defence sector companies identified by Amnesty International as failing to adequately meet their responsibility under the UN Guiding Principles on Business and Human Rights to identify and address the human rights risks of their operations.<sup>2</sup>

The government gave its approval for the public prosecutor to file formal charges against two top-level representatives of the Swedish oil company Lundin Petroleum for their alleged complicity in serious violations of international law in what is now South Sudan. The charges had yet to be filed at the end of the year.

## REFUGEES AND ASYLUM-SEEKERS

Sweden continued to forcibly return asylum-seekers to Afghanistan despite the worsening security situation in the country. This was in line with the Swedish Migration Agency's new legal comment adopted in February, using the practice of internal flight alternatives for relocation in Afghanistan. Amnesty International called for a halt to this practice.

## TORTURE AND OTHER ILL-TREATMENT

Torture had still not been criminalized in the Penal Code, despite longstanding criticism by the UN Committee against Torture and other human rights mechanisms.

## INDIGENOUS PEOPLES' RIGHTS

In August, the government declared that it would work towards establishing a Sami Truth Commission together with the Sami Parliament.

However, during a Supreme Court hearing in a case on Sami fishing and hunting rights in October, the government counsel stated that Sweden had no obligations to recognize the Indigenous Sami people's rights, in sharp contrast to Sweden's position on Indigenous Peoples' rights elsewhere. The court decision is expected in January 2020.

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1. Amnesty International, *Europe: Time for Change: Justice for rape survivors in the Nordic countries* (Index: EUR 01/0089/2019) <https://www.amnesty.org/en/documents/eur01/0089/2019/en/>

2. Amnesty International, *Outsourcing responsibility: Human rights policies in the defence sector* (Index: ACT 30/0893/2019) <https://www.amnesty.org/en/documents/act30/0893/2019/en/>



Photo action with AI Switzerland activists and staff in front of the Bundeshaus in Berne, Switzerland, 21 May 2019. © AI Switzerland

## SWITZERLAND

Swiss Confederation  
Head of state and government: **Ueli Maurer**

A new accelerated asylum procedure came into force. A study giving detailed figures on the extent of sexual violence against women was published, initiating a broad discussion on women's rights and sexual violence.

### REFUGEES AND ASYLUM-SEEKERS

A new asylum law came into force on 1 March. Asylum procedures were accelerated in the federal centres of the six asylum regions. The government set a goal to complete 60 percent of asylum applications within 140 days of arrival. Asylum-seekers are also to receive free counselling and legal representation in the new procedures.

However no reliable system had been put in place to proactively identify vulnerable asylum-seekers and their needs related to procedures and accommodation. Direct access to specialist medical care is difficult for asylum-seekers, and people seeking to assist asylum-seekers face restrictions in accessing federal centres.

The number of asylum applications had reached its lowest level since 2007, with 14 269 applications lodged in 2019. The Swiss asylum authorities continue to rely on a rigid application of the Dublin Agreement, regularly returning even vulnerable asylum-seekers and people who have relatives in Switzerland to their first country of entry.

The accommodation of rejected asylum-seekers who cannot be returned to their countries of origin amounted to inhuman treatment. Under the government's "emergency assistance" regime, these

people are housed in underground civil defence facilities in some cantons (Zurich and Ticino). In 2015, the National Commission for the Prevention of Torture (NCPT) considered this to be permissible for a maximum period of three months.

### HUMAN RIGHTS DEFENDERS

In at least five cantons, immediate criminal orders were issued against people who helped others to settle in Switzerland, and access protection and livelihood means in Switzerland. When they opposed the conviction, they faced trial. Among them were human rights defenders Anni Lanz, pastor Norbert Valley and Lisa Bosia Mirra.

Under federal Swiss law, "non-aggravated" cases of facilitating entry, stay and circulation (that is, not for payment) is punishable with a fine and

in some cases criminal registration. National Councillor Lisa Mazzone introduced a parliamentary initiative to explicitly exempt from punishment this kind of action to aid people in the future. In spring 2020, the parliament will debate the use of this provision and the introduction of a humanitarian exemption.

## **WOMEN'S RIGHTS**

The women's strike on 14 June was one of the largest mobilizations in Switzerland's history. About half a million people took to the streets calling for an end to continuing discrimination against women.

Amnesty International commissioned research on the prevalence of sexual harassment and sexual violence in Switzerland. The organization called for reform of Swiss criminal law, so that rape is defined on the basis of lack of consent in line with international human rights standards. Currently, the legal definition of rape in Switzerland continues to be based on violence, threats of violence or other means of coercion.

## **COUNTER-TERROR AND SECURITY**

After two new laws had already been introduced in 2017 and 2018, two new anti-terrorist laws were discussed in parliament in autumn 2019. They are expected to be passed in 2020.

The amendment of anti-terror legislation for the first time introduced a definition of "terrorism". Vague and overly broad offences can result in encroachments on fundamental rights and arbitrary application.

In May, the Federal Council presented the Federal Act on "Police Measures to Combat Terrorism", which Amnesty had criticized as too far-reaching. The law provides for a series of preventive coercive measures against so-called "persons likely to threaten public safety". This provision lacks clarity and violates the principle of legality.

## **RIGHTS OF LESBIAN, GAY, BISEXUAL, TRANSGENDER AND INTERSEX PEOPLE (LGBTI)**

In December 2018, the Swiss parliament decided to expand the scope of the law

on penalizing racism to include calls for hatred and discrimination on the basis of sexual orientation. Opponents have called for a national referendum, which may take place in February 2020. Discrimination based on gender identity, however, remained outside the scope of the legislation.

## **LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS**

In December, the Federal Council has adopted a draft law on the creation of a National Human Rights Institution (NHRI). The draft complies with the Paris Principles relating to the National Institutions for the Promotion and Protection of Human Rights, however, the budget attributed to the future NHRI is low (1 million CHF/year). The Parliament is expected to discuss the draft law and should adopt a final version before the end of 2020.



Police preventing members of parliament from the opposition Peoples' Democratic Party and others from reading out a statement criticizing 'Operation Peace Spring', Diyarbakır, 20 October 2019. © Bilal Güldem, Mesopotamia Agency

## TURKEY

Republic of Turkey

Head of state and government: **Recep Tayyip Erdoğan**

The crackdown on real or perceived dissent continued in 2019, despite the end of the two-year-long state of emergency in July 2018. Thousands of people were held in lengthy and punitive pre-trial detention, often without any credible evidence of their having committed any crime recognizable under international law. There were severe restrictions on the rights to freedom of expression and peaceful assembly and people considered critical of the current government – in particular journalists, political activists and human rights defenders – were detained or faced trumped-up criminal charges. The authorities continued to arbitrarily ban demonstrations and use unnecessary

and excessive force to disperse peaceful protestors. There were credible reports of torture and enforced disappearances. Turkey forcibly returned Syrian refugees, while continuing to host more refugees than any other country.

### BACKGROUND

Between January and May, thousands of prisoners joined parliamentarian Leyla Güven on hunger strike to demand that armed Kurdistan Workers' Party leader Abdullah Öcalan be allowed to receive visits from his family and lawyers. The hunger strikers and those who took solidarity actions in their support were criminalized and many were prosecuted under anti-terrorism laws.

The result of the March municipal elections in Istanbul was annulled on spurious grounds by the Supreme Election Board following the victory

of the main opposition Republican People's Party (CHP) candidate. In June, he won the re-run of the election with an increased majority. Elected mayors in 32 municipalities representing the leftist, Kurdish-rooted Peoples' Democracy Party (HDP) were removed from office on spurious grounds and replaced with unelected civil servants. The government cited ongoing terrorism-related investigations and prosecutions for their removal. At the end of the year, 18 remained in pre-trial detention.

On 9 October, Turkey launched a military offensive against Kurdish forces in north-east Syria ("Operation Peace Spring") with the stated aim of establishing a 32km-deep border "safe zone". The operation, conducted by the Turkish military together with allied Syrian armed groups, effectively ended on 22 October, amid evidence of war crimes. In the last quarter of the year, a



judicial reform package was passed by Parliament. The reforms failed to address the structural flaws in a judiciary under extreme political pressure or to end unfair and politically motivated prosecutions and convictions.<sup>1</sup>

## FREEDOM OF EXPRESSION

Criminal investigations and prosecutions under anti-terrorism laws and punitive pre-trial detention continued to be used, in the absence of evidence of any criminal wrongdoing, to silence real or perceived dissent. The courts blocked online content and criminal investigations were launched against hundreds of social media users. In August, a new regulation came into effect that requires internet broadcasting platforms to apply for licenses to the Radio and Television Supreme Council (RTÜK). The content of the platforms will be monitored by the RTÜK, expanding its censorship powers over online content.

At least 839 social media accounts were investigated for allegedly “sharing criminal content” related to “Operation Peace Spring”. Hundreds of people were taken into police custody and at least 24 were remanded in pre-trial detention.<sup>2</sup>

### Journalists

Dozens of journalists and other media workers remained in prison either in pre-trial detention or serving a custodial sentence. Some of those investigated and prosecuted under anti-terrorism laws were convicted and sentenced to years of imprisonment; their peaceful journalistic work presented as evidence of a criminal offence.

On 5 July, the Supreme Court of Appeals overturned the first instance court’s conviction of journalists Ahmet Altan and Nazlı Ilıcak for “attempting to overthrow the constitutional order”. In November, they were convicted of “knowingly and willingly assisting a terrorist organization, without being a member” following a re-trial and sentenced to prison terms of 10 years and six months and eight years and nine months respectively. Both were

released on 4 November pending appeal. However, Ahmet Altan was re-arrested on 12 November following a prosecution appeal against his release. He remained in Silivri Prison at the end of the year.

Journalists have also faced intimidation when covering protests. Zeynep Kuray and İrfan Tunççelik, were taken into police custody on 10 May 2019 while covering protests in Istanbul held in solidarity with prison hunger strikers. They were released on bail on 13 May pending criminal investigation. Hakan Demir, the digital services manager of Birgün daily newspaper, and Fatih Gökhan Diler, the managing editor of the news website Diken, were detained on 10 October in relation to news articles about “Operation Peace Spring”, which did not contain language inciting violence or any other content that may be considered criminal. Both were released later the same day and banned from travelling overseas pending criminal investigations. On 27 October, lawyer and columnist Nurcan Kaya was detained at Istanbul airport in connection with an investigation launched against her for “inciting enmity or hatred” for a tweet criticizing “Operation Peace Spring”. She was released the same day but subsequently banned from travelling abroad pending the outcome of the investigation.

### Human rights defenders

Dozens of human rights defenders faced criminal investigations and prosecutions and were held in police custody or imprisoned for their human rights work.

The trial of the 11 human rights defenders in the Büyükada case, including the former chair, ex-director and several members of Amnesty Turkey as well as women’s and equality advocatess continued in 2019 on baseless charges of “membership of a terrorist organization”. If convicted they could face up to 15 years’ imprisonment.

Civil society leader Osman Kavala and 15 other civil society figures faced charges of

“attempting to overthrow the government or prevent it from performing its duties” for their alleged role in “directing” the Gezi Park protests of 2013. If convicted they could face life imprisonment without parole. On 10 December, the European Court of Human Rights ruled that Osman Kavala’s extended pre-trial detention lacked reasonable suspicion and was carried out with the ulterior purpose of reducing him to silence, calling for his immediate release. By the end of the year, he had been held in Silivri high security prison for over two years. His co-defendant Yiğit Aksakoğlu was released on bail at his first trial hearing in June after seven months in prison.

Human rights lawyer Eren Keskin remained at risk of imprisonment as a result of over 140 separate prosecutions for her past role as symbolic editor-in-chief of the now closed Kurdish daily newspaper Özgür Gündem. In October, her home was raided and she was questioned by the Istanbul Security Directorate Anti-Terrorism Branch for sharing posts on social media criticizing “Operation Peace Spring”.

### Politicians and activists

In July, a Constitutional Court overturned the convictions of 10 academics of “making propaganda for a terrorist organization” for signing a peace petition in 2016 criticizing indefinite curfews and security operations in southeastern Turkey. Hundreds more on trial for their support of the petition were acquitted following this decision, while others continued to face charges despite the Constitutional Court ruling that the charges violated the right to freedom of expression.

In September, food engineer and dismissed academic Dr Bülent Şık was convicted of “disclosing classified information” and sentenced to 15 months’ imprisonment for a series of articles exposing the presence of carcinogenic pesticides and other toxins in agricultural products and water. His appeal against the conviction was pending at the end of the year.

Two former co-chairs of the Peoples' Democratic Party (HDP), Selahattin Demirtas and Figen Yüksekdağ, remained imprisoned, convicted of terrorism-related charges which, in the absence of credible evidence, were largely based on their public speeches. 20 HDP-affiliated elected mayors of municipalities where trustees were appointed by the state, were remanded in pre-trial detention since municipal elections in March. 18 remained in pre-trial detention at the end of the year.

In September, Istanbul Provincial Chairperson of the main opposition Republican People's Party (CHP), Canan Kaftancıoğlu, was sentenced to nine years and eight months in prison for "insulting the President", "insulting a public official because of his/her duty", "provoking people into enmity and hatred" and "propaganda for a terrorist organization."

## FREEDOM OF ASSEMBLY

Blanket bans on all assemblies were issued in various cities across the country without any individual assessment of the need and proportionality of such measures. Police violently broke up a number of peaceful protests and scores of peaceful protesters faced criminal investigations and prosecutions on charges including "propaganda for a terrorist organization", "participation in an unlawful assembly" and "resisting police".

Several provincial governors continued to use extraordinary powers contained in a law introduced after the end of the state of emergency to restrict the right to peaceful assembly.

A blanket and indefinite ban on all lesbian, gay, bisexual, transgender and intersex (LGBTI) events imposed by the Ankara governorate in November 2017 was finally lifted in April 2019 following a court order, after which LGBTI events were banned individually. The student Pride march at the Middle East Technical University (METU) in Ankara in May was banned by the university management

and broken up by police using unnecessary and excessive force. Blanket bans were issued by İzmir, Antalya and Mersin governorates in June 2019 to prevent Pride week events taking place. The Istanbul Pride march was banned for the fifth year in a row.

In March, authorities banned the International Women's Day March in Istanbul just before it took place. Police used tear gas and other excessive force to disperse thousands of peaceful participants. In November police in Istanbul attacked hundreds of women protesters who had gathered for the International Day for the Elimination of Violence against Women with tear gas and plastic bullets, and a criminal investigation was opened against 25 participants of a "Las Tesis" protest in İzmir. In December, police dispersed the "Las Tesis" protest in Istanbul with excessive use of force and detained six participants who were released the following day; police in Antalya prevented around 100 women from holding a "Las Tesis" protest.

Blanket bans were imposed on assemblies expressing solidarity with those on hunger strike between November 2018 and May 2019<sup>3</sup> as well as those protesting against the removal of elected mayors from office and against "Operation Peace Spring".

The peaceful gatherings of the "Saturday Mothers", a group that since the mid-1990s has held weekly vigils in Galatasaray Square for victims of enforced disappearances, remained subject to the ban imposed in August 2018 when they were removed with unnecessary and excessive use of force. A blanket ban remains imposed on all protests in the square.

University students continued to be prosecuted for participating in peaceful protests. These included 30 students from Boğaziçi University peacefully protesting against Turkey's military involvement in Afrin in Syria and four students from the Middle East Technical University (METU) displaying a banner depicting a caricature of

President Erdoğan during the university's graduation ceremony. Both prosecutions began in 2018 and were continuing at the end of the year. Eighteen students and a member of academic staff from METU faced prosecution under the Law on Meetings and Demonstrations for their alleged participation in the banned Pride march in May.

## RIGHT TO WORK AND FREEDOM OF MOVEMENT

More than 115,000 of the 129,411 public sector workers – including academics, soldiers, police officers, teachers and doctors – arbitrarily dismissed by emergency decree following the 2016 coup attempt remained barred from working in the public sector and were denied passports. Many workers and their families have experienced destitution as well as tremendous social stigma, having been listed in the executive decrees as having links to "terrorist organizations". A commission of inquiry set up to review their appeals before they could seek judicial review, assessed 98,300 of the 126,300 applications it received and rejected 88,700 of them.

A law adopted in 2018 (Law No. 7145) that allows dismissal from public service to be extended for a further three years on the same vague grounds of alleged links to "terrorist organizations" was used by the Council of Judges and Prosecutors to dismiss at least 16 judges and 7 prosecutors during the year, further undermining the independence and integrity of the judicial system.

Several cases of dismissal from public service remained pending before the European Court of Human Rights at the end of the year. These include the cases of Hamit Pişkin, a civil servant dismissed from his post and three dismissed academics – Alphan Telek, Edgar Şar and Zeynep Kivilcim – who had had their passports cancelled and been banned from public service following their signing a petition criticizing security operations in southeastern Turkey.

## TORTURE AND OTHER ILL-TREATMENT

Credible allegations of torture and other ill-treatment continued to be reported.

In Urfa, eastern Turkey, men and women who were detained in May after an armed clash between security forces and the armed Kurdistan Workers' Party (PKK) reported, through their lawyers, that they had been tortured including with electric shocks to genitals.

Lawyers reported that some of the former Ministry of Foreign Affairs officials detained in Ankara Security Directorate in May accused of "membership of a terrorist organization, aggravated fraud and forgery for terrorism purposes", were stripped naked and threatened with being raped with batons.

In both cases, lawyers reported that their clients did not have access to a confidential consultation with a doctor.

## ENFORCED DISAPPEARANCES

Six men, accused of links with the Fethullah Gülen movement who went missing in February, suspected of having been the victims of enforced disappearance, resurfaced in police detention five to nine months after their disappearance. The authorities did not provide any information to the public or the families of the men about the circumstances surrounding their disappearance or how five came to find themselves in the Anti-Terrorism Branch of the Ankara Police Headquarters and one in the Antalya Police Headquarters

months after their disappearance. The six men were reported by their families to have lost weight, be very pale and nervous. The men reportedly did not disclose what had happened to them during the months they were disappeared. Following up to 12 days in police custody, they were all remanded in pre-trial detention on terrorism charges following court hearings without the knowledge of their lawyers or families.

The fate and whereabouts of a seventh man, Yusuf Bilge Tunç, who disappeared in August under similar suspicious circumstances remained unknown at the end of the year.

## REFUGEES AND ASYLUM-SEEKERS

Turkey continued to host more refugees and asylum-seekers than any other country, with over 3.6 million refugees from Syria and about 400,000 refugees and asylum-seekers from other countries.

In 2019, however, Syrians refugees faced increased difficulties in the context of deepening political polarization and a worsening economic outlook in the country, contributing to growing public criticism and intolerance towards the Syrian population.

The 2016 European Union-Turkey Statement, which contributes funds towards Turkey's hosting of refugees in exchange for – among other things – Turkey's cooperation in preventing refugees and asylum-seekers from fleeing onwards to the European Union, remained operational. As of 30 September, about €2.57 billion of

the total €6 billion promised had been disbursed.

Between July and October, at least 20 Syrians were forcibly and unlawfully returned to northwestern Syria, where they faced a real risk of serious human rights violations.<sup>4</sup> No official figures were available to estimate the number of people forcibly deported, but based on the statements received by Amnesty International, returns during this period affected dozens of people each time, suggesting that the total number forcibly returned was at least in the hundreds. Reports indicate that Turkish police beat, threatened or misled Syrians to coerce them into signing "voluntary return" forms. This occurred ahead of Turkey's military incursion into northeastern Syria in October. Allegations of *refoulement* (that is forced return to a country or territory where persecution is likely) of Syrians were officially denied by authorities, who insisted that a total of 315,000 Syrians had returned "voluntarily".

Migrants and asylum-seekers faced arbitrary detention and risked *refoulement* at Turkey's airports, where they did not have effective access to asylum procedures or assistance. In January, a man was detained arbitrarily in an Istanbul airport and forcibly deported to Egypt, where he was held in incommunicado detention and risked execution. In May, a Palestinian asylum-seeker from Syria was arbitrarily held for weeks in the new Istanbul Airport and attempts were made to deport him to Lebanon, with the risk of chain *refoulement* to Syria.<sup>5</sup>

1. Amnesty International, *Turkey: 'Judicial reform' package is a lost opportunity to address deep flaws in the judicial system* (Index: EUR 44/1161/2019) <https://www.amnesty.org/en/documents/eur44/1161/2019/en/>

2. Amnesty International, *Turkey: 'We can't complain' – Turkey's continuing crackdown on dissent over its military operation 'Peace Spring' in northeast Syria* (Index: EUR 44/1335/2019) <https://www.amnesty.org/en/documents/eur44/1335/2019/en/>

3. Amnesty International, *Turkey: Hunger strikes – Rights violations faced by prisoners on hunger strikes and those protesting in solidarity* (Index: EUR 44/0835/2019) <https://www.amnesty.org/en/documents/eur44/0835/2019/en/>

4. Amnesty International, *Turkey: Sent to a war zone – Turkey's illegal deportations of Syrian refugees* (Index: EUR 44/1102/2019) <https://www.amnesty.org/en/documents/eur44/1102/2019/en/>

5. Amnesty International, *Turkey: Palestinian held in airport risks deportation – Mohamed Ajlani Younes* (Index: EUR 44/0670/2019) <https://www.amnesty.org/en/documents/eur44/0670/2019/en/>

# UNITED KINGDOM

United Kingdom of Great Britain and Northern Ireland

Head of state: **Queen Elizabeth II**

Head of government: **Boris Johnson (replaced Theresa May in July)**

Counter-terrorism laws continued to restrict rights. Full accountability for torture allegations against UK intelligence agencies and armed forces remained unrealized. Northern Ireland made significant progress on abortion and same sex marriage.

## LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

The second draft Political Declaration on the future relationship between the UK and EU, published in October 2019, included less robust assurances around membership of the European Convention on Human Rights (ECHR) than the first version. The Government confirmed that it intends to derogate from the ECHR before significant future military operations where deemed appropriate.

The Scottish government built on its commitment to incorporate the UN Convention on the Rights of the Child, promising to bring forward legislation to incorporate UN treaties into Scots Law.

## COUNTER-TERRORISM AND SECURITY

The Counter-Terrorism and Border Security Act 2019 created new criminal offences that give rise to serious human rights concerns. These included entering or remaining in a “designated area” overseas; expressing an opinion or belief supportive of a proscribed organization, if reckless as to whether that encourages another person to support them; publishing images of articles or clothing in a way which suggests you are a member or supporter of a proscribed organization and the mere viewing of “terrorist related” material on the internet. Further, it created a new

“Schedule 3” border security power which permits suspicionless detention and searches based on the vague concept of “hostile activity”.

A statutory review of the PREVENT programme was established. However, several NGOs objected to both the lack of impartiality of the chosen reviewer, and the scope and approach of that inquiry. The reviewer was subsequently stood down.

The government removed British citizenship from people who had travelled to Syria and Iraq and were allegedly associated with the armed group calling itself Islamic State, including against at least one woman who had left the UK for Syria as a child.

## DEATH PENALTY

In January, the High Court rejected a challenge to the Home Secretary’s decision to agree to a Mutual Legal Assistance request from the USA to transfer evidence in the case of El Sheikh, without requiring assurances against the use of the death penalty. This was in contravention of the long-standing policy of seeking assurances to remove the possibility of the death penalty.

## IMPUNITY

The UK still did not conduct a human rights compliant inquiry or introduce other accountability measures for alleged abuses perpetrated by the British Armed Forces in Iraq between 2003 and 2009. The Office of the Prosecutor of the International Criminal Court (ICC) continued its preliminary examination of these war crimes claims. In July, the Ministry of Defence consulted on proposals for a presumption against prosecution of armed forces personnel for alleged offences committed in the course of duty outside the UK more than 10 years ago, as well as restricting the Courts’ discretion to extend the time limit for bringing compensation claims for personal injury and/or death in relation to historical events outside the UK.

## TORTURE AND OTHER ILL-TREATMENT

In June, the UN Committee Against Torture was critical of the government’s continuing failure to meet obligations in the Convention.

In direct contradiction of previous promises, the government announced in July that it would not establish the long anticipated independent judge-led inquiry into allegations of complicity in torture and other ill-treatment of detainees held by other countries in counter-terrorism operations overseas since 2001.

A review of the revised “Consolidated Principles” governing torture, other ill-treatment and broader detainee issues did not result in significant policy improvements sought by NGOs. The re-named and rewritten “Principles” continued to leave room for ministerial discretion to authorize activities where a real risk of torture existed. A freedom of information request subsequently uncovered a separate, secret, Ministry of Defence policy permitting intelligence sharing where there is a “serious risk” of torture “if Ministers agree that the potential benefits justify accepting the risk and the legal consequences that may follow”.

In September, the Court of Appeal in Northern Ireland dismissed an appeal by the Police Service of Northern Ireland (PSNI) of a ruling against a police decision to end its investigation into the torture of the 14 “Hooded Men”, who were abused while in detention by the British Army and the Royal Ulster Constabulary in 1971. In November, the Court of Appeal further dismissed the PSNI’s application for leave to appeal this decision to the UK Supreme Court. The PSNI retained the right to apply directly to the Supreme Court.

## NORTHERN IRELAND – LEGACY ISSUES

The government released funds to address a backlog of more than 90 conflict-related coroners’ inquests, although the 2014 Stormont House

Agreement was still not implemented and more than a thousand killings from the decades-long conflict were still waiting for new investigation processes.

In February, the UK Supreme Court found that the official investigation into the 1989 killing of Belfast solicitor Patrick Finucane was ineffective and failed to meet human rights standards. In September, his family announced they would continue to appeal for an independent public inquiry.

In November, legislation was passed to provide redress for thousands of children who had suffered abuse in residential institutions in Northern Ireland during the period 1922 to 1995.

## SEXUAL AND REPRODUCTIVE RIGHTS

On 3 October, Sarah Ewart and Amnesty International won their legal challenge at Belfast High Court which found that Northern Ireland's abortion law was incompatible with the UK's human rights obligations under the ECHR. That month, legislation came into force decriminalizing abortion in Northern Ireland and all pending criminal proceedings were dropped. Regulations to enable access to abortion including in cases of risk to the woman's health, serious or fatal foetal anomalies, and pregnancy resulting from gender-based violence was due by end of March 2020. In the interim, the government will fund travel and healthcare costs for women from Northern Ireland to travel to England.

## DISCRIMINATION

A government compensation scheme became available in April for people who had been affected by the so-called "Windrush scandal". However, the full extent of the injustice had not been acknowledged by the government and the racism that underpinned the laws and policies at the heart of this scandal had not been addressed. In many cases, people who had settled in the UK prior to 1973 and their dependents had been treated as if they had no permission to be

in or return to the UK despite their being entitled to stay indefinitely after entering the country as British nationals.

In October, new legislation came into effect which will legalize same-sex civil marriage in Northern Ireland from January 2020. The government had yet to respond to a consultation on reforming the Gender Recognition Act in England and Wales which concluded in October 2018.

## WOMEN'S RIGHTS

The Committee on the Elimination of Discrimination against Women's (CEDAW) Concluding Observations on the UK's eighth periodic report highlighted inconsistent implementation of CEDAW's provisions across the country due to devolved administration. The periodic review process shed light on the disproportionate impact of austerity policies on women, in particular women from ethnic minority backgrounds and women with disabilities.

In July 2019, a Domestic Abuse Bill was introduced to Parliament without provisions to ensure safety and access to justice for migrant women, despite recommendations from parliamentary committees.

Women's rights organizations and press exposed a crisis of justice for victims of rape in England and Wales. Crown Prosecution Service figures show a marked decrease in prosecutions against an increase in reports. Civil society organizations exposed a practice whereby the police asked victims of sexual assault to hand over their phones, suggesting that open ended consent to access their data was required in order for investigations to move forward, even where perpetrators are strangers or the abuse historic. This practice is under investigation by the Information Commissioner's Office.

## RIGHT TO LIFE

In October, the public inquiry into London's Grenfell Tower fire in June

2017 published its first report. The report answered some questions about the immediate cause and actions during the fire, in which 72 people died and dozens were injured. The inquiry continued and was due to explore the decision-making regarding the building and the broader context they were taken in, as well as the support the authorities provided to the community in the aftermath of the fire. The fire raised questions concerning the authorities' and private actors' compliance with their human rights obligations and responsibilities, including protection of the right to life and guaranteeing an adequate standard of living, including the right to adequate housing.

## ECONOMIC, SOCIAL AND CULTURAL RIGHTS

In his report on the UK issued in May, the UN Special Rapporteur on extreme poverty and human rights strongly criticized the country's austerity policies, finding that they have resulted in around 14 million people living in poverty with almost 1 in 2 children affected.

## REFUGEES AND ASYLUM-SEEKERS

Considerable uncertainty persisted concerning post-Brexit immigration policy and practice.

The UK's restrictions on family reunion continued to prevent many refugee families from being together. The rules do not allow adult refugees to be joined by their children who are over 18 and the UK is one of the only countries in Europe in which unaccompanied child refugees do not have the right to be joined by even their closest relatives.

There was increased concern about the post-Brexit future of arrangements whereby refugee and asylum-seeking children could be transferred to the UK from EU Member States, including children with family in the UK. Meanwhile, 2019 saw a rise in the number of people attempting to reach the UK by boat and at least two people were known to have drowned in the attempt.

In November, 39 people from Vietnam were found dead in a refrigerated trailer on an industrial estate in Essex. The government responded by calling for more focus on tackling human traffickers and other criminals. However, it failed to address warnings about the lack of safe and legal migration channels, or the role of immigration policy, practice and rhetoric in driving people to undertake dangerous journeys.

## **CORPORATE ACCOUNTABILITY**

In June, the High Court declared that a Prisons and Probation Ombudsman investigation into serious mistreatment and abuse of detainees at Brook House Immigration Removal Centre by officers of the private security firm G4S was inadequate for lack of power to compel witnesses. The judgment said that unless the terms of reference were extended to include that power, it would not comply with UK government's investigative duties under Article 3 of the ECHR (the right not to be subjected to inhuman and degrading treatment). The Home Secretary announced in November that the investigation would instead take the form of a statutory inquiry.

## **ARMS TRADE**

In a judicial review brought by the Campaign Against the Arms Trade (CAAT) and joined by Amnesty, Human Rights Watch and Rights Watch UK, the Court of Appeal ruled that the UK government's decision to continue licensing exports of military equipment to Saudi Arabia was unlawful. The case will be heard by the Supreme Court in early 2020 and Amnesty, Human Rights Watch and Rights Watch have applied to intervene.

## **FREEDOM OF ASSEMBLY**

In February, anti-deportation activists known as the "Stansted 15" were convicted under the Aviation and Maritime Security Act 1990, a terrorism-related law, and given non-custodial sentences for chaining themselves around an immigration removal flight at Stansted Airport. In August, the Court of Appeal granted them leave to appeal against their convictions. However, concerns remained about the use of terrorism-related laws to prosecute activists engaged in non-violent direct action.

In October, the Metropolitan Police issued a Section 14 order under the Public Order Act imposing a blanket ban in London on protests by "Extinction Rebellion". In November, the High Court ruled that the ban had been unlawful.

## **FREEDOM OF EXPRESSION**

Julian Assange was arrested in April 2019 in the premises of the Embassy of Ecuador after the Ecuadorian government arbitrarily withdrew his nationality. He was sentenced to 50 weeks for skipping bail. The US submitted an extradition request on the grounds of 17 charges under the Espionage Act and one charge under the Computer Fraud and Abuse Act. In the US, he would face real risks of serious human rights violations. The charges relate to the release of disclosed documents and his publishing activities with Wikipedia. At the end of the year, the extradition procedure was pending.

# HUMAN RIGHTS IN EUROPE:

## REVIEW OF 2019

This report documents the state of human rights in Europe during 2019. It is composed of a regional overview and 35 country entries, subdivided by key human rights themes.

In the heart of Europe, some states actively sought to erode the independence of the judiciary to avoid state accountability. The European Union continued to outsource border and migration control. Grave human rights risks ensued: tens of thousands of people remained exposed to conflict, violence, torture and an uncertain future in destitute conditions. Those opposing these border and migration control policies frequently faced smear campaigns, harassment, and even administrative and criminal penalties.

Increasing numbers of human rights defenders, activists and independent media faced intimidation and prosecution. Expressions of dissent on the streets were often met with a range of restrictive measures and excessive use of force by police.

Against this overall backdrop of intolerance and discrimination, minorities and those seeking to defend their rights were met with violence, increasing stigmatization of some communities.

Survivors of sexual violence, including rape, continued to face obstacles in accessing justice. While two countries held their first ever Pride parades, there was a roll-back in a number of others on law and policies related to the rights of LGBTI people.