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OF THE RUSSIAN FEDERATION**

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

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Introduction

Although the European Union and its members traditionally declare their commitment to the protection and promotion of human rights both on the national and international levels, the situation in this sphere in the EU is still far from perfect. A lot of respected human rights activists and international human rights organizations express concern with the fact that in the recent years the protection of basic rights, freedoms and democratic standards in EU countries has faced difficulties.

Among the most pressing human rights issues in the EU are the following: a steady growth of xenophobia, racism, violent nationalism and neo-Nazism, violation of rights of minorities, prisoners, refugees, migrants, and persons with mental illnesses, lack of protection of children, gender inequality, violation of privacy, abuse of power by the police, a number of EU countries harboring CIA black sites, the situation as to the freedom of mass media, which is far from perfect, and the infringement of social rights of citizens. It is very alarming that certain EU countries, though verbally supporting the international human rights norms and standards, decide not to assume responsibility even under basic multilateral treaties on human rights, and if they do assume such responsibilities, these are often accompanied by neutralizing reservations.

In this context, it becomes clear that the existing system of protection of human rights and freedoms in the EU is not flawless. Neither the EU judicial mechanisms, the EU ombudsman who receives complaints about the activities of supranational institutions, the EU Agency for Fundamental Rights acting as a consultant for EU institutions, nor the newly created post of the EU Special Representative for human rights do not cover all the systemic challenges in the area of human rights that the European Union faces today.

Neither on the institutional, nor on the legislative level one of the most sensitive spheres of EU control has been fully developed, that is constant supranational monitoring of cases involving violations of fundamental rights and freedoms by certain member States. There is a total lack of tools of active response by EU institutions and of prosecution of those responsible.

All this is in an obvious contradiction with the EU claims of being the model and often the "supreme arbiter" as far as human rights and democratic freedoms are concerned.

The aim of the present report is to draw the attention of both EU Member States and EU supranational bodies to serious problems at their home. A lot of those are of a cross-border nature, which means that they require joined efforts of all countries in order to achieve the most effective solution.

Russia is ready for a constructive dialogue of equals with the European Union on human rights and democratic development, which would to the full extent correspond to the relations of strategic partnership with the EU. This cooperation will gain a lot if our counterparts from the EU abandon their policy of imposing their priorities, stop looking down on the interests of other partners and creating an artificial systematization of international human rights obligations.

European Union

Influential non-governmental organizations and international human rights mechanisms continue to report on the alarming deterioration of democratic standards in the European Union. The violations in the EU space infringe on all the basic freedoms such as of thought, conscience and religion, expression, assembly, association, and movement.

The European Union has enough resources to carry out full-scale monitoring and quality analysis of the development of human rights situation "at home". The conclusions and recommendations of the institutions concerned are, however, often of a declarative nature and do not usually bring about any coordinated actions or measures aimed at addressing systematic challenges in the sphere. No progress in solving the EU internal issues and occasional lack of political will are in a stark contrast with the way the European Union lectures other countries. This persisting inconsistency can complicate cooperation in the field of protection and promotion of human rights in the framework of influential international mechanisms.

This gives us ground to claim that the EU supranational institutions in the sphere of human rights lack effectiveness, which is especially true of the Charter of Fundamental Rights of the European Union. The document, which became legally binding after the entry into force of the Lisbon Treaty, is not always effective due to the lack of real tools for its implementation in the EU. As shown by the 2011 Report on the Application of the Charter, the main efforts of the EU institutions are directed towards taking into account "European values and constitutional heritage" when elaborating the EU legislation. The approach of the EU institutions towards monitoring its implementation by Member States is nominal; they virtually ignore the real state of affairs in the EU. What is more, the governing bodies of the Union show indulgence, to say the least, towards violations of human rights by Member States. For example, the European Commission demonstrates stubborn reluctance to interfere in the situation regarding large-scale violations of rights of the Russian-speaking population of Latvia and Estonia under the pretext that it does not have the necessary powers. The investigation of undemocratic reforms in Hungary has been virtually "soft-pedaled".

Among the EU violations in the humanitarian sphere the following ones can be noted: the violations of rights of minorities, prisoners, inadequate protection of children, violations of privacy, abuse of power during dispersal of street demonstrations, etc.

A host of EU Member States have participated in the notorious CIA program under which persons suspected of having taken part in terrorist activities were arrested, moved to "secret prisons" and incarcerated. Such actions are a blatant violation of fundamental international obligations in the human rights sphere, primarily, those on a total prohibition of torture.

Neither the EU Member States, where official investigations are closed without any explanation of reasons, dragged out or are not conducted at all, nor the EU institutions, which plead absence of competence when it comes to the internal competence of Member States, are showing zeal.

It is symbolic that the European Parliament found the situation so unsatisfactory that on September 11, 2012 it adopted a resolution calling upon Lithuania, Poland and Romania to conduct an independent comprehensive investigation of "a possible existence of secret CIA prisons on their territory in early 2000s". As it has been repeatedly underlined by members of the European Parliament during debates on the draft resolution, the CIA prisons scandal significantly undermines the EU moral authority as far as the protection of human rights is concerned, while its unwillingness to conduct a comprehensive investigation in Member States and on the EU level is a challenge to freedom and justice.

The state of affairs with mass media is also far from perfect. Cases have been registered when public authorities interfered with the work of the media, when journalists were attacked. Human rights activists are concerned with the absence of free competition on the EU media market, as well as with the opacity of information on the owners of major media holdings.

In the 2011–2012 rating drawn up by an international NGO "Reporters Without Borders" the following countries lost more than ten positions: Sweden (12th position), Lithuania (30th), Hungary (40th), Latvia (50th), Malta (58th), Italy (61st). We are witnessing a deteriorated situation as regards the freedom of speech in Ireland (15th position) and Belgium (20th position). The UK occupies the 28th position, Portugal (33rd), Slovenia (36th), France (28th), Spain (39th), Romania (47th) and Greece (70th). The worst situation remains in Bulgaria (80th position). According to O. Basiya, Secretary-general of "Reporters Without Borders", there is no any EU Member State where a negative trend has not been noted.

Several hearings devoted to certain subjects that have been held since the beginning of 2012, such as those in Bulgaria and Poland, testify to the gravity of the problems in that sphere. In this context, the leader of an EP faction "Alliance of Liberals and Democrats for Europe", Guy Verhofstadt (Belgium) has expressed his concern over the tendency he is witnessing in Europe towards populism, nationalism and lack of political pluralism. He believes that "the European Union needs to solve its own issues as assiduously as it solves those outside its borders".

Negative repercussions for democratic processes and social rights of citizens can be seen across the EU in connection with budget austerity and fiscal consolidation which are underway. In a number of EU countries public protests against the elimination by the state of social benefits of citizens are put down.

According to the Report of the EU Agency for Fundamental Rights on the anti-Semitism situation in EU countries, which was made public in the European Parliament in June 2012, in the last 10 years the numbers indicating torts and crimes committed against Jewish Diaspora of the EU, have gone up. According to statistics, the average rate of anti-Semitism manifestations in France and the UK is around one per day, while in the FRG it is three per day. As the director of the Agency M. Kjaerum said, "the situation is troubling and requires urgent consideration". The issue is complicated by the fact that no supranational EU institution keeps a constant and precise record of all crimes committed in the EU on the grounds of anti-Semitism. There is usually no such practice on the national level either (the exceptions here are the UK, France, Germany, Italy and Sweden).

In addition to that, the EU Member States are witnessing a steady growth of xenophobia, racism, violent nationalism and crimes committed out of hatred. An example of that kind is the creation of anti-immigrant websites in Belgium and the Netherlands. The EU efforts aimed at countering such trends are often limited to moral disapproval of such cases expressed by some EU officials. In this context, Belgium, Greece, Spain, Poland and Estonia have not yet submitted to the European Commission their information on the implementation of the EU Council Framework Decision of 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, though the deadline for taking the necessary legal measures expired in late 2010.

Discrimination against the Gypsies takes place on a systematic basis in the EU Member States. According to the EU Agency for Fundamental Rights, in Spain, Italy, Portugal, France the rights of Gypsies are violated no less than in the Central and Eastern Europe countries. About half of the gypsy population there lives in dwellings that do not meet basic sanitary standards. Only 15 percent of young Gypsies have completed their secondary or higher education. EU's centralized efforts to improve the situation in this field are stuck, though, and the adopted policy documents have largely a declarative character.

In the EU the situation with respect for the rights of refugees and migrants is unfavorable as well. Thus, in the April report of the Parliamentary Assembly of the Council of Europe on "Lives lost in the Mediterranean Sea: who is responsible?" a deep concern is expressed regarding the insufficiently effective observance of human rights by a number of EU Member States when controlling the migration flows across the borders of the block. European organizations are strongly encouraged to develop a comprehensive approach to the security of refugees that cross the Mediterranean Sea.

In the context of death of 61 people, including 31 children, in the Aegean Sea in September 2012, and missing of 80 people in the Mediterranean, "Human Rights Watch" said that the governments of the EU Member States and the EU itself put more emphasis on border control (and

often with human rights violations), rather than on the prevention of deaths at sea. Human rights activists demand life-saving to become an integral part of the EU rescue operations at sea and not to be pushed to the background by the tasks of combating illegal migration and cross-border crime. Appropriate amendments, in their opinion, should be made to the legal framework that regulates the functioning of the European Agency for the Management of Operational Cooperation at the External Borders and the future European border surveillance system. It currently contains only general statements about the need to take into consideration the special needs of those in distress, as well as children, asylum seekers, victims of trafficking and those in need of medical care, and does not provide effective guarantees of respect for the rights of the mentioned individuals.

The total number of reported victims of trafficking in the European Union is 880,000. Despite the fact that the scale of human trafficking is constantly increasing, the number of offenders prosecuted for such crimes, according to the EU Home Affairs Commissioner Ms. Cecilia Malmström, remains quite small (only 1,600 sentences were pronounced in the EU last year).

The rights of persons with mental illness are violated in the European Union. According to the EU Agency for Fundamental Rights report "Choice and control: the right to independent living" and "Involuntary placement and involuntary treatment of persons with mental health problems", cases of social exclusion of mentally handicapped persons, abasement of their dignity during psychiatric examinations and placement, lack of "barrier-free environment" as well as mechanisms for flexible labor market access, are noted in all EU Member States without exception. Those with mental health problems are often placed under guardianship without an acute need for this. According to the EU Agency for Fundamental Rights, it restricts their freedom of choice in everyday life, including voting rights, access to legal services, justice, banking, insurance and tourism sectors, as well as strengthens social prejudices against them. This happens despite the fact that the conditions for mentally ill persons are one of the EU criteria for assessment of candidate countries for their accession.

In light of the upcoming elections to the European Parliament in 2014, the issue re-appears of deprivation of "non-citizens" of Latvia and Estonia of voting rights in the formation of legislative bodies not only in their countries, but the European Parliament as well. Following the results of the pan-European election campaign in 2009, the OSCE Office for Democratic Institutions and Human Rights recommended EU structures to develop a "minimum standard" that would provide for the granting to "non-citizens" the voting right in the elections to the European Parliament. However, the situation in this field has not yet changed for the better.

In October 2012 a report was published by NGO "Fair Trial International" and international law firm "Clifford Chance", according to which the number of cases, filed with the ECHR against the EU Member States relative to unfair trials and illegal arrest, has doubled within the last 5 years. Greece, Bulgaria, Poland and Romania are named as main offenders.

The European ombudsman P. Nikiforos Diamandouros confirmed the violation of the multilingualism principle in the work of the European Commission. Thus, for the purposes of public consultations the documents were translated only into one language, two or three at best, but not into 23 official languages of the EU, as required by the principle of non-discrimination. Nikiforos Diamandouros was confident that the right of EU citizens to participate in the pan-European decision-making and "democratic life" of the EU was thus violated. This point of view was also supported by the European Parliament which, in June 2012, adopted a resolution noting the lack of usage of the potential of public consultations and called upon the Commission to post relevant information in all official EU languages. EU Ombudsman's findings are purely advisory. They can not force the Commission to change this state of things.

According to the report "Money, Politics, Power: Corruption Risks in Europe", released by NGO "Transparency International" in June 2012, none of the surveyed EU countries (the analysis was carried out in 23 of the 27 EU Member States) has an impeccable reputation in the anti-corruption field. Absence of code of conduct for parliamentarians as well as the requirement of compulsory disclosure of their tax returns were noted as serious imperfections in almost all countries. In

20 countries, not only absence of public discussion of laws was noted, but also serious barriers for access by citizens to information about bills initiated.

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

In this regard, attention is drawn to the fact of non-participation of Great Britain in the Optional Protocol to the International Covenant on Civil and Political Rights (establishes the right of the Human Rights Committee to consider individual communications/complaints of violations by State Parties to the Covenant of their obligations under this treaty.) In addition, Latvia and Poland do not participate in the Second Optional Protocol to the International Covenant on Civil and Political Rights (proclaims the abolition of death penalty); Austria, Belgium, Greece, Ireland, Italy, Latvia, Lithuania, Portugal, Slovakia and Finland do not participate in the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (establishes an international inspection system for places of detention); Latvia, Estonia and Malta do not participate in the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (establishes the right of the Committee on the Elimination of Discrimination against Women to hear complaints of violations by Member States of their obligations under the Convention); Estonia does not participate in the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; Ireland and the Czech Republic do not participate in the Optional Protocol to the Convention on the Rights of the Child on the fight against child prostitution, child pornography and sale of children, Ireland, Malta, the Netherlands and Finland do not participate in the Convention on the Rights of Persons with Disabilities, Bulgaria, Denmark, Ireland, Malta, Netherlands, Poland, Romania, Spain and the Czech Republic do not participate in the Optional Protocol to the Convention on the Rights of Persons with Disabilities (establishes a procedure for the consideration of reports of violations by State Parties of their obligations under the Convention); and Bulgaria, Great Britain, Hungary, Greece, Denmark, Ireland, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Czech Republic and Sweden do not participate in the International Convention for the Protection of All Persons from Enforced Disappearance. The non-participation of Malta in the Convention on the Prevention and Punishment of the Crime of Genocide does not at all correlate with the European Union's image of "the main driving force" in combating crimes against humanity.

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

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

The Committee on the Elimination of Racial Discrimination (supervisory body according to the respective treaty) has repeatedly called upon the Europeans to withdraw their reservations to Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination. It is generally known that this article requires that State Parties to the Convention criminalize the dissemination of racist ideas. The essence of the reservation of some of EU countries (made by Austria, Belgium, Canada, Ireland, Italy, Malta and France) is the refusal to adopt appropriate criminal legislation, as it would be incompatible with the right to freedom of opinion and expression, peaceful assembly and association. Hence the attitude of the EU Member States towards

all kinds of Nazi rallies and marches, including those that heroize Waffen SS, which are considered in the Western Europe in light of realization of the mentioned rights and freedoms. In this context, the qualification by the committee of such reservations as violating the requirements of Article 19 of the Vienna Convention on the Law of Treaties is absolutely justified.

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

Some reservations are in plain contradiction with the European Union's claims on the role of a model in promotion and protection of human rights. For example, at the signing of the International Covenant on Economic, Social and Cultural Rights the United Kingdom stated that it was impossible to ensure equal pay for equal work for women and men. Though, at the deposit of the instrument of ratification the Great Britain has limited the scope of its reservation by a system of remuneration in the private sector, which, however, does not negate the discriminatory nature of the situation itself.

In the same line stands the German reservation to Article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, according to which Germany has refused to assume an obligation not to extradite persons to the states where they could face torture.

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

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

Austria

On the whole, local observers and international human rights organizations give a positive evaluation to the situation in Austria with regard to respect for and protection of human rights. At the same time, there exists a number of negative things which deserve attention. Those primarily concern the cases of discrimination against foreigners and persons with immigration backgrounds by the authorities as well as cases of sexual abuse in educational facilities belonging to the Roman Catholic Church of Austria.

According to the Austrian office of Amnesty International, Austrian law enforcement authorities are "infested with institutional racism". Racist and ethnic prejudices are wide spread among the police and immigration officers. In this context, persons with black skin have higher risk of falling victims of police tyranny and being wrongly suspected of committing crimes. Moreover, rarely do cases involving unmotivated violence by law-enforcement officers towards citizens with immigration backgrounds, foreigners or refugees reach the court. Hearings on those cases that do get are often delayed and result into unreasonably lenient sentences.

The hearings on one of the most resonant incidents involving the Austrian police (beating up of the black university professor from the USA Mr. Brennan during an anti-drug raid in the Vienna metro in February 2009) ended this year with sentencing the offenders to mild monetary penalties. As the Austrian police officers confessed, they had mistaken the victim for a drug dealer because of his black skin and inflicted him severe bodily injuries while arresting him.

It took six years for the Austrian authorities to investigate the case involving four policemen who tortured and humiliated the Nigerian refugee J.Bakary in April 2006. It was not until 2012 that the mass-media campaign started by human rights organizations pressured the Austrian law-enforcement authorities into dismissing the officers involved in the scandal. Until that decision was taken, two of the officers had been on the list of retirees, keeping all their privileges; two had continued to serve in the Vienna Criminal Police.

Austrian human rights organizations are concerned about the situation with refugees. Being the least protected category of foreigners living in Austria, they more often than others suffer from violence and discrimination and are subject to severe social exclusion (which often grows into an open aggression) of "native Austrians".

In addition to the case of J.Bakary, a wide social resonance was provoked by the scandal around the temporary refugee center in Saualm, federal land of Carinthia. In June 2012, the journalist investigation by Der Standard newspaper uncovered a major violation of sanitary and hygiene norms by the contractor organization operating the center, as well as systematic provision of bad food services. According to the newspaper, the Saualm center refugee inmates are subject to constant psychological pressure and humiliation by the facility staff. Under the request by the Green Faction of the Carinthian Land Parliament, the local authorities initiated an inspection of the center activities while refusing even to discuss its possible closure.

According to the ZARA NGO, the Austrian society has seen an increase in xenophobic feelings. The registered number of everyday life cases of racial discrimination is constantly rising. In recent years, Austria has seen an increase in the popularity of right-wing nationalist movements.

The Austrian office of Amnesty International points out that the Austrian government, notwithstanding the obvious serious problems, is failing to implement the recommendations of human rights organizations with regard to conducting a study to determine the racial discrimination level in the Ministry of the Interior and the Ministry of Justice, as well as working out and adopting a national action plan to combat racism and xenophobia.

In 2010, Cardinal Schönborn, head of the Roman Catholic Church of Austria, took, under the public pressure, a decision to set up an independent commission to investigate the cases of sexual abuse of inmates of church orphanages and boarding schools by the staff members. As the published data show, from March 2010 to April 2012 the Commission registered 1,244 complaints from victims; out of them 1,129 involved sexual abuse. As of today, 613 episodes were confirmed that took place during 1960–2000, with about 40 per cent of all the crimes registered falling to the

1960s. The Catholic Church has already paid out over 8 million euro in compensations and paid for 23,500 hours of professional psychological help for the victims.

No official statistics on criminal cases opened by Austrian law-enforcement authorities with regard to sexual abuse has been published. At the same time, according to the Plattform Betroffener kirchlicher Gewalt NGO, there are about 40 clergymen and teachers suspected of crimes who continue to serve as members of the Roman Catholic Church.

According to Austrian human rights organizations, among "latent threats" are facts of infringement on the freedom of the press. There is an increase in registered cases of interference in the operation of federal mass-media, as well as a tougher self-censorship in journalist communities. NGOs are sharply criticizing the Austrian law on mass-media. Experts believe that the concentration of media resources in the hands of a small group of owners, which is possible under the legislation in place, negatively influences the pluralism of opinions.

Belgium

Protection and promotion of human rights are viewed by the Belgian government as a fundamental pillar of the Belgian foreign policy. In Belgium itself, however, the situation in this sphere is far from ideal. The system of the Belgian governmental bodies has no institution independent from the executive authority that would have powers to monitor the human rights situation in the country. Collection and analysis of information in this sphere are carried out by the Ministry of Justice of Belgium. Belgium has not yet ratified the Framework Convention of the Council of Europe for the Protection of National Minorities.

For Belgium, among the most burning problems with regard to violations of human rights and democratic standards are the following.

Abuse of power and violence on the part of police officers. On June 18, 2012 members of the Antifascist Front, Working Christian Youth and General Labor Federation of Belgium trade union went to a protest demonstration against any manifestations of fascism. The arrived police officers arrested over thirty protesters, beating up severely two of them. The wrongful actions of the police officers led to the initiation of an internal inquiry, the results of which, however, have never been made public.

In June 2012, it was discovered that 14 staff members of the Belgium Railway Police were accused of violent assaults and humiliations of illegal immigrants detained at the Midi Station (the south station of Brussels). Those facts were taking place in January–November 2006. During that period, the policemen harmed 15 people. The governmental Center for Equal Opportunities of Belgium called that absolutely unjustified brutality of the policemen a "real racism".

Overcrowded prisons. Today, it is one of the most acute justice-related problems in Belgium. Attention was drawn to that problem in March 2012 after the publication of the reports about the horrible conditions of detention in the Forest prison in Brussels, where cells with capacity of 402 people contained 739 inmates. Moreover, not only did the conditions of their detention failed to meet the existing sanitary and epidemiological requirements but elementary hygienic rules. L. Enar', Chair of one of the Brussels courts of first instance, who visited that prison, called the conditions of detention there "inhuman".

According to Eurostat, for the last 15 years the number of prisoners in Belgium has risen by 34.4 per cent. The country penitentiary facilities contain 11,000 people (while the country population is slightly over 11 million people). On average, cells in prisons are overcrowded by 23.6 per cent.

In 2011, in an attempt to resolve that problem the Ministry of Justice of Belgium upon an agreement with the Dutch authorities transferred a part of the Belgian prisoners to the Tilbourg city prison, Netherlands. On June 26, 2012 the Committee for the Prevention of Torture of the Council of Europe published a report containing the results of the inspection held in that prison in October 2011. The conditions of detention of the Belgian inmates there turned out no much better than those back in Belgium. The francophone prisoners faced in Tilbourg not only the same problem of overcrowding but also the language barrier and impossibility to communicate with the prison guards, other inmates and medical staff in French.

A considerable part of the population cannot afford services of attorneys and other legal services due to its high cost. Since April 1, 2012 francophone and German-speaking lawyers ceased to implement the so-called Salduz Agreement, under which they had to provide services to defendants, starting from the first interrogation after arrest. That happened because the Belgian government's was failing to comply with its obligation to pay for those services due to the state budget deficit. Human rights organizations say that pending the resolution of that problem, hearings without lawyers might lead to the abuse of process.

Unsuitable conditions for asylum seekers, illegal immigrants and their family members in closed facilities. For the last 6 months the European Court of Human Rights (ECHR) made two judgments condemning the actions by the Belgian authorities towards asylum seekers. The first case concerned the detention of a native female of Sri-Lanka together with her three children in closed

center 127 bis. According to the ECHR, this facility "is not suitable for keeping children, and the horrible conditions pose a threat to their psychological health and development".

The second case concerned the 40-year-old Yoh-Ekale Mwanje from Cameroon, who was transferred to the same center after she had filed an application for marriage with a Dutch citizen in September 2009. The Belgian authorities decided that it was going to be a fake marriage. The woman, who, as it turned out, had HIV and needed treatment, was not for a long time properly looked after. It was not until February 2010 that the center administration allowed doctors to examine her, and she received the treatment needed according to her medical condition in March 2010.

The ECHR described the actions of the Belgian authorities as "inhuman and humiliating" and "infringing on the right for security and freedom".

Toughening of the immigration policy. Lately, human rights activists have been concerned about the problem of discrimination of Gypsies. In May 2012, the Belgian government approved a list of states whose expatriates are not able to seek asylum in Belgium. Gypsies from southeastern Europe are viewed as "fake asylum seekers" or "economic refugees" and are not able to receive a resident's status or social support here. In July 2012, the European Committee of Social Rights accused Belgium of violating the European Social Charter, particularly the rights of families to social, legal and economic protection (Article 16) and rights to protection from poverty and social isolation (Article 30).

In October 2012, the European Court of Human Rights announced its decision condemning Belgium with regard to the case *Singh and others V. Belgium*, which concerned an immigrant family that flew to Belgium from Moscow in March 2011. The family members were seeking asylum in Belgium on the grounds that they represented the Afghan Sikh minority and ran the risk of being persecuted there. The Belgian authorities questioned their Afghan origins and intended to deport them back to Russia, thinking that the family was trying to settle in Belgium in search for "a better life". In 2011, the ECHR did not let that happen. Upon the investigation into the case, the European Court made a judgment that the Belgian authorities had infringed on the rights of that family' obliging Belgium to pay 3,000 euros as a compensation of the legal expenses.

In Belgium, problems related to the toughening of the immigration policy are faced not only by persons coming from third countries but also citizens of other EU member States living in the country. In her address to members of the Federal Parliament in August 2012, Secretary of State for Asylum and Migration of Belgium Mrs. M. de Block admitted that the Belgian immigration authorities had toughened the rules of residence in the country for those citizens. Since the beginning of this year, they revoked the residence permits of over 1.2 thousand people coming from Southeastern Europe, Italy and neighboring France (in 2011, 940 people). According to the official information, such measures were taken in order to combat more effectively the abuses of social welfare programs.

Religious, racial and ethnic intolerance. According to the statistics, the majority of the registered cases of religious discrimination in Belgium concerned discrimination against Muslims (84 per cent), with Muslims accounting for only 5 per cent of the overall population of the country. Belgium also registers from 60 to 80 cases involving assaults or aggression related to anti-Semitism.

In April 2012, Filip Dewinter, one the leaders of the Flemish Interest extreme right-wing political party, announced the launch of the Medpunkt Illegaliteit web site, where anyone could file a complaint against immigrants living in Belgium, about their illegal work, crimes committed or illegal stay in the country. In response to the request by human rights organizations for the European Commission to ban this web site, the officials admitted that this issue is outside their competence as not affecting immigrants coming from the EU countries. Jozef De Witte, Director of the Center for Equal Opportunities and Opposition to Racism, compared that initiative of the Flemish ultra-rightists with "the 1930s Nazism".

The report titled *Choice and prejudice: discrimination against Muslims in Europe*, published by Amnesty International in April 2012, says that Belgian employers do not fully abide

by the laws prohibiting discrimination in hiring. Effective in Belgium are also bans on niqabs and other traditional ethnic clothing in educational institutions, which, according to experts from Amnesty International, runs directly counter to the anti-discrimination legislation of the European Union. It is indicative that in response to the report Denise Dukarm, MP from the Reformation Movement party, said that it could be ignored since the human rights organization which published it, however powerful, is but a “private” one.

Gender-related discrimination. According to the research data obtained by the Institute for the equality of women and men, published in April 2012, women’s labor in Belgium is paid 22 percent less compared with that of men, while a gap between their bonuses is 42 percent. Moreover, one woman out of every five is paid less than 2 thousand euro per month, while with regard to men the same is true only for 1 case out of every 10 cases.

Infringement on the rights of mentally-challenged persons. In its communiqué of October 2, 2012, the European Court of Human Rights announced its decision on the suit case of somebody L.B. (the full name is not disclosed) condemning Belgium for keeping him prisoner in Belgian prisons from 2004 to 2011. Despite that fact that L.B. suffered from a mental disorder, he was sentenced according to the Belgian criminal code and kept in specialized, “psychiatric” sections of prison facilities. The ECHR ruled that keeping a person in need for a quality medical assistance in such facilities runs counter to the European Convention on Human Rights and violates the right to freedom and security. The Court obliged Belgium to pay to the victim 15 thousand euro as a compensation for moral damages and 9 thousand euro of legal expenses.

Bulgaria

The situation of human rights in Bulgaria remains difficult. The lack of judicial independence, excessive use of force by law enforcement officials and infringement of the rights of minorities as well as freedom of speech continue to be its main problems.

Political pressure put on the judiciary remains one of the issues regularly discussed in monitoring reports on Bulgaria by the European Commission. Specifically, the European Commission questions the transparency of the national process of appointment and dismissal of judges. According to an annual report of the Bulgarian Helsinki Committee (BHC), the Supreme Judicial Council, being Bulgaria's chief judiciary body, makes some important staffing decisions under the direction of government officials. The BHC senior staff called a recent sham dismissal of judge Todorova "an intimidating action by the government against the judiciary" and an attempt to remove a political opponent. According to Ms Todorova, she has been persecuted for purely political reasons. Human rights organizations note that the entire Bulgarian justice system is corrupted.

Bulgaria's new Supreme Judicial Council elected in September 2012 mainly consists of members of the party in power Citizens for European Development of Bulgaria (CEDB). Therefore, human rights activists remain concerned that the Council will continue to make staffing decisions at the bidding of those in power.

Another serious challenge Bulgaria faces today is a violation of the right to a fair judicial protection. According to a recent report of the ECHR, the Court registered 92 relevant cases lodged over the past five years, and most of them are characterized by unacceptable delay in pre-trial procedure. Moreover, according to the ECHR, detained persons sometimes were not granted a full access to legal counseling.

According to estimates by the UN Human Rights Committee, BHC, national Ombudsman and Commission for the Protection against Discrimination, the number of cases where police officers abuse their position is further increasing in the country. Accordingly, the BHC survey of December 2011 shows that 27 per cent of the respondents brought to justice by law-enforcement bodies said the police had used excessive force (26 per cent in 2010). Bulgarian lawyers believe that law-enforcement staff abuses the Ministry on Interior Act providing for an array of options to use firearms and brutal physical actions. The European Court of Human Rights (ECHR) which constantly obtains appeals of victims from Bulgaria has repeatedly informed the Bulgarian officials of numerous inconsistencies between the provisions of that Act and the international law. In early 2012 under the pressure of the EU and the local community, the Ministry on Interior Act was amended by the Bulgarian Parliament (effective since July 1, 2012) in order to limit the police authority to use physical force and firearms.

Experts refer to massive violations of human rights of prisoners. According to the BHC report of 2011, the prison in Burgas is packed to more than twice its capacity; last year the number of prisoners reached 880 although the facility cannot accommodate more than 370 people.

The situation with the rights of minorities is a matter of serious concern. Ms. Izsák, the UN Independent Expert on minority issues, stressed in her report of January 3, 2012, that the lack of the Bulgarian authorities' efforts on Roma integration lead to a constant discrimination of the group (according to the most recent population census, there are 325.3 thousand ethnic Roma people among 7.36 million Bulgarian citizens, however, unofficial data show a figure exceeding one million) and causes its impoverishment. In this respect, the situation of September 2011 when a crime incident between Bulgarian nationals and Roma people led to widespread anti-Roma protests throughout the country is symptomatic. According to international human rights organizations Amnesty International and Human Rights Watch, Bulgarian officials appeared to be unable to provide for security of this ethnic community.

Local authorities launch regular campaigns in the Bulgarian capital Sofia and other cities to expel Roma people from their temporary settlements, with no alternative lodging being provided. The ECHR declared those campaigns inconsistent with the provisions of the European Convention

on Human Rights as related to the right to housing, private and family life and requested Bulgaria to amend its domestic legislation accordingly and suspend earlier decisions at the level of local authorities. Ever since, the Bulgarian officials have not made any practical steps to implement those decisions.

The situation with the rights to freedom of expression and access to information is degenerating in Bulgaria. According to Reporters without Borders, the Bulgaria has the least free media in the European Union. In the index of this NGO, Bulgaria went down 10 percentage points in 2011 and now ranks the 80th among the world nations. The BHC believes that main challenges in this connection include political and economic pressure on media, non-transparent funding and censorship.

The debates on media freedom held in the European Parliament in June 2012 called Bulgaria "an underachiever". It was noted in this respect that Bulgarian media often employed their staff without labor contracts, journalists become frequent victims of pressure and attacks, while the perpetrators went unpunished. The national legislation provides for heavy fines for calumny. Corruption was found to reach a frightening scale.

The failure of the Bulgarian authorities to prevent an annual neo-Nazi demonstration "Lukov march" glorifying pro-Nazi General Hristo Lukov in Sofia is rather alarming.

Recently, it has been recorded an increase in frauds with an involvement of real estate agents selling real estate in Bulgaria to Russian clients. Local authorities often turn a blind eye on it, which is not helpful to a fair trial called to protect victims' rights.

United Kingdom

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

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

The most important challenges related to violations of human rights and democratic standards in the UK include are as follows:

Torture and other inhuman or degrading treatment. The case of Kenyan businessman Omar Awadh who sued British authorities for the involvement of national special services in abduction of terrorism suspects has become a notorious trial over the torture, violation, other cruel or degrading treatment and punishment. Mr. Awadh was kidnapped by Ugandan special service officers on September 17, 2010 being suspected in the involvement in organization of a July explosion in Kampala which killed 76 people. The Kenyan was beaten and tortured during interrogations. Both American and British special service officers took part in the proceedings.

In September 2011 the Civil Service Commission chaired by William Gage completed a 3-year inquiry into the death of Iraqi citizen Baha Mousa and grievous harm caused to other nine Iraqi citizens detained by British soldiers in Basra in 2003. The Commission ruled that soldiers of the 1st Battalion of the Queen's Lancashire Regiment had used illegal and inadmissible tactics – tortures in practice – while interrogating prisoners of war.

In November 2011 an Iranian citizen Mr. Fardai brought an appeal to the ECHR against British government claiming that he had been unlawfully imprisoned, tortured and deported in the late 70s. Mr. Fardai stated that he had been illegally detained and tortured by officers of secret intelligence service MI6 over ten months and then deported from the UK to Iran. In 2006 the British officials informed Mr. Fardai that he had been cleared as early as 1979.

Allegations made by Abdel-Hakim Belhadj, former leader of the Libyan Islamic Fighting Group (currently, head of the Tripoli Military Council), against MI6 are also relevant in this respect; he stated that he had been illegally transferred to the custody of Qaddafi's special services by the British authorities in 2004 on suspicion of terrorism. After the arrest of Belhadj and his wife Fatima Bushar by British special service in Thailand, they were subject to inhuman methods of interrogation. Specifically, pregnant Fatima Bushar was kept constantly tied up wearing light- and sound-proof mask while her husband was systematically beaten and tortured.

There is every reason to believe that the UK is involved in other similar operations, specifically transfers of those arrested in Iraq to the Afghan authorities.

The inquiry into British special services' involvement in torture and illegal detentions held by the Law Commission chaired by Peter Gibson is not over yet. The materials of the Commission were submitted to the British Prime Minister in June 2012 and their public disclosure was scheduled for autumn of 2012. But David Cameron stated in September 2012 that judge Gibson was requested to further investigate new versions of a possible involvement of British special services in torture and cooperation with the Libyan security service. Thus, the inquiry remains pending for an indefinite period.

Violation of the right to a fair trial. In May 2012 the ECHR rejected an appeal of a UK resident of Jordanian origin Mr. Othman, also known as Abu Qatada, who had resisted for several years his extradition to Jordan ruled by British authorities. In Jordan Mr. Othman had been convicted in absentia and given a life sentence for terrorism. Abu Qatada himself claims that the charges he faces are grounded on the evidence gained through torture and if he is extradited to his country of origin, the trial could be unfair. According to the BBC, this is a historic trial since it sets a precedent of deportation of foreigners to their country of origin where they risk facing an unfair trial or being tortured¹. It should be noted that Abu Qatada was detained by British authorities from October 2002 till March 2005 without charges brought against him or a fair trial in accordance with the Anti-terrorism, Crime and Security Act of 2001.

On October 5, 2012 the UK Supreme Court adopted a final decision to extradite a radical preacher Abu Hamza and four others to the United States where they face charges of terrorism. Abu Hamza and his associates were sent to the United States the same night the court delivered its judgment. And the Court was far from expressing any concern that those people were transferred to the country where death penalty still existed and terrorism suspects risked being tortured. However, Babar Ahmad, a British citizen sentenced to deportation to the United States under this case, was awaiting his extradition since 2004 without charge brought by British government against him.

British citizen Moazzam Begg was imprisoned for two years at Guantánamo Bay (Cuba) without any charge. In 2002 he was detained by US soldiers in Pakistan where he had been involved in school construction. First, he was brought to a prison at US Bagram Base in Afghanistan. He claims that he was systematically beaten and abused in other ways and eye-witnessed the situation where two other detainees were beaten to death. Later on he was brought to the Guantánamo Bay. Mr. Begg is willing to start a legal case against the UK government. Now he heads the NGO CagePrisoners working to free Guantánamo detainees.

The NGO Reprieve has accused the British government of its involvement in war crimes. The ground for the accusation lies with the British failure to enact the court decision and free Yunus Rahmatullah detained by British soldiers in Iraq and transferred to US officials. In 2003 the US pledged to transfer upon British request those detainees arrested by British soldiers but in practice the agreement does not apply. Currently, Yunus Rahmatullah is held in prison in Afghanistan. The court has not charged him with any offence ever since.

In May 2012, the UK Ministry of Justice submitted to the Parliament a draft Justice and Security Bill introducing an initiative to hold closed judicial sessions. During such sessions a judge alone will be empowered to examine classified information used for accusation or defense, if the government finds it appropriate. The bill has been highly criticized, including by the police believing that such an innovation will undermine the status of fair and transparent British courts. Human rights NGOs, specifically the Amnesty International and the Justice, do not support that initiative either.

Violation of the right to privacy. The *Newsgate* scandal related to violations of the right to privacy, inviolability of correspondence and phone conversations which broke in September 2011 turned out to be the biggest one. It led to the closure of the "News of the world" which illegally intercepted phone conversations of celebrities, politicians and victims of notorious crimes and their relatives. The police and judiciary are conducting parallel investigations; nearly 40 journalists, private investigators and former police officers are under arrest. The senior officers of the Scotland Yard had to resign. Numerous law enforcement officers and journalists are facing prison sentences. The inquiry is underway.

Violation of the right to freedom of expression. Human rights activists defending the freedom of speech feel concerned over a hardline policy of British law-enforcement agencies with regard to those voicing some criticism of the British police in Internet.

On April 2, 2012 a 21-year-old student Liam Stacey from Swansea was sentenced by a British court to the a 56-day imprisonment for his insulting comment on the social network

¹ http://www/bbc.co.uk/russian/uk/2012/uk/2012/05/120509_quatada_appeal_rejected.shtml

"Twitter" about an exhausted football player who had African roots. In spite of support provided by the Council of Europe Commissioner for Human Rights, Liam Stacey did not manage to appeal the sentence.

A 19-year-old adolescent Azhar Ahmed was arrested in the end of March by the British law-enforcement authorities for publishing on the Internet his opinion about US soldiers who conducted the military campaign in Afghanistan.

In the beginning of October 2012, Barry Thew was sentenced to a 8-month imprisonment for insulting memory of policemen killed in Manchester. After several hours since the resonant murder of two women-constables in Manchester he was detained for writing on his T-shirt: "One less pig - perfect justice".

An inhabitant of Lancashire Matthew Woods was jailed for three months for posting on his Facebook page some obscene jokes about lost and killed children in Wales and in Portugal.

The violation of human political rights. On November 11, 2011 under the pretext of fight against extremism Theresa May banned any activity of the organization "Muslims against crusades" (MAC) in Great Britain. This ban was caused by protests which were organized by MAC against British soldiers' operations in Iraq and in Afghanistan. Following this ban in the end of December 2011 the police detained more than 20 protesters near the US Embassy in London. The protest itself condemned the murder of Pakistani frontier guards and soldiers which had been committed by American unmanned aerial vehicle. The detained protesters are charged with the involvement in MAC and, thus, they can be sentenced to a 10-year imprisonment.

Moreover, Theresa May's ban on any mass actions in London in September 2011 included not only the march of the far-right organization "English Defence League" (EDL), but also some events provided by a number of public associations of humanitarian type.

The violation of human rights by law-enforcement authorities. In July 2011 the Thames Valley Police organized open surveillance of people who came to watch a documentary about nuclear weapons. This fact was estimated as the pressure on citizens and the infringement of freedom of assembly. The policemen recorded registration numbers of viewers' cars and also took photography and made video filming. Peter Burt, director of the nongovernmental organization "Nuclear Information Service", urged that the measures which had been undertaken in respect of political activists were only possible under "the totalitarian regime".

In the last quarter of 2011 it was reported about several registered cases of deaths among suspects as a result of policemen's unprofessional actions during detentions. 53-year-old Philip Hulmes and 27-year-old Dale Burns died of heart attack after the police had used taser guns. 25-year-old Jacob Michael died because of allergic reaction to the pepper gas and after the beating by 11 policemen in front of his relatives and neighbors.

38-year-old Babar Ahmad accused some policemen and MI-5 agents of ill-treatment and of violence which were applied to him during his arrest in December 2003. According to Babar Ahmad, during his detention several law-enforcement officers stifled him in the police wagon.

The medical examination found out beating, showed blood in urine and bleeding at detainee's ears. He was released 6 days later without charges, though he was arrested once again in 2004. After the arrest he was put into prison where he was kept without presenting charges until his extradition to the USA in October 2012.

In April 2012, the National Black Police Association (NBPA) addressed British Prime Minister David Cameron with requests to take control of the situation with a large-scale racial discrimination in the Metropolitan police. According to the statistics, since 1999 there were 120 policemen who were found guilty of racial discrimination and only one of them was dismissed².

In August 2011, during the detention some policemen shot dead a black man Mark Duggan. This murder provoked disturbances organized by British young people in London and in some other cities. In spite of the fact that major part of pogrom-makers was represented by looters, they covered these actions by slogans against arbitrary police actions and by ones against the oppression

² http://www.publicservice.co.uk/news_story.asp?id=19405.

of black people in Great Britain. As a result, the senior officials of Scotland Yard officially apologized to Duggan's relatives for his death.

In December 2011, the police of London organized another mass raid. During this raid 100 people allegedly involved in disturbances were detained. Thereby, only in the course of four months 3,423 persons were arrested and 2,179 of them were convicted.

Scotland Yard keeps on making statements about its intentions to undertake serious counter-measures against protesters in future. In particular, it is reported about the use of rubber bullets and water-cannons to disperse protesters. These special tools have never been used in Great Britain except in the Northern Ireland. Moreover, the police do not rule out the possibility of using fire arms in case of a serious danger for their agents' life. The adequacy of such drastic counter-measures against potential protests provokes a serious concern among human rights defenders who ask authorities to pay attention to the necessity to calm tensions in today's Great Britain.

The violation of the confinement standards in prisons. After the disturbances in August 2011 when British courts sentenced protesters on a mass scale, the number of prisoners in British prisons exceeded the local hygiene and sanitary standards. According to human rights defenders, the actual confinement conditions in penal facilities are the worst over the last years. Among 131 prisons situated in England and in Wales, 77 are officially considered to be overcrowded. Now the total number of prisoners is 86,800 which is the highest one in the history of the country. Moreover, the number of prisoners keeps on growing³.

In this case it is important to cite the report promulgated in August 2011 by the Chief Inspector of Prisons for England and Wales. This report concerned the quality of confinement in Wandsworth, one of the major prisons in Great Britain.

The report noted numerous facts of abuse of prisoners' rights, including the absence of access to elementary hygiene. Moreover, it stated that in this penal facility there were up to 32 cases each month of self-mutilations among prisoners. In general, from January 2010 to February 2011 it was registered 11 deaths, including 4 suicides⁴.

According to the ruling by the European Court of Human Rights, there are about 6 thousand prisoners in Great Britain whose rights are violated and who are kept in penal facilities with sentences providing for no fixed terms of imprisonment. Nowadays, more than 3,500 of them have already served the terms which exceed those they could be sentenced to by law. Moreover, the perspectives of their release are unclear.

According to the data received from the Ministry of Justice of Great Britain, nowadays there are 4,250 women in correctional facilities, more than 2,100 of them are confined in pretrial detention centers and wait for trial, though more than 60 per cent of women are accused of non-violent crimes (shoplifting etc.). Outside prisons more than half of them have children under 16 years, 30 per cent of women have children under 5 years. According to the information of the non-governmental organization "The Howard League for Penal Reform", only in Wales in 2010 17,240 children were separated from their mothers who served their terms in penal facilities. Despite all efforts of the human rights organizations, only 7 from 12 female prisons in Great Britain have special sections for mothers and children (which hold only 69 persons).

The violation of human rights within the framework of immigration law. The human rights defenders still have a serious concern about the detention conditions of minors in removal centers. In particular, according to the organization "End Child Detention Now", in Yarl's Wood removal center operated by the Serco private security company there were cases of sexual assault in respect of minors from other immigrants who also waited for the deportation. The staff of the company is accused of negligence and failure to act. Children who had suffered from sexual abuse received no specialized help from psychologists and doctors. Human rights defenders pay attention to Deputy Prime Minister Nick Clegg's back word about the ban on detention of minors in such centers. Moreover, the number of children in these centers is steadily increasing.

³ <http://www.guardian.co.uk/society/2012/aug/28/prisons-holding-more-inmates>

⁴ <http://www.bbc.co.uk/news/uk-14470017>

In January 2012, as a result of the investigation carried out by Children's Commissioner for England Dr. Maggie Atkinson it became known about the secret "gentleman's agreement" between Great Britain and France. According to this agreement, minors who tried to enter the United Kingdom via Dover were sent back to France after the detention if they failed to request for asylum. It was forbidden for social workers to meet with detained children and in some cases children were left without food.

In May 2012, an independent commission for the Heathrow airport supervision announced that border service agents used bite-size and ill-fitted rooms for the confinement of detainees, including minors. The most outrageous incident took place in the end of December 2011 when a child spent 31 hours and 50 minutes in such a room waiting for a social worker. In total in 2011 immigration service agents detained for investigation 15,000 persons, 3,000 of them spent more than 12 hours in rooms for detainees waiting for the decision about their dependability.

The violation of rights of Christian people. Within the scope of the British Parliament House of Commons all party group there is a think-tank which is tasked to systematize facts of the violation of rights of Christian people in Great Britain. Deputies note that since the adoption of The Equality Act in 2006 the rights of people who profess Christianity have been increasingly violated. In particular, there are some cases when people are dismissed from office because of wearing a cross as it happened to Nadia Eweida who worked at a check-in-desk for British Airways or Shirley Chaplin who worked as a nurse. Social workers run risks to lose their job if they refuse to work with same-sex couples.

The racial discrimination. According to the US Helsinki Commission, Great Britain is one of the OSCE countries where the upsurge of manifestations of extremism, xenophobia and anti-Semitism is noted. Nowadays racist scandals emerge more often especially with the participation of both average Englishmen and famous people, including John Terry, captain of the England national football team.

In the end of December 2011, a Londoner Emma West openly called on passengers who were in the same train to "get away to Africa or to the countries they came from". The video with Emma West's swearing was downloaded on the Internet and served as an evidence to sentence her (she was arrested for 12 months). Another conspicuous incident took place in the last quarter of 2011 with a famous American singer Kelis (the US citizen Kelis Rogers-Jones). A neighbor in the queue insulted her calling "a slave" during the passport control procedure in the Heathrow airport. According to the singer, neither of people who stood next to her tried to shame "the racist" at least and some border service agents openly laughed at this incident.

In March 2012, the Under Secretary of State at the Ministry of Defense Gerald Howarth ventured to express his opinion in a racist spirit about immigrants from Nepal. He openly said that in his constituency there were no any vacant benches in the park, because they were already occupied by the Nepali.

In May 2012, the public service broadcasting corporation BBC published materials about the situation with manifestations of racism in British schools. It was reported about 88 thousand cases of manifestations of racism among British pupils over the period of 2007-2011. Birmingham and Leeds turned out to be the most intolerant cities where 5,700 and 4,700 cases of racial discrimination were registered over the indicated period. It is noted that the growth rate of cases connected with the manifestations of racism in 2011 averaged 10 per cent, but in some regions it reached 40 per cent (Luton, Cardiff etc.)

The non-governmental organization "Show Racism the Red Card" estimates that in recent years there is a considerable upsurge of islamophobia in Great Britain.

Other violations. In April 2012, Pauline Nolan, the activist of the Campaign for a Fair Society which includes more than 70 Scottish charity organizations said that the reforms of the Coalition government in the social sphere and in the reduction of benefits directly violated the rights of physically challenged persons and undermined their social standing.

In Great Britain in the context of promotion of sexual minorities' rights some organizations are launching a campaign intended for the persecution of "homophobes". This campaign was

initiated by the British Association for Adoption and Fostering and by some other nongovernmental organizations which considered the majority of population of Northern Ireland to be homophobes, because according to the public opinion survey, carried out in 2006, 90 per cent of inhabitants opposed the adoption of children by same-sex couples.

In April 2012, in London the advertising which called to heal people with homosexual orientation was banned. The advertising campaign was initiated by the fund Core Issues Trust, a non-governmental organization which assisted to overcome homosexual orientation with the help of religion. It was proposed to place posters on buses which operate in the center of London. These posters had a large black and white inscription on the high-colored red background: "Not gay! Ex-gay, post-gay and proud. Get over it!" The sense was diametrically opposed to the one of the similar motto of the organization Stonewall which defended the rights of sexual minorities. Boris Johnson, Mayor of London and at the same time the chairman of the company Transport for London, prohibited the placement of this advertising slogan because it did not corresponded with the principles of tolerance adopted in British society.

Core Issues Trust made a protest against this decision, accusing the city authorities of censorship especially taking into account that the advertising campaign had been approved by the British Advertising Standards Authority.

In the end of 2011 it became known about the violation of human rights in connection with activities of organizations which helped senior people at home.

The Equality and Human Rights Commission made public some cases of physical violence against senior people, of stealing their belongings, invasion of privacy and of breach of dignity. In Great Britain there are approximately 500 thousand senior people who receive help at home. The rights of the substantial part of them are permanently being violated.

According to the nongovernmental organization British Institute of Human Rights, the rights of senior and physically challenged people are violated in the sphere of healthcare and social welfare. In 2011, the Care Quality Commission examined 100 medical institutions in Great Britain and found out that in 20 of them the treatment of senior people did not correspond to the required standards; in 35 the requirements for care of senior people have not been observed in full measure.

According to human rights defenders, there are essential drawbacks in the British Juvenile Justice System. It has "a punitive character" and contradicts international human rights standards. In March 2012, the Council of Europe Commissioner for Human Rights Thomas Hammarberg addressed a proposal to the Secretary of State for Justice Kenneth Clarke to increase the age of criminal responsibility (In Europe criminal responsibility starts at age of 14, and in Great Britain at age of 10). Among the EU-countries Great Britain takes the second place after France in terms of the number of children who serve their sentences in penal facilities.

Hungary

Recently, Hungary has become the subject of international criticism, including from the human rights organizations, because of the fact that a series of legislative acts recently adopted in the country contradicts the European Union standards and the "pan-European" democratic values.

In particular, a new Constitution of Hungary which entered into force on January 1, 2012 draws criticism. According to experts, the document does not fully correspond to European democratic criteria, because it upsets the "system of checks and balances" adopted in Western countries.

It also contains references to "the great history of the Hungarian nation" and "the role of Christian values" in its formation. Of particular concern is the declared policy towards revising the modern history and the results of the Second World War. Thus, in the preamble to the Constitution it is stated that Hungary allegedly lost its state sovereignty on March 19, 1944 (the entry of German troops on the territory of the Hungary that was a Germany's ally) and regained it only on May 2, 1990. Thus, the document puts a sign of equality between the Nazi occupation and expulsion of German and Hungarian fascists from the territory of Hungary. All the decisions adopted by the "illegitimate leadership" in that period are declared null and void. This approach contradicts the international legal realities, because there is an indirect attempt to revise the results of world wars and the existing state borders. We share the conclusions of the Venice Commission of the Council of Europe, which carried out the analysis of the Hungarian Constitution and prepared a comprehensive report on it.

Human rights activists draw attention to the lack of protection of fundamental human rights, first of all civil and social ones. In this regard, it was repeatedly proposed to the government of Hungary to add to the basic law the prohibition of death penalty⁵, as well as to revise the procedure prescribed in the Constitution for adopting and amending the codes governing taxes, family policy, the system of pensions, etc.

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

The human rights organizations raise questions about the so-called transitional provisions of the Basic law of Hungary adopted in December 2011, which declared the Hungarian socialist workers' party (HSWP) created by Janos Kadar in due time and its successors responsible for the "crimes of communism". It applies equally to the law, allowing to make senior staff of the HSWP and "the perpetrators of the Communist terror in 1956" accountable. Human rights activists view it as an attempt of the ruling party FIDESZ (Hungarian Civic Union) to deal shortly with the leading opposition force in the country, which is the socialist party.

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

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

⁵ Death penalty in Hungary has not been applied for about 30 years already and is not provided for by the Criminal Code.

On October 29, 2012 the Hungarian Parliament passed a law on the registration of voters, which, in view of the opposition, may deprive hundreds of thousands of Hungarian citizens the right to expression of their will. According to this document, during the next general election in April 2014 voters will have to register personally or on the government web-site at least 15 days before the date of voting. According to the opposition, such registration conditions may present certain difficulties for voters in rural areas. Earlier the Hungarians were entitled to vote after presenting certain documents, proving their identity and address.

The situation with the right to freedom of conscience in Hungary still raises concerns. In particular, the law "On freedom of conscience" (approved by Parliament in summer 2011) continues to draw criticism. The changes, which were made in the document in December 2011, have not waived all the objections. Thus, the clause on religions which are officially recognized by the state remains in the law. Only the number of provisions changed – now there are 26 (14 in the original text). The obligatory re-registration of previously existing churches was abolished, their functioning was allowed, but without provision of cash grants. The process of registration, which in the opinion of experts remains difficult enough, still should be carried out not by courts, but by the Hungarian Parliament on the basis of submission by the Minister of social resources (church affairs fall under his competence). The registered religious organization is obliged to act on the territory of Hungary at least 20 years, to have a charter, an elected governing body and at least 1,000 followers (earlier it was required to have at least 100 followers), who confirmed in writing their belonging to such an organization and have permanent residence in Hungary. There is a difficult situation with the right to freedom of speech in Hungary. Opposition parties, the EU and international human rights NGOs raise the issue whether the Hungarian law on mass media corresponds to the European Union standards.

In this connection, a number of authoritative international NGOs, including "Amnesty International", "Freedom House", "Reporters without Borders", the European Federation of Journalists, etc., released a communiqué urging the EU to put an end to the interference of state in the work of mass media and to protect the freedom of speech in Hungary.

As a result, the Hungarian government softened a number of provisions of the law "On the right to the dissemination of information and freedom of exchange of information". However, the procedure for forming authorities to control the activities of mass media, which means the advantage of the ruling party representatives, has not been changed.

The virtual closure of the opposition radio station "Clubradio" (which lost tender and as a result has not received a radio frequency) at the turn of the year 2011 caused protests both inside the country and abroad.

There was another notable international resonance, which was sparked with the so called case of blogger Balavan, against whom criminal charges for libel were filed after he published in his blog some critical remarks addressed to the chief of the country's news agency MTI.

The problem related to the Roma situation remains urgent for Hungary. Still the vast majority of Roma has low social status and undergoes, according to human rights activists, various forms of discrimination. Currently, only one-fourth out of 400 thousand able-bodied Roma has earnings. As a rule, they do low-paid work, which is seasonal or temporary. The Roma are virtually always the first candidates for dismissal and, often, cannot achieve the reinstatement of employment with the legitimate methods. The living standard of the Roma national minority is significantly lower than the national average one under all socio-economic characteristics. In particular, the life expectancy of Roma is 10 years lower, two thirds of them suffer from chronic diseases. In recent years it has been noted a marked increase of various nationalist groups, which exploit anti-Roma rhetoric, as well as public anti-Gypsy statements by officials and mass media has become frequent.

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

According to human rights defenders, the situation with the prevention of domestic violence is rather complicated. According to statistical data, in Hungary 44 women were killed due to

beating by their partners and approximately 500 thousand women became victims of blows or moral abuse in 2011. Monthly two children are killed in a Hungarian family due to ill-treatment. Corporal punishment and humiliation of children are parts of the educational methods. The current right-wing and the former left-wing Cabinets tried to break this unfavourable tendency. A number of legislative measures designed to protect women and children from domestic violence were triggered. However, such measures have not improved the situation substantially.

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

Germany

Ensuring human rights and democratic standards in the Federal Republic of Germany is quite attentively being observed abroad. However, the problem of human rights violations in Germany is not frequently and regularly discussed. In this sphere there exist a number of issues which draw particular attention.

The situation of migrants and refugees. German law contains significant restrictions for persons, applying for an official refugee status. First of all, the freedom of movement is seriously limited – the above-mentioned persons are prohibited from leaving the territory of the federal state, where they are. Violation of this prohibition is punishable by deportation. Waiting for the refugee status (petitions can be frequently considered for up to several years) people are forced to live on a scanty allowance. Access to any professional activity is actually blocked for them. There are cases of threats and attacks by neo-Nazis on refugees' camping places, which is especially urgent for eastern federal states. People throw stones to refugees' houses, set fire to their homes and draw Nazi symbols on walls of buildings. Today it can be stated that, in view of the significant increase in the flow of refugees, the FRG authorities are not always able to provide them with adequate living conditions.

In May 2011, the UN Committee on Economic, Social and Cultural Rights urged Germany to sign the optional Protocol to the International Covenant, which, in particular, would ensure asylum-seekers equal access to social assistance, healthcare and employment.

One of the most burning issues in this sphere is the situation around refugees, mainly Sinti and Roma from Serbia and Macedonia, the number of which has increased dramatically since the introduction of the visa-free regime. Referring to the common practice of abusing German legislation, representatives of the CDU/CSU threatened with abolition of such a regime. Experts acknowledge that this category of persons, under the German law, has a small chance to obtain a refugee status. The federal government is trying to find a solution to the problem, including in the framework of the bilateral dialogue with Serbia and Macedonia on preventive work with Sinti and Roma wishing to move to Germany. The situation draws serious criticism from the opposition and human rights community because of its apparent incompatibility with human rights and freedoms declared in the Federal Republic of Germany.

The German Institute for Economic Research criticized the situation of persons who are victims of human trafficking in the Federal Republic of Germany. According to the Criminal Police Agency, from 600 up to 1,200 people become such victims every year in Germany. Mainly, the case is about human trafficking for the purposes of sexual and labour exploitation. According to experts, the institute for protecting victims, which would cover removal from the criminal prosecution, facilitating access to legal and medical assistance, social security has not been developed yet in the Federal Republic of Germany. According to existing legislation, such persons *a priori* fall within the responsibility for violation of the regime of stay in the territory of the Federal Republic of Germany (illegal entry, lack of identity documents, etc.) that automatically threatens them with deportation. Thus, the humanitarian component generally is omitted from the issue.

Anti-corruption measures. Germany has not yet ratified the UN Convention against Corruption signed on December 9, 2003, due to the fact that the FRG legislation in this area does not correspond to the standards established by the Convention. Harsh punishment for bribery and bribery of officials is provided only in respect of governmental officials. In their turn, the Bundestag deputies have the right to receive remuneration from business and private sector for lobbying their interests; the law prohibits only the direct vote-buying. The deputies, first of all from the ruling coalition of the CDU/CSU-FDP, justify this provision on the grounds of the need for greater freedom in contacts, as well as in business sphere. This situation creates the possibility of leaving the responsibility for obtaining "presents" for the deputies of the state Parliaments. There are relevant examples from the judicial practice. According to some statements of the international organization "Transparency International", the lack of Germany's desire to ratify the core United Nations Convention considerably harms its image. This point of view is also shared by

representatives of the German business community (including "Siemens", "Daimler", "Bayer", "Deutsche Telekom", "Metro", "Deutsche Bank", "Commerzbank"), which have already applied to the German Section of the International Chamber of Commerce with the corresponding letter, addressed to the heads of parliamentary factions. Periodically the scandalous information appears that in the foreign countries major German companies do not stop giving bribes to officials for the protection of their interests. The provision that the money spent by the firm this way should not be taxed has been recently abolished in Germany.

Ensuring equal access to mass media. In spite of the fact that, first of all, state TV channels "ARD" and "ZDF" are legally obliged to provide an objective picture of political life of the country, studies of some independent institutes (one of them is the Institute for Empirical Analysis of Mass Media) show that today three-quarters of the air of the country's largest TV-channels belong to the ruling party CDU/CSU representatives. This share increased considerably in the years of the CDU/CSU-FDP coalition under the pretext of speaking time reduction of the opposition representatives on TV (for example, the left-wing party receives not more than 5 per cent of air time). The shares of the SPD and the Greens significantly decreased. This statistic is typical both for the public and for the private media. TV channels themselves officially abstain from commenting on this situation.

There are claims against the second largest German media group Axel Springer AG, which, taking a considerable part of the market of both printed and digital media in the Federal Republic of Germany, represents mainly the political views of the CDU/CSU. Moreover, the media group publications are known for its strict editorial policy, which is a kind of self-censorship, incompliance with which is fraught with dismissal. The media group also enjoys the full support of the CDU/CSU, which, in particular, showed itself at an attempt of the Axel Springer AG to buy one of the largest media concerns Pro Sieben Sat Eins in 2005. The Federal Antimonopoly Agency and the Commission for control over mass media has not permitted the deal based on the competition law. It was reported about the serious and open pressure on these state body exerted by the CSU representatives.

On the whole, non-governmental organization like "Human rights watch" and "Reporters without borders" satisfactorily estimate the situation with the right to freedom of speech in the Federal Republic of Germany. At the same time, some elements of censorship exist. First of all, materials aimed at inciting ethnic hostility and containing acts of violence and child pornography come within the censorship. The mechanism of control over mass media when mass media may harm the physical and mental health of children and adolescents has been especially carefully elaborated in the FRG legislation. To this end, special state structures are being established. Such structures are coordinated by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth and carry out a thorough monitoring of mass media, "sifting out" materials which are "harmful" in their opinion. The Criminal Police Department has extensive authority to prevent access to specific content. In general, such measures find a positive response among the population and usually are not considered as repressive. At the same time, the studies of some non-governmental institutions indicate that they do not protect from the high level of online activity of neo-Nazi movements. Right-wing extremists effectively use the web-space, mostly social networks, to spread their views and search for accomplices. Teenagers are mainly their target audience. According to the results of the studies, despite observing confidentiality measures (almost no one right-wing extremist group on the Internet exists under the name, which could identify its nature), they often achieve their purpose.

"Radical" and "extremist" mass media can get under the supervision of the Office for the Protection of the Constitution (it includes, among other things, verification of contacts and phone-tapping). Among them is print media, which express the views of the Left party, represented in the Bundestag, as well as those of the Communist party. They do not publish any "radical" appeals for overthrowing the existing regime, inciting ethnic hostility, disobeying the authorities, etc. At the same time, such mass media have certain distinctive features. They are characterized by a critical approach to the policy of the ruling party, information supply and selection of materials through the

prism of the socialist concepts, which at the given historical stage contradicts the opinion of the party majority.

According to a number of prominent German lawyers, the current legislative regulation of the Federal Republic of Germany cannot always resolve the problem of correlation between freedom of speech and respect for religion, because it depends on the subjective assessment of each individual case. In the Criminal Code of the Federal Republic of Germany there is an article according to which improper behavior in churches, mosques and other religious institutions is punishable by a fine or an imprisonment of up to three years, depending on the gravity of an offence. Despite the right to "freedom of expression" tricks similar to a well-known action of "Pussy Riot" are rigidly suppressed in Germany (something of this kind took place in Cologne Cathedral; the participants of the "performance" were expelled by force, and there was no resonance in mass media).

Despite the adequate legislative regulation, especially in the criminal law field, the growth and strengthening of right-wing extremist sentiments are noted in German society. The National Democratic party of Germany (NPD) has been represented in the Parliament of Lower Saxony for a long time. All the attempts to ban this party were not successful, and moreover, a number of serious shortcomings in the work of the German secret services in this direction were revealed. In September 2012, in the state of North Rhine-Westphalia the "Right" party officially registered its first state department. Its members and staff come from the prohibited social movements, known by its right-wing views. In September 2012, the German Post failed to defend in court its refusal to distribute the National Democratic Party's literature (there were formal grounds, not associated with that party's ideology). The court with reference to the law on political parties and the right to freedom of expression declared the postal workers' refusal illegal.

The growth of xenophobic sentiments is noted not only in the radical right-wing contexts, but also among the migrants from Muslim countries towards the Jews residing in Germany. There are cases of attacks and the use of force, in particular, in Berlin, where a rabbi of one of the Jewish communities was severely beaten. The Jews are officially recommended not to wear openly hats, indicating their confessional belonging.

The practice of so-called prohibitions from profession has not become obsolete. The Resolution on radical elements adopted on January 28, 1972 became its legal and formal start. It made inaccessible public professions, including civil service, for persons who give a reason for "doubting their deep commitment to the free democratic law and order". The document was thought to be against the "right-wing and left-wing extremists", but in practice it affected persons sharing leftist convictions, who are members of the Communist party, various socialist groups, pacifist movements, – in fact those who were in opposition to the incumbent regime. The mentioned resolution was widely enforced in Germany in the 1970-80s. Later the situation was reviewed and followed by numerous court proceedings including the European Court of Human Rights where in 1995 Germany was ordered to pay compensation to the female citizen, dismissed from office on suspicion of belonging to "radical" forces, and the practice itself was condemned.

In 2006, in accordance with the appropriate EU directive the Law on equal treatment was adopted in the Federal Republic of Germany, but it did not help to instill in public minds the thesis of inadmissibility of such discrimination. Likewise, the task of rehabilitation of those who suffered as a result of enforcement of the resolution on radical elements has not been resolved (the problem remains topical now). Currently former citizens – civil servants of the GDR, dismissed wholesale after the reunification of Germany have joined them. The idea of rehabilitation and a kind of restoration of the rights of this group of citizens, first of all at the political level, has met with fierce resistance of the CDU/CSU coalition, which has a majority in the Bundestag. Their argumentation is based on the principle "you're either with us, or against us" and on the need to get rid of "unreliable elements" to preserve democracy.

According to the German human rights organizations, the practice of "checking on the reliability" is still valid, including in the form of control through the Agency for studying the archives of the Ministry of State Security of the GDR (as regards cooperation with the Ministry of

State Security of the GDR - STASI), which *de facto* often blocks access to public professions for former citizens of the German Democratic Republic.

Furthermore, in several German states, for example, in Bavaria, the Federal Office for the Protection of the Constitution continues the practice of checking applicants for public office on their "sympathy" to all kinds of "unconstitutional" elements. According to rare reports, members of the Communist Party in Bavaria and Baden Wurttemberg make up the majority of the "victims" of this kind of inspection (around 70 per cent). The list of "unconstitutional" organizations also includes, among others, the Left Party (The Party of Democratic Socialism) that is represented in Parliament and also the Church of Scientology. As far as it concerns ex-citizens of the former German Democratic Republic, the request is automatically directed to the Office of Archival Research of the Ministry for State Security of the German Democratic Republic. The media quoted representatives of the Federal Office for the Protection of the Constitution that the mere fact of birth in the East Germany, membership in the Left Party, etc. "should automatically cast doubt on the reliability of a candidate for employment". It goes without saying that no one mentioned any "freedom of expression". Moreover, all the information about a candidate should be taken into account, regardless of the source, and not only that information that could be considered as evidence in court according to the procedural law.

The freedom of conscience. On July 19, 2012 the factions of ruling CDU/CSU and the Free Democratic Party, supported by the faction of the Social Democratic Party of Germany and the majority of the Greens' faction (Alliance '90), adopted in Bundestag a resolution which called on the federal government to introduce a bill allowing and regulating qualified, from a medical point of view, painless circumcision of boys according to the legal values, stipulated in the Basic law (the Constitution) of Germany, for the benefit of a child and his physical integrity, while ensuring freedom of conscience and the right of parents to raise their children.

This measure has become a response to public concerns caused by the verdict of the Land court of Cologne on May 7, 2012 that ritual circumcision of boys for religious reasons is inflicting physical injury and constitutes a criminal offense. This decision met with harsh criticism from the representatives of Jewish and Muslim communities of Germany who qualified it as a persecution against religion.

On July 12, 2012 the decision of Cologne's court was qualified by the Berlin Conference of European Rabbis "as one of the most powerful attacks on Jewish life in Europe after the Holocaust". It was emphasized that anti-Semitism in Europe increasingly "uses vocabulary of human rights."

Germany has become the only country in the world with such a draconian court decision.

Arms export and human rights. Experts of human rights NGOs are extremely concerned with the policy of the government of Germany on promotion of the products of national arms exporters to foreign markets, including the Middle East and North Africa. In particular, an annual report of "Amnesty International" on the situation of human rights in the world issued in May 2012 states that Germany continues to actively export arms to countries with systematic human rights violations. Human rights activists emphasize that arms exported to the countries with repressive regimes can also be used to crackdown civil protests.

Permanently and temporarily residing in Germany our compatriots report on clearly preconceived legal practice against them by German authorities at different levels, law-enforcement and judicial authorities. It is much more difficult for Russians to defend their rights in German public bodies than it is for the indigenous citizens of Germany. Even if the facts of impairment of rights and violations of the law on nationality are obvious, the law-enforcement agencies in all possible ways protect the citizens of Germany and the German state agencies ignoring important details or deliberately distorting the truth when examining cases. Especially it concerns the actions of officials and authorities in the areas of social security, law enforcement, and custody of minor children in family law. Most of the decisions on settlement of family disputes in mixed marriages taken by German courts are those in favor of German citizens.

Greece

In general, the human rights situation in Greece remains satisfactory. National authorities pursue the policy of possibly most scrupulous adherence to EU standards in that field.

Greek and international experts suppose that the Constitution of the Hellenic Republic spells out systematically and in detail political, socio-economic and other rights of the citizens and residents. However, there are some comments as far as it concerns the practice of realization of these provisions.

One of the traditionally problem issues of Greece is that of national and religious minorities, observance by national law enforcement system of the standards set by the European Union and the Council of Europe, freedom of speech in mass media, as well as the implementation of certain socio-economic rights.

Human rights activists constantly point out that according to the Treaty of Lausanne of 1923 there is only "the Muslim minority" which is officially recognized in Greece. Ethnic Turks, Pomaks (Muslim Slavs), and Slavic Macedonians that can be included in this group are deprived of the rights of ethnic identity, cultural and linguistic autonomy. According to official statistics, about 130 thousand Muslims, of which 70 thousand are those of Turkish origin, live in Greece.

In 2008, the European Court of Human Rights recognized as illegal the persistent refusal of Greek courts of primary jurisdiction in Macedonia and Thrace to register public associations of citizens that use in their titles such words as "Turk" and "Turkish". Currently, Greece is appealing this decision.

Since the Church of Greece is not completely separated from the state, the Muslim residents face administrative obstacles and legal restrictions on their religious practice. The issue of building a mosque in Athens, and the opening of the Muslim cemetery is still under consideration. According to the police, there are up to 200 illegal worships in private premises in the Greek capital.

The infringement of the rights of Roma is also a relevant issue (by estimate of the Ministry of Interior of Greece, the country is a home for up to 500 thousand representatives of this nationality). The reports of the UN Committee on Economic, Social and Cultural Rights, publications of the Amnesty International, the International Helsinki Federation on human rights in the region of OSCE etc. point out to political, social and economic discrimination of Roma in Greece, the facts of forced evictions without offering alternative housing and disregard of the needs of the national group in the field of education. For example, more than 58 per cent of the Greek Roma residing in the prefecture of Thessaloniki are illiterate, only about 40 per cent of young people finish early grades of primary school.

The human rights activists are constantly focused on the problem of inhumane measures against immigrants, who mostly have illegal or semi-legal status in the country. The law-enforcement services of Greece take insufficient measures to prevent illegal transfer of migrants from the Middle East and North Africa via their territory to the western countries, in particular from Turkey to Italy. As a result, criminal groups get opportunities to organize illegal human trafficking. A lot of immigrants in Greece obtain a temporary residence permit still without a right to work, i.e. they are left without legitimate livelihood.

Nationwide police operation of August 2012 aimed to detain illegal immigrants and to deport them to their home country provoked harsh criticism. Amnesty International made a statement condemning the detention of more than 7.5 thousand illegal immigrants only in Athens (according to the official data, there were only 3 thousand people) and called on the Greek authorities to grant immigrants all necessary documents for a temporary stay in the country. Human rights activists point out that the conditions in the camps for immigrants do not meet the international standards. In particular, it applies to the camp in the Athens district of Peter Rally. The immigrants are kept there in unhygienic conditions and are continuously subject to physical violence by guards. In February 2012, immigrants in the camps of Athens and Thessaloniki organized a 43-day hunger strike demanding the improvement of their allowance.

In March 2012, the European Committee for the Prevention of Torture officially denounced Greece for long-standing practice of ill-treatment towards detained immigrants. There are documented facts of long-term (up to 6 months) detention in the police cells.

In December 2011, the European Court of Human Rights confirmed that the deportation of immigrants from third countries to Greece did not meet the rules of "Dublin 2" and entails a highly probable risk of human rights violations. In January 2012, the same Court ruled on the case "*M.S.S. v. Belgium and Greece*" and found the state of Greece guilty of violation of rights of refugees from Afghanistan.

Multiple violations of rights are observed while deporting illegal immigrants. Human rights activists have repeatedly recorded cases of deportation of unaccompanied minors.

Protests of human rights activists are caused by the start of construction of the Wall along the River Evros on the Greek-Turkish border aimed to prevent illegal border crossings by migrants heading from the Middle East to Western Europe.

Another concern of the human rights activists is an increasing number of cases of violence on racial grounds. In June 2011, referring to the situation in Greece, the UN Refugee Agency drew special attention to "dangerous escalation of racist violence against all foreigners". In August 2012, in Athens a Pakistani immigrant fell victim of the organized attack, probably masterminded by local nationalist organizations including neo-fascist party "Chrisi avgi" (has parliamentary representation after the elections of May 17, 2012).

Human rights organizations pay special attention to the flaws of Greek law-enforcement system such as ill-treatment of the detainees, poor sanitary conditions in country's prisons, long terms of pre-trial detention, and excessive delays in judicial decisions, abuse of authority to crackdown demonstrations, including widespread use by police of chemical means of restraint while preventing public disorder.

The annual report of Amnesty International states that prisons are extremely overcrowded and suffer from unhygienic conditions mostly in the regions of Chania (Crete), Korydallos (Athens), and also in the Women's Prison of Thebes. In October 2011, the European Court of Human Rights decided to sustain the claim of a group of prisoners in the prison Ioannina (Taggatidis and others v. Greece) due to inadequate living conditions and inhumane treatment by the staff.

Despite the assurances of Greek authorities that the police action during the demonstrations and active rallies of 2011–2012 was the most adequate, human rights activists suppose that in a number of cases extensive use of tear gas by the police was not justified and harmed many protesters. The Greek media periodically discuss the question of whether or not it was the police that stood behind the actions of "unknown persons" that provoked clashes and violence against demonstrators.

Human rights activists also have voiced some concerns with how the authorities of Greece ensure the freedom of press. According to the index of the international organization "Reporters without Borders" in 2011, Greece occupied the 70th place out of 175 countries in the world in terms of respect for media freedom (in 2009 it was the 35th). It is mostly connected with the deterioration of the economic situation, closure of some media, increasing pressure on journalists from their publishers, and moreover the increasing violence against the media professionals. In the demonstrations journalists were attacked, some of them were injured, including severe wounds. In addition, the attention is focused on the escalating challenges of local radio stations that broadcast for Turkish-speaking Muslim minority in the north-west of Greece (Western Thrace), due to the requirement of the Greek legislation for mandatory broadcasting in Greek.

In the sphere of observance of socio-economic rights one may notice increasing violations, connected with profound financial and economic crisis in the country. Reduction of salaries and pensions, dismissals and transfer to part-time work, higher taxes, as well as the institution of the "labor reserve" led to a serious decline in living standards of numerous strata of Greek society and the violation of the right to a decent wage, social security and pension is also being stressed. Increasing unemployment (the average national index in May 2012 exceeded the level of

23.1 per cent.), particularly among young people (in some regions unemployment among workers under 25 years is more than 50 per cent.), is an indicator to prove the violation of the right to work. The crisis related to financing of hospitals and the medicine distribution system is considered as an index to prove the violation of the right to healthcare.

In July 2012, former Deputy Chairman of the European Parliament, former Minister of Foreign Affairs of Greece Mr. Lambrinidis was appointed as EU Special Representative for Human Rights.

Denmark

The analysis of Denmark's human rights record still brings into focus the cases of extremely cruel, sometimes inhuman treatment of migrants and displaced persons. In particular, Danish migration services, in breach of international legal norms, refuse to provide asylum to refugees arriving from Afghanistan.

Danish authorities take controversial actions with regard to refugees and displaced persons from Syria and Iran. On the one hand, the Danish government makes allegations of flagrant violations of human rights in these countries, on the other hand – the Danish migration services, in breach of international human rights standards, refuse to grant asylum to Syrian and Iraqi refugees.

In May 2012, about 80 Syrians and Iraqis went on hunger strike just inside the buildings of Danish refugee reception centres in Copenhagen and some other cities protesting against repeated violations of the refugees' rights.

A report prepared by Amnesty International and submitted to the UN Human Rights Committee in May 2011 states that since May 2009 as many as 66 Iraqi refugees have been forced to return to the regions qualified by the UN Human Rights Committee as unsafe, including central and southern Iraq.

In the 2012 report, the Amnesty International experts specify that in early 2011 thirty-six young Palestinian stateless persons were denied Danish citizenship in violation of the UN Convention Relating to the Status of Stateless Persons which binds the contracting States to grant citizenship to stateless children born in the territory of these States. In this context, a total of 500 minor Palestinians were denied citizenship.

In accordance with the Danish laws, those applicants who have been denied refugee status are held in detention until their repatriation, very often without a full access to the Danish healthcare system. The report of a Special Rapporteur Manfred Nowak of February 18, 2009 indicates that some refugees were held in prisons for 18 months without any information about the term of their imprisonment.

Danish institutions responsible for migration processes continue to pursue a strict policy in relation to refugees and migrant workers. According to the report published by the Danish Ministry of Social Affairs and Integration in April 2011, the government managed to save about 6.7 billion euro by gradually reducing welfare payments to immigrants in the last decade.

Denmark's policy has great gaps with regard to cultivation of tolerance and fostering of inter-racial dialogue. A vivid example is the pan-European meeting of right radical extremist organizations opposing Muslim immigrants, which was held in March 2012 in Aarhus, the country's second largest city.

According to experts, the recent years have been marked with a significant rise of xenophobic feelings in the entire Danish society, especially in relation to the Muslim part of the population. Information that was circulated in mass media on the methods used by the Danish Security and Intelligence Service (PET) in relation to its representatives provoked strong public reaction in the Muslim community. Morten Storm, acting under PET's umbrella, carried out provocative activities trying to interest Danish younger generation in the Islamic fundamentalism. According to Muslim religious leaders, such practice does not facilitate open and confident dialogue with the authorities, which is indispensable to efficiently address radicalization of vulnerable society groups and dissemination of extremist ideology and propaganda.

In recent times, anti-Semitism activities have become more frequent in Denmark (in September 2012 as many as 11 crimes against representatives of Jewish community were registered).

In its report on Denmark published in May 2012, the European Commission against Racism and Intolerance of the Council of Europe reiterated its concern over the strict conditions that ought to be met to obtain Danish citizenship, including the difficulty of the language test and draconian requirements for financial accounts. Parallel to that, the report indicates that a number of Danish politicians from conservative-nationalist party have spoken depreciatingly of national minorities, in

particular Muslims, calling to stop "the flow of Muslims" from invading the territory of the kingdom.

Denmark has witnessed cases of racial and ethnic discrimination. In particular, employment problems confront immigrants, as well as their children who were born in Denmark and *de jure* are full citizens of Denmark. Human rights defenders point to the fact that schools practice segregation leading to virtual isolation of migrants' children who live in disadvantaged areas from the Danish children.

State policy on addressing Ghetto-like areas, which are mostly inhabited by ethnically non-Danish people and are marked with high unemployment and criminal rate, can hardly be called successful either. The latest data of the Danish Ministry of Housing, Urban and Rural Affairs suggest that the country has 33 such areas.

According to human rights organizations, foreign workers in Denmark regularly become subject to different forms of exploitation. They are frequently tempted by the promises of high salary. In reality, during the entire stay in the country the majority of them lives in warehouses, are subject to violations and deprived of their identity documents, as well as receive minimum remuneration for their work. Denmark remains the destination country and a transit centre for women and children from Africa, South-Eastern Asia, Eastern Europe and Latin America, who succumb to labor or sexual exploitation.

Danish Institute for Human Rights, Amnesty International and other human rights institutions have voiced concern over the fact that in Denmark imprisonment is a more frequent measure of punishment, if compared to other Scandinavian countries. Human rights defenders also note that persons under investigation are quite often held in solitary long-term confinement in order to put them under pressure. Evidence exists that adults and minors are kept together in Danish penal institutions.

National human rights activists express concern over the draft law, which is currently under consideration in parliament, concerning the introduction of possible changes to the work of TV and radio broadcasting companies. They believe that such an initiative, according to which any media company can lose its license if it supports terrorist organizations in any way, can negatively affect the freedom of press in the country since "from now on any documentary can be regarded as containing certain terrorism support elements". Another widely discussed draft law on access to information will, in the journalists' opinion, significantly limit public access to documents of public institutions that could help solve cases of corruption and abuse of power by public officials.

Artistic community is concerned over the situation with the breach of civil rights of the Danish writer Arne Herløv Petersen. For quite a number of years the writer has been trying to get his diaries back (together with their copies) that were confiscated by the security service (PET) without any court decision over 30 years ago as he was suspected of espionage for the USSR. Up until now, no charges have been brought against Arne Herløv Petersen. The official response of the Ministry of Justice explains that his manuscripts have "special historical interest" and will, therefore, be transferred to the national archive. According to the writer, this is the case of arbitrary behavior of security services which without the author's consent "expose his personal life to the public".

Human rights defenders severely criticize the continuing gender discrimination which results in a 15 per cent gap in salaries between women and men due to the division of labor market into traditionally male and female jobs.

According to the Danish Gender Equality Committee, public social and economic sector has seen a considerable increase in age discrimination in 2012.

Reviewing Danish national human rights dossier, the UN Human Rights Council has found numerous flaws and made quite a number of recommendations. Among them – the need to take additional measures to address racial, ethnic and religious discrimination, prevent domestic violence, curb the practice of long-term pre-trial detention, bring the amendments introduced on July 1, 2012 to the Danish law on lowering the age of criminal responsibility to 14 years into

conformity with the UNHRC recommendations, monitor the policy on granting citizenship to stateless persons, etc.

Summing up, human rights situation in Denmark is far from the ideal that the Danish government is only too willing to promote in its dialogue with the non-EU States on this matter.

Ireland

In general, the human rights situation in Ireland can be described as satisfactory. At the same time, the following problems exist in this area.

In Ireland, the continued marginalization of the Romani that form an unrecognized ethnic minority is a rather stringent social issue. In spite of the State adaptation policy, in daily life they often face discrimination in employment, medical care and education.

There are some problems for refugees and internally displaced persons, in particular, the excessively long bureaucratic procedures for registration. As a result, persons of that category have to wait for their residence permit for much longer than 6 months provided for by law.

National and international human rights activists pay special attention to the implementation of human rights during the extradition of criminals, including those suspected or accused by the U.S. authorities of belonging to terrorist organizations, from European countries via the airport of the city of Shannon to the United States. The Irish Human Rights Commission has repeatedly proposed to launch its own monitoring of foreign aircrafts to exclude cases of torture and degrading treatment of prisoners. The Irish authorities do not allow it referring to relevant provisions of the national legislation.

The media has repeatedly touched the issue of human rights violation in national prisons. It mainly consists in exceeding the number of prisoners in cells determined by law, inconsistency of places of detention with health and conditions of detention standards.

Since the end of 2008, due to the economic difficulties, the Irish government has conducted a number of budget cuts in the area of activities of public authorities related to human rights implementation in Ireland. For example, the National Consultative Committee on Racism and Interculturalism and the Combat Poverty Agency were disbanded. National human rights activists have expressed serious concern about those actions of the government. According to them, the measures taken caused serious damage to the national human rights institutions and to Ireland's international image in the human rights sphere.

Spain

Protection of human rights is one of the priorities of the foreign policy of the Spanish government. However, in the context of the internal situation in the country, Spain itself is quite vulnerable to criticism in this area. In their annual reports, the international human rights organizations *Amnesty International* and *Human Rights Watch* offer claims to the Spanish government on a variety of issues. The most reverberating human rights abuses in Spain include the following.

Racism and xenophobia, abuse of rights of immigrants. The influx of illegal immigrants and the emergence of some kinds of ethnical ghettos (Arab, African and Latin) in a number of major cities provoked a wave of xenophobia in Spanish society.

According to the polls, the opinion of the Spaniards about the presence of immigrants has worsened. According to estimates of the International Agency of Sociology WIN, the level of "approval" of immigration in Spain fell from "+18" per cent in 2005 down to "- 19" per cent in 2011.

In December 2011, the Prosecutor's Office initiated a check of a center for the sojourn of foreigners in Madrid, in the Aluche neighbourhood, following the reports claiming that a DRC citizen, S. Martine, died from meningitis there. The inspection showed that the center was overcrowded, virtually no medical care was provided, the conditions did not meet sanitary standards, which contributed to rapid spread of infection.

Almost similar incident occurred in 2012 in Barcelona. A 21-year-old native of the Equatorial Guinea died of heart attack, according to preliminary estimates, due to the lack of doctors in the institution.

In July 2012, the Ministry of Interior of Spain ordered to close the center of sojourn of foreigners in Malaga due to the "crumbling infrastructure."

According to C. Escobar, the representative of the Commission for Internal Affairs of the Lower Chamber of the Spanish Parliament, only 51.5 per cent of illegal immigrants (6,825 persons) placed in 2011 to foreigners sojourn centers were sent home. Others virtually have to spend months in prison-like conditions awaiting their fate.

Human rights organization *Amnesty International* has filed a complaint to the United Nations in connection with the decision of the Madrid authorities to continue the demolition of the Romani settlement Gallinero in the north-western outskirts of Madrid without providing alternative accommodation to the evicted. In its view, the expulsion from their homes of 300 people, 70 of them children, "without a court order and preliminary informing of tenants," is out of conformity with international law.

Incidents of racism and xenophobia have become one of the main topics of the IV International Seminar on Anti-Semitism held in December 2011 in Madrid. The participants expressed their concern over the wave of "new anti-Semitism" in Spain, dissemination of racist, xenophobic and Nazi ideas in the national segment of the Internet and urged the country's general public to recognize the existence of this problem.

Disproportionate use of force by the police. In Spain, a disproportionate use of force by the police is still common when dissipating demonstrators. In late August 2011, an investigation on allegations of brutality of three police officers towards a group of demonstrators that protested against the visit of Pope Benedict XVI to Madrid was launched.

In early December 2011 in Barcelona, a collective complaint filed by participants of mass anti-government protest held on May 27, 2011 concerning the abusive treatment of the protesters by the police was accepted for consideration.

The opposition Socialist Party has accused law-enforcement agencies of Valencia of disproportionate use of physical violence dissipating students that manifested against cuts of education budget in February 2012. The head of local police A. Moreno justified the actions of his subordinates by the "excessive aggression" of the protesters.

Abuse of judicial power. Controversial reaction was caused in Spain by the decision of the European Court of Human Rights (ECHR) concerning Ines del Rio Prada, the convicted activist of the Basque terrorist organization ETA. The ECHR held the Spanish government to release the terrorist at the earliest possible date and pay her 30 thousand euro in damages on the grounds that Spain violated the European Convention on Human Rights which prohibits the retroactive application of the law. The Court put into question the so-called "Parot Doctrine" which is widely used in Spain in relation to those convicted for terrorist activities. The doctrine is a case-law that allows the Supreme Court to calculate sentences without application of the rule of absorption of sentences in the range of 30 years. Thus, Ines del Rio guilty of the murder of 23 people was sentenced to 3,828 years in prison, though she actually cannot be held in detention for more than 30 years. This period could have been reduced to 18 years under condition of good behaviour (and she could have been released in 2008), if the remission was deduced from the 30-year limit. By applying the "Parot Doctrine" the Spanish judicial system actually deprived Ines del Rio of the chance to use the said benefits and ensured her detention until 2017. The Spanish senior officials claimed their disagreement with the decision of the ECHR.

Gender-based violence. In 2011, 60 women were killed in Spain due to the gender-based violence (in 2010 – 73). Since the beginning of 2012, more than 30 women were killed. From this perspective the most problematic regions are Andalusia (almost 25 per cent of total offense), Murcia, Valencia, the Basque Country, as well as the Balearic and Canary Islands.

According to sociological data, more than 2.15 million women across Spain confronted domestic violence, and more than 800 thousand children witnessed it. At present, about 20 thousand Spanish women are under police protection. There has been an increase in the number of such crimes among youth. Some Catholic bishops consider the upsurge of gender-based violence to be caused by, along with the economic crisis, the destruction of the traditional family and family culture.

Freedom of speech, language discrimination. In May 2012, the Federation of the Press Associations in Spain (FAPE) claimed the recent increase in cases of obstruction of the free work of journalists. There were given examples of cases when the journalists were not allowed to ask certain questions at press conferences and their activities were heavily censored by leading parties.

Despite numerous decisions of Spanish courts, including the Supreme Court, prescribing the authorities of Catalonia to make major changes in its policy aimed at ousting the Spanish language from the education system, in June 2012 the chairman of the regional government Artur Mas announced his intention to continue to give full preference to Catalan.

Italy

Italy has faced a large part of European migration that intensified after the Arab Spring in the Middle East and North Africa. According to the *Human Rights Watch* report, in only 7 months of 2011, over 5,000 boats, with 3,700 children without parental care, arrived on the island of Lampedusa.

In this regard, the situation of migrants regularly provides reasons for criticism of migration policy of the Italian government on the part of international and national human rights organizations and institutions. The issues of compliance with European and international standards of the deportation of foreigners, the conditions of migrants in sojourn centers, their integration into the Italian society, racism and intolerance shown by the local population raise concern.

In December 2011, the European Commission against Racism and Intolerance (ECRI) expressed deep concern about the practice introduced in Italy in 2009 of sending back watercraft intercepted on high seas between Italy and Libya to the country of origin. The Commission believes that such actions deprive people of an opportunity to apply for asylum and violate the principle of "no-return" to a country where they may be subject to prosecution.

In February 2012, the European Court of Human Rights found illegal the mass deportation of 24 Somali and Eritrean nationals from the island of Lampedusa in 2009. They were intercepted by the Italian coast guard and sent back to Libya. The Strasbourg Court was provided with evidence that on their return to Libya they were arrested, held in inhumane conditions and tortured.

After the events of 2011 in North Africa, Italy faced a number of new problems, related to excessively rapid repatriation and poor conditions for arriving migrants.

Migrants, after being notified of pending deportation from Italy, can in no way affect the decision in order to remain in the country. This provision was confirmed on July 10, 2012 by the Court of Cassation (Decision No. 11582, case of a citizen of Albania who effected marriage with a citizen of Italy following the adoption of the decision on his deportation by the Prefecture).

There is an ongoing debate on the rights to Italian citizenship for migrants' children born in the country. Despite the fact that they were born in Italy, and have no other native country, *jus soli*, the so-called "right of the soil" is not applied to them.

However, one cannot claim that the Italian authorities are not concerned about the situation of migrants. On July 6, 2012, the Italian government adopted a Decree that provides an opportunity to legalize the status of illegal foreign workers in Italy and control the employers that illegally exploit migrants. In July 2011, the Constitutional Court of Italy issued a decision abolishing the requirement to present a residence permit in order to marry in Italy. The Court emphasized the fact that the basic human rights are violated in order to combat illegal immigration, one of which is the right to constitute a family. One should also note Decision of the Cassation Court of Italy No. 10 665 of June 26, 2012 invalidating refusal to pay social benefits subject to the fact that an applicant does not have a residence permit or a permit to reside in Italy for an extended period of time.

According to the ECRI report on Italy published in February 2012, the overall situation in the country is characterized by an increase in the racist and xenophobic statements by the politicians concerning the most vulnerable groups (Africans, Muslims, Romani, refugees and migrants). Such statements provoke violence towards these groups, lead to discriminatory measures, as well as provoke xenophobia and racism in the society.

The ECRI is particularly concerned with the attacks on Romani settlements that endanger life of the residents. The Commission also notes that anti-Muslim and anti-Semitic sentiment is still strong in Italy.

Due to the development of the global financial crisis, the liberalization of the labor market is one of the main activities of the government; according to the trade unions, the situation and the social protection of workers are deteriorating, the procedure of dismissal is subject to simplification.

In 2012, the Council of Ministers of Italy amended Article 18 of the Statute of Workers approved by Law No. 300 of 1970. Under the new rules, an employee dismissed on economic

reasons shall not be able to challenge the employer's decision in court (if the dismissal was for other reasons – disciplinary, discriminatory or health reasons – the final word still remains for the court).

Human rights organizations criticize the unfavorable situation with the protection of women's rights in Italy. In 2011, in Reggio Emilia, 166 female workers were fired due to a child-birth. In 2010, more than 134 mothers lost their jobs.

Protest actions were held across Italy on March 8, 2012 when such issues as female employment and unfair treatment of young mothers by employers were raised. It has been noted that even if a woman has a permanent contract, in case of pregnancy she often is demanded to sign a letter of resignation on her own will. Only 10 per cent of cases are resolved through the existing mechanisms of labour dispute settlement. In July 2012, the UN Committee on the Elimination of Discrimination against Women expressed its deep concern about the situation of women in Italy.

The Italian press regularly publishes critical comments on the functioning of the judicial system in the country, in particular, on long periods of the consideration of cases.

One of the most controversial issues is that of the penitentiary system reform. On average, Italian prisons are overcrowded by 25 per cent, which leads to violation of health standards and more frequent conflicts and is reflected in a number of suicides among prisoners that is very high for Europe.

In Italy, the need is expressed to improve the legal regulation of wiretapping by law-enforcement agencies. The media are accused of violating the privacy of citizens, in particular, in connection with many cases of publication of confidential information related to the investigations concerning famous persons in the country, originating from sources in investigative bodies.

Cyprus

The human rights situation in the Republic of Cyprus is closely monitored by the Cypriot government which seeks to ensure necessary conditions for practical implementation of these rights in accordance with the international legal instruments.

A generally satisfactory human rights situation in the Republic of Cyprus does not mean that the country has no problems in this area. Those include police mistreatment of prisoners and refugees, violence against women and children (including domestic violence), discrimination against national minorities and human trafficking for sexual and labour exploitation. There are cases of discrimination in employment and in the context of the employment relationship on the grounds of gender, age, religion, race and national origin. Besides, international observers express their concerns regarding overcrowding of Nicosia Central Prison and detention centers.

Cyprus attaches great importance to drawing the attention of the world to the violations of human rights and fundamental freedoms in the northern part of the island, which has been beyond the control of the Government of the Republic of Cyprus since 1974, due to the unresolved Cyprus issue.

Latvia

The discriminatory policy of Latvian authorities regarding the Russian-speaking minority residing in this country has not practically changed.

According to the Central Statistics Department data of February 18, 2012, the number of ethnic Russian people in the Republic of Latvia amounted to more than 556,000 or 26.9 per cent of the population. On the whole, more than 780,000 representatives of non-title nation or 37.9 per cent of the total population reside in the country. Among them as for January 1, 2012 more than 312,000 people are "non-citizens" of Latvia. "Non-citizens" are deprived of such fundamental rights as the right to vote and to hold state and municipal office, to hold office at military and civil service, to serve as judges, prosecutors, to establish political parties. "Non-citizens" are allowed to make a deal concerning purchase of land or real estate only with the consent of municipal authorities. According to the human rights organizations of Latvia, there exist 79 differences in the rights of citizens and "non-citizens".

"Non-citizens" can receive Latvian citizenship only through the procedure of naturalization. During the first years the number of people willing to be naturalized was rather high even despite the humiliating procedure that provided for an exam in history in Latvian "occupation" interpretation.

In recent years, the rate of naturalization is steadily falling (from 19,169 people in 2005 to 2,467 people in 2011), and the policy of integration into the Latvian society came to a deadlock. In the document approved by the Latvian Government in October 2011 "The Major Issues of the Policy of National Identity and Social Integration (2012–2018)" the key guidelines are formulated aimed at full assimilation of the Russian-speaking population. According to this programme, the priority areas of activity of the Latvian authorities in this sphere are as follows: consolidating the positions of the Latvian language and culture, ensuring adherence to European democratic values, "forming a cohesive national memory" based on loyalty to the concept of "the Soviet occupation".

The motivated decision of Latvian Election Commission to block the second stage of collection of signatures in favour of the initiative "Movement for equal rights" to automatically grant citizenship to "non-citizens" adopted on November 1, 2012 proves that Latvian authorities do not have political will to deal with mass non-citizenship. Earlier 12,000 electors voted for it.

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

In December 2011, the left-of-center union "Center of consent" prepared the amendments to the law on the FCNM that stipulated the abolishment of the above mentioned reservations that discriminated Russian speaking population. However, this initiative of the "centrists" was rejected by the national majority in the Latvian Seima.

Latvian legislation discriminates the veterans of the Great Patriotic War and former prisoners of Nazi camps in the area of social privileges that are not provided for them but guaranteed to the former legionaries of Waffen SS and "national guerillas" in accordance with the laws "On the Determination of the Status of Politically Repressed Persons Suffered during the Communist and Nazi Regimes" of April 12, 1995 and "On the Status of a Participant of the National Resistance Movement" of April 25, 1996. The budget of the Defense Ministry of Latvia annually includes appropriations for the support of "National Soldiers Community" (legionaries of Waffen SS) and "National Guerillas Community" (Forest Brothers).

Latvian authorities intensified their efforts aimed at glorification and immortalization of former legionaries of Waffen SS. On September 14, 2012 in Bauska with assistance of the local self-

government a monument to the SS death squads that are guilty of numerous crimes against the civilians of Russia, Ukraine and Belorussia was erected.

Latvian language policy concerning minorities was tightened. Latvian authorities in accordance with the Law on Official Language of December 9, 1999 continue systematic extrusion of the Russian language by toughening legal requirements with respect to the knowledge of the Latvian language and more frequent language proficiency tests. At the end of June 2011, Latvian President V. Zatlers approved the amendments to the Code of Administrative Offences including significantly higher fines for violations concerning the use of official language, *inter alia*, for the "insufficient use of the Latvian language" at private companies, TV and radio channels.

The members of the ruling coalition continue to insist on the use of the Latvian language in all kindergartens. The number of Russian schools fell from 198 in 1995 to 104 in 2011.

The response to consequent infringement of linguistic rights of the Russian-speaking population of Latvia was a referendum on granting an official status to the Russian language that was initiated by the "Mother tongue" community and took place on February 18, 2012. The fact of its organization and the results of the referendum that revealed significant support of the above mentioned initiative evidently showed that the Russian-speaking population of the country did not share the policy of the Latvian leaders towards its forced assimilation.

The experts of the UN, the OSCE, the Council of Europe, the PACE, the European Commission, and the UN Committee on the Elimination of Racial Discrimination noted in their reports discrimination and mass violation of human rights in Latvia. However, nearly all recommendations of specialized international organizations aimed at improving the human rights situation in Latvia are ignored by Latvian authorities. The letter of the OSCE High Commissioner on National Minorities Knut Vollebaek, sent on September 11, 2012 to the Speaker of the Latvian Seima S. Aboltini and the head of the Seima Legal Commission of the Latvian Republic I. Chepane, in which he criticized the amendments to the Law on Citizenship of July 22, 1994 adopted in early September 2012 by the Latvian Parliament after the second reading and called upon the Latvian authorities to abolish all restrictions in force concerning granting citizenship to children born in Latvia in the "non-citizens" families after August 21, 1991, was set aside. The Latvian Ombudsman does not pay due attention to serious violations of the rights of Russian-speaking minority in Latvia.

Lithuania

The Lithuanian authorities pursue the policy that may be viewed as aimed at assimilation of national and linguistic minorities, restriction of their political and social rights.

Lithuania does not have a central institute coordinating the policy regarding national minorities, there is still vacuum in the legal regulation of their situation left by the expiry in 2010 of the 1989 Law on National Minorities.

The legitimacy of impeding Lithuanian citizens of non-Lithuanian origin from standing for presidential elections is still an urgent issue. Lithuanian authorities also revise the boundaries of electoral districts where the Polish are prevalent; that is also considered, *inter alia*, by local experts to be an attempt to limit political influence of Polish national minority.

The Lithuanian Law on Education adopted in 2011 aimed at further reducing the possibilities of national minorities for getting education in their native language is still a serious problem. In practice, the policy aimed at displacement of minority languages from the learning process as well as from social life is being implemented.

The policy of Lithuanian authorities aimed at falsification of historical events, attempts to equalize the Nazi and Soviet regimes, glorification of fascism accomplices and representatives of nationalist underground creates a fertile ground for nationalism and neo-Nazism. A monument to the so called Forest Brothers who actively fought against the anti-Hitler coalition forces and who murdered thousands of civilians was erected on October 10, 2012 in a village of Shvekshn, the Shilutsky district.

The veterans of Soviet law-enforcement bodies are being actively prosecuted. For example, on November 7, 2012 the Kaunas District Court found guilty a 89-year veteran of LSSR Ministry of State Security M. Tabakaev of participation in expulsion of eight Lithuanian families to Siberia in a post-war period.

Besides, in May 2012 in Kaunas the remains of Juozas Brazaitis Ambrazevičius, head of the Lithuanian provisional government (June, August 1941), one of the leaders of the Lithuanian Activists Front tainted by his collaboration with the Nazi and by his active participation in the Holocaust were reburied.

It is also worth mentioning that in January 2012 the Klaipeda Court "rehabilitated again swastikas" having acquitted four young persons who were accused of demonstrating Nazi symbols in February 2010.

Regrettably, Lithuanian authorities indulge their fans who displayed neo-Nazism at the Olympic Games in London in 2012.

The recommendations of the European Commission against Racism and Intolerance in the framework of the corresponding monitoring cycles as well as the conclusions of the UN Human Rights Council in the framework of the third periodic report of Lithuania on the implementation of the provisions of the International Covenant on Civil and Political Rights revealed such systemic problems as violation of the rights of children, women and members of vulnerable social groups, as well as bad situation in the penitentiary system.

Moreover, in January 2012 the General Prosecutor's Office of the Lithuanian Republic under the pretext of "procedural restrictions" stopped investigating the case of so called CIA black sites. The representatives of the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament as well as the NGO Amnesty International the report of which stipulates that "Lithuanian authorities did not manage to carry out an independent, impartial, thorough and effective investigation into Lithuanian complicity in the CIA secret detention programs" expressed concern with such a decision during their visit to Lithuania in April 2012.

The conviction of A. Paletsky by Lithuanian judicial bodies for saying that on January 13, 1991 in Vilnius "it was friendly fire" may be viewed as an evidence of restriction of civil rights to freedom of opinion and expression.

Luxembourg

The human rights situation remains good in Luxembourg as a whole. Such human rights organizations as *Human Rights Watch*, the International Federation for Human Rights and *Amnesty International Luxembourg* do not report any significant violations of human rights in Luxembourg.

At the same time, local non-governmental associations working with foreigners, for example, ASTI recognize that in every-day life there are cases of "differentiation" around recruitment preferences of employers when main preference is given to Luxembourgers followed by EU citizens and only then to citizens of third countries. The slow pace of proceedings in Luxembourg attracts certain criticism of human rights activists and mass media. Even those detainees who committed minor offences may stay in custody for a considerable time waiting for court hearings.

The fact that Luxembourg authorities have taken into account the recommendations on the improvement of prisoners' situation in the country which were made by the European Committee for the Prevention of Torture a few years ago is seen as positive. Unfortunately, the problem of drug abuse by prisoners is still unsolved.

Human rights non-governmental organizations, in particular ASTI, express concerns about the refugees' situation in Luxembourg who are the most legally vulnerable group in this country. In summer 2011, the government of Luxembourg had to accommodate refugees in tent camps and camping sites before they were brought to permanent residential buildings. In October 2011, the government center for refugees which failed to process the submitted applications was closed for a week

There was a high-profile story about a two-year old epileptic girl from the province of Kosovo. She was separated from her mother allegedly to undergo medical examination, and then both the girl child and her mother were forwarded by force to the retention center for deportees.

The second case highlighted by the Luxembourg Refugee Council concerned an eleven-year old Kosovan who was taken to a police commissariat and was kept there as a "hostage" until his mother and sister came for him. Then all three were forwarded by force to the retention center.

Local human rights organizations point out to the excessively long time it takes to process refugees' cases. Since the time an initial application is submitted until a final decision is taken a few years often pass.

The report on the Human Rights Violations by the Police of the Grand Duchy of Luxembourg in 2011 prepared by the Luxembourg Ombudsman for Human Rights (published in February 2012) highlights two cases of abuse of authority by the police officers of Luxembourg while on duty.

Malta

International human rights organizations continue to criticize the Maltese authorities for rather "severe" immigration legislation, poor living conditions of refugees in detention centers and for their insufficient efforts to prevent racism and discrimination in the society.

The problem of illegal migrants is one of the most acute in Malta. In compliance with the local legislation this category of persons is subject to detention from their arrival to Malta and during the whole period of processing of their applications for refugee status (up to 18 months). Human rights activists call on the authorities to eliminate these establishments as they do not correspond to the European humanity standards.

From time to time illegal foreigners make attempts to escape from detention centers some of which result in a tragedy. Thus, M. Kamara, a citizen of Mali who escaped in late June 2012, died because of injuries received in the course of his arrest.

The Netherlands

Human rights NGOs, mass media, the United Nations Human Rights Council, the UN Committee on Economic, Social and Cultural Rights take note of the problems existing in the Netherlands related to immigrant rights, undemocratic treatment of illegal immigrants and asylum seekers.

Immigrants from developing countries (Turks, Moroccans etc.) are discriminated by local authorities. Recently, discriminatory measures have also been taken against people coming from "new" EU member States (Bulgaria, Romania, Poland). Many of them have difficulties in finding a job, receiving education or medical care.

In recent years, the Netherlands has seen stronger nationalistic and xenophobic trends, such as ban to visit certain public places. Economically, immigrants find themselves in a less favourable situation that is, in fact, caused by the measures taken by the authorities. As a result, migrant communities are getting more isolated and autonomous. The gap between the levels of education of natives and immigrants is growing. And there is a concern regarding certain passiveness of the Dutch government in countering "segregation" in schools. The Committee on Economic, Social and Cultural Rights also pays attention to the lack of anti-discriminatory provisions in the legislation of the Netherlands⁶, stating that it does not provide protection against discrimination in all its forms. The Committee is further concerned that the situation is compounded by the rise in racism and xenophobia among the population.

According to the Internet Discrimination Hotline (MDI), half of the registered cases are related to the anti-Semitic Internet sites, and other ones are usually related to insulting expressions towards other religious and national minorities (immigrants from Turkey as well as from Morocco and other Arab countries). Many Dutch and foreign human rights organization and foreign authorities severely criticized the Internet website launched by the Dutch Party for Freedom where employers could report complaints about workers from Eastern Europe. According to human rights activists, this website directly contributes to growing xenophobia. However, the Dutch government refrains from taking proper measures to close it down.

Family reunification procedures are being made more complicated, according to the human rights experts, thus impeding immigration and spurring discrimination.

In the Netherlands, illegal immigrants and asylum seekers who are not criminals, are detained in prison-like establishments based on the local penal legislation. According to human rights activists, the conditions in such "special centers" are often worse than in prisons. Detainees are often subjected to cruel measures (prolonged detention in police cells, the use of handcuffs), and special circumstances are not duly taken into account (age, health etc.).

The statistics shows that in the Netherlands about 8 thousand foreigners are detained each year, and on average they spend 100 days in custody (in 2011, 6.1 thousand foreigners were detained for an average of 76 days), and more of them are detained repeatedly. In 2010, more than 20 per cent of foreigners were detained for more than six months, in 2011 – 18.4 per cent, i.e. at least every sixth foreigner was detained for more than 6 months.

According to the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (August 2012), prolonged detention of families with minors that are subject to deporting is a serious human rights violation. The current Dutch law envisages that these categories of people should be sent out of the country within two (and if they avoid deportation – four) weeks, but in practice they remain in custody for longer periods than provided for by the law (in 2 cases – more than 60 days).

There is evidence of poor quality of legal and medical assistance provided for the detained persons.

⁶ See the Concluding Observations of the Committee on Economic, Social and Cultural Rights to the Report of the Kingdom of the Netherlands under Articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights. Doc. E/C.12/NLD/4-5 (December 2010)

According to human rights organizations, in some cases, the regime of detention of illegal foreigners is more stringent than that of criminals, – for example, in terms of the use of common cells, special detention cells, the lack of common rules of granting exemption from arrest on humanitarian grounds, the lack of proportionate security measures in transportation.

According to Amnesty International (reports of June 2008, November 2010 and October 2011), in the Netherlands incarceration has become "an instrument of deterrence and punishment," because in many cases, the circumstances do not justify measures restricting freedom of asylum seekers or illegal immigrants (especially when it comes to vulnerable people such as victims of torture, human trafficking, elderly persons, pregnant women, persons with mental illness).

In the Report on the violation of rights of foreigners illegally staying on the territory of the Netherlands and detained (August 2012), the Dutch National Ombudsman repeatedly stresses that detention should be applied to foreigners only as a last resort measure of coercion and he criticizes the government for the lack of attention to the development of alternative ways of enforcing deportation.

Human rights activists have criticized the Dutch policy towards equality between men and women. According to the 2011 research of the World Economic Forum, the Netherlands rank 15th (in 2009 – 11th place) by such indicators as the number of women studying, working or occupying managerial positions, and salary. Discrimination manifests itself in a significant difference in wages between men and women, in poorer representation of women in the labor market and in political life (according to the Dutch Electoral Council, women accounted only for 31 per cent (303 candidates) of 972 candidates included in the parties' lists for the elections to the second chamber of the parliament in September 2012).

Active work of the Dutch police and intelligence agencies on wiretapping of citizens and monitoring of their Internet interactions in order to "ensure national security and fight against crime" raises many questions in terms of legality and respect for human rights, especially the right to privacy. According to the study published in May 2012 by the Research and Documentation Center of the Ministry of Justice of the Netherlands, in 2010 about 22,000 phones were wiretapped in the Netherlands. The study notes that these figures are higher than those for other European countries, and the information obtained by wiretapping rarely helps in solving crimes.

The public authorities are conducting massive collection and compilation of personal data, such as data on movement of vehicles (with navigation and roadside cameras), logs of phone calls, Internet usage statistics, including content of visited sites, and such actions are fraught with too detailed "profiling" of individuals, which, with all the development of technology, does not exclude errors and blunders. Further widespread use of information from such dossiers on citizens by government agencies may lead to incorrect results, and sometimes to violations of their rights⁷. It is also a cause for concern that in many cases such persons are requested to give their permissions for collection of their personal data, and such collection is done in an undifferentiated way, with no particular purpose. The collected data can be stored for a longer period than the period necessary for its use.

There are still concerns about the human rights situation in the Caribbean part of the Netherlands. In 2007, the European Committee for the Prevention of Torture made a number of recommendations aimed at improving the detention conditions of prisoners held in custody in Aruba and the Netherlands Antilles (Curacao, Saint Marten and the BES islands). Some establishments still have not addressed a number of significant violations (lack of ventilation, overcrowding, poor quality of healthcare, prolonged detention, etc.). Moreover, there are doubts that in practice detainees are provided with adequate legal assistance during interrogations.

The Committee on Economic, Social and Cultural Rights notes that in violation of Article 8 of the International Covenant on Economic, Social and Cultural Rights in Curaçao and St. Marten a ban on the right to strike is still in force, and in the Netherlands there is no explicit recognition of

⁷ Earlier, a story became known in the Netherlands. When a child was taken from the mother by force and given to a guardian on the basis of mother's electronic medical records that contained data of her mental illness. The investigation established that a mistake was made in putting the code of the disease in the medical records.

the right to strike in the legislation, while it is not prohibited. Corporal punishment is not prohibited in Aruba yet, as required by Article 10 of the Covenant.

Today one of the most pressing and debated issues in the Netherlands in the field of human rights is the spread of sexual assault against children and teenagers.

On October 8, 2012, the Commission published the report "Surrounded by care, but not safe", which contains the results of a two-year study. It covered the period from 1945 to 2010 and was devoted to the analysis of reports of sexual violence against children taken into guardianship, and the analysis of government responses to such reports, as well as evaluation of the existing mechanisms for the detection of cases of sexual violence. The Commission established that the Government of the Netherlands and the guardianship bodies do not ensure safety of children placed into guardianship, and fail to exercise proper oversight over the protection of children's rights. Children living in guardianship institutions or foster care families are significantly more likely (143 out of 1,000) to complain about sexual abuse than regular Dutch children (74 of 1,000). Compared with ordinary children, minors in guardianship are sexually abused 2.5 times more often (and mentally deficient children in the guardianship institutions are abused 3 times more often or more).

In most cases, criminal attacks are committed with the involvement of problem children and teenagers living in the same guardianship institutions, and in 30 per cent of cases – with the involvement of employees of the relevant authorities or foster parents.

The report of the Commission indicates the lack of participation of government authorities – mainly of the Ministry of Public Health, Welfare and Sports and the Ministry of Security and Justice, which are responsible for the implementation of policies in this field - in the elaboration of measures to ensure safety of children in guardianship institutions. In particular, there is a lack of government oversight over the situation in these institutions. Central government agencies give the guardianship institutions too much freedom in choosing the methods to combat sexual violence, keeping only a "system responsibility", which in practice puts children at risk. Mechanisms of selection of personnel for the guardianship institutions (and prospective parents) often do not include in-depth tests and checks.

Poland

According to human rights institutions, Poland has such human rights problems as judicial red tape, unreasonable temporary detentions, including the unjustifiably long ones, lack of entirely clear regulations on arrest procedures, overcrowding of prisons and inadequate health care of inmates. There are incidents of discrimination based on sex, religion and nationality, manifestations of intolerance, difficulties in ensuring respect for the reproductive health rights of women, inappropriate conditions for immigrants and refugees staying in the territory of the country, as well as abuses of power by police officers.

In the annual Report on the execution of judgments of the ECHR, published in April 2012, it is stated that Poland holds the seventh place with regard to the number of complaints accepted for consideration (6,376) and the fourth place with regard to the number of unexecuted judgments (more than 750). Earlier, in January 2011, the Parliamentary Assembly of the Council of Europe, in its resolution 1787, mentioned Poland among countries having major problems in the implementation of judgments of the European Court of Human Rights.

The Council of Europe's Committee for the Prevention of Torture, in its report published in July 2011, indicated not only the overcrowding in the Polish prisons (less than 4 sq. m. per one inmate) and unjustified extension of temporary detentions (up to two years in some cases), but also the proven facts of the use of force and torture methods against inmates, including the use of electric stun devices.

Over the last years, the number of violations of the rights of religious, national and ethnic minorities has increased. In particular, in 2010, the Prosecutor's Office of Poland opened 323 criminal cases, 40 of which resulted in convictions. The victims were predominantly people of Jewish descent, which was deemed by experts as an evidence of the entrenchment of grassroots anti-Semitism in the Polish society. Chauvinistic statements made by some public and political actors in Poland raise concerns.

The Polish human rights defenders are also worried about discrimination of Roma in education and employment: one in every five Roma children is sent to a special school for mentally handicapped, in most cases, because of poor knowledge of the Polish language. The human rights defenders believe that the growing intolerance towards Roma in Poland prevents them from getting a job. In addition to the abovementioned problems, the report of the European Commission against Racism and Intolerance, published in July 2011, described two new ones, namely poor living conditions for Roma and their limited access to health care services.

Human rights institutions pay particular attention to the conditions for keeping children of foreigners seeking the status of refugees and refugee children having no official guardians at the secured facilities in Białystok, Biała Podlaska, Krosno Odrzańskie and Lesznowola. These facilities are often overcrowded and lack food, health care and necessary education. In December 2010, the EU Agency for Fundamental Rights presented a report on the observance of the rights of refugee children in the EU countries, mentioning Poland among the most troubled countries in this regard. Human rights defenders believe that children kept at such facilities suffer irreversible mental damage and psychophysical disorders. Additionally, the report of the Agency issued in June 2011 stated that refugees did not have adequate access to psychological care. Thus, in 2010, psychological counseling was provided only in five out of twenty refugee centers.

The number of complaints from the detained persons against the Polish law-enforcement agencies has increased lately. Most of the complaints contain allegations of unjustified use of handcuffs and force during detention. The Warsaw District Prosecutor's Office alone is now investigating nearly 60 such cases.

Violations of rights and fundamental freedoms of the Poles and especially foreigners in the context of the so-called "CIA black site prisons" give rise to particular concerns. As early as August 2008, the Warsaw Appellate Prosecutor's Office launched an investigation into the US prisons which had allegedly existed in the territory of the country from December 2002 to September 2003 and where persons suspected of terrorism had been tortured. The Polish prosecution authorities

acknowledged that two nationals of Saudi Arabia (Abd al-Rahim Hussein Mohammed Abdu al-Nashiri and Zayn al-Abidin Muhammad Hussein), who are now held at Guantanamo, had the right to receive the status of victims of the Polish investigation. The international community expects an unbiased investigation into the CIA black site prisons case to be conducted and the investigation materials to be published.

Portugal

As it was generally confirmed in the Amnesty International's 2011 report, domestic violence, ill-treatment of inmates, biases in the justice system, aversion to Roma, trafficking in human beings and sporadic attempts of the authorities to reduce freedom of expression continued to be the key humanitarian and human rights problems in Portugal.

Human rights defenders have noted a trend to "soft-pedal" disciplinary actions over abuse of power by the Portuguese police officers serving in correctional facilities security units. Thus, in late 2011, prosecution for the unlawful use of electric stun device against one of the inmates at the Paços de Ferreira prison in September 2010 was suspended for an indefinite period. Leonor Cipriano who suffered torture during an interrogation in 2004 is still waiting for compensation from the State. Prison sentences imposed on Gonçalo de Sousa Amaral and Antonio Fernandes Nuno Cardoso, police officers prosecuted in relation to the case, were suspended because the accused had never convicted previously. In November-December 2011, the torture case involving Virgolino Borges who had suffered from actions of police officers in 2000 underwent re-trial due to the loss of audio records of victim's testimony.

Some cases related to abuse of power by the Portuguese police during detentions never come to trial. On June 21, 2012, Ricardo Carvalho, a 19-year student from Porto, was hospitalized as a result of several blows which had been inflicted by a police officer from a rapid response team of the Public Security Police in the process of detaining the young man on suspicion of theft despite the latter had not resisted. Internal investigation into the alleged act of aggression was launched. On July 9, 2012, José Fernando Ferreira aged 21 was killed in Rebordosa when he was trying to escape from police officers who had been suspicious of three young men sitting in a parked car. Investigation is underway.

The guarantees of the observance of the right of the nationals of Portugal to effective judicial remedy will be seriously undermined as a result of the national judicial reform. To achieve budget savings, it is planned, in particular, to dissolve 54 judicial bodies handling no more than 250 cases annually. Human rights defenders are concerned about the fact that this decision will impede access to justice for low-income people who live far from large cities.

There are deep concerns about difficulties in ensuring respect for the rights of Roma living in the territory of Portugal. The widely publicized eviction of Roma from the Bairro da Torre neighborhood of Loures in October 2011 was closely monitored by the experts of Amnesty International worried about 86 families who were going to become homeless as a result of that action of the Government. In June 2012, the Bragahabit municipal agency of Braga responsible for residential property management refused to rent out an apartment to the Romany family of M. Ribeiro referring directly to her nationality as the reason for its decision.

According to official statistics (annual report of the Ministry of Internal Administration of Portugal), in 2011, the number of domestic aggression complaints received by the police decreased by 7.2 per cent, amounting, in absolute terms, to 27 cases out of 142 murders committed in 2011. According to some Portuguese mass media, there were more than 10 cases of deadly domestic violence in the first half of 2012. At the same time, despite positive statistics provided by official bodies, Elisabete Brasil, Head of Women's Union Alternative and Response, claimed that in 2011 the number of domestic aggression allegations and complaints filed to human rights institutions increased by 20 per cent. There is still a lack of judicial practice with respect to domestic violence cases judging by the small number of proceedings reaching the stage of sentencing (14.8 per cent against 82.5 per cent of cases put on a shelf) and the trend of judges to use suspended sentences. Thus, on July 3, 2012, R. Silva was given a suspended prison sentence of two years and two months for she had for a year severely beaten a woman she had lived with.

The issue of slavery remains acute. In January 2012, the Portuguese police got on the tracks of a local family who forced more than 10 people, including one national of Ukraine, to do agricultural work in Portugal and Spain. In February 2012, the law enforcement agencies discovered a group of Portuguese nationals who had for four years held in slavery more than

50 persons most of whom with mental or physical disorders. At the same time, mass media reported of the discovery of a woman who had been held in slavery by her own husband M. Pereira for 44 years, as well as of a 14-year-old girl from Aveiro who had been held in sexual slavery by her father and two stepbrothers for four years. The issue of sexual slavery came to the fore again in May 2012, when the decision on the forced prostitution case involving six women from Romania was announced. The Criminal Court of Porto sentenced members of the criminal group to prison terms ranging from two to nine years.

The prosecution authorities of Portugal have received a number of complaints about social rights violations. A special emphasis is placed on the issue of discrimination of women in employment. Thus, in May 2012, Teresa Morais, Secretary of State for Parliamentary Affairs and Equality, stated that although the principle of equal labor conditions and remuneration for workers irrespective of their gender is enshrined in the legislation, many large employers continue to use old wage scales with higher wage rates for men. As a result, now men's wages in Portugal exceed women's wages by 21.8 per cent in private sector and by 17.2 per cent in public service.

Situation with regard to freedom of expression and independence of mass media in Portugal remains complicated. Significantly, despite the improvements in the Portuguese information space noted in the annual report prepared by the Reporters Without Borders international organization that promoted the country to the 33rd place (from the 40th place in 2010), Alfredo Maia, President of the Journalists' Union of Portugal, stated that Reporters Without Borders had ignored a number of extremely important facts, such as the entry into force of the new Law on Radio and Television which had legalized the "hyperconcentration" of radio stations and could not fail to produce an effect on media pluralism and such as the reoccurrence of evidences of the persecution of journalists who had fallen out of favor with the Portuguese authorities. The latest such high-profile case involved Pedro Rosa Mendes, reporter from the state-owned RTP television and radio broadcasting company, who was fired for criticizing the statement of Miguel Relvas, Parliamentary Affairs Minister, on the RTP1 channel. On March 22, 2012, José Sena Goulão, reporter from Portugal's Lusa news agency, and Patricia De Melo Moreira, journalist from the France-Press agency, were detained during a general strike.

Romania

Foreign and Romanian non-governmental human rights organizations continue to face human rights challenges in Romania.

The situation with regard to Roma people rights is still quite complicated. Human rights defenders continue to criticize the Romanian authorities' policy in terms of conditions for receiving proper education by Roma people, ensuring their access to labour market and proper medical care. According to the European experts living in Romania, about 2 million Roma (75 per cent) do not have a place of residence or live in extreme poverty. The unemployment rate of this ethnical group stands at 80 per cent. The cases of Roma discrimination and their forcible transfer are frequently reported. In 2011, human rights defenders halted the attempts of the mayor of Baia-Mare to turn about 200 Roma families out of their homes. In summer 2012, another group of Roma settlers was taken off to the administrative buildings of the abandoned chemical plant on the outskirts of the town at his direction. In November 2011, the authorities of Cluj-Napoca were fined for the unreasonable transfer of 40 Roma families to the outskirts of the town near the garbage dump. The release showed that non-governmental organizations established a fact of segregation in Tarlungeni and Baia-Mare, where in 2009 and 2011, respectively, the barriers had been erected to separate the Roma quarters from the rest of the town areas.

The Romanian authorities try to solve a problem of Roma access to education, including through preferential quotas allocated for them at lyceums. However, according to mass media and human rights defenders, about 15 per cent of preferential quotas intended for Roma turned out to be occupied by the Romanians due to the corruption component of education system and non-transparent schemes. During 2010, human rights defenders identified the cases of segregation with regard to Roma children in more than 100 Romanian schools when teachers grouped them at the back desks or in classrooms separate from the Romanian pupils, as well as ignored them in the course of the education process.

There are also cases of ethnic clashes between the groups of Romanian Hungarians and Roma (for instance, in spring 2011, in a village of the Brasov district).

In December 2011, the Romanian government approved the national strategy for the integration of Roma national minority into the Romanian society for the period 2012–2020. However, for a variety of reasons, including those of economic nature, human rights organizations and experts do not believe that the Roma issue can be resolved in Romania in the foreseeable future.

Unbiased court administration is a systemic problem, aggravated by the high level of corruption of the Romanian government. The citizens of Romania continue to demonstrate the level of confidence in the legal system which is the lowest in the European Union. According to the European sociologists, about 96 per cent of Romanians consider corruption to be a major problem in their country and directly or indirectly link this factor to violations of their own rights and freedoms due to the fact that the Romanian legal proceedings are not in line with all-European standards. In this context, it is symptomatic that according to the number of complaints to the European Court of Human Rights, Romania is ranked fourth. In 2011, 68 claims were brought by the Court against Romania. The main reasons for public recourse to the ECHR, aside from the ownership issues, are non-execution of judicial decisions and delay in legal proceedings, social or professional discrimination and poor conditions of confinement.

Human rights organizations are greatly concerned with the situation in the penitentiary system of Romania due to poor conditions of confinement, ill-treatment of prisoners and inadequate health care. The prisons in Jilava, Baia-Mare, Turnu Severin and Targu Jiu give rise to most unfavorable criticism. Recent reduction in cells overcrowding to the standard level, which earlier represented 150–200 per cent, is considered by human rights organizations as a positive development.

There are reported cases of extreme violence within the law-enforcement system, particularly among policemen. In December 2011, for instance, the public learned about the man

suspected of theft who died at the police station of Mihailesti commune of internal bleeding after being battered by the police officers.

The Romanian and Western human rights defenders have reported serious abuses of the rights of the children. At the present time there are about 40 thousand children in Romania living in poverty with no access to medical care. Child labour is widely used in the country, especially in rural areas.

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

There are regularly reported cases of anti-Semitic, xenophobic, racist and nationalist rhetoric in the Romanian Internet segment.

Slovakia

Despite the fact that the human rights situation in Slovakia is generally favourable at the European level, there remain certain concerns about the national minorities, delay in legal proceedings and strict migration policy.

The persistent problem of the rights of Roma (from 380 to 430 thousand people) remains serious. This ethnic group has been and continues to be the most discriminated one in the labour market, in the area of education, health care and housing. Anti-Roma sentiments in Slovakia are increasing. There are more and more cases of opposing the residence of Roma people in the central parts of towns, attempts to transfer Roma communities to the outskirts and isolate them. More often it happens through separation barriers and leads to multi-ethnic Roma enclaves, so-called "sieges". During the last two years such barriers have been erected in most settlements in the east of Slovakia, particularly in such towns as Ostrovany, Secovce, Trebisov, Michalovce, etc. Among the recent examples are the actions of the local authorities of Sered which ordered to brick up all entries and exits (except for one of them) in the concrete fence surrounding the Roma "siege".

Such a practice is becoming common in other regions of the country as well. Thus, in autumn 2011, the local deputies approved the decision of the Vrutky Mayor's office to build a 2.5-meter high fence to relieve the citizens of one of the town quarters from the "unpleasant neighbourhood" of Roma.

The policy towards Roma segregation is especially evident in the areas of pre-school and school education. Pre-school education of Roma children is mostly carried out in families, since kindergartens often refuse to accept them for fear of "negative reaction of the ethnic Slovaks and problems with hygiene". As a result, when such children enter school age, they do not know the Slovak language well enough and are consequently enrolled in separate classes or special schools as mentally retarded. Despite the fact that, for instance, in December 2011 the district court of Presov for the first time recognized illegality of such actions with regard to the school management in Sarisske Michalany village, such non-democratic practice continues in most of the educational institutions.

As for medical care, there are frequent cases of forced sterilization of Roma women. Thus, over the last year the European Court of Human Rights has taken two favourable decisions on the appropriate complaints (in November 2011 and June 2012).

According to law-enforcement agencies and non-governmental organizations, in the last years the activity of the radical nationalist organizations is being on the rise, the number of racist and nationalist crimes is increasing. In 2011, 243 crimes were committed, that is almost a 128 per cent increase comparing to 2010. The police registered about 2,000 extremists in the territory of the country (most of them in the capital region). Nationalist sentiments are spreading through the Internet community, particularly the discussion forums and social networks.

Increased attention of law-enforcement agencies of Slovakia to radical groups and implementation of Conception for the fight against extremism for 2011–2014, where particular importance is attached to the development of legal mechanisms and a range of measures to protect citizens from the manifestations of extremism, should be appreciated.

At the same time, the European Committee for the Prevention of Torture repeatedly pointed out to the facts of the Slovak police abuses of detainees at the time of arrest and during imprisonment. Human rights defenders mention the cases of long-term pre-trial detention without presenting a charge. Most of the offences are committed by the officials of local law-enforcement agencies against Roma people.

Functioning of the judicial system in Slovakia is regularly criticized. Reports on the activity of the representative of Slovakia to the European Court of Human Rights annually confirm the Republic's persistent problem with prolonged judicial proceedings.

International and non-governmental human rights organizations also pay attention to the strict migration policy of Slovakia. Since 1993 only 580 out of 56 thousand applicants received asylum in the country, while only 208 of them became citizens.

Republic of Slovenia

The problem of citizens of the former Socialist Federal Republic of Yugoslavia whose names were deleted from the Slovenian Register of Permanent Residents (the so called problem of "the erased") remains on the agenda. More than 25 thousand persons belonging to this category which included in total about 200 thousand people failed to register their permanent place of residence in due time. Nowadays, there are about 13 thousand "erased" people who cannot restore their status for different reasons, including red tape.

In June 2012, the European Court of Human Rights adopted a decision obliging Ljubljana to pay to "the erased" (6 persons) a compensation in the amount of 120 thousand euro for the non-material damage and 30,000 euro for the costs of proceedings. This decision was based *inter alia* on the fact that Slovenia violated Article 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (prohibition of discrimination), as well as the rights of "the erased" to respect their private and family life and their right to effective legal assistance. Moreover, the European Court of Human Rights demanded that the government of Slovenia should, within one year, set up a compensation scheme for the "erased".

The situation of the Roma people living in the South-Eastern areas of Slovenia, where they settled in the 1990s, remains poor. The *Amnesty International Slovenia* regularly records cases of their discrimination in daily life and points out to the lack of conditions for a full and safe life and the rising tensions between the Roma people and locals. The implementation of the special Roma law which was adopted a few years ago and which expands their rights to education, labour and participation in the social and political life of their administrative-territorial entities, is stalled.

The number of complaints lodged by migrant workers with the Ombudsman of Slovenia with regard to employers' violation of their labour rights tends to increase recently. The cases when salaries are not paid or delayed for many months and when salaries are cut without any prior notification, as well as the lack of social guarantees are the most common.

Slovenia still lacks the system to monitor the situation in the area of migrant workers' rights and effective mechanisms to provide first aid to this category of people. Moreover, Slovenia has not yet signed the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

There are also other human rights problems in Slovenia which are related, in particular, to the facts that courts are overloaded with cases, rules on receiving political asylum and refugee status have been made more severe, living conditions of prisoners are poor, and the legislation of Slovenia does not prohibit corporal punishment of children.

Finland

Human rights organizations note that Finland pays considerable attention to human rights issues and has achieved significant progress in this area. However, legislative regulation procedures for a number of human rights aspects are not clearly defined. UN human rights bodies, relevant non-governmental organizations express concern over the rise of racist and xenophobic feelings in Finland. The Office of the UN High Commissioner for Refugees and Finnish police have registered an increase in the number of racist and xenophobic crimes. In this context, scuffles and unlawful acts aimed at anientisement are wide-spread; racist propaganda on the Internet is on the rise. In the spring of 2012, the attention of mass media and human rights activists was focused on the case of the Lieksa-based Facebook group "Discussion of Immigrants without Censorship" which allowed for discussions in a most abusive language in relation to foreigners, and even threats with physical punishment. In 2011–2012, a number of abusive statements against ethnic and other minorities were made in public by Finnish parliamentarians representing the True Finns Party with a view criticizing immigration and asylum granting policies.

The UN Committee on the Elimination of Racial Discrimination takes note of the lack of statistics concerning the ethnic structure of the population in Finland, which hinders the objective assessment of how civil, political, economic, social and cultural rights of various population groups, first of all the indigenous Sami people, ethnic minorities and immigrants are ensured.

There remains the problem of domestic discrimination, exclusion from society and structural discrimination of Roma, violation of the Sami indigenous people's rights to receive services in its native language and participation in decision-making concerning economic development and distribution of land and resources.

The UN Committee on the Rights of the Child takes note of the fact that children from vulnerable ethnic groups (primarily Roma, Sami and immigrants) face difficulties at school, including segregation, high dropout rates, bullying by fellow pupils, many of these children are taught through remedial education programs.

The UN Committee against Torture takes note of drawbacks in the work with asylum-seekers at the stage of consideration of applications (improper living conditions, employment ban for the first 6 months of stay in the country), cases when authorities treat asylum-seekers without taking into account their cultural background and humanitarian reasons.

Attention at the international and national level is drawn again, as in the previous years, to excessively long periods of investigation and court proceedings in Finland. The European Court of Human Rights has adopted several decisions on the issue. Relevant complaints constitute a substantial share of appeals submitted to national authorities that control the observance of human rights and the rule of law. Remarks are also made in relation to the inopportune and insufficient provision of legal assistance and inadequate realization of process rights for persons held accountable for minor offences.

The problem of domestic violence manifestations causes serious concern. In 2012, a whole family was killed (the criminal was one of the family members), seven similar crimes were registered in 2011–2012, and about 30 throughout the 2000's. The rates of the so-called non-lethal violence are also showing an upward trend, especially in relation to women and children who are recognized as the most vulnerable group. A distinctive feature of this kind of offences in Finland is lethality. The UN Committee on the Elimination of Discrimination against Women draws attention to the necessity of recognizing the high level of violence against women and manifestations of gender discrimination.

The number of children raised outside the family remains extremely high: in 2010, it amounted to more than 17 thousand⁸. Throughout 2012, attention at the international and national level has been focused on the inadequate support for problem families in Finland at an early stage in order to avoid their transfer to fostering social structure. The human rights community is concerned

⁸ Tilastoraportti 29/2011, 20.10.2011. Suomen virallinen tilasto, Sosiaaliturva 2011. THL

with the unresolved problem of the poorly qualified workforce and inadequate resources of such social services, including the lack of personnel speaking the languages of major ethnic groups living in the country, absence of proper control of the work of private and local foster care institutions, the unawareness on the part of children deprived of parental care of the existing mechanisms to consider their complaints.

The UN Committee on the Rights of the Child points out to the excessively long periods of consideration of foster cases by Finnish courts and insufficient implementation of the right of the child to be heard on such cases.

National and international human rights agencies note the deficiencies of legislative regulation concerned with the rules of treatment, application of disciplinary measures at public facilities such as prisons, clinics, retirement homes, and other social institutions, schools. The UN Committee against Torture in its materials points out to the drawbacks of legislation on compulsory hospitalization, absence of the voluntary consent requirement to carry out electroshock therapy.

Despite the universally recognized progress achieved by Finland in ensuring gender equality, there still exists a considerable vertical and horizontal professional segregation between women and men on the labor market, including unequal pay for equal work between women and men, job discrimination concerned with pregnancy and childbirth (the non-renewal or the limitation of the term of labour contracts, illegal firing).

Russian-speaking residents of Finland are one of the groups that are subjected to a more severe discrimination than others. Russians stand the second after Roma in the number of applications to the Ombudsman for Minorities. In 2011–2012, a series of intolerance-motivated hooligan acts against Russians took place.

The Report of the Council of Europe Commissioner for Human Rights Nils Muiznieks of September 25, 2012, specifies that Russian speakers alongside Roma and Somalis are the most likely victims of racism and xenophobia in Finland; while a Roma-oriented national policy has been developed to improve the situation, very few specific measures in relation to Russian speakers and Somalis are currently undertaken. In particular, there is no consultation mechanism for dialogue between authorities and Russian speakers that would help "form an understanding of existing problems and measures needed to address them."

Muiznieks' Report also refers to the 2009 EU-MIDIS Survey carried out by the EU Agency for Fundamental Rights (FRA), stating that 27 per cent of Russians in Finland felt discriminated against in the past 12 months, which is the highest score of the countries surveyed (Finland, Estonia, Latvia, and Lithuania).

In 2012, the Finnish Ministry of Employment and the Economy published a study that revealed that, with all other things being equal, chances for a bearer of a Russian name to get an invitation to a job interview are twice as low as chances for a person with a Finnish name. As a result, in 2011, for instance, the unemployment rate among Russian speakers was 1.8 times higher than among immigrants on the average.

The cases of removal of children from Russian families, which have become regular, raise very serious concern. In 2009, Russian boy Anton Salonen was illegally taken from Russia to Finland through abuse of diplomatic immunity by an employee of the Finnish Consulate-General in Saint-Petersburg. In fact, the boy was abducted by his father Paavo Salonen from his mother. The complaint of the mother, Russian national Rimma Salonen, is currently considered by the European Court of Human Rights (taken up for consideration in August 2011). In 2012, the incident of removal of four children, including a 7-day-old baby, from the family of Russian national Anastasia Zavgorodnyaya, caused the widest public reaction. Regrettably, the above-mentioned cases are only two of a series.

The unreasonable way in which the Finnish side treats Russian appeals concerning this kind of cases also raises concern. This includes, *inter alia*, references to "confidentiality rules" to justify refusals to consider specific situations (in order to find a more flexible solution or identify potential abuses), as well as assurances of the sufficiency of the mechanisms provided for in the 1980 Hague Convention on the Civil Aspects of Child Abduction to settle all the family issues that Russian

citizens face in Finland, in spite of the fact that the Convention, in principle, does not provide comprehensive regulation on either foster care, or the rights of the child and protection against discrimination on the grounds of language or nationality.

France

The situation in the human rights protection in France is criticized on the international level, as well as by major French human rights organizations, such as the Consultative commission for human rights and the League for human rights. The activities of judicial and law-enforcement bodies are also criticized, in particular in connection with unreasonable delays in investigations and restrictions as to attorneys' access to their clients.

In 2010, 9,229 persons were arrested in Paris airports and held in pre-trial detention centers without being given a chance to call an attorney, a family member or a friend.

The *Amnesty International France* reports cases of deaths of arrested persons or those under investigation. Moreover, the investigation of such cases is biased and proceeds slowly. Human rights activists believe that France quite often violates the European convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Cases of police officers cruelly treating both legal or illegal immigrants and the French of non-European origin are regularly registered. Identity checks of these persons are performed overwhelmingly often primarily on the grounds of their ethnic phenotype. The repatriation procedure applied to illegal immigrants is derogatory and cruel. On March 15, 2011 during its deportation Kanouté Tiéni from Mali died because he had not been given the needed medical assistance.

The decree, which appeared during the Arab Spring concerning the detention of migrants from North Africa in pre-trial centers on the border (groups consisting of 10 persons and more) for the whole time during which their applications for entry to the French territory were being considered, is largely criticized. The decision to detain the families of migrants with infants waiting for being deported has been cancelled only recently. This measure has been substituted by a written undertaking not to leave.

The police actions are at times inadequate. For example, in February 2011 a group of 20 police officers arrested and sent nine underage orphans living in foster families in Abbeville and Annecy to a center of administrative detention with no serious grounds for that.

The state of the penitentiary system remains a serious concern. Because of overcrowded and insanitary conditions local prisons in France are believed to be the worst in comparison to those in other leading EU countries.

The number of assaults against Muslims has significantly increased. According to the "Collectif Contre l'Islamophobie", in 2011 and 2012 numerous cases of profanation of cemeteries, arsons and desecration of cultural centers and mosques, death threats, desecration of the Koran and other such actions were registered.

We are also witnessing a surge in anti-Semitism in France. It takes the most violent forms from the part of the Muslim community. Specific cases are documented by the "French service for the protection of the Jewish community" at the Representative Council of the Jews in France. According to their statistics, 389 anti-Semitic manifestations have been registered in 2011. As is shown by the Council's statistics, the notorious shooting outside a Jewish school in Toulouse committed by a Muslim fanatic M. Merah in January 2012 has become in a sense a catalyst for anti-Semitic manifestations. As of late May 2012, 268 cases have been registered, 78 of which were serious crimes (riots and violence) and 190 cases of intimidation. For example, last June three teenagers were brutally beaten (one was hit with a hammer on the head) by a gang of persons of Maghreb origin in Villeurbanne. In July 2012, two Frenchmen of Arab origin beat in the Toulon-to-Lyon train a Jewish boy after they heard him mention Jewish names on the phone.

Cases of violation of the rights of Roma (some 500 thousand people) are registered in France, who can stay on the French territory for up to three months only, unless they have a job. However, the examination of job applications takes from 6 up to 9 months. The Roma living in France still need to have the so-called "book of movement", which was introduced as early as in 1911. The circular of August 5, 2010 providing for prefects to destroy "illegal camps, primarily those of Roma", is still in vigor. At the same time it is necessary to point out that concerning the

instruction to "primarily deal with illegal Roma camps" the French authorities immediately refuted it and those responsible for using this segregative wording were severely punished. Under the pressure of public opinion, B. Hortefeux, Interior Minister, was forced to resign.

On November 9, 2011 the Council of Europe condemned the French policy towards the Roma. "The supreme body for countering discrimination and defending equal rights" (an independent administrative mechanism, which was abolished in 2011 and whose powers were transferred to the Human Rights Commissioner) noted that the repatriation allowance provided to Roma who were EU citizens (300 euro for an adult and 100 euro for a child) was for some unknown reason smaller than that provided to non-EU citizens (2,000 euro for an adult and 500–1,000 euro for a child). It is noted that the decision to deport Roma is taken automatically without proper consideration or taking into account the circumstances of each family (job applications, school-children etc.) What is more, no social services are provided to Roma that are staying on the French territory for less than three months. It is impossible for them to receive a permanent registration, which prevents their children from attending school.

Human rights activists and mass media note a certain repressive trend in the actions of authorities towards illegal immigrants, who do not have any chance to find a job and integrate into the society. In June 2012, in Lyon on the initiative of the local prefecture a surge of large-scale evictions from illegally occupied buildings and of destruction of temporary camps took place.

Starting from August 2012, the government has intensified the deportation of Roma migrants from the country regardless of their EU citizenship. At the same time, the French continue to shift the responsibility for the situation to Bulgaria and Romania.

Under the law, any person who has submitted an application soliciting a status of a refugee to the French Office for the Protection of Refugees and Stateless Persons, has the right for free accommodation for a three-month period (the period during which such applications are examined). In reality, those seeking a status of a refugee add to the army of the homeless, which is already large.

French NGOs, including the League for Human Rights, have expressed concern over the prosecution of journalist K. Greber on charges of libel against the mayor of Puteaux. In an article in *Le Figaro* of October 20, 2011 Ch. Grébert accused the mayor of embezzlement on the grounds of unshakable, as human rights activists saw it, proof. They claim that the city hall had won the case because it put pressure on the judges. The journalist was sentenced on September 4, 2012 to a fine of 1,500 euro.

Violations of the freedom of speech have also been documented by human rights activists as regards the case involving *Le Nouvel Observateur*. On June 7, 2012 the city authorities in Marseille prohibited the distribution of a new issue of the newspaper because of the fact that it allegedly contained unlawful propaganda on the eve of parliamentary elections. According to the decision of the city council, the article "Carlotti, Hollande's all-in" was of a promotional nature (and was directed against local political leaders). In this context, NGOs point out that the "day of silence" under the French legislation began on June 9, not 7.

The attempts of French authorities aimed at putting under strict control the Internet are harshly criticized. Human rights activists note that bodies concerned, taking advantage of the notorious case of a Muslim terrorist Merah, are trying to gain the opportunity to review on a legal basis electronic correspondence, create "traps" and block websites, which they consider extremist ones.

Czech Republic

The European Commission, Amnesty International, the Helsinki Committee for Human Rights and other human rights institutions and organizations in their reports point out to human rights violations in the Czech Republic.

Social integration of Roma is said to be one of the most important unsolved problems. The practice continues when Roma congregate in large ghettos mainly in the North of the country (the region with the highest level of unemployment), Roma children are segregated into special schools, citizens of Roma origin are discriminated against in ensuring the same rights as the Czechs have to education, housing, health care, labour and public services, etc.

There are ideas about some kind of "civilizational backwardness of Roma" which is an evidence of poor outreach efforts made by the central and local authorities to create a positive environment for integration of the Roma minority. There were unrests and confrontations with Czechs in areas compactly settled by Roma which were stopped by special police services.

Human rights organizations accuse the Czech mass media of "the incitement of ethnic hatred and extremism". A complex situation is developing around the plight of Romani children. In July 2012, the European Roma Rights Center expressed its intention to lodge a complaint with the European Court of Human Rights against the Czech Republic that discriminates Roma children in schools. The Czech Republic already lost a similar lawsuit in the ECHR in 2007, resulting in the obligation of the Czech Republic to "eliminate this problem". The new complaint concern 28 Roma pupils from the town of Ostrava, who were placed into special schools for pupils with mild mental disabilities.

The Czech Helsinki Committee points out in its Report on Human Rights Conditions in the Czech Republic in 2011 that there are violations in the area of justice (corruption and shortcomings of the legislation), failures of the police, violations of the rights of persons with physical disabilities (in particular, it is specified that the government's social and economic policy leads to "a desperate financial need" of these persons) and of pensioners (more than 46 per cent of persons who are older than 65 found themselves "near the poverty line" as a result of the budget savings). The number of households with an income below the subsistence level increased by 3.6 percent in 2011 as compared to 2010. The total number of Czech citizens living just above the poverty line is 1.7 million (16.6 percent of the population).

Human rights activists say that the bill introducing uniform rules on strikes which is now under development and which gives the right to call and stage a strike only to trade unions, is "an attack on civil liberties". Mass media sees the Czech authorities' intention to prevent rising social discontent and mass protests (not only trade unions, but also students, pensioners and other social groups demonstrated against the reforms being implemented in the country) as one of the reasons to work out this bill.

The situation of orphans and their number in the Czech Republic (11 thousand children are being raised in orphanages) are of serious concern.

The number of prisoners is growing and, therefore, their living conditions are worsening.

Non-governmental human rights organizations, including People in Need, attract attention to the unfavorable situation of foreign women who are engaged in unskilled occupations in the Czech Republic.

Sweden

Sweden has been criticized for the human rights situation by the UN, the European Court of Human Rights, the Council of Europe, the European Parliament, *Human Rights Watch*, *Amnesty International*, etc. First of all, this criticism concerns the lack of awareness about human rights in the society, inadequate organization of work in this sphere, drawbacks of the monitoring system, violations of the rights and freedoms or various types of discrimination against certain population groups, particularly disabled persons, children, refugees, immigrants, and national minorities.

According to the conclusions of the UN Committee on the Rights of the Child on States' activities in 2011, Sweden fails to sufficiently comply with the provisions of the Optional Protocol to the Convention on the Rights of Child on the sale of children, child prostitution and child pornography. Only mild forms of punishment, primarily imposing of fines, are envisaged for such crimes in Sweden (in the last ten years, 90 per cent of cases did not lead to criminal prosecution) – due to the Criminal Code qualifying child pornography as "disturbance of public peace" and the Government having adopted a reservation to the above Protocol.

Reduced attention to the protection of the rights of children aged 15 and older has also been stressed. The practice of their molestation via Internet is widespread in Sweden. Major Swedish tourist businesses would not sign the UNWTO Code of Conduct to Protect Children from Sexual Exploitation in Travel and Tourism.

Quite many cases and complaints against Sweden are brought before the European Court on Human Rights, most of them referring to the European Convention for the Protection of Human Rights and Fundamental Freedoms. The ECHR, for example, criticizes Sweden for not conducting thorough investigations of suspicions concerning torture of refugees coming to Sweden in their native countries. For instance, in spring 2011, an Angolan refugee, despite presenting a medical note on having been tortured in prison in his homeland, was deported to Angola because the Swedish Migration Board and Migration Court has not recognized this note as sufficient grounds for the provision of asylum. That being said, the Superior Migration Court admitted that the Migration Court should have carried out an additional investigation of this case.

In its last report, the UN Committee against Torture declared 19 decisions made by Swedish migration authorities on deportation of refugees unfounded. In this regard, opinions have been voiced in Swedish political circles suggesting that the national migration laws be made milder. At the same time, in a number of cases concerning the provision of asylum, especially if they have a political context, Swedish authorities use double standards. A clear example of such practice is the politically motivated refusals of the Swedish side to extradite to Russia those accused of committing grave crimes, including gangsterism, in the Russian territory.

On March 21, 2012 Swedish Riksdag ratified the EU Directive on storage of electronic data that makes it possible to provide this data to law-enforcement agencies in order to more effectively counter crime and terrorism. On May 1, 2012 this law entered into force in the territory of Sweden. It stipulates that telephone and mobile service providers should store all the data on incoming and outgoing calls, including the conversation data, and, in case of mobile communication, the subscriber's location at the moment of conversation and the type of equipment used. Various data on SMS, electronic communication, and IP-addresses of Internet users is to be stored as well. This commitment prompted some independent experts and mass media to accuse Swedish authorities of establishing "dictatorship", violating the citizens' right to respect private life.

An annual report "Legal Barometer 2011" based on the results of the nation-wide poll of leading Swedish lawyers concerning modern tendencies and problems related to the functioning of Swedish legal system suggests that the reproaches to the Swedish judicial system voiced by the defense of J.Assange, creator of WikiLeaks, accused of rape in Sweden, were reasonable. Particularly, they concern the Swedish practice of imprisoning for a period of time of a not yet convicted person on prosecutor's request after the first interrogation (i.e. the risk of being detained immediately after the deportation to Sweden). In addition to that, it is often that the suspect's lawyer is only given the opportunity to have a look at the materials of the case several minutes before the

start of the hearings. Secondly, in Sweden, the prosecution documents are not translated into the language spoken by the suspect. Hearings also tend to more often be closed.

Swedish professional organization "Community of Lawyers" in its 2012 research notes the "very alarming" situation with access of lawyers to convicted persons. It is stressed that penitentiary institutions have recently significantly reduced the amount of time allocated to lawyers to talk to prisoners, limiting it to just working hours. In a number of cases, a lawyer has to sign up for a talk with his client in advance, which, according to Swedish legal experts, is "absolutely unacceptable".

The Council of Europe, as well as a number of international human rights organizations, note that Sweden does not make enough effort to comply with the Council of Europe Convention on the Rights of National Minorities signed in 2000. Sweden is not active enough in registering its people speaking the languages of national minorities and working to expand the use of the languages of small peoples in various spheres of social life.

We should also mention the fact that in 2012 the cutting of state funding (from 14 to 10 million Swedish kronor a year) reduced the number (from 22 to 16) of the so-called "anti-discrimination bureaus" – volunteer organizations providing free consultative assistance to repressed citizens – which fact raises concerns among Swedish human rights activists.

There is still an urgent need to address problems related to racial discrimination, particularly in employment, as the Swedish companies, in most cases, prefer to recruit native citizens. It is much harder for people with "immigrant roots" to find a job. Stratification and segregation on the grounds of nationality are growing.

There are problems in the area of labor immigration as well. According to mass media, a lot of berry pickers from countries of Central and Eastern Europe, and even Asia work in the north of the country. These citizens are often deprived of the most basic sanitary, living and payment conditions.

Certain shortcomings can also be noted in the area of women's rights. For instance, about 17 women die annually in Sweden at the hand of their husbands, cohabiters or former partners. In 2006, the gap between average salaries of men and women has grown substantially (for 17,479 Swedish kronor). Cases of firing, often in a harsh and categorical manner, of pregnant women have also been noted.

Estonia

The human rights situation in Estonia is typically complex. Human rights institutions and organizations are united in the opinion that the latent discrimination on ethnic and linguistic grounds still persists in the country. The major victim of such discrimination is the Russian-speaking population. In fact, Estonia has established an elaborate system under which discriminatory practices are derived from the complex of statutory benefits for Estonian native speakers and those of "Estonian identity". The situation is coupled with tough law-enforcement practices which involve such bodies of "punitive" nature as the Security Police and the Language Inspectorate, called the "language inquisition" by some experts.

The problem of mass statelessness in Estonia remains unresolved. Official statistics show that in July 2012, the number of persons without citizenship (so-called "non-citizens") in the Republic of Estonia constituted about 97,000 persons, i.e. 7 percent of its total population. The pace of the Estonian naturalization program is very low. On average, only 1,500 –2,000 persons obtain Estonian citizenship per year (1,498 persons in 2011).

The systemic problem is that many provisions of the Framework Convention for the Protection of National Minorities are not actually being implemented in Estonia. This instrument was ratified by the Republic of Estonia on November 21, 1996 with a declaration that only citizens of Estonia can be recognized as a "national minority". On that basis, the relevant agencies refuse to accept requests by local authorities in areas of compact settlement of the Russian-speaking minority to grant a special status to the Russian language in such areas.

The law-enforcement practices sometimes directly violate the rights of national minorities. For example, under current legislation, an applicant in Estonia can expect to receive a response from the local authorities in his native language if non-Estonians constitute more than 50 percent in a particular county or parish. The share of the Russian-speaking population, in particular in Viru County, is well above this level, but local courts send copies of their rulings to people only in Estonian.

According to the law, the meetings of the Narva City Council should only be carried out in the Estonian language, despite the fact that only two members of this body are Estonian native speakers.

The education reform, which does not take into account the size of Russian-speaking minority and the compact nature of its residence, also discriminates against its rights as a linguistic minority in Estonia. On December 22, 2011, at its regular meeting, the Government of Estonia rejected the appeal by Tallinn and Narva City Councils to preserve the education in the Russian language in 15 high schools in Tallinn and Narva as wished by the respective school boards. The activists, acting within the Estonian law for the preservation of education in Russian, are being harassed and discredited by the Estonian authorities.

On July 2, 2012, Indrek Teder, Chancellor of Justice of Estonia, proposed amendments to the Private School Act to ban the private local schools from providing education fully in a minority language. This initiative provoked sharp criticism from local human rights organizations, including Tallinn-based Legal Information Center for Human Rights, which pointed out that the proposal by the Estonian ombudsman contradicted the Constitution of Estonia.

However, on September 13, 2012, the Parliament of Estonia supported the proposal of the Estonian Ombudsman to begin preparing the amendments to the act.

This initiative runs counter to the recommendations of the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe of September 14, 2001, recommendations of the ECOSOC of November 29, 2002 and December 2, 2011, recommendations of the European Commission against Racism and Intolerance of February 21, 2006, and March 2, 2010, which expressed concerns regarding insufficient guarantees that a minority language would be used as a primary language of instruction and suggested that the situation should be rectified.

The Third Opinion on Estonia, published in April 2011 by the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe, raises a number of critical issues, clearly illustrating the unfavorable situation of the rights of national minorities in Estonia in a number of aspects. Unfortunately, the Estonian authorities are not undertaking proper practical steps to improve the situation. Thus, the country has not yet established an institutionalized channel for minority representatives to discuss important issues related to the position of minorities with the government. Amendments to the Language Act were adopted in February 2011 without comprehensive consultation with minority representatives in Estonia. Recommendations of the Advisory Committee, calling for a more balanced Act (in particular regarding the promotion of the State language, while guaranteeing the linguistic rights of persons belonging to national minorities) had not been taken into account.

Moreover, the said law still refers to national minority languages as to "foreign languages", which, in the opinion of the Advisory Committee, "casts a serious doubt over the political will of the government and parliament to recognize the speakers of national minority languages as an inherent part of Estonian society".

The information brought to the Advisory Committee on the Framework Convention for the Protection of National Minorities of the Council of Europe and to other international and national human rights institutions also reveals an apparent discrimination against non-Estonians in the labor market, the unemployment rate among them is almost twice as high (18.2 percent in 2011) than among Estonians (9.7 percent). It is still the case even if a non-Estonian job seeker shows excellent language proficiency and sufficient skills. Employers often prefer ethnic Estonians, irrespective of their qualification.

In its Third Opinion, the Advisory Committee notes that "only a few ethnicity-based complaints" annually reach the Office of the Gender Equality and Equal Treatment Commissioner. In fact, in 2011, the Office received 358 complaints, only 90 of which related to "possible discrimination", including just 8 regarding discrimination on the grounds of race and ethnicity. The Council's experts explain it not by the low number of "ethnically-motivated" violations, but by limited awareness, insufficient knowledge of the most part of non-Estonians that since 2009 the Commissioner has the authority to monitor cases of discrimination and human rights violations on ethnic and linguistic grounds.

According to the experts of the Council of Europe and other international institutions, the Estonian Integration Strategy seems focused on promoting the Estonian identity rather than on acquainting Estonians with languages and culture of national minorities, which have been living on Estonian territory for centuries.