

Ministry of Foreign Affairs of the Republic of Belarus



# **Human Rights Violations in Certain Countries in 2012**

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

ICCPR—International Covenant on Civil and Political Rights

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

ICESR—International Covenant on Economic, Social and Cultural Rights

CEDAW—Convention on the elimination of all forms of discrimination against women

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

CRC— Convention on the Rights of the Child

## FOREWORD

Human rights, historically being the area of relations between the society and the government, an element of a purely internal policies, have started to play a role of a tool for foreign politics in the modern world. The relationship between states on human rights issues abandon the principle of equality of partners, pursuing various paths of development with one common objective being the prosperity of their citizens, while becoming associated with diktat, pressure and imposition of their «solely accurate opinion». Criticisms in the area of human rights first and foremost target developing countries.

The idea behind this report is to draw attention to the violation of human rights violations in those countries that traditionally represent themselves as «developed democracies», to illustrate by concrete facts their failure to comply with international legal obligations and, no less importantly, spotlight the victims that are traditionally given a blind eye by violating states as well as by international organizations operating in the area of human rights.

Ignoring problems leads to impunity and as is substantiated by this report to the deterioration of the human rights record. This serves as a testimony that human rights are not about elites or retrogrades, mentors or pupils.

The report by Belarus' Foreign Ministry is based upon the information from the Belarusian diplomatic missions, the media as well as other reliable open sources. We did not seek to provide a complete picture of the situation of human rights in the countries in question, but rather we have tried to draw attention to the most resonant human rights violations in 2012.

**Vladimir Makei**  
Minister of Foreign Affairs  
Republic of Belarus

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## AUSTRIA

Following international commitments have been violated:

- **ICCPR**

**art. 10** (right to be treated with humanity)

**art. 19** (right to hold opinions without interference)

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

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

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

- **ICESCR**

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

- **CRC**

**art. 9** (right of a child not to be separated from his or her parents against their will)

**art. 22** (right of a child who is seeking refugee status or who is considered a refugee to protection and assistance from the State in order to reunify with his or her family)

- **ICERD**

**art. 4 (c)** (prohibition of promotion or incitement of racial discrimination by public authorities or public institutions, national or local)

**art. 5 (b)** (right to security and protection by the State against violence or bodily harm)

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

**art. 3** (non-discrimination)

**art. 23** (right to public relief)

**art. 24** (labour legislation and social security)

**ct. 32, 33** (prohibition of expulsion or return)

### Advocacy of Racial Discrimination

On 30 August football fans who had gathered in one of the squares in Vienna on their way to a game verbally attacked in front of police officers a passing by rabbi by screaming at him anti-Semitic slogans «Move, Jew – Jews out!» and «Heil Hitler!» and saluted with the Nazi salute.

Rabbi claimed that the three police officers standing nearby had refused to intervene. They also had ignored the rabbi's appeals for help.

### Migrants' and Refugees' Rights

Ex-employees of the *temporary refugee center «Saulalm»* (Carinthia) informed about violations of refugee rights by the facility staff:

- a group of refugees from Russia who had gone on hunger strike were deprived of medical assistance;
- by order of the center manager refugees' rooms were unheated during the nights in cold season;
- the center's premises fail to comply with sanitary-hygienic standards;
- refugees have limited access to medical care;
- poor food and inadequate food safety (refugees are fed with expired food).

The doctor assigned to the center confirmed to have never visited it «because of its remote location and severe road conditions».

Human rights organizations reports about the lack of conditions in the major Austrian *temporary refugee center «Traiskirchen»* (Lower Austria) for maintenance of underage refugees (about 600 persons):

- the appropriate professional psychological assistance is not provided;
- teenagers often have to stay for more than 150 days in the center;
- minors are not given the opportunity to study, including to learn German.

There are known cases when families were separated as a result of deportation of children or their parents.

Poor living conditions provoked several cases of allergy and acute attacks of chronic diseases in the *refugee center in Güssing* (Burgenland). Food catering also gives rise to criticism.

Due to growing criticism «Saualm» center was closed in October, a number of refugees were moved from the overcrowded «Traiskirchen» center to «Grassler» *temporary center* (a few kilometers away from «Saualm» center).

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**«We agreed to establish a refugee center only on the understanding that neither Africans nor Chechens would be kept there», - said Stefan Visotschnig, burgmeister of Bleiburg (Carinthia), about the opening of refugee center in Grassler.**

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On 24 November hundreds of people took part in the demonstration, calling upon the Government to improve the living conditions of refugees. The protesters marched from «Traiskirchen» center to Vienna where they set up a camp in Sigmund Freud Park. The camp was cleared out a few days later.

Another camp was set up near Votive Church, Vienna in the end of December. A few protesters occupied the church premises and went on hunger strike.

On 28 December the police and public community services staff cleared out this camp as well.



*Refugees demanding for better life conditions, freedom of movement, right to stay in the country (Vienna, 24.11.2012). Photo: REUTERS*

## BELGIUM

Following international commitments have been violated:

- **ICCPR**

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

**art. 12** (right to liberty of movement, to leave any country, including his own)

**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)

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

**art. 19** (right to hold opinions without interference)

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

**art. 26** (right to equal and effective protection against discrimination on any ground, including religion)

**art. 27** (right of persons belonging to minorities to enjoy their own culture)

- **ICESCR**

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

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

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

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

- **CRC**

**art. 28** (right of the child to education )

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/ participation in torture are offences under its criminal law)

As compared with other OECD members Belgium has a 10% lower migrant employment rate amounting only to 55%.

Besides, 25% of migrants' children neither work nor study.

### Right to Leave any Country

In April, the Belgian authorities, as well as of France, Switzerland, the UK, Germany and Austria prohibited about 120 representatives of NGOs and pro-Palestinian activists from leaving these countries to participate in the solemn opening ceremony of a new international school in Bethlehem (the West Bank territory).

### Discrimination on the Ground of Age

According to the *Belgian Center for Equal Opportunities and Opposition to Racism* Belgium has the highest rate of age discrimination in employment among the EU countries.

Although it is banned, candidates over 45 years old 8% more often face discrimination while applying for a job.

### Racial Discrimination, Freedom of Conscience and Religion, Minorities 'Rights

In Brussels where 40% of secondary school students are Muslims muslim shawls are allowed only in 2 out of 98 secondary schools.

### Migrants' Rights

According to the *Organization for Economic Cooperation and Development (OECD)* every fifth family of migrants (21.9%) suffers from poverty in Belgium (the average rate in the OECD region is 17.3%), over 32% of migrants' children live in poverty.

## Right to Peaceful Assembly, Freedom of Expression, Torture

01.04.2012, Brussels: during the «NATO Game over» pacifist action enhanced police forces detained 483 participants who were trying to hang padlocks on the doors of the main office of the NATO headquarters.

16.09.2012, Antwerp: police detained 230 activists during the dispersal of the demonstration organized by Islam adherents protesting against the film «Innocence of Muslims».



Police conveying arrested peace protesters of the «NATO Game Over» action (Brussels, 01.04.2012) . Photo: DEMOTIX

## Arbitrary Interference with Privacy

Belgium and USA signed a Cooperation Agreement under which the Parties will exchange the following personal data to combat grave crimes (terrorism in particular):

- fingerprints data;
- DNA analyses;
- ethnic, racial origin;
- political, philosophical views;
- religious believes;
- professional activity;
- sexual preferences.

The Agreement provides for access to personal data within the framework of judicial and administrative procedures (not necessarily criminal).

## BULGARIA

Following international commitments have been violated:

- **ICCPR**

**art. 7** (prohibition of torture or cruel, inhuman or degrading treatment or punishment )

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

**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)

**art. 19** (right to hold opinions without interference)

**art. 26** (right to equal and effective protection against discrimination on any ground, including religion)

- **ICESCR**

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

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

- **ICERD**

**art. 5 (b)** (right to security and protection by the State against violence or bodily harm)

### Criminal Prosecution of Journalists, Racial Discrimination

21.06.2012, Ruse: the Regional Court of Ruse sentenced *Ms Asya Pencheva*, a journalist from the local newspaper «*Utro*», to pay a compensation and a fine, as well as to social codbemnation (on the local municipality-owned radio) for libel. The court found Ms Pencheva guilty, though her article about abuse of children left without parental care in «*Nadezhda*» orphanage was published based on a taped story told by an employee of the orphanage (later the employee accused the journalist of libel).

Bulgaria demands extradition from the UK of *Toma Nikolaev Mladenov*, Roma, editor of an on-line news agency, ex-candidate to Parliament, who is accused of disorderly conduct in a Sofia police station. Mr Nikolaev fled the country for safety (his office was ransacked, he was beaten in the street and a bomb was set off close to his apartment).

### Economic and Social Rights

According to the data published by the *EU statistical service «Eurostat»*, in 2011 49% of the Bulgarians (42% in 2010) were at risk of poverty or social exclusion, ranking first among the EU member countries. 22% of Bulgarians live beyond poverty line. Poverty growth was provoked by a rapid rise of unemployment rate – about 10.2% of the economically active population.

### Torture, Inhuman Treatment

According to the report of the *European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment dated 4 December*, prisoners in Burgas and Varna are kept in inhuman conditions. Among the main drawbacks were mentioned:

- overcrowded prisons (the living area for one prisoner in many cells is less than one square meter);
- anti-sanitary condition of prison cells, toilets;
- lack of beds for prisoners;
- numerous complaints from prisoners about physical violence on the part of prison staff;
- small number of medical personnel leads to lack of medical care;
- corruption among prison staff.

## CANADA

Following international commitments have been violated:

- **The Universal Declaration on Human Rights**  
**art. 3** (right to life, liberty and security of person)
- **ICCPR**  
**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)  
**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)  
**art. 10** (right to be treated with humanity and with respect for the inherent dignity of the human person)  
**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)  
**art. 19** (right to hold opinions without interference)  
**art. 21** (right to peaceful assembly)
- **ICESCR**  
**art. 11** (right to an adequate standard of living for himself and his family)  
**art. 12** (right to the enjoyment of the highest attainable standard of physical and mental health)
- **CEDAW**  
**art. 12** (right to appropriate services in connection with pregnancy, confinement and the post-natal period)
- **ICERD**  
**art. 5 (b)** (right to security and protection by the State against violence or bodily harm)
- **CAT**  
**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)  
**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

tear gas and rubber bullets to break up a student rally protesting against an increase of tuition fee for students from needy families. 106 people were arrested. Three students were admitted to hospital with cerebral injuries.

*24.05.2012 Montreal:* as a result of university protests against an increase of tuition fee for students from needy families around 400 people were detained. Earlier law enforcement agencies had allowed 3000 students to organize peaceful three-hour protest rally. When this rally had ended arrests had begun.

### Right to Peaceful Assembly, Freedom of Expression, Torture

*15.03.2012 Montreal:* the police used tear gas to break up a protest rally against increased number of cruel treatment by the police of rallies' participants. 226 people were detained. 30 participants of the rally face criminal prosecution, the rest are charged with money penalties for violating public order.

*04.04.2012 Montreal:* as a result of the crackdown on students' rally protesting against an increase of tuition fee for students from needy families more than 50 people were detained. They are charged with hooliganism.

*22.04.2012 Montreal:* as a result of the crackdown on a rally protesting against a plan of region development around 90 people were detained. They surrounded a Convention Center where a conference on implementation of plan on development of northern regions of Quebec province was taking place. The protesters also tried to mount a tent camp.

*26.04.2012 Montreal:* the police used tear gas and batons to break up a students' rally protesting against an increase of tuition fee for students from needy families. 85 people were detained.

*01.05.2012 Montreal:* the police used batons to break up a May Day demonstration. 95 people were detained.

*05.05.2012 Victoriaville:* the police used

23-24.05.2012 Montreal, Quebec: as a result of clashes with the police around 700 protesters were detained. All those detained were released within 24 hours, they are likely to be fined with 600 Canadian dollars.

08.06.2012 Montreal: on the eve of Grand-Prix of Canada 20 organizers of protest rallies threatening to block an access to autodrome to fans of «Formula 1» were arrested.

19.12.2012 Ontario province: 35000 teachers walked off the job protesting against the new law on education stipulating a «freeze» of salaries for teachers for two years and a ban on strikes.



Students' rally break-up (Quebec, 23.05.2012)  
Photo:REUTERS

## Torture

While in *Ottawa-Carleton Detention Centre* Julie Bilotta experienced the premature delivery. The detention center administration called an ambulance only after nine hours. Before that the woman had been transferred to a separate cell in order not to annoy with her cries the guards and other prisoners .

Journalists received a copy of 2010 directive of Canadian Security Intelligence Service (CSIS) on use of torture. According to this directive, special services could take into account information obtained with the use of torture should security of the Canadians need it.

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**«Canada does not justify use of torture but admits it under exceptional circumstances for the purpose of security of its people», - on 17 February said the Minister of public security of Canada.**

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## Arbitrary Interference with Privacy

Canada Border Services Agency has started to mount recording equipment in Ottawa international airport to record passengers' talks. Representatives of Canada Border Services Agency: «equipment is needed to better protect the border and to improve security of the country».

## Racial Discrimination

26.10.2012 Gatineau: a group of black visitors was denied access to «Le Fou du Roi bar» due to possible conflicts with other bar visitors on racial ground. Having arrived on the scene, the police acknowledged that it is unable to take any measures with regard to the access to the bar since the bar was a private property.

## **National Minorities' Rights**

On 4 October the president of *the Native Women's Association of Canada Ms Michèle Audette* called upon federal government to start open investigation on violation of rights of indigenous women. According to statistics, indigenous women are at risk of violence 8 times more often than other Canadian women. Today 582 cases of disappearances and domestic violence with regard to indigenous women have been registered.

22.12.2012 *Espanola (Ontario): the Assembly of First Nations* organized a rally protesting against miserable social care of Indians of Canada and failure of conservative government to act to solve this problem.

## **Right to Peaceful Assembly**

Provincial parliament of Ontario passed a bill (*Bill 115*) «freezing» salaries of school teachers for two years and prohibiting teacher strikes. Besides freezing salaries, teachers when retiring will no longer be able to receive bonuses for «sick leaves» they had not used during their careers. The bill will enter into force on 1 January 2013.

On 31 October the parliament of Canada passed a bill «On improvement of Criminal code» (*Bill 309*) stipulating that street disorders participants wearing masks are subject to up to 10 years of imprisonment.

## ESTONIA

Following international commitments have been violated:

- **ICCPR**

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

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

- **ICESCR**

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

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

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

- **ICERD**

**art. 2 (b)** (commitment not to sponsor, defend or support racial discrimination by any persons, group or organization)

**art. 4** (prohibition of organizations, which promote and incite racial discrimination)

by employees representing over 600 schools and kindergartens across the country.

From 1 to 25 October, several hospitals' employees in Tallinn and a clinic in Tartu took part in a strike organized by healthcare union. The medical workers demanded higher salaries and lower workload.

### Racial Discrimination

14.07.2012, *Kuressaare: the Estonian freedom-fighters union* (which brings together around 2000 veterans of WWII who fought in support of the Nazi Germany) held its 20<sup>th</sup> Congress. The meeting was attended by representatives of local authorities, statesmen, including Estonian Defense Minister, who expressed appreciation to all members of the Organization.

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*«Their courage and valour saved the honor of the Estonian nation», - Urmas Reinsalu, Estonian Minister of Defense, values contribution of SS veterans to Estonia's independence.*

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### National Minorities' Rights

The unemployment rate among national minorities is more than twice as high as among the titular ethnic group. According to *the Estonian Statistics Department*, the unemployment rate among Estonians was 7,8% in the second quarter of 2012, while among national minorities it was fixed at 15,4%.

### Economic and Social Rights

Social and economic policies pursued by the authorities spurred a number of large strikes. Rallies and demonstrations were held on a regular basis, during which the protestors demanded a change of government, higher wages, social and retirement benefits, as well as lower taxes and prices.

Over 15 thousand employees in education went on strike on 7-9 March. The protestors demanded a raise in a minimal wage rate. The protest was attended

## FINLAND

Following international commitments have been violated:

- **ICCPR**

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

**art. 23** (the family is the natural and fundamental group unit of society and is entitled to protection by society and the State)

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

- **CRC**

**art. 9** (commitment to ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child)

- **ICERD**

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

**ct. 5b** (right to security of person and protection by the State against violence or bodily harm)

**ct. 5e (i)** (rights to work, to free choice of employment, to just and favourable conditions of work, to protection against unemployment, to equal pay for equal work, to just and favourable remuneration)

recruitment are age, poor health, and nationality. The study also showed that Finland was reputed with having a more frequent rate of labor discrimination than other European countries. 40% of Finns polled reported to have been discriminated against at their places of work, in most cases because of illness, age or ethnic belonging.

This data was confirmed by *the Central Organisation of Finnish Trade Unions (SAK)*, whose poll showed that immigrants consistently face insults and humiliation at work, no one speaks to them at work, nor do they receive the amount of information equal to that received by their Finnish fellow workers.

According to the September report from the visit to Finland by *Mr. Nils Muižnieks, the Council of Europe's Human Rights Commissioner*, Russians, Somalis, and the Roma increasingly fall victim to racism and xenophobia in Finland in such areas as employment, harassment in schools, as well as of crimes related to hatred. 10% of all immigrants have faced discrimination (approximately half of all the Somalis and a quarter of all the Russians living in Finland).

### National Minorities' Rights, Racial Discrimination

*07.09.2012, Vantaa:* Finnish social services have taken away four children (a 6-year old girl, two 2-year old twins, and a new-born baby) from a family of *Anastasiya Zavgorodnyaya*, a Russian citizen residing in Finland, without bringing charges against the parents on the basis of the 6-year old girl's words (she has double citizenship) that the parents had physically assaulted her. Due to case overload in courts, the children will be separated from their parents for at least half a year.

*The Finnish Ministry of Healthcare* published information that «Russian families practice violence against children, hence it is these families, whose children must be taken away».

According to human rights organizations, Finland had in 2011 around 16000 children who were removed from parents by social services. The above number goes up by 2000 every year.

### Racial Discrimination

A study by *the Finland's Ministry of Labor* reveals that most frequent causes for discrimination in employment re-

## FRANCE

Following international commitments have been violated:

- **ICCPR**

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

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

**art. 12** (right to liberty of movement, to leave any country, including his own)

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

**art. 19** (right to hold opinions without interference)

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

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

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

- **ICESCR**

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

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

- **ICERD**

**ct. 5 (d) (i)** (right to freedom of movement and residence within the border of the State)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

number of raids. As a result, up to 50 people were detained, including a large number of women wearing traditional Muslim veils.

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**«France guarantees the freedom of expression to all, thus, those unhappy with the caricatures may take the matter to court», - said Jean-Marc Ayrault, Prime-Minister of France**

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### Right to Peaceful Assembly, Freedom of Expression, Torture

On 17 November over 1000 people participated in large-scale demonstrations against authorities' intention to legalize same-sex marriages. Overall, similar demonstrations occurred in country's more than 70 cities. In *Toulouse* and *Lyon*, the police used tear gas for breaking up small groups of sexual minorities.

The authorities' decision to build a new airport triggered several protests of farmers, representatives of environmental organizations, *the Green party*, and France's *Left Front*, which were brutally suppressed by the police.

29.10.2012, *Notre-Dame-des-Landes*: the police used light noise explosives and tear gas to disperse the protestors.

24.11.2012, *Notre-Dame-des-Landes*: the police used batons, water cannons, noise explosives and tear gas. Several protestors were apprehended.

### Abuse of Freedom of Expression, Advocacy of Racial Discrimination and Religious Intolerance

On 19 September the French satirical magazine *Charlie Hebdo* published caricatures of prophet Muhammad. The magazine sold all of its circulation, but the publisher decided to issue additional 70 thousand copies on Friday to have it coincide with the Friday's mosque prayer.

In light of probable protests against the «*Innocence of Muslims*» film, the police and gendarmerie have carried out a

## Right to Leave any Country

In April, French authorities did not allow more than 90 NGO representatives and pro-Palestinian activists to leave the country to participate in a solemn ceremony of the opening of a new international school in Bethlehem (the West Bank territory).

## Torture, Inhuman Treatment

*Jean-Marie Delarue, the Controller-General of custodial establishments,* stated in his report after visiting the Baumettes prison in Marseilles in October that the conditions for the prisoners were inhumane:

- the prison was overcrowded, overall nine-square-meter-large cells had five two-tier beds;
- unhealthy conditions (mold, rats, cockroaches, broken sewage system);
- the prison registered a record-high number of suicides.



*A cell in the Baumettes prison, Marseille*

*Photo: Korganow for CGLPL*

## Racial Discrimination against Roma, Right to Freedom of Residence

In August-October, over 900 Roma have been evicted from suburbs of *Lyon, Paris, and Lille*. About half of them were those «voluntarily» deported to Romania or Bulgaria in exchange for money. The fate of the others remains unknown.

The evicted Roma are European Union's citizens, but France's legislation requires them to have work permit as well as a proof that they have the means of subsistence, if they intend to stay in the country for more than three months.

The Government of France looks to continue with its policy of full elimination of the temporary Roma camps in the country.

## GERMANY

Following international commitments have been violated:

- **ICCPR**

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

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)

**art. 19** (right to hold opinions without interference)

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

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

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

- **ICESCR**

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

- **ICERD**

**art. 4** (prohibition of organizations, which promote and incite racial discrimination)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

the videotapes and pictures.

*06.10.2012, Goppingen:* the anti-Nazi demonstration against neo-Nazi march grew into a clash with the police. Over 100 activists were detained.

*13.11.2012, Cologne:* Police forcibly removed a camp set up by the green activists protesting against wood-felling in the areas of RWE concern. Over 10 activists were detained.

### Right to Peaceful Assembly, Freedom of Expression, Torture

*31.03.2012, Frankfurt:* Police used truncheons and tear gas to disperse the anti-capitalist demonstration *M31 (March 31<sup>st</sup>)* organized by left-wing groups. Hundreds of demonstrators were detained.

*16-19 May, Frankfurt:* total ban was imposed on mass demonstrations of the anti-capitalist movement *Occupy Frankfurt*, in business areas the movement was restrained, some underground stations were closed. Police used truncheons to disperse the protest rallies. 1,400 people were detained in 4 days.

*02.06.2012, Hamburg:* 63 persons were detained and 17 were arrested during the clash between leftists and neo-Nazis. Police used water cannons and tear gas.

*24.08.2012, Dortmund:* the municipal authorities prohibited anti-Nazi activists from setting up a camp.

*15.09.2012, Letzlingen:* Several participants of the sanctioned demonstration against military exercise were beaten cruelly while trying to break away from the police circle during the dispersal of a spontaneous rally provoked by police actions (thorough personal search, photographing). The journalists who were covering the event were forced to destroy



*Police disperse protestors (Goppingen, 06.10.2012)  
Photo: DEMOTIX*

13.11.2012, Berlin: 9 left-wing activists protesting against the demonstration organized by the far-right «Pro-Deutschland» party, were detained and charged with violation of public order and resistance to the police.

16-18 November 2012, Gronde power plant area: the police used force and tear gas against green and left-wing activists who were obstructing traffic of trucks carrying plutonium fuel.

### **Arbitrary Interference with Privacy**

Hacker organization CCC made public the information about the use of special software, so-called «bundestrojan», by the German law-enforcement officials to control personal computers of suspects. The software allows downloading of data on the computers under monitoring, which can be used for rigging false evidence and compromising information. The fact of monitoring was confirmed by the Federal Minister for Interior.

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*German Interior Minister H.-P. Friedrich said in the interview: «The Federal Office for the Protection of the Constitution is monitoring 25 out of 76 Left Party deputies of the Bundestag and 4 «Left» Party deputies of the European Parliament».*

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### **Racial Discrimination, Torture**

17.10.2012, Frankfurt: an Ethiopian migrant charged with travelling without fair in public transport was beaten by the police after a squabble.

17.11.2012, North Rhine-Westphalia Federal Land: activists of the banned neo-Nazi society (Kameradschaften) created a new «Right» Party.

### **Minorities' Rights**

About 2 mln Poles in Germany cannot acquire the status of national minority of which they were deprived by the Third Reich authorities in 1940. It does not allow Polish children to study Polish in German schools, as there are no appropriate legal regulations in the majority of federal lands.

## GREECE

Following international commitments have been violated:

- **ICCPR**

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

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

**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)

**art. 19** (right to hold opinions without interference)

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

**art. 26** (right to equal and effective protection against discrimination on any ground)

- **ICESCR**

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

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

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

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

- **ICERD**

**art. 5 (b)** (right to security and protection by the State against violence or bodily harm)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/ participation in torture are offences under its criminal law)

### Torture, Inhuman Treatment

On 9 October the national daily newspaper «*Guardian*» made public the shocking facts of torture and cruel treatment of anti-fascist protesters arrested in Athens in the *Attica General Police Directorate*:

- people were hit with taser guns, were made to strip naked publicly;

- police officers spat on the detained persons, used their bodies as ash-trays;

- police officers used crude sexual insults on the detained women;

- protesters were denied drinking water for many hours, as well as access to lawyers and medical assistance, they were kept awake all night with torches and lasers being directed to their eyes;

- people were kept in overcrowded cells, in anti-sanitary conditions.

### Right to Peaceful Assembly, Freedom of Expression, Torture

*19.02.2012, Athens:* tens of thousands of protesters took part in the demonstration at the Syntagma Square, protesting against the EU/IMF debt deal. 120 activists were injured in clashes with the police.

*02.03.2012, Athens:* the police used tear gas and truncheons to disperse protesters who had gathered in front of the Parliament building. Several activists were arrested.

*05.08.2012: Halkidiki:* the police fired rubber bullets at and used tear gas against protesters against gold mining. Several people were injured.

*26-27 September 2012, Athens:* about 70,000 people took part in the demonstration, protesting against tough austerity measures in front of the Parliament at the Syntagma Square. Police used tear gas and stun grenades in clashes with the protesters. About 120 activists were detained.

*04.10.2012, Athens:* about 350 Skaramangas Shipyard workers took part in the demonstration, protesting against not having been paid for six months and the planned cut of social spending. The police used tear gas and truncheons to disperse the protesters. 3 activists were injured, 106 were detained.

9-10 October 2012, Athens: tens of thousands of people went out in a demonstration against the visit by German Chancellor Angela Merkel. Protesters were holding flags with swastika and anti-German banners reading «Down with the Fourth Reich!», «Merkel out of Greece!». Police officers used tear gas and truncheons to disperse the crowd in front of the Parliament building. 193 people were detained.

6-7 November 2012, Athens: during clashes with demonstrators protesting against tough austerity measures the police fired tear gas, stun grenades and water cannons. According to the police, at least 35 demonstrators were detained.



Police fired tear gas, stun grenades and water cannons to disperse protesters (07.11.2012, Athens) Photo:AFP

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

Violent attacks on migrants, based on racial intolerance, including during the police operation «Xenious Zues», have become more frequent.

87 attacks were registered from January to September 2012. In over 50 cases victims were injured. Broken bottles, knives, bats, chains, dogs (in some cases) were used as to attack protesters.

In 15 cases victims of racist attacks accused police officers of cruel treatment.

19.08.2012, Athens: Hassan Mekki, a 32-year-old Sudanese migrant, was brutally attacked by 7 black-shirted men on motorcycles carrying Greek flags. The attackers beat the migrant cruelly and made large gashes resembling an "X" on his back.

23.11.2012, Athens: 404 migrants were detained during the police operation targeting illegal migration.

According to the police reports, 54,086 migrants were detained during Xenious Zues operation since its beginning in August 2012 with 3,994 being charged with illegal stay in Greece.

## HUNGARY

Following international commitments have been violated:

- **ICCPR**

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

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

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

**art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal established by law, right to communicate with counsel)

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

**art. 26** (right to equal and effective protection against discrimination on any ground, including religion)

- **ICESCR**

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

- **ICERD**

**art. 7** (protection from prejudices which lead to racial discrimination)

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

**art. 21** (housing)

**art. 26** (freedom of movement)

**art. 32, 33** (prohibition of expulsion or return)

*Jobbik ("The Movement for a Better Hungary") Party, called the Parliament to compile the list of Hungarian politicians of Jewish origin. He linked the Hungarian prompt decision to take the Israeli part in the Israeli-Palestinian conflict to the results of the Israeli lobby in Hungary. On 2 December 2012 about 10,000 people took part in the manifestation against the so-called "Marton's list".*

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*«I think such a conflict makes it timely to tally up people of Jewish ancestry who live here, especially in the Hungarian Parliament and the Hungarian government, who, indeed, pose a national security risk to Hungary», - said Marton Gyongyosi, a deputy of the far-right Jobbik Party, during the debate on the Israeli-Palestinian conflict.*

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*12.12.2012, Budapest: Mr Lenhardt Balazs, a Hungarian independent parliamentarian, burned an Israeli flag during the demonstration outside the Ministry of Foreign Affairs of Hungary.*

The authorities scarcely react to the frequent cases of anti-Semitism, discrimination of the Roma. The cases of vandalism are left undetected, the vandals remain unpunished. Anti-Roma marches supported by far-right forces are accompanied by passive actions of the police officers who are formally present at the demonstrations and do not take practical measures to suppress aggressive attacks of rally participants on the Roma people.

### **Racial Discrimination, Anti-Semitism, Minorities' Rights**

*22.05.2012, Budapest: the monument to Raoul Wallenberg, a Swedish diplomat who saved hundreds of Hungarian Jews during World War II, was defaced.*

*25.05.2012, Budapest: the memorial to Nazi victims was defaced.*

*15.08.2012, Budapest: Hungarian football fans were shouting anti-Semitic slogans as the Israeli national anthem was played prior to the friendly football match between the national teams of Hungary and Israel.*

*24.10.2012, Budapest: an Israeli flag was publicly burned in front of the Hungarian largest synagogue by members of ultra-right youth movement.*

*27.11.2012, Budapest: Mr Marton Gyongyosi, a deputy of the far-right*

## Racial Discrimination against Roma, Minorities' Rights

25.08.2012, *Budapest*: Far-right groups were calling for *pogroms* in Roma areas in Hungary during the manifestation on the occasion of the 5<sup>th</sup> anniversary of the banned far-right militant party «*Magyar Garda*».

20.10.2012, *Miskolc*: members of militant youth groups of the far-right *Jobbik Party*, many in military uniform, held marches chanting anti-Gypsy slogans and calling for expulsion of Roma from Hungary. The *Jobbik leader Gábor Vona* called for segregation of Roma people.

23.10.2012, *Kerescend*: participants of an anti-Gypsy demonstration organized by *Jobbik Party* declared Roma deteriorate criminal situation in the country and commit majority of crimes.

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*«The reason why many Roma are mentally ill is because in Roma culture it is permitted for sisters and brothers or cousins to marry each other or just to have sexual intercourse with each other», - wrote Géza Jeszenszky, Ambassador of Hungary to Norway, in one of the chapters of the Budapest Corvinus University textbook.*

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## Refugees' Rights

Hundreds of migrants from Somalia, Afghanistan and Pakistan were detained for several months or even years in Hungarian special centers – *de facto* – prisons (round-the-clock guard, windows with grates, ban to leave the territory of the facility, complaints about physical violence). Due to the facility overcrowding people are kept in anti-sanitary conditions, without access to appropriate medical assistance. There have been cases of deportation prior to termination of judicial proceedings.

## Political Persecution of Former Officials (Lustration)

*Mr Lajos Galambos*, former Director of the Hungarian National Security Authority arrested on 28 June 2011 in accordance with the decision of the Budapest Military Prosecutor's Office on suspected espionage activities, took the case to the European Court of Human Rights with the following complaints:

- no arrest warrant issued at the moment of arrest, concealment of the reasons for arrest and the charges;
- pressure upon the gravely sick son to make him testify against his father;
- secrecy groundlessly imposed on the case, ban to meet with the family;
- ungrounded refusal by the courts of first and second instances of the defenders' requests to release Mr Galambos on bail.

According to Mr Galambos, the case is politically motivated and represents an attempt to discredit the former Hungarian Prime Minister *Mr Ferenc Gyurcsany* in whose office Mr Galambos used to work (Mr Gyurcsany is an opposition party member carrying out active political activity for the 2014 parliamentary elections).

## ITALY

Following international commitments have been violated:

- **ICCPR**

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

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

**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)

**art. 19** (right to hold opinions without interference)

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

- **ICESCR**

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

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

to a police station *Mr Claudio Tosi*, social activist who was disseminating leaflets nearby a place where an event with the participation of the city mayor was taking place.

**09.06.2012, 11.06.2012 industrial zone Basiano:** as a result of the use of batons 5 participants of a strike, workers of «*IL Gigante*» warehouse, were taken to a hospital, 22 participants of the strike, employees of «*Gartico*» company, were injured, out of them 16 taken to hospital in heavy condition.

**16.06.2012 Bologna:** the police used batons and tear gas to disperse unsanctioned protest rally.

**12.07.2012 Rome:** the police used batons to disperse a meeting taking place nearby a town-hall against privatization of «*ACEA*» municipal company.

**24.07.2012 region Borgone Susa (Torino province, Piedmont):** the police arrested 200 activists of the movement against construction of Lion-Torino high-speed railway in Val Susa valley section while were trying to block a train with nuclear waste heading from Italy to France.

**25.09.2012 Cagliari:** the police used batons to disperse «*Alcoa*» company employees trying to enter administration building of Sardinia autonomous region to hand over their claims. As a result of the police using its force, two workers were injured; *Ms Daniela Piras*, a trade union «*UILM*» activist, was beaten and received two kicks in her back as well as an arm injury.

### Right to Peaceful Assembly, Freedom of Expression, Torture

Systematic use of special means by the police, increased number of cases when participants of peaceful meetings of protest are beaten up.

**11.05.2011 Naples:** the police used batons and tear gas to disperse unsanctioned protest rally that had gathered around the office building of «*Equitalia*» company.

**28.05.2012 Brescia:** after a student protest rally was dispersed 6 activists who had organized a rally were subjected to search authorized by Prosecutor's Office. As a result of the search, personal computers, video cameras mobile phones and leaflets were confiscated from them.

**24.05.2012 Rome:** the police used rubber batons to disperse unsanctioned student rally protesting against a visit of Mario Draghi, the President of the European Central Bank, to one of the faculties of the *Sapienza University of Rome*. 6 students suffered concussion.

**27.06.2012 Rome:** unknown persons in civilian clothes detained, beat and took

25.09.2012 *Casal di Principe*: clashes between the police and demonstrators protesting against a destruction of a illegally constructed dwelling resulted in 3 persons receiving injuries and 30 being charged with criminal liability.

05.10.2012 *Rome, Milan, Torino*: the police used rubber batons to disperse demonstrations of students protesting against education system reform. According to mass media, in Rome police and carabinieri knocked protesters down, beat and threatened them with batons held to a throat. Both in Milan and Torino cases of violent beating of protesters with minors being majority of those who was injured. In total at least 16 persons were arrested during demonstrations. In Torino around 30 demonstrators were injured.

27.10.2012 *Cusago*: the police used rubber batons, tear gas (in indoor area) to disperse illegal rave-disco. As a result of the panic one lady received serious injury and fell in coma. Around 40 persons were injured (doctors were reported to deny recording injuries inflicted by the police). The police destroyed audio equipment and computers of the disco organizers.

27.10.2012 *Riva del Garda*: police and carabinieri used rubber batons and tear gas to disperse protest rally against a policy of *Mr Mario Monti's* government. 2 persons were injured during clashes. According to rally's participants, around ten activists were preventively arrested by the authorities.

12.11.2012 *Naples*: the police fired tear gas at students and the unemployed protesting against a visit of Federal Minister for Labour of Germany Ursula von der Leyen to the city.

On 14 November 80 Italian cities witnessed demonstrations against austerity measures, Italian government and the European Union policy. The protest rally was joined by students dissatisfied with education policy. The police used tear gas to disperse rallies. Around 70 protesters were detained. 34 persons were injured.

30.11.2012, 01.12.2012 *Livorno*: police used batons to disperse a small group of protesters against massive dismissals in healthcare system. Next day police violently dispersed peaceful rally of a several hundreds of persons protesting against disproportionate use of force applied to break up a rally of 30 November 2012. Several protesters and bystanders were injured.



Rally crackdown (Rome, 14.11.2012) Photo: World Riots 24/h

18.12.2012 *Casalecchio di Reno*: police used batons to break up a rally of loaders working for IKEA company. 5 protesters were injured and suffered concussion.

## Right to a Fair Hearing

22.02.2012 *Rome*: city court passed tough sentences (5 and 4 years of imprisonment) on two participants of massive protests in Rome on 15 October 2011 on charges of offence «resistance to authority representatives under aggravating circumstances». The police report turned to be the only ground for the sentence although policemen who had signed it failed to identify those charged.

## Criminal Prosecution of Journalists, Freedom of Expression

24.05.2012 *Milan*: after prior investigations a city judge issued a warrant stipulating that Italian providers should block an access to independent anarchist website «*Indymedia*» for Italian regions of Tuscany and Piedmont. This decision was justified by the fact that four articles that had been put on this website by an anonymous author four years ago accused «*Coeclerici*» company of connections with the mafia.

10.07.2012 *Lanciano*: Mr *Maurizio Aramino*, the owner of *www.abusebiro.com* website, was obliged to pay a penalty for having cartoons on law enforcement agencies put on a website forum by another person.

On 11 July journalist and editor of «*Alto Adige*» newspaper was sentenced for 4 months of imprisonment and a penalty for publishing in 2008 an information based on confidential documents of political police.

30.08.2012 *Aci Sant' Antonio*: municipal police committee initiated a legal claim against the Italian journalist *Vincenzo Barbagallo* for defamation. The journalist was charged with a publication on «*Sudpress*» website (*www.sudpress.it*) of video clip about municipal police officer using police vehicle to transport private loads.

26.09.2012 *Milan*: court of appeals of Italy confirmed the «puity» sentence that had been passed on former editor of «*L Giornale*» newspaper *Alessandro Sallusti* of 14 months of imprisonment for defamation. He is convicted for publication in February 2007 in «*Libero*» newspaper of an article on a judge-guardian of one of the Italian families who had allegedly forced a minor to do abortion. Later on it turned out that a girl had not been against abortion but signed a request to do it.

## Arbitrary Interference with Privacy

In the beginning of October 2012 Italy and «*Facebook*» company reached an agreement providing Italian post police with password keys to profiles of the Italian users of the social network «*Facebook*». According to this agreement, police of Italy was enabled to conduct investigations on users of this social network without prosecutor's warrant.

## IRELAND

Following international commitments have been violated:

- **ICCPR**

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 26** (right to equal and effective protection against discrimination on any ground)

- **ICESCR**

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

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

- **CEDAW**

**art. 12** (eliminate discrimination against women in the field of health care, including those related to family planning)

- **ICERD**

**art. 7** (protection from prejudices which lead to racial discrimination)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

times and 4 times more respectively. Disabled persons are also frequently subject to discrimination, especially in healthcare and transport areas. Single parents are also target group for discrimination, especially in social care.

### Economic and Social Rights

*02.04.2012 Dublin:* thousands of citizens took part in a protest rally against the new real estate tax. Imprisonment is foreseen for those who do not pay it. Police used force to hold back the protesters from the headquarters of the ruling party.

*26.11.2012 Dublin:* around 10 000 people took part in a protest rally against economic policy of the government, another tax increase, and social cuts that are foreseen in the new budget. Austerity measures have downgraded a medium income of an Irish by 15%, country's unemployment rate has reached 14.8%.

### Women's Rights, Torture

*28.10.2012 Galway:* 31 year old woman *S. Halappanavar* died in a city hospital because doctors denied doing timely abortion although there was a danger of miscarriage (Irish laws harshly restrict the right to abortions). Fetus was removed after 72 hours of agony when all of its vital functions ceased to function. The woman was taken to resuscitation ward where she soon died.

Annually around 4 000 Irish check themselves in foreign (mainly British) hospitals to terminate pregnancy.

### Racial Discrimination, Migrants' Rights

According to the *Irish Immigrant Support Centre* located in Cork, almost every second of those interviewed faces various sorts of discrimination. 8 out of 10 victims of discrimination prefer not to contact the police.

According to the *Institute for economic and social research* and «*Equality Authority*», immigrants from Africa are subject to discrimination and injustice 5

## LATVIA

Following international commitments have been violated:

- **The Universal Declaration on Human Rights**

**art. 15** (right to a nationality )

- **ICCPR**

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)

**art. 19** (right to hold opinions without interference)

**art. 26** (right to equal and effective protection against discrimination on any ground)

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

- **ICESCR**

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

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

### Criminal Prosecution of Journalists, Freedom of Expression

*17.08.2012* Latvian security police of searched the office of chief editor of information portal of Russian community in Latvia «*Baltia*» *Segei Malakhovsky*. Journalist's computer equipment was confiscated. According to S.Malakhovsky search warrant was issued with severe violations, with no witnesses invited.

Investigation was carried out under a criminal case initiated on the grounds of the fact that on of S. Malakhovsky's website «*baltijalv.lv*» a material was placed «advocating hostility and hatred» (according to Latvian law enforcement authorities).

### Right to a Nationality

Latvia fails to provide citizenship for national minorities. According to official statistics, as of beginning of 2012 in Latvia there were 312000 non-citizens, 205000 out of which were Russians of predominantly 49-65 years old. Non-citizens are deprived of voting rights and limited in social and economic rights.

On 6 September Saeima of Latvia adopted in second reading an amendment to

the law on citizenship (effective as of 1 January 2013) stipulating that:

- regardless of birthplace children are acknowledged Latvian citizens in case at least one of the parents holds Latvian citizenship.

- children of non-citizens born after 21 August 1991 will be acknowledged Latvian citizens only in case they permanently live in Latvia and earlier used to be stateless persons or non-citizens.

- children of non-citizens will be provided with citizenship along with registration in case at least one of the parents will be able to prove his/her readiness to help a child to learn Latvian language and to inspire him/her with respect for Latvia.

- for those non-citizens who are in process of naturalization examination of the Latvian language knowledge will be simplified in case they have received basic, high-school or professional education in the Latvian language.

On 4 September public organizations delivered more than 10 000 signatures of Latvian citizens to the Central election commission in support of a bill on providing citizenship to all Latvian non-citizens of who wish to obtain it. This bill foresees amendments to the law «On citizenship». On 1 November the Central election commission refused initiators to organize a second tour of signature collection in support of this bill. The ground for refusal is that draft amendments had not been completely prepared.

### National Minorities' Rights

Latvia continues to have discrimination and non-tolerance towards national minorities:

- toughening of sanctions for non-use of the Latvian language with simultaneous finance cuts on state language teaching by the non-Latvians;
- stalling of naturalization process, failure to take measures to simplify the process of naturalization for children of non-citizens born after 1991;
- unequal calculation of pensions for citizens and non-citizens;
- closing down of the secretariat on society integration.

### Torture

On 27 November the European court on human rights recognized as humiliating and inhuman conditions of detention and treatment of prisoners in Daugavpils. The re have been following violations were found:

- systematic full body search;
- daytime ban to sit and lie in a bed;
- total and forcible long-time isolation;
- dog convoy.

### Economic and Social Rights

According to data published in December by *the EU Statistical Service «Eurostat»*, in 2011, 40% of Latvians (in 2010, 38%) were at risk of poverty and social exclusion. On this index Latvia shared the second place with Romania among EU member-states after Bulgaria.



*Non-citizen's passport  
Photo:1TV.RU*

## LITHUANIA

Following international commitments have been violated:

- **ICCPR**

**art. 5** ( limitation of rights to a greater extent than is provided)

**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)

**art. 19** (right to hold opinions without interference)

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

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

**art. 25** (right and the opportunity without any of the distinctions to vote and to be elected at genuine periodic elections)

**art. 26** (right to equal and effective protection against discrimination on any ground)

- **ICERD**

**ct. 2 (c)** (protection from perpetuation of racial discrimination)

**art. 4** (prohibition of organizations, which promote and incite racial discrimination)

### Criminal Prosecution of Journalists, Freedom of Expression

*29.06.2012 Vilnius:* city district court sentenced *Mr Dainius Radzevicius*, the chairperson of the Union of journalists of Lithuania, to a money penalty for putting on his website the comments on *Wikileaks* information about the cases of blackmail and racketeering by «*Respublika*» newspaper. He wrote: «Mr Tomkus's «*Respublika*» has betrayed and sold out journalism». «*Respublika*» publisher accused him for libel.

*12.06.2012 Vilnius:* *Mr Algirdas Paleckis*, leader of the *Socialist people's front* party, was sentenced by city district court to money penalty for «denying Soviet aggression against Lithuania and its people». In 2010, Mr Paleckis making comments on events around Vilnius TV tower of 13.01.1991 said that «it was a friendly fire» (Lithuanians shooting at Lithuanians).

### Political Persecution of Former Officials (Lustration)

Despite *the European Court on Human Rights'* decision the Lithuanian principal election commission of denied registration of *Mr Rolandas Paksas*, leader of «*Order and Justice*» party, member of European Parliament and former President of Lithuania was removed from his office by impeachment, as a candidate for parliamentary elections (14 October).

In 2005, the Constitutional court decided on life-time ban for Mr Paksas to run for president, Saeima member, to be appointed as prime-minister or government member. In 2011, *the European Court on Human Rights* held that a life-time ban for being elected as parliament member contradicted the law. In spring Saeima of Lithuania passed a law restoring Mr Paksas' rights. However in September Lithuanian Constitutional court held that this law contradicted Constitution.

### Racial Discrimination

*16.02.2012 Kaunas:* an annual march of members of the *Lithuanian Nationalist Youth Union*, other neo-nazi and nationalist groups took place under official authorization. Around 300 people including *Mr Zigmantas Vaišvila*, former vice prime minister, two parliament members participated in this event. March participants were handing over nationalist leaflets signed by 5 Saeima members. Several march participants were saluting in nazi manner.

10.10.2012 *Shvekshna*: on the day of the 68<sup>th</sup> anniversary of liberation of Shilutski region of Lithuania by the Soviet troops from nazi invaders a monument for the so-called national partisans of 1944-1953 was erected.

### **Right to Peaceful Assembly**

On 14 March Lithuanian Supreme court decided that a request of «Švyturys-Utenos alus» brewery employees to organize a strike was contrary to law based on the fact that the brewery was of national importance and brewing was vitally important industry sector.

On 7 November Vilnius district court postponed for 30 days a strike of trade union members of «Vilnius public transport» company. The company employees demanded that salary arrears of around 3.2 mln euro be paid.

### **Arbitrary Interference with Privacy**

On 2 October Saeima of Lithuania passed a bill on criminal intelligence stipulating that:

- physical surveillance for less than 3 days could be made without a court decision (authorization of the agency head/deputy head is sufficient);
- criminal intelligence could not target the president;
- only district courts chairpersons or judges assigned by them could authorize secret eavesdropping on the basis of well-grounded prosecutor's request;
- in several cases when there is a danger for human life, health, property, security of society or state, the criminal intelligence could perform its duties (including physical surveillance and eavesdropping) by prosecutor's authorization.

### **Economic and Social Rights**

According to data published by *the EU Statistical Service «Eurostat»*, in 2011, 33% of Lithuanians were at risk of poverty and social exclusion. On this index Lithuania took the fourth position in EU after Bulgaria, Latvia and Romania.

## NETHERLANDS

Following international commitments have been violated:

- **ICCPR**

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

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 19** (right to hold opinions without interference, freedom to seek, receive and impart information and ideas of all kinds )

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

**art. 25** (right and the opportunity without any of the distinctions to vote and to be elected at genuine periodic elections)

- **CEDAW**

**art. 2** (prohibition of discrimination against women )

**art. 3** (right to exercise and enjoy human rights and fundamental freedoms on a basis of equality with men in the political, social, economic and cultural fields )

**art. 7** (elimination of discrimination against women in the political and public life of the country, right to vote in all elections and public referenda and to be eligible for election to all publicly elected bodies)

- **ICERD**

**art. 2 (d)** (prohibition of racial discrimination by any persons, group or organization)

**art. 4** (prohibition of organizations, which promote and incite racial discrimination)

Since February the far-right «*Party for Freedom*» set up a website to which citizens of the Netherlands can send complaints on migrants from the Central and Eastern Europe. This initiative is realised in a framework of a consistently pursued policy by the party on restriction of immigration and holds as purpose to demonstrate that migrants from these countries are substantially involved in problems with alcoholism, use of drugs, prostitution, and deprive the citizens of the Netherlands of places in the national labour market.

### Right to Peaceful Assembly, Freedom of Expression, Torture

*21.09.2012 Haren:* as a result of a crack-down on youth rally by the riot police (including special police units) 34 persons were arrested, at least 30 moderately wounded applied to the hospital with complaints of fractures, cutting wounds.

### Discrimination against Women

The charter of one of the most conservative party of the Netherlands – *Reformative Political Party* (represented in national and European Parliament) – prohibited women party members to stand for election to the government agencies.

On 19 July *the European Court of Human Rights* issued a decision that the exclusion of women from the party list of candidates is inadmissible (the party tried to appeal against the Netherlands' High Court's sentence issued at the complaint of a number of women members of the party).

In spite of the judgment, women members of the party were not allowed to take part in the last parliamentary elections on 12 September.

### Racial Discrimination, Migrants' Rights

## NORWAY

Following international commitments have been violated:

- **The Universal Declaration on Human Rights**  
**art. 3** (right to life, liberty and security of person)  
**art. 7** (equality before the law)
- **ICCPR**  
**art. 2** (right to equitable and effective remedy)  
**art. 6** (right to life)  
**art. 14** (equality before the courts and tribunals)  
**art. 17** (protection from unlawful attacks on the honour and reputation)  
**art. 26** (right to the equal protection of the law without any discrimination)  
**art. 27** (right of national minorities to use their own language)
- **ICERD**  
**art. 2 (d)** (prohibition of racial discrimination by any persons, group or organization)  
**art. 5 (e) (i)** (right to work without discrimination)

### Disproportionate Punishment

On 8 September a sentence for *Anders Breivik «the Norwegian shooter»* issued on 29 August formally entered into force.

Breivik was sentenced to 21 years of imprisonment for the murder of 77 persons. However in a 10 years time Breivik may plea for an early release.

Based on the sentence a life of each person murdered by Breivik was «valued» by the Norwegian justice as little as 3.3 months, in case of early release will be valued as little as 1,5 months of imprisonment.

Relatives of victims are indignant at the Court's decision. The sentence to Breivik factually demonstrates inability of the Norwegian State to provide the society's right to equitable and effective remedy, to life and security of person, equality before the law.

*«It should have been 21 years for each of those who died», - said a mother of a 16 years old Breivik' victim commenting the sentence of the Court.*

### Racial Discrimination

The expert of the *Intergovernmental Panel on Climate Change* from Uganda *Mr Shuaib Lwasa* accused the police of Oslo of racism and demanded public apology after he had been publicly subjected to personal search in humiliating manner by a police officer in the centre of Oslo. During the examination the policeman declared that the reason was his «black colour of skin» and the fact that «many black people sell drugs in the centre of Oslo».

A Norway hospital (Telemark district) fired a Polish cleaner for the usage of the Polish language. She used her native language exclusively in conversations with compatriots. Patients and staff of the hospital complained that «the Polish speech was audible in a hall» .



*Breivik saluts in nazi manner (Oslo, 06.02.2012)*  
Photo:ASSOCIATED PRESS

## POLAND

Following international commitments have been violated:

- **The Universal Declaration on Human Rights**

**ст. 5** (недопущение унижающих достоинство видов обращения и наказания)

- **ICCPR**

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

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

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

**art. 17** (protection from unlawful attacks on the honour and reputation)

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

- **ICESCR**

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

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

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

- **CRC**

**art. 13** (right to freedom of expression)

**art. 14** (respect of the right of the child to freedom of thought, conscience and religion)

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

**art. 29 (1) (b)** (the education of the child shall be directed to the development of respect for human rights and fundamental freedoms)

- **ICERD**

**art. 7** (protection from prejudices which lead to racial discrimination)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

### Economic and Social Rights

The worsening economic situation in Poland drives people to despair.

In 2012, the number of suicides including for the economic reasons increased by 20%. According to the data from *the Poland Central Statistic Agency*:

- 28% of households suffer from different forms of poverty;

- 13,5% of households live without electricity under the conditions of continual shortage of money for food or medicine;

- income of 15% of households remains below poverty level;

- 16% of households cannot repay loan debts, rental payment, electricity;

- almost 5% of households live in extreme poverty.

### Arbitrary Detention, Rights of the Child, Torture

*24.08.2012, Poznań*: several police officers wearing plainclothes had detained and cruelly beaten a 17-year-old teenager *B.Siminski* on the suspicion of drugs possession (were not found). As it was written in the police report the reason for detention had been «the need for personal identification». After the accident the head of the Poznań's Police District said that «for those found guilty would face appropriate consequences». However, the policemen who caused the injuries were not punished.

A similar case occurred in 2009, when six officers of the Criminal Department of Chełm Police Station beat with truncheons a 17-year-old teenager and his suspected accomplices during interrogation. District Prosecutor's Office brought a charge against policemen only in December 2012.

## Torture

12.06.2012, *Warsaw*: the police used batons, rubber bullets, water cannons and tear gas to prevent mass turmoil between the Polish radicals who attacked the Russian football fans during peaceful demonstration. 10 persons were injured, 179 detained.

11.11.2012, *Warsaw*: the police used batons, rubber bullets and tear gas against a far-right nationalists' and antifascists' marches to stop clashes between them on the Independence Day. Up to 200 persons were detained, a few dozens of people were wounded, 5 of them were taken to hospital.



*The police used rubber bullets, batons, tear gas to break up demonstration (Warsaw, 11.11.2012) Photo: ASSOCIATED PRESS*

## Abuse of Freedom of Expression, Unlawful Attack on the Honour and Reputation

14.09.2012, *Piotrków Trybunalski*: a district court sentenced *Robert Frycz* to 15 months of community service for an insult on Poland's president *Bronisław Komorowski* (his website [www.antykomor.pl](http://www.antykomor.pl) contained offensive photo collages and comments addressed to the president). The case against Frycz was started in 2011. In May 2011, at the request of the district prosecutor's office ABW (state security service) searched Frycz's apartment.

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*«It is necessary to look with attention and irony at satirical information, including about yourself. However, it is necessary to distinguish between jokes and what could be considered as an act of hatred or general rudeness», - said the President of Poland in respect of the opening of a criminal case against Frycz*

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## Migrants' Rights, Inhuman Treatment

In early October 2012, people in four of the seven detention centers for illegal migrants (in Polish cities of *Przemyśl*, *Lesznowola*, *Biała Podlaska*, *Białystok*) went on a hunger strike against the unbearable living conditions:

- unreasonable use of force, including shock batons;
- daily personal searches;
- food and water shortage;
- humiliating treatment of women and children;
- the lack of access to medical care.

In general, the migrants have characterized their living conditions as a «hard penitentiary regime».

## **Torture, Inhuman Treatment**

In 2012, a few complaints were brought to *the European Court of Human Rights* on the issue of treatment humiliating human dignity in Polish prisons:

A citizen of Saudi Arabia, Abd al-Rahim al-Nashiri made a complaint to *the European Court of Human Rights* on the conditions of his detention and torture in the CIA prison in Poland. A fact of existence of CIA prisons in Poland in 2002 – 2003 has not yet been confirmed. However the Prosecutor's Office of Krakow conducts an appropriate investigation.

Prisoners (M.Pehovich and A.Horih) made complaint to *the European Court of Human Rights* with respect to the conditions of their treatment:

- single cell with round o'clock surveillance;
- personal inspections with proctoscopy at every entry to and exit from the cell;
- movement outside cell can only be handcuffed;
- limited contact with family;
- censorship of correspondence;
- lack of cultural and therapeutic exercises.

29.08.2012, *Poznań*: the special police unit used measures of physical coercion (one person was beaten, in respect to two persons the police used tear gas) in the process of eviction of the group of squatters (those, who settle on unoccupied properties without legal claim) from an abandoned building. Two persons were hospitalized. Their defender said that the police's actions were illegal as the owners of the abandoned building should demand eviction through the court, but at the time of eviction there had been no court's decision (the owners simply called the police).

## **Rights of a Child, Inhuman Treatment**

First graders of Lubin's *Gimnazjum Salezjańskie* are annually forced to perform a ritual to be admitted to school: children must «voluntarily» lick shaving foam from the principle's knees.

## **Racial Discrimination**

07.11.2012 *Białystok*: Unknown persons put on fire the house of a refugee from Chechnya who had lived for a long time in Poland. At the time of the attack he was in the house with his five children. The victims had managed to stop the fire and to call local police.

## **Freedom of Expression, Freedom of Thought, Conscience and Religion**

The first grade student of Gdańsk Academy of Arts was expelled from the university because of the refusal to make the student's oath in the form offered to him. With reference to the Constitution guaranteeing freedom of conscience the student had asked to delete from the oath the commitment of «loyalty to the ideas of humanism and democracy» on the ground that he supported a constitutional monarchy, and therefore could not take that oath, clearly realizing that his conscience would not allow him to live up to that oath.

## ROMANIA

Following international commitments have been violated:

- **ICCPR**

**art. 5** (limitation of the rights and freedoms to a greater extent than is provided)

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

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

**art. 14** (right to a fair and public hearing by a competent, independent and impartial tribunal established by law, right to communicate with counsel)

**art. 19** (right to hold opinions without interference)

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

**art. 22 (2)** (no restrictions may be placed on the exercise of the right to freedom of association other than those which are necessary in a democratic society)

**art. 25** (right and the opportunity to have access, on general terms of equality, to public service in the country without any of the distinctions and unreasonable restriction)

- **ICESCR**

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

- **ICERD**

**art. 2 (a)** (commitment not to sponsor, defend or support racial discrimination by any persons or organizations)

**art. 5 (d) (i)** (right to freedom of movement and residence within the border of the State)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

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

**art. 21** (housing)

**art. 26** (freedom of movement)

### Right to Peaceful Assembly, Freedom of Expression, Torture

*15.01.2012, Bucharest:* the riot police used rubber batons, water cannons, tear gas to disperse a mass protest against the austerity economic measures policy. 283 protesters demanding resignation of the president were detained and charged with participation in street turmoil, vandalism and violence. 247 persons were charged with administrative punishment. Criminal cases were opened against 36 protesters. 59 persons were injured.

*06.10.2012, Bucharest:* the police used force against NGO activists of «*Platform for Bucharest*» who participated in an authorized peaceful protest against the destruction of historic buildings in the capital. Several people were detained.

### Limitation of the right to Freedom of Association

On 19 June Parliament of Romania adopted legislative initiative, according to which all NGOs should during 6 months period exclude from their titles such words as *commissariat, inspectorate, agency, council, consumers protection* and etc. as well as words that contain the same part in titles of their employees. The use of the words *state* and *national* will be admitted only by special resolution of the government.

### Freedom of Expression

On 25 May the *Romanian Journalists Federation «FRJ MediaSind»* protested against the decision of the *Chamber of Financial Auditors of Romania* to ban posting on the FRJ's website reports of an unauthorized use of public funds by the *Romanian National News Agency AGERPRES*.

## Right to a Fair Hearing

According to the *Report of the European Court of Human Rights on the state of justice in 2011* published in March, Romania takes the fourth position in the number of complaints (12300 complaints or 8.1% of total number of complaints in 2011). In 2011 68 complaints against Romania were considered. With respect to 58 of them the Court made decision in favor of complainants, including 22 cases relating to violation of the right to a fair hearing, 10 cases relating to violation of property rights, 20 cases relating to violations of the rights of persons in detention centers.

## Political Persecution of Former Officials (Lustration)

The law that limits for a 5 year period the right to hold public and state posts by the former (up to 1989) members of party, judiciary, special services was adopted in February.

## Racial Discrimination

In June, Romanian member of the European Parliament *Petru Constantin Luhan* notified the European Commission of the intention of the mayor of *Baia Mare* to resettle over 2000 Romanian citizens of the Roma nationality to the premises of an uninhabitable former chemical plant *CUPROM*.

On 30 November several days before the parliamentary elections the mayor of St. George (Sfantu Gheorghe) *Antal Arpad*, born Hungarian, placed in a social network an appeal for the mobilization of the Hungarian population at the elections in order not to allow obtaining parliamentary mandates by the Romanians .

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*«I am worried about my city, I do not want to have a Romanian to represent us in parliament», – said Antal Arpad, the mayor of St. George, while appealing for the mobilization of the Romanians of Hungarian origin before the parliamentary elections*

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## Migrants' and Refugees' Rights, Torture

The International Organization «*Migreurop*» published migrants' evidences who escaped from the detention center in the Arad city because of the ill-treatment towards them and other migrants from Algeria, Tunisia and Morocco by the center's employees:

- cases of beatings of migrants, poisoning them with gas;
- keeping people for up to 22 hours a day during 18 months locked up in cells with small windows;
- lack of access to health care;
- cases of incitement to suicide.

## SLOVAKIA

Following international commitments have been violated:

- **ICCPR**

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 19** (right to hold opinions without interference)

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

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

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

- **ICESCR**

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

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

- **ICERD**

**art. 2** (commitment to pursue a policy of eliminating racial discrimination in all its forms, not to sponsor, defend or support racial discrimination)

**art. 5 (b)** (right to security and protection by the State against violence or bodily harm)

**art. 7** (protection from prejudices which lead to racial discrimination)

- **CEDAW**

**art. 2 (d), (f)** (commitment to refrain from engaging in any act or practice of discrimination against women, to modify or abolish existing laws, regulations, customs and practices which constitute discrimination against women)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

### Political Persecution, Freedom of Expression

10.11.2012, Bratislava: Marián Mišún, the organizer of demonstration «Together for a Decent and Safe Life in Slovakia», burned the EU flag in front of the Bratislava Castle gates. He and his assistant Oskar Dobrovodský were arrested. Protesters face a three-year prison sentence for this act.

### National Minorities' Rights, Economic and Social Rights

Insufficient measures taken by the government to promote the rights of the Roma population (about 165,000 people) have resulted in miserable situation of those national minorities.

*The World Bank's report on the situation of the Roma population in Slovakia* published in October demonstrates that:

- 80% of men and 91% of women are unemployed (the worst rate among the EU member states);

- average salary of the Roma men is as much as two times lower than the salary of an other nationality;

- 87% of households are at risk of poverty, one third of children go to bed hungry approximately once a month;

- 72% of Roma children do not attend kindergarten;

- life expectancy rate of the Roma population is 15 years less than that of representatives of the titular nation, including due to numerous deaths from the so-called diseases of the third world.

### Torture, Unlawful Sterilization of Roma Women

In 2001, a Roma woman who had been sterilized against her will in the hospital in *Gelnica* brought a complaint against Slovakia to *the European Court of Human Rights* (earlier the claim had not been satisfied by the Constitutional Court of Slovakia). In June 2012 the court obliged Slovakia to pay compensation for moral and physical damages.

In November 2012, the *European Court of Human Rights* adopted the decision on recognizing the fact of 3 other cases of forced sterilization of Roma Women in the hospital in *Krompachy* in 2004.

Local NGO «*Center for Civil and Human Rights*» states that it has information on more than a hundred victims of forced sterilization.

### **Peaceful Assembly, Freedom of Expression, Torture**

10.03.2012, *Bratislava*: one day before the early parliamentary elections about 1000 people took part in a protest against corruption among high officials. Protesters tried to go to the parliament building. The riot police used tear gas, noise grenades, rubber truncheons and dogs against them. Dozens of people were detained.



*The police used dogs against protesters (Bratislava, 10.03.2012) Photo: REUTERS*

### **Racial Discrimination**

06.09.2012 *Žiar nad Hronom, Handlová, Partizánske*: after several assaults committed by Roma individuals the mayors of three Slovakian cities initiated the collection of signatures in support of a legislative initiative «*Civil Petition for Strengthening the Protection of Rights of Decent People*» which seeks to:

1. strengthen the protection from the «*asocial people*».
2. pay social allowances only if its recipient has a job.
3. reduce the age of criminal discretion of the underaged from 14 to 12 years.
4. prosecute parents for crimes committed by their children.

23.10.2012, *Prešov*: by the decision of the city authorities a Roma illegal settlement was dismantled.

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**«We are removing the black, the black indeed settlement between Prešov and Malý Šariš. I ask Mr Miroslav Pollack, the the government's deputy for Roma communities, to come and take away his sheep», - wrote Pavel Hagyari, the mayor of Prešov, on his Facebook page about the dismantlement of the settlement.**

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## SLOVENIA

Following international commitments have been violated:

- **ICCPR**

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

**art. 19** (right to hold opinions without interference)

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

- **ICESCR**

**art. 11** (right to an adequate standard of living for himself and his family and to the continuous improvement of living conditions)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

### Right to Peaceful Assembly, Freedom of Expression, Torture

The country was seized by mass protests against the corruption among authorities, economic collapse and antisocial austerity economic measures policy.

*18.04.2012, Ljubljana, Maribor:* employees of the public sector organized a mass strike against the plans of the government to shrink salaries in the public sector by 7% as part of measures aimed at reducing expenditures.

*17.11.2012, 30.11.2012, 21.12.2012, Ljubljana, Maribor:* mass protests against austerity economic measures policy took place in Slovenian cities.

*27.11.2012, 03.12.2012, Maribor:* the riot police used tear gas to break up mass protests against the policy of the government and for the resignation of the mayor *Franc Kangler* suspected of

corruption. About 150 persons were arrested. Several dozen protesters were hospitalized.

*30.11.2012* thousands of people took part in mass demonstrations in seven Slovenian cities, including *Ljubljana, Koper, Nova Gorica* and *Novo Mesto*. In *Ljubljana* over 8000 people took part in a protest against the political elite and social situation in the country. The police used tear gas and water cannons. About 30 persons were detained. 33 protesters were charged with public order offenses.

*03.12.2012 Celje:* about 2500 people took part in a protest against austerity economic measures policy. 13 protesters were arrested. Similar protests took place in *Ptuj, Ravne na Koroškem* and *Ljubljana*.

*21.12.2012* the entire country fell into a mass protests known as «*All-Slovenia Revolt*» organized by trade unions through a social network *Facebook* against the right-wing government and its austerity economic measures policy. Protesters were demanding resignation of the government.

### Racial Discrimination, National Minorities' Rights

According to *Jožek Horvat Muc*, chairman of *the Slovenian Roma Association*, the situation of Roma people in Slovenia is of grave concern, Roma community still faces high level of discrimination:

- lack of basic living conditions (shortage of drinking water, lack of infrastructure in places of residence);
- continual aggression and attacks on ethnic grounds against Roma people;
- social exclusion;
- high level of unemployment.

## SPAIN

Following international commitments have been violated:

- **ICCPR**

**art. 1** (right of self-determination )

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

**art. 19** (right to hold opinions without interference)

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

- **ICESCR**

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

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

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

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

### Economic and Social Rights

Spain faces massive strikes and protest rallies against government's policy that has *inter alia* led to substantial increase of unemployment.

Economic policy of Spain threatens basic rights to work and to have decent standards of living.

According to data, published in October by the *EU statistical service «Eurostat»*, the highest unemployment rate in the EU has been registered in Spain – over one fourth of economic active population (25.8%).

*European Commission* is also concerned with «real danger of social crisis» and possibility of emerging of «lost generation» due to income decrease and growing poverty. According to latest quarterly EU labour market review, child poverty is becoming a problem for more households. In Spain almost one fifth of the families are under danger of poverty.

### Right to Peaceful Assembly, Freedom of Expression, Torture

Systematic use of special means, increased number of cases when participants of peaceful rallies against austerity measures are beaten by the police.

*29.03.2012 Madrid:* as a result of attacks by the police more than 10 persons were injured, 170 persons were arrested during the manifest. Police used batons and rubber bullets.

*29.03.2012 Barcelona:* the police used tear gas and rubber bullets to break up a protest rally.

*11.07.2012 Madrid:* the police used rubber bullets and batons to break up a miners' rally protesting against cuts of government financing of the mining industry. 76 individuals received injuries, 8 out of them were hospitalized, 7 persons were arrested.

*20.07.2012 Madrid:* police used water cannons and rubber bullets to break up protesters (mainly teachers and doctors) on the day of nation-wide protests against budget cuts. 6 persons suffered, 7 protesters were arrested.

*25.09.2012 Madrid:* over 2000 protesters took part in a rally «Occupy Congress» against tough austerity measures. Police used rubber bullets and batons. 65 persons were wounded.

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*Minister for Interior: «They wanted to seize the parliament and to intimidate its members. It's absolutely clear that we could allow this attack on constitutional and justice system to happen. Police acted in a right way!»*

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14.11.2012 Madrid, Barcelona: the police used batons, tear gas, and rubber bullets to break up rallies attended by thousands of citizens protesting against tough austerity measures. Rallies were organized by *Confederation of the European trade unions* and key Spanish trade union «UGT» within a span of all-European protest action «*Day of actions*». 107 were lightly wounded. Over 170 protesters were detained. Authorities are threatening participants of protest rallies with sanctions: reprimands, money penalties, dismissals.



*The police breaks up rally (Madrid, 14.11.2012) Photo: ITAP-TACC*

### **Right to Self-determination**

On 10 October the Parliament of Spain voted against a resolution permitting Catalanian authorities to organize a referendum on self-determination. The Catalonians had spoken out for holding such referendum at the end of September but resistance on the part of central authorities did not allow the voting take place.

## SWITZERLAND

Following international commitments have been violated:

- **ICCPR**

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 12** (right to liberty of movement, to leave any country, including his own)

**art. 14** (right to be tried without undue delay)

**art. 19** (right to hold opinions without interference)

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

**art. 24** (right of the child to special measures of protection on the part of his family, society and the State)

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

- **ICESCR**

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

- **CRC**

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

**art. 10** (right to reunification )

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

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

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

**art. 1** (dodging military service may not be considered as a reason for granting refugee status)

**art. 23, 24** (right to public relief, social security)

- 347 cases of body injuries;
- 335 instances when required treatment was not provided;
- 291 cases of sexual violence;
- 201 cases of physical violence.

Likewise, 250 cases of brutal treatment of children under one year old and 602 cases with regard to children under 6 were registered. 77% of brutal treatment cases against children were committed by their families' members, 12,5% – by «good» acquaintances, 9,5% – by strangers.

### Criminal Prosecution of Journalists

*15.08.2012, Zürich:* the circuit court sentenced journalist *Hildegard Schwaninger* to a suspended term of two years and the payment of court expenses for a five-year old publication, whereby a local businessman was labeled as a crook.

### Torture

According to the report by the *European Committee for the Prevention of torture*, the conditions in *Geneva* and *Vaud cantons'* prisons do not conform to international standards:

- the police resort to violence;
- lack of medical treatment;
- lack of access to urgent correspondence with lawyers and relatives.

### Right to Leave any Country

In April, the Swiss authorities prevented more than 40 NGO representatives and pro-Palestine activists from leaving the country in order to take part in a ceremony of opening a new school in *Bethlehem* (the West Bank territory).

### Refugees' and Migrants' Rights

The Parliament amended the migration legislation to:

- repeal social benefits (thereby depriving the refugees of subsistence means);
- deprive asylum to persons dodging military service;
- significantly complicate possibilities for family reunion.

### Rights of the Child

According to the Swiss pediatric society, published in June, the number of brutal treatment of children has increased by 28 percent in 2011, in particular:

## SWEDEN

Following international commitments have been violated:

- **ICCPR**

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

**art. 14** (right to a fair hearing, to be tried without undue delay)

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

**art. 19** (right to hold opinions without interference)

**art. 26** (right to the equal protection of the law without any discrimination, including on the ground of religion)

persecuting Assange with the view to subsequently extraditing him to the United States, where he might face death penalty for his journalist activity.

### Right to Peaceful Assembly, Freedom of Expression

17.07.2012, *Stockholm*: 60 people were detained as a result of unrest spawned by a protest against the decision to deport refugees from Sweden.

### Criminal Prosecution of Journalist

Sweden is seeking extradition from the UK of the *WikiLeaks* founder *Julian Assange* on alleged suspicion of rape. Without having charged him officially, Sweden issued a European arrest warrant against Julian Assange. There is a high probability that Sweden has been

### Racial Discrimination, Religious Intolerance, National Minorities' Rights

According to one of Sweden university's studies, around 40% of Muslim communities and Muslim organizations' activists face targeted criminal acts, including vandalism, threats, physical violence in Sweden .

According to *the Pew Research Center (US)*, in 2011, Sweden ranked among the first ten countries of the world with the highest increase in social conflicts on religious grounds.

### Discrimination on the Ground of Gender

According to the *Swedish National Council for Crime Prevention (Brå)*, the number of men who reported having been victims of sexual violence has increased four-fold in 2011. Measures that the Government took in order to prevent such kind of crimes are not being reported.

### Right to a Fair Hearing

The General Secretary of the Swedish bar association named the following violations of the rights of persons imprisoned in Sweden:

- the right to have unimpeded private meetings with lawyers;
- the possibility of free correspondence between lawyers and prisoners;
- the right to be convicted without unjustified delay.

Sweden has been criticized on a regular basis by international human rights organizations for having a high rate of suspects who had been detained for unjustifiably long periods of time prior to trial.

## UNITED KINGDOM

Following international commitments have been violated:

- **ICCPR**

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

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

**art. 19** (right to hold opinions without interference)

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

- **ICESCR**

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

*16.08.2012, London:* in front of the Ecuadorian Embassy in Britain the police dispersed people protesting against the authorities' threats to enter Embassy's territory and arrest Assange. Several people were arrested.

### Freedom of Conscience

In March, the Cabinet introduced a ban on wearing body crosses and crucifixes in public. The document notes that wearing crosses is not a mandatory requirement for Christian believers; hence, employers may forbid their employees from exposing them. Furthermore, the employers may fire those employees who would insist on the right to wear a body cross.

### Persecution of Journalist

For more than half a year, exactly since June, the British government has been actually holding in detention inside the Ecuadorian Embassy the founder of «WikiLeaks» *Julian Assange*, who faces extradition to Sweden, and then, to the United States.

Having denied the journalist asylum, the British authorities have put the Embassy under siege.

Ecuador has officially granted political asylum to Julian Assange, but, owing to the continued siege, he has been forced to remain inside the Embassy round o'clock, thus being deprived of the possibility to leave the country.



*An arrest of Assange's sympathizers at the Ecuadorian Embassy (London, 17.08.2012) Photo: BBC*

## Right to Peaceful Assembly, Freedom of Expression

28.02.2012, London: the crackdown on the «Occupy London» activists' tent camp near the St. Paul Cathedral resulted in an arrest of 20 individuals.

03 - 08.12.2012, Belfast: Over 1500 people demonstrated against the local authorities' decision to remove the Union Jack from a City Council's building. The local legislators ruled that the Union Jack was to be hoisted only 17 days in a year in time of official celebrations. Twelve people were arrested during the ensuing turmoil.



Crackdown on the tent camp at the St. Paul Cathedral (London, February 2012) Photo: AFP/GETTY

## Economic and Social Rights

According to *the KPMG audit company*, every one out of five working Britons' (roughly 5 million people) income is below the subsistence level. Most people with extremely low income live in Northern Ireland, where every one out of four people receive wages that are below the subsistence level (24 percent). Wales is next in the pattern (23 percent).

On 4 September marked the adoption of an *Act on the responsibility for trespassing private property*, whereby, from September on, squatting in England and Wales entails criminal charges with up to six months of imprisonment. Prior to the Act, squatting was an administrative offense. The new measures will hit hard the society's most vulnerable groups, as the Act now covers even abandoned houses and sheds. Thus, homeless people, in their quest to find refuge, have, in effect, been forced into crime.

## UNITED STATES OF AMERICA

Following international commitments have been violated:

- **The UN Charter**

**art. 1** the Purposes of the United Nations are: **(1)** to maintain international peace and security **(2)** to develop friendly relations among nations

- **The Universal Declaration on Human Rights**

**art. 29** (rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations)

**art. 30** (nothing may be interpreted as implying for any State to perform any act aimed at the destruction of any of the rights and freedoms)

- **ICCPR**

**art. 1** (right to self-determination)

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

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

**art. 7** (prohibition torture or to cruel, inhuman or degrading treatment or punishment)

**art. 8** (prohibition of slavery and the slave-trade in all their forms)

**art. 9** (right to liberty and security of person, protection from arbitrary arrest or detention)

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

**art. 17** (protection from arbitrary or unlawful interference with privacy, protection of the law against such interference or attacks)

**art. 19** (right to hold opinions without interference)

**art. 20** (prohibition by law of any advocacy of discrimination, hostility or violence)

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

**art. 25** (right and the opportunity without any of the distinctions to vote and to be elected at genuine periodic elections)

- **ICERD**

**ct. 2 (b)** (commitment not to sponsor, defend or support racial discrimination by any persons, group or organization)

- **CAT**

**art. 2** (prevention of acts of torture by means of effective legislative, administrative, judicial or other measures)

**art. 4** (State shall ensure that all acts of torture/participation in torture are offences under its criminal law)

### Right to Life

In the wake of just another shooting spree in a *Newtown* school on 14 December, the White House's web featured a petition urging to adopt legislative measures on firearms possession. Over 200 thousand people signed the petition in just three days.

«*The Brady Movement against violence from firearms*» analyzed all massive shooting incidents in the USA that occurred since 2005 and came to the conclusion that 87 individuals die in the US daily from wounds inflicted by firearms. Such crimes occur on average once in every 6 days.

### Right to Peaceful Assembly, Freedom of Expression, Torture

*28.01.2012, Auckland:* the police used rubber batons, tear gas and noise explosives to disperse a protest staged by the «*Occupy Wall Street*» movement. The protestors' attempt to break into a mayor's office resulted in a large number of detentions (around 400 people). According to the protest's organizers, several participants were hospitalized, including a pregnant woman beaten by batons.

*20.05.2012, Chicago:* around 60 protestors against the NATO Summit in the city were detained during the unrest. The police used rubber batons. The organizers claim that 12 people suffered from head injuries.

*17.09.2012, New York City:* the police have made massive arrests with the use of force among the demonstrators, who marked one year since the «*Occupy Wall Street*» movement was founded.

Roughly 150 people were arrested directly during the protest, whereas over 50 individuals were apprehended prior to the event. Overall, around 1000 people took part in the demonstration against both the growing social and wealth inequality in the USA and excessive influence that large corporations have on policies.

«Numerous arrests of journalists, who provided coverage of the «*Occupy Wall Street's*» events in 2011 sharply brought down the US ranking (47<sup>th</sup>, a drop of 27 positions) in the «*The Freedom of Press Index in 2011-2012*».



*The police armed with rubber batons clamps down on the protestors against the NATO Summit (Chicago, 20.05.2012)*

*Photo: Andrew Kelly/Reuters*

### **Right to Self-determination**

In November, people in seven American federal states collected sufficient numbers of signatures necessary for a secession from the USA. The civil petitions have been posted on a White House website's special section, where people can leave their submissions or join those posted earlier. To begin dealing with a petition, the White House needs to receive at least 25 thousand signatures in 30 days. Once this requirement is met, an official response will be published on the website.

The Texas' petition gathered more than 125 thousand signatures. The petition points out that the US economic travails resulted from the Federal Government's failure to reform fiscal policies. In addition to *Texas, Louisiana, Florida, North Carolina, Alabama, Georgia* and *Tennessee* have also collected the required numbers.

So far, the White House has not considered the civilian petitions, which can be regarded as violation of the right to self-determination.

### **Contemporary Forms of Slavery**

Around 100 thousand US under-aged annually fall victim to trafficking in persons for the purposes of sexual exploitation brought about by their involvement in prostitution, according to the second annual report by the US-based «*Shared Hope International*» NGO, released on 29 November, and devoted to how US states' laws conform to the criteria of legislative protection of US under-aged from human trafficking crimes. The victims' average age is 13.

The report's authors argue that only 16 US states have put in place laws ensuring a relatively high degree of legislative protection for children from trafficking in persons. The situation in 17 states they view as adverse, while they referred some other 17 states and the *District of Columbia* to the group that virtually proved to be inefficient in protecting children.

## Right to Take Part in the Conduct of Public Affairs

*The OSCE ODIHR Mission* to supervise the Presidential election has found the following deficiencies in the US electoral system:

- 4,1 million of US citizens (inhabitants of US overseas territories) are not entitled to vote;
- 600 thousand of Washington's residents are not entitled to elect their representatives to the Senate and the House of Representatives;
- 5,9 million of Americans have been restricted in their electoral rights, owing to previous convictions;
- observers of the OSCE ODIHR Mission could not be present at electoral districts in *Texas, Iowa, Ohio, and Oklahoma*, under threat of criminal prosecution from the officials.

The candidates in the Presidential campaign did not have equal participatory opportunities. Only the Democratic and Republican Parties' candidates were allowed to take part in the national TV debates. Other parties' candidates staged an alternative debate on 24 October, covered by none of US TV channels.

*G. Stein*, a candidate from the Green Party, has on several occasions during the electoral campaign been subjected to administrative arrest, owing to his participation in peace protests.

## Right to Fair Hearing, Right to an Effective Remedy, Torture

The practice of expanding the powers of the President and law-enforcement bodies continues. To this end, various legislative acts have been amended as follows:

- the right of the President to order killing of any citizen considered a terrorist or an abettor of terrorism;
- the right of the President to indefinitely detain citizens accused of terrorism;
- the right of the President to decide whether a person will receive a trial in the federal courts or in a military tribunal;
- the right of the President to order warrantless surveillance, and demand from companies and organizations to disclose information on citizens' finances, contacts, public activity, and forbid to inform the citizens about the disclosure of the above information;
- the use of secret witness evidence, and the use of secret court trials;
- the ban on initiating investigations and on punishing CIA employees involved in torturing terrorist suspects;
- spreading of practice of case consideration by a secret *Foreign Intelligence Surveillance Court* with respect to individuals deemed to be aiding or abetting hostile foreign governments or organizations;
- the use of GPS devices to monitor targeted citizens without a court permission;
- the transfer of both citizens and non-citizens to other countries (so-called extraordinary extradition procedure) with the view to applying torture against the suspects.

## Abuse of the Freedom of Expression, Advocacy of Racial Discrimination

«Hiding» behind the freedom of expression, the US Justice has virtually lost the scope to prevent and react to cases that involve instigation of nation-wide racial and religious hatred. US' failure to uphold its relevant human rights commitments poses a threat to international peace and security, and contradicts UN Charter's objectives.

A video clip of American film «*Innocence of Muslims*», which tells about the life of prophet Muhammad in a derogatory manner appeared on the Internet on 11 September 2012. The film producer, a US citizen, remained unpunished.

Given the extent of US influence in the world, a situation like this leads to international destabilization and sparks massive turmoil and civilian casualties in different countries. Many Muslim countries have seen large domestic protests (around 100 people were either killed or wounded).

A representative of the US Department of State confirmed that the US Government had spent \$ 70 thousand to broadcast a 30-second-long video clip on seven Pakistani channels.

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***«The US Embassy in Pakistan wanted to run the ads because they determined those messages were not reaching enough of the Pakistani public through regular news reporting. The television spots were the «best way» to reach as many as 90 million Pakistanis», - said Victoria Nuland, US Department of State Spokesperson.***

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## Unlawful Interference with Privacy, Correspondence

In December, the US President has extended for another 5 years *the Amendments Act to the US Foreign Intelligence Surveillance Act (FISA)*, which set forth the following:

- American secret services have the right to eavesdrop and monitor e-mail correspondence of those foreign citizens, whom the American Government regards involved in intelligence or terrorist activities;
- eavesdropping and monitoring e-mail correspondence of Americans may be sanctioned by a «special court».