

The Joint Report  
of the Ministry of Foreign Affairs of the Russian Federation  
and  
the Ministry of Foreign Affairs of the Republic of Belarus

**Human Rights Situation in Certain Countries**

Moscow – Minsk

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Countries are listed in accordance with the alphabet of the Russian language

\* Since NATO's aggression against Yugoslavia in 1999, the Autonomous Province of Kosovo and Metohija has been de facto not controlled by Belgrade. However, UN Security Council Resolution 1244 reaffirms Serbia's sovereignty and territorial integrity regarding Kosovo.



## Address to the Reader



of Deputy Minister of Foreign Affairs  
of the Republic of Belarus  
**Y.G.Ambrazevich**

and



of Deputy Minister of Foreign Affairs  
of the Russian Federation  
**S.V.Vershinin**

Dear reader!

This is the first joint report on human rights situations in certain countries by the Ministry of Foreign Affairs of the Russian Federation and the Ministry of Foreign Affairs of the Republic of Belarus. The document is a practical example of close cooperation between the Russian and Belarusian foreign ministries in human rights promotion and protection, which has always been constructive and based on common approaches to most of the issues in this area. The Report is also a further

effort by the two ministries to bring public attention to human rights challenges facing today's international community.

The facts it contains show that racist and neo-colonial views are typical of Western "model democracies" in principle. This is clearly reflected in their desire to impose a "rules-based order" they themselves have devised and to oppose it to international law. This approach builds on an inherently racist division of states into those who "have the right" to lay down these rules and those who must strictly follow them, be it even to the detriment of their national interests.

We have sought to provide real case examples from both the present and the recent past, which, for the most part, we are all well aware of, to illustrate the negative human rights practices and trends the entire constructive-minded international community needs to stand up to. With this in mind, we would recommend that the reader, when going through the "country" sections of the Report, bear in mind the fact that these very states are actively trying to "export" democratic and human rights standards as universal ones and to tell others about their "shortcomings" and, in fact, to interfere with their internal affairs. Under this pretext, the "collective West", which ranks behind the rest of the world in terms of population, is indiscriminately criticizing the human rights situation in undesirable countries of the world majority – undesirable only because they pursue an independent foreign policy agenda and defend their own historical, cultural and religious values and norms without imposing them on anyone.

This collaborative research effort provides a better understanding of the background and drivers behind many of today's events and processes, as well as an analysis of the challenges in the promotion and protection of human rights in countries that undeservedly see themselves as exemplary in their implementation of human rights norms.

We believe that the Report will be of interest not only to experts in international relations but also to a wider public.

Yuri Ambrazevich

Sergey Vershinin

## **Introduction**

This is the first joint Report on human rights situations in certain countries by the Ministry of Foreign Affairs of the Russian Federation and the Ministry of Foreign Affairs of the Republic of Belarus. The document aims to draw attention to the challenges and threats faced by the contemporary international community in the field of human rights.

This project demonstrates in practice the success of Russian-Belarusian cooperation in human rights and is vivid evidence that Russia and Belarus share common approaches to many aspects of human rights promotion and protection. The Report is a follow-up to the efforts made by the foreign ministries of the two countries in this area, which are reflected annually in the relevant national thematic publications.

With regard to the human rights issues raised in the Report, our countries firmly believe that applying the so-called double-standards while assessing certain situations and phenomena remains a major challenge in this field. In this regard, it is very symptomatic that such an approach is increasingly being used by the countries of the collective West" to fuel confrontation and exert pressure on sovereign States.

Using this intrusive approach, Western international community actors completely negate their own arguments about the universality of human rights. It is now quite obvious that they are using human rights for their own ends as a tool to interfere in the internal affairs of undesirable States. Examples include many years of efforts by Western states to keep the topic of "massive human rights violations in Belarus" and the situation of "serious human rights violations in Russia" on the agenda of international human rights mechanisms.

We have repeatedly pointed out in international human rights forums and in thematic reports on human rights that a number of countries are openly promoting racist ideas and values, provoking the upsurge of radical nationalism. And this is happening despite the fact that there are legal mechanisms in place within the United Nations, the OSCE and a number of other international organizations aimed at countering the glorification of Nazism, racism, xenophobia and related intolerance.

We can already see a group of States where structural racism and manifestations of intolerance have permeated all spheres of public life (relevant analysis is included in the respective sections of the Report). Attempts to split societies based on ethnic origin and language are mounting. Furthermore, some countries are witnessing a steady growth in xenophobic and racist incidents, a surge of aggressive nationalism, chauvinism and other forms of racial and religious intolerance. Authorities in these countries are trying to justify their failure to act by hypocritically claiming the allegedly absolute nature of the right to freedom of expression.

However, such connivance is nothing new, especially since Western "model democracies" are no strangers to racist and neo-colonial views – examples abound in our time, and even more so in the history of the twentieth century, and particularly of World War II. Such duplicity of the West was demonstrated by the events of 2022 and its declared "crusade" against the "Russian world".

Particularly noteworthy are the efforts of Western countries and their allies to rewrite the history and revise the outcomes of World War II, their cynical attempts to whitewash war criminals and their accomplices – those who devised and put into practice the theory of racial superiority. These also include the glorification of Nazi collaborators as members of national liberation movements, introduction of related topics as subjects in general compulsory education curricula, and extensive efforts to whitewash the criminals. Anything is fit for the purpose: distortion of historical facts; bashing of culture and traditional values, "war" against monuments and memorials, and even cracking down on traditional and canonical religious organizations.

Building on data from international and national sources and inputs from non-governmental organizations, the research summarizes evidence-based information on human rights violations in the said group of countries. It also draws from relevant reports on the United States issued by the China Society for Human Rights Studies. The Report also takes into account recommendations to these countries made by international universal and regional human rights mechanisms, including treaty bodies (committees) and regional human rights institutions.

Based on the analysis of the information provided in the Report, the following general conclusion can be drawn. In the emerging new world, which should be based on a fairer system of international relations, the full realization of the principle of the sovereign equality of States and the historical, cultural, religious and national particularities of each country is essential. Only on that basis would the negative effects of colonialism, neo-colonial thinking, racism, racial discrimination and related intolerance be fully eradicated. This would prevent unlawful attempts by certain countries to "bring to heel" the international law system and use its universal human rights mechanisms to suit their own parochial and vested interests. The negative examples from both the present and the recent past cited in the Report, which, for the most part, we are all well aware of, are a very strong evidence of the need to mobilize the entire constructive-minded international community to successfully confront these challenges.

## List of abbreviations

ACFCNM\* – The Advisory Committee on the Framework Convention for the Protection of National Minorities

ADL – A non-governmental organization "Anti-Defamation League"

ATO – Anti-Terrorist Operation (the official naming by the Kiev authorities of the internal armed conflict in Eastern Ukraine)

CAT\*\* – The Committee against Torture

CEDAW\*\* – The Committee on the Elimination of Discrimination against Women

CEE – Central and Eastern Europe

CERD\*\* – The Committee on the Elimination of Racial Discrimination

CESCR\*\* – The Committee on Economic, Social and Cultural Rights

CoE – The Council of Europe

CPT – The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment

CRC\*\* – The Committee on the Rights of the Child

CRPD\*\* – The Committee on the Rights of Persons with Disabilities

CSCE – The Conference on Security and Co-operation in Europe, preceded the Organization for Security and Co-operation in Europe. It was convened from 1975 to 1995, when, as a result of institution-building, it was proclaimed an organization

ECHR – The European Convention on Human Rights

ECRI\* – The European Commission against Racism and Intolerance

ECtHR – The European Court of Human Rights

EEA – The European Economic Area

EFTA – The European Free Trade Association

EU MIDIS II – Second European Union Minorities and Discrimination Survey

FRA – The European Union Agency for Fundamental Rights

GRETA – The Council of Europe Group of Experts on Action against Trafficking in Human Beings

HRC\*\* – The UN Human Rights Council

HRCttee\*\* – The Human Rights Committee

HRMMU – The United Nations Human Rights Monitoring Mission in Ukraine

IS (or ISIS) – The terrorist organization The Islamic State (banned in the Russian Federation)

OCU – The Orthodox Church of Ukraine (the name of a schismatic structure subordinate to the Patriarchate of Constantinople)

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\* Functions within the Council of Europe.

\*\* Functions within the United Nations.

NRM – Nordic Resistance Movement

ODIHR OSCE – The Organization for Security and Co-Operation in Europe Office for Democratic Institutions and Human Rights

OHCHR – Office of the United Nations High Commissioner for Human Rights

OSCE – The Organization for Security and Co-operation in Europe

OUN – An extremist organization The Organization of Ukrainian Nationalists (banned in the Russian Federation)

ROC – The Russian Orthodox Church

SMM – The OSCE Special Monitoring Mission to Ukraine

UN – The United Nations

UNDP – The United Nations Development Programme

UNESCO – The United Nations Educational, Scientific and Cultural Organization

UNHCR – Office of the United Nations High Commissioner for Refugees

UNHRC – The United Nations Human Rights Council

UNSC – The United Nations Security Council

UOC – The Ukrainian Orthodox Church

UPA – An extremist organization The Ukrainian Insurgent Army (banned in the Russian Federation)

UPR – The Universal Periodic Review (a unique mechanism of the United Nations Human Rights Council)





## Australia

Despite steps taken by authorities to improve the human rights situation and the country's well-developed human rights institutional system, Australia has been increasingly criticized by international and national human rights institutions with delays in implementing their recommendations or even a failure of doing so.

A failure to respect the rights of Indigenous peoples is one of the country's recurring human rights issues. It is noteworthy that this population group is still not recognized in the country's Constitution and has no special legal protection. In case of violations of rights and freedoms, they can seek redress through law enforcement and courts. At the same time, legal aid centres have recorded numerous cases of biased and harsh treatment of Aboriginal people by authorities, medical personnel, and prison staff.

A failed constitutional referendum held on 14 October 2023 (more than 60 per cent voted "no") to establish an advisory body within the Australian parliament – the so-called "Indigenous Voice to Parliament" referred to in the 2017 Uluru Statement from the Heart. They have demonstrated not only the government's failure to address the entrenched problems of native Australians, but also the remnants of a colonial mindset in much of Australian society, about 90 per cent of which was formed by several "waves" of immigrants from Europe.

The results of the referendum were criticized by the Office of the UN High Commissioner for Human Rights. The High Commissioner was "deeply disappointed at the missed opportunity to officially recognize Aboriginal and Torres Strait Islander Peoples in Australia's Constitution and give them a greater voice alongside the country's Parliament."<sup>1</sup> The Special Rapporteurs of the UN Human Rights Council (HRC) on the right to development and the rights of Indigenous Peoples have also previously urged support for this legislative initiative.<sup>2</sup>

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<sup>1</sup> Turk regrets Australia No vote as missed opportunity, urges inclusion and participation. 24 October 2023.

<https://www.ohchr.org/en/press-releases/2023/10/turk-regrets-australia-no-vote-missed-opportunity-urges-inclusion>

<sup>2</sup> Australia: UN experts urge support for Indigenous Voice vote. 5 October 2023.

<https://www.ohchr.org/en/press-releases/2023/10/australia-un-experts-urge-support-indigenous-voice-vote>

Today, the indigenous population remains the poorest and most vulnerable part of Australia's society. Most of them live in remote and rural areas, which also affects their incomes and limits access to health and education services. Poor living standards not only fuel criminality, but also affect both physical and mental health of the indigenous population.

According to the Committee on the Rights of Persons with Disabilities, a significant number of persons with disabilities expressing suicidal ideation, particularly within Aboriginal and Torres Strait Islander communities, due to, inter alia, lack of support, poverty and isolation.<sup>3</sup>

Indigenous Australians have a life expectancy of 10 years less than non-Indigenous Australians. Inadequate housing is another cause of high rates of child removals from Aboriginal families in Australia.

Persons with disabilities, women and minors are the most vulnerable group in indigenous communities. In November 2019, the Committee on the Rights of the Child criticized the Australian government noting "that Aboriginal and Torres Strait Islander children continue to be disproportionately affected by family and domestic violence, including sexual violence, both as victims and witnesses."<sup>4</sup>

Law enforcement officers continue to treat the indigenous population in a biased way. In December 2015, a 26-year-old Dunghutti man David Dungay died in his prison cell due to asphyxia. The prisoner was restrained by the guards after he had refused to follow their order to stop eating biscuits. A video footage shows that before fainting he screamed 12 times that he could not breathe. The coroner of the State<sup>5</sup> found that none of the guards shall be subjected to disciplinary measures, let alone criminal charge.<sup>6</sup>

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<sup>3</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of Australia. October 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en)

<sup>4</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Australia. November 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en)

<sup>5</sup> State coroner is a judicial official who is empowered to conduct or order an inquest into the manner or cause of death.

<sup>6</sup> The story of David Dungay and an Indigenous death in custody. The Guardian. 11 June 2020.

The trial of police officer Zachary Rolfe, who shot dead 19-year-old Kumanjayi Walker from the Aboriginal community of Yuendumu in November 2019, was another high-profile case. The teenager had a criminal record and was wanted by the police; during his first attempted arrest, he had threatened officers with an axe; he had stabbed Rolfe in the shoulder with a pair of scissors before the officer shot him. Wounded Walker was brought to the police station where he received first aid. But the local hospital was closed, and the nearest city of Alice Springs is 300 km away. The boy died about an hour later. The incident sparked protests of the Aboriginal community demanding that those guilty of the death of their member be punished, thus, the murder charges were filed within a few days. Chief Minister of the Northern Territory Michael Gunner promised that "consequences would flow." In March 2022, the police officer was acquitted.<sup>7</sup>

In September 2019, Joyce Clarke was shot by a police officer as she walked down a street outside her home in Geraldton holding a kitchen knife in her hand. The woman had mental issues and had been released from hospital a few days before, after a suicide attempt. The police officers called by her relatives asking to help them take her to hospital confirm that the woman stood almost still and there were no sudden movements or threats on her part. The jury found the police officer who fired the shot not guilty.

The said incident also highlighted the persisting problem of prejudice towards the indigenous population on the part of medical staff (Joyce Clarke was released from hospital despite her clearly psychotic state). Other high-profile cases include the death of Naomi Williams, a six months' pregnant 27-year-old woman. The young woman went to a hospital 18 times suffering from nausea and pain, but did not receive proper treatment or a referral. She and her unborn child died of sepsis. The infection proved treatable by a course of antibiotics. Following an inquest (that took three years) the State coroner merely issued recommendations, leaving their

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<https://amp.theguardian.com/australia-news/2020/jun/11/the-story-of-david-dungay-and-an-indigenous-death-in-custody>

<sup>7</sup> Police officer Zachary Rolfe acquitted over death of Kumanjayi Walker. The Sydney Morning Herald. 11 March 2022.

<https://amp.smh.com.au/national/police-officer-zachary-rolfe-acquitted-over-death-of-kumanjayi-walker-20220311-p5a3sf.html>

implementation to the discretion of the hospital administration. Those guilty remained unpunished.<sup>8</sup>

The information provided by "The Guardian" reveals the true scope of the problem. With reference to the Australian Institute of Criminology and several other line agencies, "The Guardian" reports 500 indigenous deaths over the last 30 years (1991 – 2021) at police stations and in similar circumstances.<sup>9</sup>

In 2023, indigenous Australians (3.8 per cent of the country's population) accounted for almost 32 per cent of Australia's total prison population a quarter of all prison deaths. Legal assistance centres have documented numerous cases of biased and cruel treatment of Aborigines in penitentiary facilities.

June 2022 saw another storm of massive protests against abuse of firearms by the police against Aborigines in Sydney, Melbourne and other major Australian cities.

In November 2022, the country was shaken by a wave of rallies after a cruel assault on the grounds of racial hatred, which was committed in October 2022 in Perth and led to the death of Noongar-Yamatji teenager Cassius Turvey.

Many indigenous peoples live in remote and hard-to-reach areas, which severely limits their access to medical, educational, legal and other services and reduces their financial opportunities. So far, some progress has been made in education only. In other aspects, the gap remains, with the Aboriginal population still severely disadvantaged, in employment, mortality, and imprisonment rates.

In November 2017, the Committee on the Elimination of Racial Discrimination (CERD)<sup>10</sup> and the Special Rapporteur on the Rights of Indigenous

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<sup>8</sup> Naomi Williams inquest concludes, with coroner calling for change at NSW hospital. ABC. 29 July 2019.  
<https://amp.abc.net.au/article/11355244>

<sup>9</sup> Indigenous investigation. "Beyond heartbreaking": 500 Indigenous deaths in custody since 1991 royal commission. 6 December 2021.

<https://www.google.co.uk/amp/s/amp.theguardian.com/australia-news/2021/dec/06/beyond-heartbreaking-500-indigenous-deaths-in-custody-since-1991-royal-commission>

<sup>10</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 18th to 20th periodic reports of Australia. November 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyextrenal/Download.aspx?symbolno=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyextrenal/Download.aspx?symbolno=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=en)

Peoples of the UN Human Rights Council<sup>11</sup> also noted the plight of indigenous people in Australia, including in terms of political participation, the lack of protection of their land rights, socio-economic discrimination, disproportionate rate of violence against indigenous women, as well as extremely high imprisonment rate among Aboriginal people, especially children (they are imprisoned far more often than the descendants of the immigrant population.)

In September 2022, the UN Human Rights Committee found that Australia had failed to adequately protect Torres Strait Islanders against "the effects of climate change." The Committee arrived at this conclusion upon examination of a complaint filed by representatives of eight Australian islands. The plaintiffs claimed that the state's failure to adequately protect their territories against extreme weather conditions had resulted in the indigenous peoples' inability to engage in farming, traditional crafts, and many ceremonies inherent in their culture. The Committee called on the Australian government to compensate the indigenous Islanders for the harm suffered and engage in meaningful consultations with communities to develop measures to secure their safe existence on the islands.<sup>12</sup>

Australian laws governing Aboriginal cultural heritage need to be reformed because mining companies still manage to find loopholes to obtain consent for the destruction of indigenous artefacts when conducting extractive activities. Causing destruction or alterations to Aboriginal territories is a crime under Australian law. Yet regulations may be more flexible at the State level. Thus, in Western Australia, consent by the Aboriginal Affairs Minister is enough to avoid criminal liability. Furthermore, most agreements between companies and tribal elders include a clause prohibiting the latter to seek advice from third parties, including in order to protect their cultural heritage, without prior consultation with company administration.

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<sup>11</sup> Report of the Special Rapporteur on the Rights of Indigenous Peoples on the visit to Australia undertaken from 20 March to 3 April 2017. Published on 8 August 2017.  
<https://www.undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F36%2F46%2FAdd.2&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>12</sup> Views adopted by the Human Rights Committee under Article 5 (4) of the Optional Protocol, concerning communication No. 3624/2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F135%2FD%2F3624%2F2019&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F135%2FD%2F3624%2F2019&Lang=en)

Aboriginal people complain that in fact, all these contracts are signed only on conditions set forth by mining companies.<sup>13</sup>

In May 2017<sup>14</sup>, experts of the Committee on Economic, Social and Cultural Rights (CESCR) expressed concern over Australia's non-compliance with the principle of free, prior and informed consent of Indigenous Peoples while developing policies with regard to extractive activities on the lands traditionally used by them.

The Indigenous ancestral land of Murujuga in Western Australia, which is home to the world's oldest and largest collection of petroglyphs, is under threat of destruction by the country's biggest fossil fuel project, the Burrup Hub, owned by Woodside Energy. In this regard, protests erupted across the State in October 2023, which met a violent crackdown by the police. Some activists faced the strongest form of charges – some protesters can face up to 20 years in prison.<sup>15</sup>

A general increasing intolerance of the authorities toward protests, in particular the environmental ones, is on trend. Thus, in New South Wales and Victoria, where protesters have been fighting logging on Indigenous lands, the State governments introduced penalties (from fines to years in prison) in 2022 targeting people whose actions (such as blocking roads and ports) disrupt businesses and economic activity.

Similar measures were introduced in Tasmania, home to old-growth forests. Environmental activists now face fines of AU\$13,000 or two years in prison.

In May 2023, the South Australian State government passed new laws increasing fines for obstructing a public place from AU\$750 to AU\$50,000 (increased of almost 67 times) and including possibility of three months in prison.

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<sup>13</sup> Traditional owners in WA's north demand removal of gag clauses to help them protect ancient rock art. ABC. 24 March 2022.

<https://amp.abc.net.au/article/100935592>

<sup>14</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Australia. May 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fAUS%2fCO%2f5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fAUS%2fCO%2f5&Lang=en)

<sup>15</sup> Australia crackdown on climate protesters grows amid fight against gas project. Mongabay. 31 October 2023.

<https://news.mongabay.com/2023/10/australia-crackdown-on-climate-protesters-grows-amid-fight-against-gas-project/>

In order to smooth over the impression of the total failure of state policies in this field, the Australian government seeks to demonstrate its concern over and full involvement in the indigenous issue. That is why we witness a tolerant attitude towards ideas promoted by some civic associations to change the date of Australia Day, the flag and the anthem. All official events must now be opened with reference to "traditional owners of the land." In 2020, governments of States and the Coalition of Peaks comprising representatives of 55 Aboriginal organizations and associations signed an agreement on the renewed Closing the Gap Programme stipulating that governments of States are to establish their own mechanisms to engage with Aboriginal organizations. They should build on a new practice of framing decisions pertaining to the interests of Australia's First Nations as a document bearing a signature of a local Aboriginal community elder. However, since the recommendations are not binding, those who are to follow them approach them formally, rather than being result-oriented, and either ignore them altogether or delay their implementation as much as possible.

Despite the official policy of multiculturalism, racist and xenophobic sentiments are widespread in Australia. Increased incidents of racial discrimination and xenophobia in both everyday life and the public domain were reported by the Committee on the Elimination of Racial Discrimination in November 2017<sup>16</sup> and by the Human Rights Committee in October 2017.<sup>17</sup> Migrants, especially Arabs, Muslims, people of African descent, and people from indigenous communities are the most frequent targets of intolerance.

In September 2023, the report containing the findings of the HRC Working Group of Experts on People of African Descent on its visit to Australia (from 12 to 20 December 2022) was published. The experts stress the prevalence of racial discrimination – the delegation noted that, throughout Australia, people of African

<sup>16</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 18th to 20th periodic reports of Australia. November 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyextrenal/Download.aspx?symbolno=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyextrenal/Download.aspx?symbolno=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=en)

<sup>17</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Australia. October 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyextrenal/Download.aspx?symbolno=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyextrenal/Download.aspx?symbolno=CERD%2fC%2fAUS%2fCO%2f18-19&Lang=en)

descent reported racial profiling, abuse of authority, over policing, targeting, and violence by the police. Although in some States, like Victoria, racial profiling is prohibited in policy, yet no monitoring exists in practice. There is information that pedestrians, cyclists, and drivers of African descent are more frequently subject to police stops that escalate to questioning, searches, threats of force.<sup>18</sup>

Children of African descent are subject to racial discrimination as well. Children reported to the delegation on experiences of bias and discrimination in schools, on public transport, and in other public spaces. In 2017, a study across two Australian States found 40 per cent of students reported experiencing racial discrimination.

Health facilities are no exception for racial discrimination. This is expressed as medical personnel's dismissive approach toward people of African descent, including mistrusting patients of African descent and underrating their complaints.

Experts also expressed concern about the rise of suicide among refugee of African descent, particularly among South Sudanese youth who faced a constant barrage of racialization and racial bias in everyday life.<sup>19</sup>

As the Palestinian-Israeli conflict escalated in the second half of 2023, incidents of anti-Semitism and Islamophobia increased dramatically. A total of 662 anti-Semitic incidents were recorded by the Executive Council of Australia Jewry between October and November 2023 alone, a 738 per cent increase on the number of incidents recorded in the previous year.<sup>20</sup> From 7 October to 6 November 2023, 133 Islamophobic incidents were reported. Before the escalation of the Middle East conflict, the average number of weekly incidents was 2.5. The executive director of Islamophobia Register Australia, Sharara Attai, said she believed the real

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<sup>18</sup> Report of the Working Group of Experts on People of African Descent on its visit to Australia A/HRC/54/67/Add.2. 27 September 2023.

<https://www.ohchr.org/en/documents/country-reports/ahrc5467add2-visit-australia-report-working-group-experts-people-african>

<sup>19</sup> Report of the Working Group of Experts on People of African Descent on its visit to Australia A/HRC/54/67/Add.2. 27 September 2023.

<https://www.ohchr.org/en/documents/country-reports/ahrc5467add2-visit-australia-report-working-group-experts-people-african>

<sup>20</sup> Australian Jews suffer 738 per cent spike in anti-Semitic abuse. News.com.au. 16 December 2023.

<https://www.news.com.au/national/australian-jews-suffer-738-per-cent-spike-in-antisemitic-abuse/news-story/33ed1f60ff568d31ce399b325bbc03a2>



number of Islamophobic incidents in the past month was "much higher" and that Islamophobia, and hate crimes in general, historically went under-reported.<sup>21</sup>

Canberra's tightening migration policy has been increasingly criticized by the human rights community. Thus, Australia refuses to grant asylum to irregular refugees and holds them indefinitely at detention centres, including on Nauru and earlier on Manus Island (Papua New Guinea) without adequate access to medical and legal services. The harsh conditions in such facilities, including inadequate mental health services, the serious safety issues and instances of violence, sexual abuse and self-harm, as well as the fact that the harsh conditions compel some asylum seekers to return to their countries of origin were pointed out by the Human Rights Committee.<sup>22</sup>

The lack of an adequate legal mechanism to regulate periods of detention in migration centres is a stumbling block in this area. The average period of detention is 620 days.<sup>23</sup> However, there are cases of waiting more than 11 years for an immigration decision.<sup>24</sup>

On 13 May 2021, Australian parliament endorsed amendments ruling out the possibility to expel foreigners who stay illegally in the country if they have applied for asylum. According to the government, the measure aims to ensure that the 1951 Convention relating to the Status of Refugees prohibiting forcible return of refugees to a country where their life or freedom would be threatened, is reflected in national legislation. This step was followed by a joint statement of 30 human rights entities. They pointed out that even the amended version of the law lacks provisions on the periods of detention of persons in migration centres and in fact authorizes indefinite

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<sup>21</sup> Islamophobic and antisemitic incidents record large spike in Australia, advocates say. The Guardian. 9 November 2023.

<https://www.theguardian.com/australia-news/2023/nov/10/islamophobic-and-antisemitic-incidents-rise-in-australia-advocates-say>

<sup>22</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Australia. October 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUS%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUS%2fCO%2f6&Lang=en)

<sup>23</sup> Statistics on people in detention in migration centres by NGO Refugee Council of Australia.

<https://www.refugeecouncil.org.au/detention-australia-statistics/5/>

<sup>24</sup> Sri Lankan refugee detained by Australia for 11 years despite government ruling he's owed protection. The Guardian. 22 September 2020.

<https://amp.theguardian.com/australia-news/2020/sep/22/sri-lankan-refugee-detained-by-australia-for-11-years-despite-government-ruling-hes-owed-protection>

detention.<sup>25</sup> According to the Australian Department of Home Affairs, as of December 2022, more than 872 irregular migrants were kept in Australian detention centres, including on the continent.<sup>26</sup>

In December 2019, Australian parliament took yet another "progressive" step by voting to repeal the Medevac Bill passed in March 2019 by the Labour majority, which permitted illegal migrants whose health required medical attention to enter Australia. About 200 people who managed to enter Australia this way are currently kept in national migration centres or detained in hotels.

The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) has also referred to the unsatisfactory state of the country's migration agenda. In October 2022, the Subcommittee delegation had to suspend its visit to Australia because of the obstacles it encountered in that country in carrying out its mandate under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Head of the SPT Delegation Aisha Shujune Muhammad reported lack of cooperation from the regional authorities of the States of Queensland and New South Wales. In February 2023, the delegation eventually paid a visit to the country with a follow-up report published in December 2023.<sup>27</sup>

In this documents the SPT experts point out that Australia's policy of mandatory immigration detention may have deleterious effects on the mental health of migrants and their eventual ability to assimilate into Australian society. As immigration detention centres are largely devoid of language and cultural education programmes, migrants are placed in situations of deprivation.

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<sup>25</sup> Coalition of legal experts sound alarm over new laws they fear will lead to indefinite detention of refugees. SBS. 14 May 2021.

<https://www.sbs.com.au/news/article/coalition-of-legal-experts-sound-alarm-over-new-laws-they-fear-will-lead-to-indefinite-detention-of-refugees/9zlwxs8>

<sup>26</sup> Immigration Detention and Community Statistics Summary as of 31 December 2023.

<https://www.homeaffairs.gov.au/research-and-stats/files/immigration-detention-statistics-31dec-2023.pdf>

<sup>27</sup> Report of the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment on the visit to Australia undertaken from 16 to 23 October 2022: recommendations and observations addressed to the State party. Published on 20 December 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FAUS%2FROSP%2FI&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FAUS%2FROSP%2FI&Lang=en)

Migrants detained in immigration detention facilities do not have sufficient access to State-provided free legal aid. The Subcommittee highlights that lack of clarity on the duration of detention is likely to have adverse effects on migrants' physical and mental health, in particular for those who cannot be returned to their countries owing to risk of torture or irreparable harm. The same is true of stateless persons. The Subcommittee received frequent testimony during interviews that migrants were often transferred between facilities without prior notice or reason for their transfer. This is also a contributing factor in adverse health outcomes and has harmful effects on their ability to retain family ties.<sup>28</sup>

Human rights activists are deeply concerned over the future of the Migration Amendment (Removal and Other Measures) passed by the lower house of the Parliament of Australia on 26 March 2024;<sup>29</sup> it requires non-citizens to "cooperate with steps to arrange their lawful removal" and establishes penalties for those who fail to "cooperate". Non-compliance with removal pathway direction without a reasonable excuse is considered an offense and is penalized with obligatory imprisonment of one to five years, an AUD 93,900 fine or both.<sup>30</sup>

Furthermore, the bill also empowers the government to designate "removal concern countries". Such designation would imply a bar on visa applications from persons who are citizens of the countries that fail to accept those removed from Australia.

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<sup>28</sup> Report of the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) on the visit to Australia undertaken from 16 to 23 October 2022: recommendations and observations addressed to the State party. Published on 20 December 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FAUS%2FROSP%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FAUS%2FROSP%2F1&Lang=en)

<sup>29</sup> Rushed bill forcing hundreds of non-citizens to facilitate own deportation passes lower house. The Guardian. 26 March 2024.  
<https://www.theguardian.com/australia-news/2024/mar/26/deportation-bill-australia-rushed-passes-lower-house-immigration-detention>

<sup>30</sup> Hundreds of unlawful non-citizens face jail if they refuse to cooperate in deportation from Australia. The Guardian. 26 March 2024.  
<https://www.theguardian.com/australia-news/2024/mar/26/immigration-detainees-face-jail-time-if-they-refuse-to-co-operate-in-deportation-from-australia>

However, on 27 March 2024, the upper house failed to pass this controversial bill proposed by the Labour Party. The adoption was moved at least six months in order to subject it to further examination.<sup>31</sup>

Experts of the United Nations Committee on the Rights of the Child (CRC) believe that the best interests of the child are not duly prioritized in asylum, refugee and migration processes. They also criticize Australia for taking no steps to establish an independent guardianship body for unaccompanied children and is not currently considering prohibiting the detention of children in all circumstances. Furthermore, neither the Migration Act nor the Maritime Powers Act prohibits the return of vessels carrying children who may be in need of international assistance.<sup>32</sup>

In April 2022, the Western Australia Court of Appeal heard the statements of six Indonesians who were sentenced to prison in 2009 for smuggling people by sea. Under Australian law, the then minors were to be deported to Indonesia, but law enforcement officers disregarded their oral testimonies and put down their dates of birth based on the medical evaluation. They relied on wrist X-ray evidence to determine that they were of age, despite the world scientific community's scepticism about this method. The court of appeal found that a miscarriage of justice had occurred in 2009 and ruled that the earlier decisions be reversed. Yet the issue of compensation as well as that of the systemic nature of this sort of "errors" remain unresolved.<sup>33</sup>

Australian penitentiary system has also been severely criticized. The SPT experts describe the situation in this area in grave terms. During the abovementioned visit to Australia, the Subcommittee registered numerous violations in places of deprivation of liberty: arbitrary use of restraints, such as belt tethers, shackles,

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<sup>31</sup> Labor's deportation bill fails to pass Senate in "almighty backfire" as Coalition and Greens team up. The Guardian. 27 March 2024.

<https://www.theguardian.com/australia-news/2024/mar/27/labors-deportation-bill-fails-to-pass-senate-in-almighty-backfire-as-coalition-and-greens-team-up>

<sup>32</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Australia. November 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en)

<sup>33</sup> Systemic failures at every step: the Indonesian children Australia sent to adult jails for years. The Guardian. 26 April 2022. <https://amp.theguardian.com/australia-news/2022/apr/26/systemic-failures-at-every-step-the-indonesian-children-australia-sent-to-adult-jails-for-years>

electrical discharge weapons and chemical agents. The experts cite an example of inhuman punishment of a detainee involving the use of a capsaicin-based chemical agent (capsaicin being an alkaloid contained in chili peppers and causing a sensation of burning).

In addition, due to overcrowding persons deprived of their liberty are placed in high-observation cells, in some instances with 24-hour lighting. The Subcommittee also expressed its concern over the systematic understaffing observed in the penitentiary, juvenile detention and immigration detention systems across the country's territory.

The Subcommittee's delegation observed poor conditions of detention in most of prisons. This was especially true of juvenile detention centres. In Banksia Hill Detention Centre, the Subcommittee observed a number of cells with insalubrious conditions: the cells were small, had no windows and proper beds, instead of which thin mattresses were put on the floor. Furthermore, the cells had no running water. Children were left alone in their cells for up to 23 hours per day without either time outside or any recreation.

Penitentiary facilities failed to observe the principle of proper gender separation. The Subcommittee witnessed the placement of women's sections within men's prisons, and received reports regarding the housing of boys in girls' sections of juvenile detention centres.<sup>34</sup>

As for foreigners legally residing in the country, including that of Russian origin, Australian competent authorities have usually treated them, until recently, impartially. Violations of the rights of Russian citizens and compatriots living abroad have mainly occurred due to persistent deficiencies in the law enforcement system.

However, the situation of Russian citizens and compatriots living in the country was affected by the hysteria brought on by Australian authorities and the

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<sup>34</sup> Report of the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT) on the visit to Australia undertaken from 16 to 23 October 2022: recommendations and observations addressed to the State party. Published on 20 December 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FAUS%2FROSP%2FI&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FOP%2FAUS%2FROSP%2FI&Lang=en)

Ukrainian diaspora (including the Australian Federation of Ukrainian Organisations) due to the Special Military Operation launched by the Russian Federation to demilitarize and de-Nazify Ukraine and protect the civilians of Donbass.

The country's major media (first and foremost the ABC broadcasting corporation) issue anti-Russian content on a regular basis. Expressing any alternative views has become virtually impossible. In March 2022 while live on air, Stan Grant, the host of a popular Q+A talk show expelled a young audience of Russian descent from the studio for his attempt to voice an opinion in support of Russia's actions.

In March 2023, "SBS Russian"<sup>35</sup>, a Russian branch of Australian public broadcaster SBS, issued an article about a Russian young man called Ruslan, whose application to Deakin University, one of the country's leading universities, was rejected. The University cited as a reason the discriminatory decision it adopted in March 2022 to cease cooperation with new students from Russia (including those with a residence permit in Australia) and foreign citizens residing in the territory of Russia.

In October 2023, Minister for Tourism and Multicultural Affairs of South Australia Zoe Bettison cancelled the Kalinka Russian Ensemble composed of local children and young people of Russian heritage from the line-up of an annual Multicultural Festival in Adelaide in November. The Minister was open about the "difficult" but "necessary" decision, which was made at the request of the Ukrainian community out of respect for Ukrainian refugees who would also be in attendance.

The Russian Embassy in Australia published a statement in its social media demanding to stop discrimination against Russians in South Australia reminding Canberra of its obligations under the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Rights of the Child. The statement notes that the ideology of ethnic hatred

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<sup>35</sup> Discriminatory: Australian university's Russian student boycott draws criticism. SBS. 24 March 2023. <https://www.sbs.com.au/language/russian/en/article/un-australian-melbourne-university-slammed-over-russian-students-course-rejection/aile3px1m>

which forms the essence of the Kiev regime is imposed in Australia with the connivance of the Australian authorities.

For two consecutive years the Australia Day Council of South Australia has banned the members of the Russian Cultural Centre and the athletes of the local sambo federation from taking part in the traditional 26 January parade. In 2024, the notice of the ban was sent only four days before the event.

At the national level, Australia keeps a blind eye on Kiev's regime relying on neo-Nazi groups. None of them are considered extremist.

A federal law penalizing intentional public demonstration of Nazi symbols and sale of related attributes, and supplementing such legislation enacted by a number of states entered into force only in January 2024. The same month, one of neo-Nazi groups held a parade on the occasion of the Australia Day in Sydney.<sup>36</sup>

In June 2023, the media reported Danielle Elizabeth Auctions from Gold Coast, Queensland, organizing an online auction of Nazi artefacts.<sup>37</sup> The buyers of portraits of Adolph Hitler, anti-Semitic posters and photographs of executions included Australian politicians and MPs.

Human rights defenders have also pointed to certain aspects of the counter-terrorism activities conducted by Australian special services. In particular, they are entitled to detain individuals suspected of terrorist activity for more than 48 hours without charge, conduct surveillance on individuals, and access bank account information, electronic and text messages, computer and telephone devices of citizens without court order.

The Telecommunications Amendment Act became effective in 2015 and obliges telecommunications companies to keep metadata on the Australians' phone calls and electronic messages for two years. Besides, in December 2018, a law requiring cryptographically encrypted electronic messaging services

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<sup>36</sup> Six people arrested after masked men clad in black spark police operation at Sydney train station. ABC News. 26 January 2024.

<https://www.abc.net.au/news/2024-01-26/police-operation-north-sydney-train-station/103394488>

<sup>37</sup> Australian politicians bought Nazi artefacts, auction house director claims. The Guardian. 22 June 2023.

<https://www.theguardian.com/australia-news/2023/jun/22/australian-politicians-bought-nazi-artefacts-auction-house-director-claims>

to provide information about the correspondence of terrorist suspects to security authorities was enacted.

The Espionage and Foreign Interference Act and the Foreign Influence Transparency Scheme Act enacted in December 2018 criminalize obtaining and dissemination of classified information and compel foreign State related individuals and entities to submit information on their activities whenever required by the competent authorities. According to human rights activists, all these powers can be used for uncontrolled and unfounded interference with the citizens' privacy. The HRCttee has noted that there is a risk that such emergency measures could over time become the norm rather than the exception.<sup>38</sup>

In 2019, the CRC recommended that Australian authorities revoke the December 2015 amendments to the Citizenship Act that allowed for children under 18 years of age to lose their Australian citizenship if they engaged in or were convicted of certain foreign fighting or terrorism-related conduct.<sup>39</sup>

The international human rights community has been criticizing the persisting impunity of law enforcement officers that abuse their power. The HRCttee has pointed out, in particular, that the existing close relationship between the police investigations and the coroners' investigations may compromise the independence of investigations.<sup>40</sup>

In September 2021, the Surveillance Legislation Amendment Act was passed to expand surveillance powers of Australian special services to conduct surveillance as part of operational and investigative activities. The Australian Federal Police (AFP) and the Criminal Intelligence Commission have been given the power to disrupt and delete data on the Internet to prevent offence, to track down online activities by criminal organizations and establish control over accounts without

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<sup>38</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Australia. October 2017.

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<sup>39</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Australia. November 2019.

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<sup>40</sup> Ibid.



consent of account holders for the purpose of collecting evidence of criminal activity.<sup>41</sup>

People with disabilities also face challenges in Australia. They cannot fully exercise their electoral rights, the rights to health, education, family life, etc. The Committee on the Rights of Persons with Disabilities (CRPD) highlights the segregated<sup>42</sup> (i.e. limited) education experienced by children with disabilities as well as insufficient funding for inclusive education in mainstream schools. It points to the lack of access to early intervention mechanisms for children with disabilities, the widespread practice of retaining and restraining them in adult settings. Besides, parents with disabilities are more likely than other parents to have their child removed from their care, often on the basis of disability. There are challenges related to providing affordable and accessible housing and information and communication technologies.<sup>43</sup>

The National Disability Insurance Scheme is being criticized, as it still relies heavily on the medical model of disability and does not provide older persons with disabilities, persons with disabilities from culturally and linguistically diverse backgrounds, and other categories of people with equal opportunities. Moreover, such factors as complex procedures, limited publicly available and accessible information on the system and the lack of services in remote areas of the country reduce its accessibility.<sup>44</sup>

Shocking cases of ill-treatment of aged people regularly come into the media spotlight. In October 2022, "The Guardian" reported that the Older Persons Advocacy Network (Opan) audited 27,000 calls made by aged care residents and their families to aged care advocates in previous years and involving

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<sup>41</sup> Surveillance Legislation Amendment (Identify and Disrupt) Bill 2021.

[https://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bId=r6623](https://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bId=r6623)

<sup>42</sup> Segregation initially meant a practice of racial discrimination involving limiting persons' rights on the grounds of their skin colour or ethnic origin.

<sup>43</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of Australia. October 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en)

<sup>44</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of Australia. October 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en)

neglect, lack of medical assistance and even abuse by the staff.<sup>45</sup> In May 2023, Australian society was outraged by the story of 95-year-old Clare Nowland. A police officer who was called to an aged care home in Cooma, New South Wales discharged a taser at the woman with dementia, which caused her death a few days later.<sup>46</sup>

Human rights monitoring mechanisms are concerned over the practice of involuntary non-therapeutic sterilization of women and girls with intellectual disabilities and/or cognitive impairments, despite the fact that in its July 2013 report, the Senate Standing Committee on Community Affairs recommended limiting this practice and strengthening the safeguards against abuse. The United Nations HRCttee,<sup>47</sup> the Committee on the Elimination of Discrimination against Women (CEDAW) in July 2018<sup>48</sup>, and the CRC<sup>49</sup> have highlighted this issue. In October 2019, the CRPD also took note of the reports of forced sterilization, forced abortion and forced contraception among persons with disabilities. Besides, experts were concerned about the cases of obliging persons with cognitive and mental impairment to undergo treatment, including through indefinite detention in psychiatric centres, as well as the use of psychotropic medications, physical restraints and seclusion under the guise of behaviour modification against persons with disabilities, including children.<sup>50</sup>

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<sup>45</sup> Damning aged care audit reveals abuse and neglect of residents across Australia. The Guardian. 12 October 2022. <https://www.theguardian.com/australia-news/2022/oct/12/damning-aged-care-audit-reveals-abuse-and-neglect-of-residents-across-australia>

<sup>46</sup> Clare Nowland, 95, dies after being tasered, police officer charged. News.com.au. 25 May 2023. <https://www.news.com.au/national/nsw-act/crime/clare-nowland-officer-to-be-charged-over-tasing-of-95-year-old-in-cooma-aged-care-home/news-story/cf911ac19b1b842425cad829a2261658>

<sup>47</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Australia. October 2017. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUS%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUS%2fCO%2f6&Lang=en)

<sup>48</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of Australia. July 2018. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUS%2fCO%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUS%2fCO%2f8&Lang=en)

<sup>49</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Australia. November 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en)

<sup>50</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of Australia. October 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en)

Despite the government's proclaimed commitment to the principle of gender equality, the Australian constitution lacks appropriate safeguards and the prohibition of discrimination against women. The practice of subjecting women to forced marriage and female genital mutilation persists in the country to this day. At the same time, as the CEDAW notes in its concluding observations, there is no systematic data collection on the number of women who have faced these challenges.<sup>51</sup>

The situation with the rights of the child has also degraded considerably in Australia. The issues in this area include the persistently high number of minors in alternative care, with remarkably high though traditional overrepresentation of Indigenous minors. Experts also noted the limited access to mental health and therapeutic services for children in such facilities.

Another aspect is related to the high rate of violence against minors both in the home and in specialized institutions. The CRC had previously criticized the fact that the National Redress Scheme, which was set up for people who have experienced institutional child sexual abuse, only covers citizens and permanent residents of Australia. It excludes persons sentenced to five years of imprisonment or longer and children who were under eight years of age in 2018.<sup>52</sup>

In June 2022, the ABC news agency published results of a journalistic investigation into the government childcare system. Based on the evidence of more than 700 persons, 222 of whom were child protection workers, the investigation concludes that there have been numerous instances of abuse and violence, systematic manipulation of statistics about children in care and discrimination based on race. It also includes evidence of negligence on the part of the childcare staff.

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<sup>51</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of Australia. July 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUS%2fCO%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUS%2fCO%2f8&Lang=en)

<sup>52</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Australia. November 2019.

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Besides, child protection services tend to disregard welfare measures for struggling families and prefer to remove the child right away.<sup>53</sup>

The government in Canberra continues to shift responsibility to the governments of states and territories and disregard the repeated recommendations by the HRC<sup>54</sup> and the CRC<sup>55</sup> as well as the calls made during the third cycle of the Universal Periodic Review by the UN HRC<sup>56</sup> to increase the minimum age of criminal responsibility for minors (currently the minimum age of criminal responsibility is as low as 10 years).

Year after year, the government keeps promising to address this issue. However, the minimum age of criminal responsibility has only been raised in the Northern Territory (November 2022) and the Australian Capital Territory (November 2023), and only to 12 years. The state of Tasmania's currently considering establishing the minimum age of criminal responsibility of 14 years with subsequent increase to 16 years by 2029.

Among the minors prosecuted under the court judgment, there is a disproportionately high share of persons with disabilities, Aboriginal people and those who belong to both categories at once.<sup>57</sup> According to the CRC, children in detention are frequently subjected to verbal abuse, including of a racist nature. Moreover, they often are subjected to cruel and degrading treatment: they are

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<sup>53</sup> Attorney-General, minister "deeply concerned" by "horrific" findings of ABC's child protection investigation. ABC. 20 June 2022.

<https://amp.abc.net.au/article/101160674>

<sup>54</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Australia. October 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUS%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fAUS%2fCO%2f6&Lang=en)

<sup>55</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Australia. November 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en)

<sup>56</sup> Report of the Working Group on the Universal Periodic Review Australia. Human Rights Council. 47th session. March 2021.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/070/45/PDF/G2107045.pdf?OpenElement>

<sup>57</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of Australia. October 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fAUS%2fCO%2f2-3&Lang=en)

deliberately denied access to water, restrained in ways that are potentially dangerous and many are subjected to isolation.<sup>58</sup>

Human rights defenders sound the alarm in regard to the policy of the state of Queensland on under-age offenders. Queensland is the only Australian state without the upper house of the Parliament, which leads to poorer judicial oversight of the legislation, especially when a political party has the majority in the lower house.

In 2023 alone two very controversial laws were adopted, contradicting the state's law "On Human Rights". In particular, there's a law enshrining criminal responsibility for children who broke bail. As of September 2023, 112 children (out of 169, which is 66 per cent of their total number) arrested on these new charges were indigenous.<sup>59</sup> This yet again proves that it is Australian indigenous children that suffer negative consequences of the adopted laws the most.

The state also adopted amendments allowing to indefinitely keep children in temporary detention facilities (police watch houses) that are cynically called "houses". The government of the state of Queensland even had to suspend the state's law "On human rights" (23 August 2023) to introduce the amendments.<sup>60</sup> What is even more revealing is that these urgent amendments were introduced after Solicitor-General of the state published the facts of illegal detention of minors in such institutions.<sup>61</sup>

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<sup>58</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Australia. November 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUS%2fCO%2f5-6&Lang=en)

<sup>59</sup> Breach of Bail to Return as an Offense for Children in Queensland. The Diplomat. 16 March 2023.

<https://thediplomat.com/2023/03/breach-of-bail-to-return-as-an-offense-for-children-in-queensland/>

<sup>60</sup> Strip searches and suicide attempts: the reality for children in Queensland. The Guardian. 25 August 2023.

<https://www.theguardian.com/australia-news/2023/aug/26/queensland-watch-houses-laws-kids-teens-strip-searches-suicide-attempts>

<sup>61</sup> Queensland children may have been illegally detained for years, advises states's solicitor general.

The Guardian. 24 August 2023.

<https://www.theguardian.com/australia-news/2023/aug/24/queensland-child-watch-house-laws-amendment-human-rights-act>

Court orders urgent transfer of three children detained unlawfully in Queensland watch houses. The Guardian.

4 August 2023.

<https://www.theguardian.com/australia-news/2023/aug/04/queensland-children-detained-police-watch-houses-court-action-hearing>

At the same time, conditions in the cells in these institutions are highly unsatisfactory. In majority of cases they are small rooms without windows and even a place to sleep, which, as stated previously, sometimes means a thin mattress on the concrete floor.<sup>62</sup>

Currently, the situation with conditions for children in detention facilities, including those in temporary detention facilities, "came to a head." In early 2024 a senior psychologist from the temporary detention facility (or, as they call it, the police watch house) in the city of Cairns, Queensland, sent a letter to senior officials with a call to pay due attention to the problem. The letter contained detailed descriptions of horrendous conditions and human rights abuses in the facilities laid out by the psychologist. For example, she highlighted that the young people are not being provided medical attention or legal support. She was especially concerned by lack of adequate food<sup>63</sup>, which additionally suggests the idea that the young people in these "houses" may even go hungry.

A wide response among the international community was provoked by the reported cases of sexual abuse committed by the Australian Catholic priests against children and teenagers that, in majority of cases, were covered up by top religious officials. The Royal Commission into Institutional Responses to Child Sexual Abuse (2013-2017) found that a horrendous number of victims were subject to sexual abuse by the members of the Australian Catholic Church. At the very least, 4,445 complaints of abuse in the Catholic circles were registered. Thus, some 7 per cent of Catholic priests were alleged offenders, with offending occurring at a constant rate from the 1950s to the 1980s.<sup>64</sup>

Only in 2018 did the national government apologize. Since March 2022, all church institutions were obliged to join the National Redress Scheme to fight abuse and violence against children and to donate to the relevant fund.

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<sup>62</sup> Assaults, isolation and deprivation: what life is like at Cairns watch house for children and staff. The Guardian. 20 January 2024.

<https://www.theguardian.com/australia-news/2024/jan/21/queensland-police-watch-house-youth-juvenile-cairns>

<sup>63</sup> Psychologist treating children in Cairns watch house warns of "horrendous" and "inhumane" conditions. The Guardian. 15 January 2024.

<https://www.theguardian.com/australia-news/2024/jan/16/cairns-police-watch-house-queensland-youth-detention>

<sup>64</sup> The web-site of the Australian Catholic Historical Society.

<https://australiancatholichistoricalsociety.com.au/history-resources/the-sexual-abuse-crisis/>

At the same time, members of the Catholic Church made attempts to close more than a dozen criminal cases of sexual abuse referring to the fact that it is impossible to provide a just hearing of the cases because the accused priests died or were deprived of legal capacity.<sup>65</sup> However, such attempts were not successful because in October 2023 the Supreme Court rejected the arguments and ruled in favour of the victim.<sup>66</sup>

Instead of paying due attention to the deteriorating situation with the rights of children, Anthony Albanese's Labour government, which came to power in May 2022, focuses their efforts on imposing values, that are non-traditional for the Australian society, and alien "gender" agenda that became unprecedentedly aggressive and literally reached the state's level.

It is minors who are especially exposed to this propaganda. Australia permits children to change their gender. A particular concern is caused by easy access to the "procedure" of changing the gender. A teenager experiencing the so-called "gender dysphoria" has the right to go to the court, even without the consent of their parents but with the support of a teacher, a psychologist or the headmaster of their educational institution. The court may recognize the applicant (even under the age of fourteen) a "legally capable minor" if the court supposes that they fully understand the situation and are aware about their actions (the so-called "Gillick competence"<sup>67</sup>).

By keeping silent about the stories of victims of sex reassignment surgeries, the media and numerous specialized sources on the Internet present teenager's drive for "self-identification" and the use of hormonal drugs that suppress sexual development as something positive.

Meanwhile, the world learned about the case of Jay Langadinos from Australia who was subject to mastectomy, hysterectomy and ovariectomy

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<sup>65</sup> Catholic church in Australia accused of using deaths of pedophile clergy to shield it from legal claims. The Guardian. 14 March 2023.

<https://www.theguardian.com/world/2023/mar/15/catholic-church-australia-paedophile-clergy-deaths-legal-claims>

<sup>66</sup> Catholic church loses landmark case over tactics that shield it from Australian abuse claims. The Guardian.

31 October 2023. <https://www.theguardian.com/australia-news/2023/nov/01/catholic-church-loses-landmark-case-death-of-paedophile-priests-historical-abuse-cases>

<sup>67</sup> Is called after British activist Victoria Gillick who in 1980s initiated judicial proceedings on whether doctors had the right to prescribe contraception to teenagers under sixteen without the consent of their parents.

to transition from female to male because of "gender dysphoria"<sup>68</sup> she was diagnosed with when she was 19. The consequences of the surgeries cause moral and physical sufferings to Jay Langadinos who no longer considers herself a man.

Yet, all alternative points of view on the issue are suppressed. The scale and severity of the problem become evident in light of the fact that in April 2022 Liberal candidate for the federal parliamentary seat of Warringah (Sydney) Katherine Deves was subject to bullying from trans activists for comments against participation of trans people in female sporting events and doubts that "gender dysphoria" is reasonably diagnosed among teenagers, which leads to children being "surgically mutilated and sterilized." Because of unprecedented pressure put on her, Katherine Deves had to apologize and suspend her election campaign.

During the pandemic Australia singled itself out through introducing the strictest anti-COVID measures in the world. Thus, since March 2020 until November 2021 Australian citizens, with few exceptions, were banned to leave and enter the country, because of which, at the will of the government, about 43 thousand Australians were "stuck" abroad for several months.

After India saw a spike in the number of COVID cases in May 2021, the Australian authorities introduced a ban for their citizens who were there at the time to return to the country (around 9 thousand people, 600 of whom are classed as vulnerable) based on the 2015 Biosecurity Act. The punishment for violating the ban included an AUD 66 thousand fine (about USD 55 thousand) or five years in prison. The decision ignited outrage among Australians of Indian origin who interpreted it as manifestations of racism and degrading treatment.<sup>69</sup> It is noteworthy that similar measures were not introduced by Canberra during similar outbreaks in Great Britain and the US in 2020.

The state of Western Australia was closed to people from other regions of the country and foreign countries for two years, with short breaks, since March 2020

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<sup>68</sup> Young woman left devastated after she transitioned to a man and had her breasts, uterus and ovaries removed sues psychiatrist for approving hormone therapy after meeting him only once. Daily Mail Australia.

4 April 2023. <https://www.dailymail.co.uk/news/article-11139585/Sydney-woman-transitioned-man-SUES-psychiatrist-negligence.html>

<sup>69</sup> Australia's India ban criticized as "racist" rights breach. BBC. 3 May 2021. <https://www.bbc.com/news/world-australia-56967520>



until March 2022. Melbourne, the capital of the state of Victoria, set an anti-record in total duration of the lockdown (262 days).

The Victoria Police report on the realization of anti-COVID measures published in late June 2023 revealed that people of African or Middle Eastern appearance got four times as many COVID fines for breaking public health rules as their share of the state's population.<sup>70</sup>

Experts describe the situation with free speech in the country as "fragile." In 2023, in the NGO "Reporters Without Borders" World Press Freedom Index, Australia was ranked 27 with 78.24 points. Certain doubts about editorial independence of a number of the media are fuelled by the fact that executives of major media companies maintain close ties with political leaders. As a result, there is difference in interpretation of the same events and facts for political purposes. Despite the fact that cases of violence against journalists and their arbitrary arrests are rare, the situation with safety of journalists in the country cannot be described as favourable. In the research conducted in 2021 almost 90 per cent of the journalists expressed concerns regarding growth in threats, oppression and intimidation, including from the government.<sup>71</sup>

Searches conducted by the AFP in June 2019 in the house of the political editor of News Corp newspapers and in the head office of a major TV and Radio corporation ABC, where materials on war crimes committed by the Australian soldiers in Afghanistan were retrieved, are a vivid example of the authorities putting pressure on the media. The Federal Court of Australia subsequently dismissed the company's suit filed against the AFP regarding the lawfulness of the actions by law enforcement officers.<sup>72</sup>

The crimes committed by Australian soldiers with the connivance of the high command remain a sensitive topic for the local community. In June 2023 a

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<sup>70</sup> African and Middle Eastern communities over-represented in COVID-19 fines in Victoria, data shows. ABC News. 26 June 2023.

<https://www.abc.net.au/news/2023-06-27/covid-pandemic-victoria-police-fines-african-middle-eastern/102523060>

<sup>71</sup> Reporters Without Borders. Press Freedom Index 2023.

<https://rsf.org/en/country/australia>

<sup>72</sup> AFP raid on ABC reveals investigative journalism being put in same category as criminality. ABC News. 15 July 2019.

<https://amp.abc.net.au/article/11309810>

top-profile suit between Ben Roberts-Smith, a special operation forces veteran and participant of the military action in Afghanistan, and Fairfax Media ("The Canberra Times", "The Sydney Morning Herald", "The Age"), which had been taking place since 2019, ended in June 2023. The "defamation" case brought by the former soldier against journalists was dismissed. The publications characterizing Ben Roberts-Smith as a war criminal guilty in shooting dead unarmed Afghans and mocking the victims (for example, he used the prosthetic leg of the killed disabled man that had been taken by the soldiers as a "trophy" as a kind of a beer mug) were found to be accurate by the Federal Court.

Back in 2020, the Brereton Report prepared by the Australian Defence Ministry stated that 25 Australian soldiers in Afghanistan (mostly on 2012-2013) murdered at least 39 civilians and prisoners and revealed the cult of violence and connivance in the special forces, which the command had been lenient with for many years. However, the names of the criminals and many other circumstances were not mentioned in the published version of the report. Now the public knows at least one name (Ben Roberts-Smith) because he is "the most awarded Australian soldier ever" (for example, he was awarded with Victoria Cross, the highest award in Australia). Moreover, while already being the subject of revealing publications in the media and the Brereton Report, the retired soldier was invited by the British royal family to the funeral of Elizabeth II.

Even after the court's judgment, it is unlikely that the war criminal will be brought to justice. This will require a new – criminal – proceeding to be opened. Its outcome will not be predetermined because of stricter requirements for the evidence of guilt.

At the same time, Ben Roberts-Smith is a suspect in a closed criminal investigation initiated by the government on the basis of the Brereton Report. Only one person (Oliver Schulz) out of 25 mentioned in the report faced charges. In February 2023, during the budgetary hearings in the Australian Parliament's Senate, the representatives of the investigative bodies promised to present preliminary

conclusions on criminal episodes 40-50 "by the middle of the year." The promise, which has not been fulfilled up until now, was accompanied by complaints that it is difficult to collect the materials "on site" up to a point that the witness testimonies of Afghans obtained in the on-line format are of "dubious legal force." It is clear that the authorities want to let the case slide.

There is also no progress in terms of paying compensation to the victims of war crimes committed by Australians, as well as their families (this was a recommendation of Brereton). Local human rights organizations and David Shoebridge, Senator from the Australian Greens, pay special attention to this circumstance.

Realizing it is hopeless to investigate the involvement of the Australian Armed Forces command in war crimes in Afghanistan, in June 2023 Jacqui Lambie, an independent senator from Tasmania, had to take this story to the International Criminal Court<sup>73</sup>, despite the tarnished reputation of this body in the eyes of the international community.

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<sup>73</sup> Jacqui Lambie wants International Criminal Court to investigate military commanders for alleged war crimes. ABC News. 20 June 2023.  
<https://www.abc.net.au/news/2023-06-20/jacqui-lambie-military-war-crimes-icc-criminal-court/102501172>

## Austria

Austrian human rights legislation, primary the key normative legal acts defining the foundations of Austrian public order, is based on universally recognized international legal standards and mechanisms. Enforcement practice in the relevant field has a broad scope, which provides the authorities with the necessary powers.

Ensuring and protecting fundamental human rights is among the priorities of the Austrian Constitution.

Competent government agencies, as well as local and foreign human rights NGOs regularly monitor the current human rights situation, publish reports on the violations of human rights and fundamental freedoms, and use their web portals and social media profiles to disclose the facts of offences and the names of those involved, often forcing law enforcement agencies to initiate investigations into these cases. These issues have traditionally been at the centre of media attention.

The authorities have been criticised for failing to enshrine a number of human rights in law and lacking guidance documents in this area.

For example, the Austrian branch of the Amnesty International NGO (AI Austria) points to the need to enshrine fundamental social rights of citizens and legal mechanisms for their protection in the Constitution, and criticises the current Social Security Law, which, according to human rights defenders, has a negative impact on the spread of poverty in the country.<sup>74</sup>

According to the country report of this non-governmental organization, numerous violations of human rights and freedoms were reported in Austria through 2022. Prevalent were cases of discrimination against foreigners and migrants, police brutality, gender-based violence, violation of rights on the ground of ethnicity and sexual orientation, as well as restrictions to freedom of speech and access to information.<sup>75</sup>

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<sup>74</sup> <https://www.amnesty.at/presse/un-tag-organisationen-fordern-oesterreichische-verfassung-um-soziale-menschenrechte-zu-vervollstaendigen/>

<sup>75</sup> [https://cdn.amnesty.at/media/10646/amnesty-international-oesterreich\\_jahresbericht\\_2022.pdf?mode=pad&format=webp&quality=90&rnd=133243948930000000](https://cdn.amnesty.at/media/10646/amnesty-international-oesterreich_jahresbericht_2022.pdf?mode=pad&format=webp&quality=90&rnd=133243948930000000)

The 2022 Report of the Ministry of Foreign Affairs of the Republic of Belarus on the Most Resonant Human Rights Violations in Certain Countries of the world, with reference to the annual report of the Amnesty International's 2021/2022 Annual Human Rights Report, as published in April 2022, points to insufficient social benefits and lack of measures to combat homelessness, inadequate investigation of cases of police violence, unjustified deportations of asylum seekers and problems with discrimination against migrants. The paper also noted that by the end of 2021, an independent investigation and complaints service to deal with allegations of abuse, as announced by the government in January 2020, had not been established.

The Human Rights League estimates that human rights violations in Austria have increased to "alarming" proportions.<sup>76</sup> There are still systemic problems related to the lack of guiding documents on the specialised agenda, abuse of authority by law enforcement officers, respect for the rights of migrants, national minorities, including members of the Russian diaspora and indigenous peoples, and women. There has been degradation in the area of media freedom.

According to Articles 14-15 of the Basic Law of 1867, Austria is a secular State that guarantees its citizens freedom of conscience and religion.

The Office of Religious Affairs and Inter-religious Relations (Kultusamt) subordinate to the Federal Chancellery in Austria, is the main institution responsible for State-church relations, including State recognition and registration of religious communities and associations, religious education, and anti-extremist monitoring.

Since the nation-wide census ceased recoding information on the religious affiliation in 2001, Austrian authorities and religious communities have been providing only approximate statistics on the issue. Exact figures are only reported by the Catholic and Evangelical Churches, which keep records of their worshipers.

According to a specialized survey undertaken by the National Institute of Statistics, Statistik Austria, published in May 2022, 77.6 per cent of the country's population (about 6.9 million people) identify themselves as belonging to one or another confession. The Catholic Church is the leader in terms of the number of

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<sup>76</sup> [https://liga.or.at/wp-content/uploads/2023/12/Liga-Befund\\_2023\\_WEB.pdf](https://liga.or.at/wp-content/uploads/2023/12/Liga-Befund_2023_WEB.pdf)

believers, with 4.9 million parishioners (55 per cent of the population). The Evangelical (Protestant) Church consists of 340,300 people (3.8 per cent). Orthodox Christians of various dioceses account for about 437,000 people (4.9 per cent of the population). The total number of Muslims in Austria is nearly 746,000 people (8.3 per cent of the population). The number of members of other confessions, including Buddhism and Judaism, is approximately 482,000 people.

The relations of the Austrian State with churches and religious societies are regulated by separate laws, which were adopted along with the development of the national, European, and world context in this area.

The basic legal acts on this issue include, inter alia, the Concordat between the Holy See and the Republic of Austria of 1933, the Protestant Law of 1961, the Orthodox Law of 1967, the Jewish Law of 1990, the Islam Law of 1912 (updated in 2015), etc. By passing each law, both legally and in fact, the State recognized this or that church or religious society. In total, as of 2022, there are 16 nationally recognized churches and religious societies in the country.

In 1998, Austria adopted a Law on Religious Associations, which provided a simplified organizational form for the activities of several religious groups. It introduced the term of "registered religious associations" which possess legal personality but, unlike state-recognized churches and religious societies, are not public law corporations. Among the conditions for State registration as a religious association is the existence of a charter as well as at least 300 community members permanently residing in Austria. Besides, the law establishes a procedure for State recognition of a religious group as a church or religious community, which stipulates, among other things, a minimum period of existence of a religious community of 20 years, including five years as a registered religious association.

There are currently 10 State-registered religious denominational structures in Austria (Seventh-day Adventist Church, Pentecostal Church, Hindu Religious Community, etc.).

Meanwhile, in the context of broad confessional representation, Austria pays significant attention to interreligious communication in its multiple organizational

forms and manifestations. Thus, in 2012, an informal Platform for Churches and Religious Societies was created to discuss various issues pertaining to the interaction of religious communities (Christian, Muslim, Jewish, and Buddhist) – both among themselves and with the State. The Ecumenical Council of Churches in Austria is another prominent platform for dialogue uniting 16 Christian Churches, as well as nine communities and organizations with observer status. The Pro Oriente foundation, established in 1964, promotes cooperation between Catholic and Orthodox Churches of different jurisdictions, including the Moscow Patriarchate. A number of Austrian interreligious projects have been recognized as best practices in Europe, such as the University College of Christian Churches of Teacher Education Vienna/Krems, where Christians, Jews, Muslims and Buddhists work together successfully.

Churches and religious communities in Austria are actively engaged in educational activities. This includes, first of all, compulsory religious courses in Austrian schools (public and private), where students and their parents have the right to choose a religion class in accordance with their officially declared religious affiliation. Besides, the Catholic Church maintains 900 kindergartens (about 30,000 children), almost 300 schools (more than 70,000 pupils), five pedagogical and two theological universities. It is worth mentioning the functioning of two Jewish educational institutions in Vienna aimed at facilitating the post-migration integration of children of Russian-Jewish origin.

The Russian Orthodox Church of the Moscow Patriarchate (ROC MP) has six parishes and communities in Austria: in Vienna, Linz, Innsbruck, Graz, St. Pölten, and Laa an der Thaya. Another parish operates in Salzburg under the jurisdiction of the Russian Orthodox Church Outside of Russia (ROCOR). The Vienna and Austrian Diocese of the ROC MP was recognized by the State in 2012, previously it was registered as a parish of St. Nicholas Cathedral in Vienna. A Sunday school was organized at St. Nicholas Parish in Vienna, and the Rachmaninoff Music School operates at the church, where both Russian compatriots and Austrians teach and study.

In light of the ongoing destructive processes in church system in Ukraine, noteworthy is the attempt undertaken in summer 2022 to create a fully-fledged parish of the Ukrainian Orthodox Church of the Moscow Patriarchate (UOC MP) in Vienna, independent of the Vienna and Austrian Diocese of the ROC MP. A priest was sent to Austria from Kiev to provide religious guidance to the growing Ukrainian flock. In the meantime, an agreement was reached with the Serbian Bishop in Vienna on the provision of premises for worship services. As a result, it was agreed that such services should be considered as services held "for the community of the natives of Ukraine" under the omophorion of the Patriarch of Serbia.

To date, Austria has witnessed an increase in racial and religious intolerance, anti-Semitic sentiments, and a growing anti-Islamic and anti-migrant bias in the activities of public authorities and the law enforcement forces. The number of hate crimes is increasing. According to human rights defenders, everyday racism remains a major challenge in Austria.

According to a study published in October 2023 by the EU Fundamental Rights Agency (FRA) on "Being Black in the EU – Experiences of people of African descent" for 2021-2022, Austria has the second highest prevalence of racist beliefs. According to the surveys, 65 per cent of respondents felt discriminated against because of their skin colour (51 per cent in 2016), 56 per cent because of their immigrant background (30 per cent), and 14 per cent because of their religion (6 per cent).<sup>77</sup>

According to the Non-Discriminatory Education Initiative (Austrian NGO),<sup>78</sup> there were 121 officially recorded cases of discrimination against school pupils (45 per cent), students (35 per cent) and teaching staff (7 per cent), including 80 per cent that were racist in nature, in 2021. Among the main forms are signs of racism in educational literature, gender/national insults,

<sup>77</sup> <https://fra.europa.eu/en/publication/2023/being-black-eu#publication-tab-l>

<sup>78</sup> [http://diskriminierungsfrei.at/wp-content/uploads/2022/06/IDB\\_Jahresbericht-2021.pdf](http://diskriminierungsfrei.at/wp-content/uploads/2022/06/IDB_Jahresbericht-2021.pdf)



especially against Muslims and persons with non-traditional sexual orientation. It is noted that only one out of 20 cases of discrimination by teachers was penalized.

A study by the SORA Institute (one of the leading private leading social research institutes in Europe) on the classification of types of discrimination in Austria shows that workplace is the most common site of harassment in the country, and foreigners are usually subjected to it. The survey (about 2,000 people aged 14 to 65) recorded practices of discrimination and unequal treatment in employment, health care, and education. Almost half of all respondents (43 per cent) were subjected to harassment at least once in each of the areas of study.

Persons with migration background or Islamic religious affiliation suffer discrimination twice as often (62 per cent and 78 per cent, respectively) as persons without such background (37 per cent) or Christians (39 per cent). People with low social status claim to be discriminated against twice as often as those with income.<sup>79</sup>

According to a report published in July 2023 by the Ministry of Interior, 5,865 delicts were registered in 2022 (+7 per cent by 2021; 5,464 cases), motivated mainly by the "worldview" (2,466 cases), ethnicity (1,968 cases) and religion of the victims. The highest numbers were recorded in the Federal Province of Vienna (1,559 cases) and Lower Austria (876 cases).

According to a report by the Austrian ZARA NGO (Civil Courage and Anti-Racism-Work), the number of racially motivated offences in 2022 fell to 1,479 cases (there were 1,977 cases in 2021, i.e. 35 per cent fewer than in the "record" 2020 year with 3,039 cases; 1,950 cases in 2019), with more than 80 per cent (999 cases) of them committed online<sup>80</sup> and 14 per cent in public places.<sup>81</sup> There were 112 cases of discrimination by public officials, 102 cases by law enforcement officials, and 84 by politicians and the media.<sup>82</sup> In 76 per cent of cases, the offences (including online) were reported by eyewitnesses or witnesses, and only 24 per cent by the victims themselves.<sup>83</sup>

<sup>79</sup> [https://www.sora.at/fileadmin/downloads/projekte/2019\\_Diskriminierungsstudie\\_Langfassung.pdf](https://www.sora.at/fileadmin/downloads/projekte/2019_Diskriminierungsstudie_Langfassung.pdf)

<sup>80</sup> <https://zara.or.at/de/vvissen/publikationen/rassisinusreport>

<sup>81</sup> [https://assets.zara.or.at/media/rassismusreport/ZARA\\_Rassismus\\_Report\\_2021\\_engl.pdf](https://assets.zara.or.at/media/rassismusreport/ZARA_Rassismus_Report_2021_engl.pdf)

<sup>82</sup> [https://assets.zara.or.at/media/rassismusreport/ZARA\\_Rassismus\\_Report\\_2021\\_engl.pdf](https://assets.zara.or.at/media/rassismusreport/ZARA_Rassismus_Report_2021_engl.pdf)

<sup>83</sup> <https://zara.or.at/de/vvissen/publikationen/rassisinusreport>

The main reasons for such violations are belonging to the Muslim world (313 cases) and skin colour (206 cases). There had been persistent calls from human rights defenders for a comprehensive national plan of action against racism that would cover the fight against all forms of such manifestations.

According to the "integration barometer" of the Austrian Integration Fund, the attitude of Austrian citizens towards the Muslim part of the population is deteriorating every year (62 per cent of 1,000 respondents rated their life together with Muslims as bad). The last time this figure was so high was during the beginning of the migration crisis in 2015. For Austrian citizens, the problem of the spread of radical Islam is the second most important after the issue of global warming. At the same time, the situation with the integration of refugees in schools and workplaces worries 58 per cent of respondents.

According to the local Documentation Centre for Islamophobia and Anti-Semitic Racism ("Dokustelle Islamfeindlichkeit und antisemitischer Rassismus")<sup>84</sup> and the Austrian Advisory Society ("Dokustelle Österreich"), the number of religiously motivated cases of intolerance against Muslims (dissemination of hate messages in media space, religiously motivated insults, damage to property, and unequal treatment) in 2022 was 1,324 cases (in 2021, 1,061 cases; in 2020, 1,402 cases). Of these, 81.6 per cent occurred in the online environment, with one-third of the cases involving politicians (usually members or followers of the right-wing populist Austrian Freedom Party). Muslim women were harassed more often (70 per cent of cases), while three-fourth of the perpetrators were men.

In November 2023, the Documentation Centre for Islamophobia and Anti-Semitic Racism also noted an increase in hostility against Muslims following the escalation of the Palestinian-Israeli conflict in October 2023. According to the organisation's data for October-November 2023, the number of incidents of racism against Muslims was higher than the number of incidents between January and September 2023. There have been instances of both verbal and physical attacks

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<sup>84</sup> [https://dokustelle.at/fileadmin/Dokumente/Reports/Report\\_2022/Dokustelle-Report-2022.pdf](https://dokustelle.at/fileadmin/Dokumente/Reports/Report_2022/Dokustelle-Report-2022.pdf)

against Muslims, as well as discrimination in educational institutions and attempts to limit public displays of solidarity with the Muslim community.<sup>85</sup>

In addition to domestic Islamophobia, human rights NGOs point to systemic legislative discrimination against members of the Muslim community by the authorities, as well as a politically motivated anti-Islamic bias in the area of security.

In this regard, the results of a social survey contained in the 2020 EU Agency for Fundamental Rights Report are very illustrative: 45 per cent of respondents who took part in this survey believe that Muslims should not have the same rights as "everyone else in Austria."<sup>86</sup>

The situation with the purchase of a house in the Weikendorf community (Lower Austria) by a large Palestinian family in March 2019, where local residents and the city administration expressed disagreement with its acquisition and tried to prevent the family from moving to a new home, caused a wide resonance. An appeal against the purchase of the said property was filed by the local authorities with the Lower Austria Administrative Court; after several months of proceedings, the legality of the transaction was confirmed by the Austrian State Register.

The need to counter various forms of radicalism, including in the context of a significant increase of the Muslim population (which has doubled over the past 20 years) and the migration crisis, is an important factor of Austria's religious life.

In order to consolidate the primacy of public law over religious teaching and limit foreign influence, amendments to the Law were adopted in 2015, recognising followers of Islam as a religious community and preventing the financing of Muslim religious organisations and imams from abroad (there is no ban on other faiths).

According to human rights defenders, the new wording of the Law de facto "erases" Islam from the public educational space. Restrictions on a number of religious practices apply as follows: wearing burqas is prohibited (since 2017), and slaughter of livestock is limited. In the Federal Provinces of Carinthia and

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<sup>85</sup> [https://dokustelle.at/publikationen/reports/news-list/news-details?tx\\_news\\_pi1%5Baction%5D=detail&tx\\_news\\_pi1%5Bcontroller%5D=News&tx\\_news\\_pi1%5Bnews%5D=10&cHash=256569ad169d77f909a307624e5c342c](https://dokustelle.at/publikationen/reports/news-list/news-details?tx_news_pi1%5Baction%5D=detail&tx_news_pi1%5Bcontroller%5D=News&tx_news_pi1%5Bnews%5D=10&cHash=256569ad169d77f909a307624e5c342c)

<sup>86</sup> The European Union Agency for Fundamental Rights Report 2020.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

Vorarlberg, a special procedure for the construction of minarets and mosques has been introduced within the framework of building legislation, severely restricting the possibility of building them.

Following the high-profile terrorist attack in the centre of Vienna in November 2020, the local Muslim diaspora gained notable attention. The authorities have carried out a comprehensive revision of anti-terrorist legislation with a focus on countering the spread of terrorist ideology and preventing religious extremism.

A package of measures was introduced in July 2021 to intensify the fight against the spread of radicalisation.

Within the framework of anti-terrorist legislation, the powers of the judiciary and law enforcement agencies with regard to extremist religious associations have been expanded, control has been strengthened, the procedure for closing radical mosques has been simplified, as well as mandatory registration of imams and restrictions on foreign funding of Muslim (non-religious) NGOs have been introduced. Penalties for offences motivated by religious and political motives have been toughened, and Islamist symbols have been banned.

The National Map of Islam, interactive online platform, which provides detailed information on more than 600 Islamic organizations operating in Austria, was launched in May 2021. This measure provoked discontent among members of the Muslim diaspora, who regarded it a threat to disclose personal data. Local Catholic and Protestant church heads have characterised the initiative as contributing to social stratification and rising ethnic tensions. The authorities insist on the exclusively informational nature of the resource. The Austrian Data Protection Authority (Datenschutzbehörde) denied the complaint of the Muslim Youth Austria NPO on this ground.

In order to prevent radicalization of certain categories of citizens, especially young people, special attention is paid to the early warning system.

The ban imposed by the authorities on Muslim girls wearing hijabs in schools, which, by the way, was considerably mitigated by the decision of the Constitutional

Court (the ban on wearing hijabs was cancelled for primary school pupils), caused widespread public response.

It should be noted that the ban was formulated in general terms in the School Education Act: pupils under the age of ten must not wear ideologically or religiously influenced clothing which is associated with the covering of the head. However, the Parliamentary Sub-committee on Education further issued an explanatory statement indicating that only such headgear that covers the hair fully or in large parts shall be prohibited. Thus, the wearing of the Jewish Kippas and the Sikh Patkas, the Sikh children's headgear, was exempted from the law. This makes the focus of this measure against the Muslim community even more evident, which, according to the experts of the European Commission against Racism and Intolerance (ECRI), which operates within the Council of Europe, could lead to the marginalization of this group of students and have an adverse effect on their enjoyment of the right to education.<sup>87</sup>

According to the 2022 Report of the Ministry of Foreign Affairs of the Republic of Belarus on the Most Resonant Human Rights Violations in Certain Countries of the world, following the July 2021 amendments to the Federal Act on Islam (German: Islamgesetz) in Austria, the control powers of the Department of Worship at the Office of the Federal Chancellor in relation to Islamic structures are significantly expanded and the process of liquidation of Islamic communities is simplified in case of violations. One of the goals of the so-called "anti-terrorist package" was supposed to be the fight against so-called "political Islam." The Islamic Religious Community of Austria (IGGÖ) – the largest public association of Austrian Muslims – condemned the adoption of the new version of the law. Community representatives point to the discriminatory nature of the amendments. Austrian Muslims also consider it unacceptable to link the issues of combating terrorism and the relationship of the state with religious institutions.

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<sup>87</sup> Report of the European Commission against Racism and Intolerance on Austria (6th monitoring cycle), adopted on 7 April 2020, published on 2 June 2020.  
<https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>

According to Amnesty International, the anti-terrorism package is "threatening to respect the rights of Muslims." Experts believe that these steps could lead to stigmatisation of the Muslim population and create a negative background around the Islamic world as a whole.

In the context of the worsening situation with systemic discrimination against members of the Muslim community and an increase in the terrorist threat level (taking into account the escalation of the Palestinian-Israeli conflict – up to the fourth level out of five), law enforcement officers have intensified their surveillance of the Islamic diaspora, in particular, with a view to catching active supporters of the ISIL and Hamas, as well as members of friendly groups, including the Muslim Brotherhood. Mosques and the content of sermons delivered by imams are closely monitored.<sup>88</sup> It sometimes comes to detaining innocent Muslims. The symbols of Hamas and Hizbullah are considered equal to Nazi symbols, and their display is punishable by a fine of up to 10,000 euros (up to 20,000 euros for repeated displays).<sup>89</sup> Pro-Palestinian rallies are banned,<sup>90</sup> and their participants are massively subjected to administrative proceedings.<sup>91</sup>

Critics of the authorities' religious policy are being pressured. In 2022, Farid Hafez, editor of the Islamophobia Studies Yearbook, and co-editor of the European Islamophobia Report in Austria and of anthology Islamophobia in Austria, was prosecuted for alleged contacts with the Muslim Brotherhood. Following a trial in January 2023, he was acquitted.

The activities of the Directorate State Protection and Intelligence Service (DSN) under the Austrian Ministry of the Interior, which contributes to intimidating and mobilizing the public against members of the Muslim community, have also caused discontent among human rights defenders. The inherently biased attitude towards this religious group and the groundless accusations of its members' involvement in terrorist/criminal groups are the essence of these claims. The

<sup>88</sup> <https://www.diepresse.com/17754503/krisenkabinett-werden-uns-anschauen-was-in-den-moscheen-gepredigt-wird>

<sup>89</sup> <https://www.bmi.gv.at/news.aspx?id=384E684977502B6E5467633D>

<sup>90</sup> <https://www.oe24.at/oesterreich/politik/pro-palaestina-demo-in-wien-darf-heute-stattfinden/571943450>

<sup>91</sup> <https://kurier.at/amp/chronik/wien/nach-berlin-auch-in-wien-wcrden-pro-palaestina-demos-untersagt/402628067>

counter-terrorist operation Luxor (organized following the terrorist attack in 2020) resulted in the arrest of more than 30 alleged adherents of radical Islam, but due to lack of evidence, the proceedings against them were terminated.

According to the Austrian Interior Ministry, hate speech against Muslims by right-wing radicals has increased. Due to the lack of a legal mechanism for the protection of Islamic religious-educational institutions, the law enforcers often do not pay due attention to the facts of attacks on them.

The anti-discrimination legislation in Austria remains complex and fragmented. This is because of the division of competence between the Austrian Federal government (Federation) and the Länder (provinces). The distinction between the Equal Treatment Act and anti-discrimination laws of each Länder, providing varying degrees of protection for different grounds of discrimination, often result in confusion and legal uncertainty.<sup>92</sup>

Aside from criticism from human rights defenders, the Federal Office for Immigration and Asylum also points to the deteriorating situation in the migration sphere.

According to a report by the Austrian Integration Fund, the number of people with migrant backgrounds in the country has increased significantly. According to statistics, almost a quarter of the population (about 2 million people) come from other countries (up 24 per cent since 2015).<sup>93</sup>

According to the Austrian Interior Ministry, there was a dramatic increase in the number of asylum applications in 2022 due to the lifting of strict COVID-19 restrictions, including restrictions on entry: a record 112,000 applications were submitted (compared to less than 39,900 applications in 2021;<sup>94</sup> +280 per cent by 2021; +170 per cent by 2020), 19,000 requests were granted (in 2021, 12,000 asylum applications were granted (the share of Syrians was 57 per cent), and

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<sup>92</sup> Report of the European Commission against Racism and Intolerance on Austria (6th monitoring cycle), adopted on 7 April 2020, published on 2 June 2020.

<https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>

<sup>93</sup> <https://www.statistik.at/fileadmin/announcement/2022/07/20220725MigrationIntegration2022.pdf>

<sup>94</sup> [https://www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Jahresstatistik\\_2021\\_v2.pdf](https://www.bmi.gv.at/301/Statistiken/files/Jahresstatistiken/Jahresstatistik_2021_v2.pdf)

13,500 were rejected). The most active resettlement is from Afghanistan, Iraq and Syria.

In the first quarter of 2023, 10,150 appeals were registered (-11 per cent compared to the same period in 2022: over 56,000 (+195% compared to the same period in 2021) appeals were filed in January-August 2022).<sup>95</sup> Austria ranks 4th among EU countries in terms of the absolute number of applications, and 2nd in terms of "migration" load per capita (1,250 and 216 in Europe, respectively). There are 89,000 refugees on social welfare, with 435 million euros (100 million for Ukrainian displaced persons) allocated in 2022.

Austria has sheltered more than 90,000 refugees from Ukraine (57,000 people are on social assistance)<sup>96</sup> and 276 Russian citizens (under the EU Temporary Protection Directive (2001/55/EC)).

Human rights defenders are particularly concerned about the unfavourable situation in the primary reception centres, the lack of coordination between the authorised federal and state authorities, poor treatment of migrants, as well as unbearable conditions of detention of asylum seekers: overcrowding of the centres, accommodation in unheated, outdated premises, unsanitary conditions, settlement without taking into account differences in gender and age.

The Together for Children's Rights NGO is not satisfied with the absence of the practice of establishing guardianship over refugee minors (unaccompanied) from the moment of their arrival in the country, as well as with the long periods of their detention in primary accommodation centres.<sup>97</sup>

According to the Austrian Ministry of the Interior, some 11,000 unaccompanied minor refugees entered the country in 2022 and went missing. However, only children for whom the refugee status process has been officially initiated are considered.

The consequences of the 2015 migration crisis and the continued arrival of new refugees in large numbers, including from Ukraine, are not only putting a

<sup>95</sup> [https://www.bmi.gv.at/301/Statistiken/files/2022/Asylstatistik\\_August\\_2022.pdf](https://www.bmi.gv.at/301/Statistiken/files/2022/Asylstatistik_August_2022.pdf)

<sup>96</sup> <https://www.krone.at/2783092>

<sup>97</sup> [https://liga.or.at/wp-content/uploads/2023/12/Liga-Befund\\_2023JWEB.pdf](https://liga.or.at/wp-content/uploads/2023/12/Liga-Befund_2023JWEB.pdf)



serious strain on the social system but are also leading to ethnic discrimination practiced by civil servants, social service employees and health care workers.

The Ministry of the Interior has a particularly strict policy of deporting foreigners whose stay has been declared illegal by a court (on the basis of a refusal to grant asylum) or who have lost their refugee status as a result of a crime committed in Austria.

The opposition and human rights defenders often criticize actions of the authorities.

For example, the hardline stance of then Chancellor Sebastian Kurz, who held the post of Chancellor of Austria from 2017 to 2021, in favour of "consistent deportation of foreigners who have committed crimes in the country and whose refugee status has been revoked," was another matter of concern raised by specialized NGOs.

Human rights defenders also pointed to the problem of migrant smuggling into Austria (a number of such cases occurred in January-February 2020, when at least 50 refugees were brought into the country).

According to the EI-Austria report, deportation centers regularly record cases of "disproportionate use of force and unjustified disciplinary measures".<sup>98</sup>

The head of the Ministry of the Interior, Gerhard Karner, is pushing for a legislation to ensure that the initial "screening" of refugees takes place in third countries prior to their entry into Austria. At a conference on refugees (Vienna, 21-22 February 2022), he suggested that applicants with a clearly low chance of obtaining refugee status should be sent back home at the EU's doorstep, that is at the borders of the Western Balkan countries.<sup>99</sup> In return, Gerhard Karner promised to help these countries with border control activities and deportation of refugees to their countries of origin.

Following the trilateral "migration" summit (Austria, Hungary and Serbia) held in Budapest on 3 October 2022, Austrian Chancellor Karl Nehammer called on

<sup>98</sup> [https://cdn.amnesty.at/media/10646/amnesty-international-oesterreichjahresbericht\\_2022.pdf?mode=pad&format=webp&quality=90&rnd=133243948930000000](https://cdn.amnesty.at/media/10646/amnesty-international-oesterreichjahresbericht_2022.pdf?mode=pad&format=webp&quality=90&rnd=133243948930000000)

<sup>99</sup> <https://www.bmi.gv.at/news.aspx?id=6E374278305977735050673D>

EU countries to take concerted action to combat illegal migration and the entry of refugees, to ensure their "fair" distribution among European countries, and to strengthen cross-border cooperation.<sup>100</sup>

A report by the Council of Europe Commissioner for Human Rights following her visit to Austria in December 2021 pointed to a sharp difference in migrant accommodation standards between regions. A number of centers, particularly in Traiskirchen near Vienna, have been found to be overcrowded, including with children and teenagers. Illegal pushbacks of refugees at the borders have taken place.<sup>101</sup>

According to Amnesty International, between January and August 2021, more than 60 Afghan refugees were expelled despite the risk of violations of their freedom upon their return. NGOs point to the need to extend the period of stay in the country for persons enjoying temporary protection and to facilitate the procedure for reunification of migrant family members.

In the first months after the start of the Special Military Operation (SMO) to denazify and demilitarize Ukraine and protect the civilian population of Donbass, Ukrainian refugees were very welcome in Austria under the EU Temporary Protection Directive, which was implemented in March 2022.

In fact, beneficiaries of the Directive enjoy preferential conditions of stay compared to refugees of other nationalities. In particular, asylum seekers are granted the right to a residence permit, access to employment, education, and medical services. They are also provided with opportunities for housing and social benefits, family reunification, and general asylum applications.

As a result of such preferences, the lack of equal treatment of applicants for international protection in Austria has become increasingly evident.

The apparent unwillingness of the authorities to address what has evolved into a systemic racism ("institutional racism") in the area of migration has led to dissatisfaction among human rights activists, who have increasingly criticized

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<sup>100</sup> <https://kurier.at/politik/inland/wie-vucic-orban-und-nehammer-gegen-illegale-migration-vorgehen-wollen/402168057>

<sup>101</sup> <https://rm.coe.int/commdh-2022-10-report-on-the-visit-to-austria-en/1680a6679a>

Austria for creating a so-called two-tier asylum system. While Ukrainian citizens enjoy special protection, refugees from other countries face widespread outright racism, discrimination and violations of their rights.

At the same time, Austrians are reminded of the need for equal treatment of refugees from Ukraine itself, following the reported cases of discrimination against persons of Asian and African appearance arriving from Ukraine.

The current program of the Austrian government (formed by representatives of the Austrian People's Party and the Green Party) for 2020-2024 includes a provision stating that "Austria does not intend to come up with new initiatives on refugee distribution rules". For its part, the Austrian government will strive to ensure that the asylum application process does not take longer than six months. In general, there is a trend towards pursuing a more differentiated migration and asylum policies. These problems are the responsibility of the Federal Office for Immigration and Asylum (BFA) and the Advisory Board, which includes representatives of civil society, NGOs and legal experts.

At the end of August 2020, the Vienna parliament called for the admission of 100 children from refugee camps located on the Greek islands. A joint statement by three parties (the Social Democratic Party of Austria, the Green Party and the NEOS Party) in support of this idea emphasized that "with the onset of the COVID-19 pandemic in Europe, the living conditions of children, many of whom have lost their parents, in the resettlement camps have become even more unbearable". Despite such appeals, the Austrian federal government is adamant in its determination not to allow migrants into the country, a position supported by the majority of the population.

The Austrian government pays great attention to supporting the voluntary return of migrants to their countries of origin. Under the government's RESTART II program, refugees leaving Austria receive financial assistance (2,800 euros) to help them adjust to a new place of residence. Over the past four years, more than 500 returnees have received assistance under the program, which is co-financed by the Asylum, Migration and Integration Fund (AMIF) of the European Union and the

Austrian Federal Ministry of the Interior. In 2019, 2,840 migrants returned to their homeland (mostly to Serbia (309), Iraq (302) and China (197) with the support of the International Organization for Migration.

The European Commission against Racism and Intolerance (ECRI) regretted the further tightening of the rules on family reunification for persons granted refugee status under the Asylum Act, the application of which had already been limited to spouses and minor children of such persons only. Under the new rules, the time limit for submitting applications has been reduced to three months from the date of recognition as a refugee. In addition to this time limit, there are other requirements that must be met, such as having sufficient income, health insurance, and stable housing. The increased cost of visa applications, without which reunification would not have been possible, has become an additional factor complicating the process.<sup>102</sup>

As noted by the UN Committee on the Rights of the Child (CRC), unaccompanied refugee children over the age of 14 cannot expect to receive support similar to that provided to Austrian children. In addition, legal guardians are assigned to them only after they have been placed to a reception center of the respective federal province, and this transfer may take some time due to the age-assessment procedure. The fact that this procedure is not always carried out with respect for the dignity and best interests of the child is also a matter of concern. Besides, despite the possible inaccuracy of its results, it is impossible to appeal against them.<sup>103</sup>

Supranational monitoring bodies are also alarmed by the situation with the low academic performance of migrant children. They are twice as likely as other students to be unable to acquire basic academic skills.<sup>104</sup> The reasons for such poor results lie in the imperfection of the existing integration mechanisms, poor command of the German language, differences in curricula and the general marginalization of

<sup>102</sup> The European Commission against Racism and Intolerance Report on Austria (6th monitoring cycle), adopted on 7 April 2020. Published on 2 June 2020. <https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>

<sup>103</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Austria. March 2020. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=ru)

<sup>104</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Austria. March 2020. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=ru)

this part of the population.

There has been an increase in crime among migrants. Approximately 35-40 per cent of all crimes in Austria are committed by people from other countries.<sup>105</sup> Information about crimes committed by refugees or members of ethnic minorities appears regularly in the Austrian media.

In February 2022, a case of abuse of a local woman by six Afghan nationals in a migrant camp in Bludenz (Vorarlberg, Austria) caused widespread public outcry. The accused face between 5 and 15 years in prison.

The phenomenon of human trafficking is also associated with the admission of migrants. According to the CEDAW, Austria is a country of destination and transit for trafficking in women and girls for sexual exploitation (95 per cent) and forced labour. In this respect the Committee expressed its concern that despite the increase in cases of investigation and criminal prosecution of traffickers (in 2017 63 persons were arrested on suspicion of human trafficking and 75 – in connection with the involvement in cross-border prostitution) perpetrators of human trafficking receive too lenient sentences. In this regard experts refer to Article 104a of the Criminal Code, which punishes such offenses with imprisonment for the term of up to 10 years.<sup>106</sup>

One of the priorities of the Austrian authorities remains the fight against manifestations of anti-Semitism. The number of crimes motivated by anti-Semitism has multiplied in recent years.

According to the data of the Ministry of the Interior<sup>107</sup> for 2021, such crimes take place in the main on the Internet and at "anti-Semitic" demonstrations. It emphasizes that anti-Semitism based on nationality is less common than its "side effects" – such as Holocaust denial and anti-Israel actions.

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<sup>105</sup> <https://www.integrationsfonds.at/mediathek/mediathek-publikationen/publikation/migration-und-integration-2021-zahlen-daten-indikatoren-10674/>

<sup>106</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 9th periodic report of Austria. July 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUT%2fCO%2f9&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fAUT%2fCO%2f9&Lang=ru)

<sup>107</sup> [https://www.parlament.gv.at/PAKT/VHG/XXVII/AB/AB\\_09048/index.shtml](https://www.parlament.gv.at/PAKT/VHG/XXVII/AB/AB_09048/index.shtml)

Against the background of criminal proceedings related to radical Islamists, anonymous bomb threat calls to educational institutions, courts and Jewish cultural centers became more frequent. In late June 2022 a series of such provocations was organized by the so-called Jihadists in Vienna, Graz and Sankt Pölten under the slogan "Death to Jews and infidels" (investigation is underway).

The young age of the perpetrators is of particular concern to human rights defenders. This is mainly due to the spread of misinformation about anti-Semitic conspiracy theories on the streets, in schools and on the Internet.

According to the study, conducted by the EU Agency for Fundamental Rights, 24 per cent of Jewish respondents consider anti-Semitism to be a major problem in Austria, while 49 per cent consider it to be a relatively serious problem.<sup>108</sup>

In May 2023, the leadership of the Jewish Community of Vienna presented its annual report on incidents of anti-Semitism in Austria. Although the total number of incidents (719 cases) decreased in 2022 compared to the "anti-record" of 2021 (965 cases, +65 per cent to 2020),<sup>109</sup> it remained significantly higher than in previous years (585 cases in 2020; 550 cases in 2019). Hooliganism (422 cases), online mass incidents (140 cases), property damage (122 cases), threats (21 cases) and assaults (14 cases) prevailed. Most of them took place in personal contact (284 cases), on social media (212 cases) and by mail (90 cases). They were mainly committed by right-wing radicals (395 cases), ultra-left forces (146 cases) and representatives of the Islamic world (63 cases).<sup>110</sup>

At the same time, the number of right-wing extremist atrocities decreased (minus 14.3 per cent, from 461 to 395 cases).

It is noted that the COVID-19 pandemic provoked a sharp rise in anti-Semitic sentiments in society, which was directly correlated with its course and the government's vaccination policy.

Right-wing extremist and neo-Nazi movements are trying to adapt

<sup>108</sup> Report of the European Commission against Racism and Intolerance on Austria (6th monitoring cycle), adopted on 7 April 2020, published on 2 June 2020. <https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>

<sup>109</sup> <https://www.ikg-wien.at/nachrichten/antisemitismus-bericht-2021>

<sup>110</sup> [www.antisemitismus-meldestelle.at](http://www.antisemitismus-meldestelle.at)

anti-Semitic concepts to modern realities in order to attract new followers. According to Oskar Deutsch, President of the Jewish Community of Vienna, who is known for his critical stance toward the right-wing populist Freedom Party of Austria, the danger of such manifestations comes not only from right-wing extremists and radical Islamists, but also from the "Kellernazi" ("underground Nazis") who are members of the government of Lower Austria and openly espouse anti-Semitic and racist views.

According to the 2022 Report on Anti-Semitism in Austria by the Institute for Empirical Social Research (IFES),<sup>111</sup> the country is experiencing an increase in anti-Semitic manifestations in both overt and latent forms. The main triggers are the COVID-19 pandemic and the Ukrainian conflict, which are often linked to conspiracy theories (including Jewish conspiracy theories).

The institute estimates that anti-Semitism is more prevalent among Turkish- and Arabic-speaking people. 10 per cent of the respondents agreed with the thesis that "if the State of Israel disappears, peace will prevail in the Middle East", while among the Arabic-speaking population more than 70 per cent and among the Turkish-speaking population more than 50 per cent agreed with the thesis.

The deterioration of the situation in the Middle East has intensified an upward trend in anti-Semitic manifestations. According to the Jewish Community of Vienna, on 7-29 October 2023, 165 relevant crimes were committed in Vienna (five times more than in the previous nine months), and dozens of cases are under investigation. The measures taken by the authorities to strengthen the security of Jewish institutions are insufficient and require further elaboration.<sup>112</sup>

Among the most defiant acts were the burning of the Jewish section of Vienna's Central Cemetery<sup>113</sup> and anti-Israel graffiti on the campus of the Institute for Jewish Studies at the University of Vienna.<sup>114</sup> The Israeli flag was also torn

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<sup>111</sup> [www.antisemitismus2022.at](http://www.antisemitismus2022.at)

<sup>112</sup> <https://www.puls24.at/news/chronik/antisemitische-vorfaelle-in-oesterreich-um-400-prozent-gcstiegen/312481>

<sup>113</sup> <https://kurier.at/amp/chronik/wien/brandanschlag-auf-dem-juedischen-teil-des-wiener-zentralfriedhofs/402653096>

<sup>114</sup> <https://wien.orf.at/stories/3230431>

down from administrative buildings in Linz and Salzburg and from Jewish cultural and religious institutions (including Vienna's main synagogue).<sup>115</sup>

According to social surveys, 36 per cent of respondents (Austrian residents) are convinced that Jews "run the international business community," 30 per cent believe that their power in world politics and media is growing, 19 per cent assume that they have "undue influence" in Austria, and 18 per cent think that they are responsible for the current price rise and economic crisis.<sup>116</sup>

Classifying respondents by level of education, age and background, it is concluded that well-educated people with basic knowledge of Jewish history and culture are significantly less likely to make anti-Semitic statements.

Regarding historical memory, 36 per cent of respondents agreed that Jews "try to profit from the fact that their people were victims of Nazi crimes," 19 per cent agreed that they themselves are "guilty of being persecuted in the course of history," 34 per cent disapproved the constant manipulation of the Holocaust by Jews, and 11 per cent refused to recognize it at all. Those under the age of 25 were the least likely to express anti-Semitism.

In order to obtain an objective and comprehensive picture, a focus group of about 1,000 people from Arab countries living in Austria was involved in the research. They were more anti-Semitic toward the Israeli policies than the indigenous Austrian population: 57 per cent (in comparison with 30 per cent of other respondents) agree with the statement that Israelis "treat Palestinians like Germans treated Jews during World War II" and 47 per cent (14 per cent) are convinced that "with the end of the state of Israel, there will be peace in the Middle East". It is indicative that 53 per cent of the "Arab" respondents grew up and were educated in Austria.

The report's authors, who divided the survey participants into those who showed overt (15 per cent), covert (32 per cent), and no anti-Semitism

<sup>115</sup> <https://www.derstandard.at/story/300000019225/israelische-fahnen-in-linz-und-salzburg-heruntergerissen>

<sup>116</sup> <https://www.parlament.gv.at/fachinfos/r1w/Antisemitismus-2022>



(54 per cent), concluded that unbiased attitudes toward Jews outweigh hateful attitudes in society.

The report was presented at the Second European Conference on Anti-Semitism, held in Vienna on 18-19 April 2023, with the participation of the leadership of the World Jewish Congress, the Israel Religious Society, the human rights structures of the EU, the Council of Europe and the OSCE.

Opening the Forum, the President of the National Council of Austria, Wolfgang Sobotka, noted that anti-Semitism, as a direct threat to democracy, is present in all population groups, not only marginalized groups. The members of the Parliament aim to fight this "vice" and thereby strengthen the democratic foundations of the state. He cited numerous commemorative events, thematic meetings and seminars on parliamentary democracy, as well as the establishment of the Simon Wiesenthal Prize for civil society representatives for merits in combating anti-Semitism and Holocaust education. He called for a "new way of thinking" and an expansion of practical tools to prevent anti-Semitic manifestations, including the creation of a unified database to record such expressions on the Internet.

Austrian Minister for EU Affairs and Constitution, Karoline Edtstadler, supported the importance of coordinated efforts to improve the exchange and collection of relevant data within the EU. She called on EU member states to join the Vienna Declaration on Combating Anti-Semitism and Supporting Jews in Europe (signed by 13 states, including Austria).

In June 2023, at the opening of the American Jewish Committee's "Global Forum" on the occasion of the 75th anniversary of the founding of the State of Israel, Karoline Edtstadler declared Austria's historical responsibility: "Supporting Israel and Jews is part of our political DNA, our duty and obligation."

The National Strategy for Combating Anti-Semitism, presented in January 2022, includes a series of educational, integration and legal measures aimed at strengthening the security of Jewish associations in the country, effectively monitoring anti-Semitic crimes and increasing the level of socialization of representatives of the Jewish diaspora.

In order to improve coordination, it is planned to create a Europe-wide register of offences. The Ministry of Education and the Austrian Integration Fund are developing educational projects for pupils and students to raise awareness of the specificities of Judaism and the Jewish world.

In June 2023, the Ministry of Justice, the Ministry for EU Affairs and the Austrian Constitution, with the expert assistance of the Jewish Community of Vienna and the Austrian Resistance Documentation Archive, submitted amendments to the National Socialism Prohibition Act of 1947 (currently under consideration by the government) in order to improve the fight against anti-Semitism.

It is envisaged that a number of "gaps" will be filled by extending national jurisdiction: The publication of anti-Semitic content on the Internet from abroad will be investigated under Austrian law. Nazi symbols and cult objects, such as the so-called "honour rings of the SS" (former Nazi organization "Schutzstaffel"), are subject to confiscation even if there are no illegal actions with their use (until now, only in case of their intentional use). There are plans to criminalize the trivialization of the Holocaust.

The current term "gross trivialization" leaves the severity of such crimes open to interpretation. In the future, mentioning Holocaust themes and symbols out of historical context will be punishable. One example is the comparison of vaccine opponents to the Jews persecuted by the Nazis, and their wearing of a modified "Jewish star" at "anti-vaccine" demonstrations.

The Austrian government supported the initiative of the President of the Jewish Community of Vienna, Oskar Deutsch, to establish a Holocaust museum in Vienna, following the example of similar centers in Israel and the United States. According to the authorities' plan, it will become a place of remembrance for the victims and will promote awareness of the consequences of manifestations of hatred and intolerance. The site of the Gestapo headquarters from 1938 to 1945 is being considered as a possible location for the future museum complex.

In accordance with the decision of the Austrian government, from 1 September 2020, Jews deported from the territory of Austria during

the Second World War (more than 100,000 people) and their descendants can apply for Austrian citizenship without having to renounce their existing citizenship (in Austria, dual citizenship is granted only in exceptional cases). The authorities estimate that more than 50,000 applications will be received in the first phase. Oskar Deutsch called the decision "not a gift, but a formal removal of an injustice".

There are problems with the freedom of the media. According to the NGO Reporters Without Borders, given the fact that the number of daily newspapers has decreased (*Wiener Zeitung* and *Volksblatt* were closed), and that the country's journalistic workforce has shrunk by 25 per cent in 15 years, pluralism of opinion is noticeably decreasing.

The authorities are also pressuring the Russian media. Austria has adopted amendments to the Audiovisual Media Act, which provide for a ban on the RT and Sputnik broadcasting in the country under the pretext of propaganda coverage of the SMO. A fine of up to 50,000 euros has been established, including for any dissemination of their material on television, radio, online, on streaming platforms and in social networks (including reposts and quotations). Special correspondents of the Russian news agencies TASS and "Rossiya Segodnya" in Austria face an information "blockade" by the authorities: Journalists' inquiries often go unanswered, and there are frequent cases of inadequate information or failure to invite them to officials' press conferences.

Hate speech on the Internet remains one of the most acute and controversial issues both in Austrian political discourse and among the local public.

Statistics show that in the second half of 2023, 31 per cent of internet users have encountered divisive content based on socio-political (27 per cent) and religious beliefs (22 per cent), ethnicity (20 per cent), sexual orientation (19 per cent) and gender (17 per cent).<sup>117</sup>

The law prohibiting the dissemination of hate content on the Internet (*Hass im Netz-Gesetz*), which came into force on 1 January 2021, has been widely criticized. Its scope covers all sites dedicated to the exchange of messages, photos, videos and

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<sup>117</sup> <https://www.statistik.at/fileadmin/announcement/2023/10/202310241KTH2023.pdf>

audio that have at least 100,000 users and a turnover of more than 500,000 euros per year.

The law introduces the "responsibility of Internet platforms" to monitor and immediately remove "messages of hate, threats, and hate speech". Network operators should provide their users with the ability to file complaints about hate content on their online resources.

Such complaints may also be filed through the federal Ministry of Justice website. If the complaint is found to be valid, the Internet platform must remove the publication in question within 24 hours (the penalty for non-compliance is up to 10,000,000 euros). If violators ignore court orders or delay in taking action, the penalty may be collected from the advertising partners of the offending online resource.

Austrian Internet platforms with less than 100,000 subscribers, online shops and online forums of Austrian electronic media, which are already covered by the national Media Act, are excluded from the scope of the law.

While before the adoption of this law, human rights activists were concerned about the risk of online censorship and legal discrimination against undesirable online resources, now they are dissatisfied with the law because of its low effectiveness. Online bullying and incitement to hatred are still present at the same levels as before, meaning that the law has failed to significantly curb the online activities of the perpetrators. Threats have even been made on the Internet against Minister of Justice Alma Zadić and Minister of Defense Klaudia Tanner.

There has been a significant increase in the number of prosecutions and in the overall workload of law enforcement agencies, but the increase in the rate of convictions has been insignificant.

Similarly, more was expected from the system of psychosocial support for victims (with funding amounting to 13,600,000 million euros). In 2021, actual support was provided in only 16 cases, for a total of 11,500 euros.<sup>118</sup> A broad

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<sup>118</sup> <https://www.wienerzeitung.at/nachrichten/politik/oesterreich/2144444-Reform-vorerst-ohne-Wirkung.html>

information campaign against "hate on the Internet" was launched in the first half of 2022 to raise public awareness of protective measures.

At the same time, it is important to note a number of steps taken by the official government to counteract this phenomenon. For example, a special mobile app called BanHate was developed to simplify the process of reporting hate speech and offensive messages online.

One of the methods used to combat hate speech is to promote a counter-narrative. The National Committee of the No to Hate Speech Campaign, established in 2016, is working on this issue. It operates within the framework of the Council of Europe and brings together representatives of the Ministry of Justice, human rights defenders, digital communication specialists, etc.

Following the #makelovegreatagain project launched in 2017, the National Committee continues to organize various activities and events to raise public awareness, with the participation of NGOs and public authorities.

In 2018, the Neustart probation service, together with the Austrian public prosecutor's office, launched the "Dialogue instead of Hate" program, which aims to develop a constructive response to hate speech by changing the behaviour of perpetrators.<sup>119</sup>

In 2022, a package of legal acts entered into force to prohibit the placement of such publications on the Internet and to give authorities greater powers to suppress/punish the violations. At the same time, human rights defenders express concerns about excessive regulation of free Internet space, which can lead to censorship of the online environment, imposing "correct» content and removing undesirable one. Insufficient elaboration of aspects related to the legal protection of minors and excessively strict sanctions for some crimes are criticized.

In fact, in 2022, 65 lawsuits were filed against anonymous virtual "haters"; nine administrative cases were initiated against offensive content on web resources. Out of the 3 million euros budgeted to support trials, only 11 thousand were spent.

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<sup>119</sup> <https://www.wienerzeitung.at/nachrichten/politik/oesterreich/2144444-Reform-vorerst-ohne-Wirkung.html>

The Ministry of Justice recognizes insignificant effectiveness of current legislative instruments and intends to further develop them.<sup>120</sup>

In March 2020, the Committee on the Rights of the Child (CRC) welcomed measures taken by Austria to combat hate speech and manifestations of neo-Nazism, racism, xenophobia and associated intolerance, such as the establishment of specialized units in the public prosecution offices for the investigation of incitement to hatred, and the inclusion of the issues of racism, xenophobia and associated intolerance in the syllabuses of the Austrian school system.<sup>121</sup>

According to human rights defenders, abuse of authority by law enforcement officers is another acute problem in Austria. The main targets of police violence are participants of anti-governmental demonstrations and climate NGOs activists.

In 2022, 23,200 cases of the use of force by police were recorded, i.e. an average of more than 60 times a day.<sup>122</sup>

According to research conducted by the Austrian Federal Ministry of Justice covering 1,500 police misconduct allegations, only 7 of those cases were referred to court, without a single guilty verdict. In 10 per cent of cases, the complainants themselves faced defamation charges.

Only two out of 55 cases brought against the police since 2021 have actually led to convictions (suspended sentences were given).

In January 2024, a high-profile trial began against a police officer charged with inflicting grievous bodily harm to a suspect resisting a government representative (acquitted in the trial) during the detention in May 2023.<sup>123</sup>

In April 2022, a police officer was sentenced to a fine of 2,250 euros for nearly running over an environmental activist protesting in the center of Vienna with his service vehicle in May 2019. The investigation, which lasted almost three years,

<sup>120</sup> <https://www.derstandard.at/story/2000135086225/warum-das-hass-im-netz-gesetz-so-wenig-ausgereizt-wird>

<sup>121</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Austria. March 2020.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=en)

<sup>122</sup> <https://www.amnesty.at/presse/amnesty-kritisiert-klima-der-straflosigkeit-bei-polizeigewalt-in-oesterreich/>

<sup>123</sup> <https://www.amnesty.at/news-events/polizeigewalt-prozess-startet-im-fall-simmering-neue-ermittlungsstelle-nimmt-arbeit-auf/>

moved forward only after the prosecutor's office was provided with personal video footages made at the scene of the accident.

The Austrian Interior Ministry has observed a marked radicalization of the protesters. Following more than two thousand public events held in 2021, about 25 thousand administrative and 550 criminal offences were revealed (with some 400 people arrested by court decision).<sup>124</sup> In connection with cases of physical aggression of protesters against police officers, the powers of the latter were expanded, which has also sparked criticism on the part of human rights defenders.

In January 2019, two police officers beat a 28-year-old Chechen from the Russian Federation during a routine identity check in Vienna's Favoriten-district. Six law enforcement officers who were nearby just watched these unlawful actions indifferently.

The same as in the above-mentioned case of a police officer who almost ran over a protester, it was only after the victim provided video evidence of the incident that an internal check was initiated against the police officers, as a result of which they were suspended from duty and the case was referred to the Federal Bureau of Anti-Corruption.

Public debate was also caused by a crackdown by law enforcement forces on an uncoordinated demonstration of environmental activists with the use of pepper/gas cartridges near the place where the European Gas Conference was held (March 2023). The Interior Minister of Austria, Gerhard Karner had to publicly justify the actions of subordinates who had previously received information about the provocations being allegedly planned. It is to stress that during public events police officers, in addition to abusing violators of law, have numerously impeded journalists to cover these events or on the contrary have not protected them from aggressive demonstrators.

According to the Amnesty International report on Austria, racial and ethnic bias is widespread among law enforcement personnel and immigration officers:

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<sup>124</sup> [https://bundeskriminalamt.at/501/files/2022/Presseinformation\\_Polizeiliche\\_Kriminalstatistik\\_2021\\_BF\\_20220215.pdf](https://bundeskriminalamt.at/501/files/2022/Presseinformation_Polizeiliche_Kriminalstatistik_2021_BF_20220215.pdf)

persons with dark skin are more prone to police abuse and are more likely to be suspected of crimes.

Incidents involving the use of unmotivated physical force by law enforcement officials against persons with a migrant background, foreigners and refugees are rarely brought to court. As a rule, the attempts by victims to initiate proceedings are met with inaction by police and judicial bodies. If a case was initiated it would more likely end up either with an unjustifiably prolonged trial or an acquittal/disproportionate lenient sentence.

In January 2020 the Austrian Government announced the creation of an independent oversight body for complaints of abuse by law enforcement bodies that was to integrate in the Federal Bureau of Anti-Corruption by the Ministry of Interior.

According to the Amnesty International report for 2021-2022, where significant attention was paid to the problem of police violence and passivity of the courts in the investigation of relevant episodes, the plans to establish an independent body to efficiently investigate into the cases of violence and ill treatment by law enforcement officers have not been implemented.<sup>125</sup>

Thus, it is no surprise that, according to surveys<sup>126</sup> (summer 2022), more than 25 per cent of respondents do not trust the police. Aggressive, disproportionate actions of law enforcement officers when dispersing peaceful demonstrations, particularly those against the COVID-19 restrictions, as well as environmental activists' tent camps have been criticized.

In its report on Austria, prepared during the sixth monitoring cycle, ECRI cites data from a study conducted by the EU Agency for Fundamental Rights: 66 per cent of respondents with African background noted that they were stopped at least once by police in the five years before the survey; 34 per cent of them perceived it as racial profiling.<sup>127</sup> This is the highest rate among the EU Member States.

<sup>125</sup> <https://www.amnesty.de/informieren/amnesty-report/oesterreich-2021>

<sup>126</sup> <https://de.statista.com/statistik/daten/studie/377459/umfrage/umfrage-in-oesterreich-zum-vertrauen-in-die-polizei/>

<sup>127</sup> Report of the European Commission against Racism and Intolerance on Austria (6th monitoring cycle), adopted on 7 April 2020, published on 2 June 2020.

<https://rm.coe.int/report-on-austria-6th-monitoring-cycle-/16809e826f>



In addition, according to ECRI, although the Austrian legislation prohibits racial profiling, there have been only two judgments on racial profiling so far. Moreover, despite the fact that the Austrian Ombudsman Board has a competence to deal with cases of racial profiling, no statistics have yet been made available in relation to complaints about this issue.<sup>128</sup>

After the inspection of Austrian penitentiary buildings by the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) in 2021 (the report was published in June 2023), bad conditions of detention in prisons and the places of preliminary detention (a shortage of personnel, old infrastructure, low quality of medical treatment etc.) have been revealed.

Despite the amendments to the General Social Insurance Act adopted in June 2022, concerning additional guarantees to foreigners, the poor and people living in "women's" centers and institutions for the homeless, their practical implementation due to bureaucratization is often not interpreted in favour of these categories of population, inter alia, limits their access to social assistance.

Human rights defenders criticize the policy pursued by the country's leadership to gradually reduce budgetary allocations aimed at supporting the poor. In particular, as a result of the reform of the social security system, there has been a significant reduction in payments (by 35–40 per cent) for this category of persons, about 20 per cent of which are refugee status holders. Out of the total of 230 thousand basic social security recipients, this measure is expected to primarily affect the 66 thousand people belonging to this social group. The most significant cutbacks will hit families with a large number (more than three) of children (a decrease of the country average from 2,084 to 1,350 euros), as well as individuals who are not proficient enough in German. The payments to single refugees are expected to be reduced from 863 to 560 euros. Experts believe that this reform will finally have the most impact on the welfare of children and minors residing in Austria.

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<sup>128</sup> Ibid.

Minority rights challenges remain unresolved. Slovenes densely living in the federal land of Carinthia (about 12 thousand) with support of official Ljubljana demand to fulfill de facto sabotaged principle of bilingualism at the level of municipalities – in educational and judicial spheres, as well as in toponyms, as stipulated in Article 7 of the State Treaty on the Restoration of Independent and Democratic Austria of 1955. Austrian "Bosnians" (ca. 88 thousand) and Serbs (ca. 122 thousand) are denied minority status. The latter ended their attempts after the refusal of the Austrian authorities referring to the lack of such provisions in the Constitution and legislation.

Ahead of elections to the parliament of the federal land of Vienna in October 2020 human rights defenders criticized the situation regarding the provision of general voting rights for foreigners: about a third of the city population with a migration background are not entitled to vote due to the lack of Austrian citizenship. K. Edstadler, minister for the EU and Austrian Constitution, gave the following explanation of the situation: "citizenship... completes a successful integration process and full identification with Austria" while noting that citizens of other EU countries "are entitled to vote in local elections in Austria" and the above-mentioned approach applies only to persons from third countries.

A pro-migrant party "Social Austria for the Future" through a formal request to the Constitutional Court of Austria initiated a campaign for the recognition of minority status for the Turks and ethnic groups of the former Yugoslavia residing in the country who allegedly had greatly contributed to the economic, social and cultural development of the country. S. Raab, Austrian minister for women and integration, firmly rejected such initiatives believing that "there existed a clear distinction between migrants and ethnic groups" and "the desire of certain migrant communities to be recognized as an ethnic group was absurd and had no legal grounds".

Human rights defenders express serious concerns about women's rights situation in the light of the increase in domestic violence. Austria has traditionally

been one of the top three countries in the European Union where the problem of violence against women is acute and the killing of women prevails.

According to "Autonome Österreichische Frauenhäuser" NGO (AOF), during eleven months of 2023, 26 female representatives were killed and there were 41 attempted assassinations (in 2022 – 29 and 50 respectively).

The Federal Agency of Criminal Police cites similar statistics, namely in 2022, 29 women were killed (28 in 2021 and 31 in 2020) and there were over 50 attempted assassinations. In most cases the victims were killed by family members, partners or acquaintances.<sup>129</sup>

According to the statistics, every third woman in Austria has become victim of physical and/or sexual violence since the age of 15, 22 per cent of women have been subjected to persecution, 15 per cent have been directly threatened.<sup>130</sup>

According to FRA, the percentage of women in Austria who have experienced physical violence is among the highest in Europe (6 per cent; 20 per cent of women aged 16 to 29 years). However, more than 80 per cent of victims prefer not to contact the police.

According to "Autonome Österreichische Frauenhäuser" NGO<sup>131</sup>, three women perish at the hands of criminals every month in the country. In 75-80 per cent of cases there were kinship or family relationship between perpetrators and their victims. In 2023, according to this organization, 26 women were reportedly killed and 51 women became victims of an attempted assassination and inflicted a grave injury to their health. It is reported that Austria is a sole EU country where more women perish than men.

Five murders of women in Vienna in one day, on 23 February 2024, have attracted significant attention. According to "Autonome Österreichische Frauenhäuser" NGO, the same number of women was killed in Vienna during the whole year 2023.<sup>132</sup>

<sup>129</sup> [https://www.aof.at/images/04a\\_zahlen-und-daten/Factsheet\\_Gewalt-an-Frauen-und-Maedchen-in-Oesterreich.pdf](https://www.aof.at/images/04a_zahlen-und-daten/Factsheet_Gewalt-an-Frauen-und-Maedchen-in-Oesterreich.pdf)

<sup>130</sup> <https://www.statistik.at/fileadmin/announcement/2022/!1/20221125GewaltgegenFrauen.pdf>

<sup>131</sup> <https://www.aof.at/index.php/zahlen-und-daten>

<sup>132</sup> <https://www.aof.at/index.php/zahlen-und-daten/femizide-in-oesterreich>

The March-April 2023 study found that 76.7 per cent of 2,233 women interviewed have faced sexual harassment in nightclubs in Vienna. However, these facts are concealed and not given due attention. This is due to the fear of victims of sexual violence to contact law enforcement agencies because the outcome of such proceedings rarely benefits women victims.

In 2023, an Austrian woman sued a nightclub promoter for rape. He was charged with rape, coercion and bodily harm. As a result, he was found guilty only of "violation of sexual inviolability" and was given a 10-month suspended sentence.

The promoter later filed a counterclaim against the victim, accusing her of defamation that is allowed in Austria due to gaps in national legislation governing sexual crimes (based on the old concept of rape, according to which the victim must physically resist the offender). The absence of consent without actual resistance in Austria as in many other EU countries is not considered rape and implies a lighter penalty.

Since 2021, at the federal and land levels, a set of measures to protect female population from violence has been implemented.<sup>133</sup> It is planned to develop uniform court rules to standardize the handling of the cases falling under the Protection against Violence Act of 2020. The budget annually allocates 24.6 million euros to improve the system of family advisory centers, centers for legal and information support, social work with criminals and violence victims.

The Federal Criminal Police Agency has an advisory office for persons under threat or suffering domestic violence. The number of police officers responsible for establishing and maintaining communication with victims has been increased. In order to get a composite profile of the criminals and analyse their motives the Agency reinvestigates cases of killing women for the last ten years.

Financial support is provided by the government to the relevant NGOs, including centers for protection of domestic violence victims and children (18.4 million euros were allocated in 2022).

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<sup>133</sup> [https://bmi.gv.at/magazin/2022\\_07\\_08/14\\_Gewaltschutz.aspx](https://bmi.gv.at/magazin/2022_07_08/14_Gewaltschutz.aspx)

The Labor Ministry finances the initiative of German human rights defender S. Stewesand "STOP-non-violent areas" which has institutes in all federal Länder.

Despite the measures taken by the authorities, human rights NGOs require the government to develop a plan of action to counter the reasons and manifestations of sexual violence.

Human rights defenders express concern about the deteriorating situation with respecting the rights of persons with disabilities in Austria. For the implementation of the Convention on the Rights of Persons with Disabilities a plan of action was elaborated to remove the existing social barriers (infrastructural, educational, and communicative). Despite this, the independent inspection found systematic violations of the rights of individuals of this category.<sup>134</sup>

The main problems are non-development of socially oriented infrastructure, bad organization of a barrier-free environment in federal Länder (except for Vienna), a limited access of children with disabilities to primary, secondary and higher education. There are very few nurseries with necessary infrastructure, as well as specialists to provide individual support; the authorities do not make enough efforts to reform the systems of special schools and integrated classes.

The number of pupils with disabilities in general education schools diminishes annually. The pilot projects launched in 2015 to enhance "inclusiveness" (introduction of adapted programs, education in sign language) of schools have been abandoned by 2018 due to budget shortfall. There are physical barriers in higher educational institutions: specialized assistance is provided only to the students whose level of disability is over 50 per cent (only 6 per cent of a total number of persons with disabilities). According to human rights defenders, there are still unreasonable medical restrictions on admission to certain specialties.

The UN Committee on the Rights of Persons with Disabilities (CRPD) revealed that the updated disability road map, adopted in Austria in 2022, did not contain "enough potential for significant changes" in this sphere, though it seemed more feasible than the above-mentioned "ambitious" plan of action.

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<sup>134</sup>[https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRPD/9thSession/KDRD\\_Austria.pdf](https://www.ohchr.org/sites/default/files/Documents/HRBodies/CRPD/9thSession/KDRD_Austria.pdf)

In its findings on Austria published in 2023, the CRPD noted with concern that the Federal Government and the Länder lacked a comprehensive and unified strategy for elaborating programs and holding reforms in the sphere of ensuring the rights of people with disabilities.

The Committee also noted that people with disabilities do not have the right to choose their residence due to the lack of adequate residential accommodation. In this regard, the Committee recommended that Austria establish a comprehensive, nationwide deinstitutionalization strategy, with benchmarks, timeframes, and funding, encompassing the competencies of the Federal Government, the Länder and the municipalities and ensuring close consultation with and the active involvement of organizations of people with disabilities.<sup>135</sup>

The State also faces certain difficulties in ensuring children's rights. Thus, in 2018, the Austrian Constitution was amended transferring exclusive powers to provide children and youth with social protection to federal Länder. In this regard, the CRC in its concluding observations on the 6th periodic report of Austria expressed its concern that this might lead to disharmony in the application of legislation and inconsistency in the realization of children's rights.<sup>136</sup>

On the whole, Austria fulfills in good faith its obligations to care for Soviet war graves, most of each are in good condition. The Federal Ministry of the Interior, in cooperation with the authorities of the Länder, continues maintenance works on Red Army memorials in need of renovation, within the available budget. For example, on 10 August 2021, marking the 75th anniversary of the opening, the Embassy of Russia in Austria held a solemn ceremony at the restored Soviet section of the Central Cemetery of Vienna. On 3 December 2021, wreaths were laid at the rehabilitated burial site in the Aspern district of Vienna. Similar activities were held upon the completion of renovation works on the Soviet memorials in the Lower Austrian towns of St. Pölten and Mistelbach (February and June 2022 respectively).

<sup>135</sup> <https://www.ohchr.org/en/press-releases/2023/09/un-disability-rights-committee-publishes-findings-andorra-austria-germany>

<sup>136</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Austria. March 2020.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fAUT%2fCO%2f5-6&Lang=en)

Unfortunately, the Soviet military memorial sites located on the territory of Austria have not been spared. Such incidents, however, are exceptional and receive a prompt response from Austrian law enforcement. For example, in September and November 2021, hooligans spray-painted graffiti on the monument to the Soviet soldier-liberator on Schwarzenbergplatz Square in Vienna, and in February 2024 on the asphalt in front of the memorial. The damage done by these acts of vandalism was later promptly removed, and the Viennese police pledged to ensure round-the-clock surveillance of the memorial.

The need to increase vigilance with regard to Soviet graves appeared with the beginning of the Russian special military operation on 24 February 2022 and the rising degree of anti-Russian tension fueled by pro-Ukrainian activists.

In the spring of 2022, two cases of vandalism and desecration of Red Army memorials were recorded. In April, graffiti condemning the special military operation were found on the gates of the Soviet military burial site at the Church of St. Michael the Archangel in Laa an der Taya (Lower Austria), and on 25 May, unidentified persons applied the emblem of the Ukrainian national battalion Azov (mirror image of the emblem of the 2nd SS Panzer Division Das Reich during the Second World War) on the wall provocatively painted in the color of the flag of Ukraine of a privately owned building behind the monument to the Soviet liberation warrior in the capital's square Schwarzenbergplatz. After the protest of the Russian Embassy, the symbol was promptly removed.

Austrian authorities, political forces and social movements are generally loyal to our commemorative activities and do not obstruct them. In 2022, in Vienna the Coordinating Council of Organizations of Russian Compatriots (KSORS) organized with great success the events dedicated to the 77th anniversary of the Victory and the Day of Remembrance and Sorrow (concerts, procession of the Immortal Regiment). Appropriate infrastructure support, particularly in terms of security, was provided by the authorities during the international Memory Garden and Candle of Memory events with the participation of the Russian Embassy.

No illegal exhumations/transfers of the remains of the Red Army and anti-

fascist soldiers have been recorded in Austria.

However, the usual calm and stable attitude towards Russian citizens in Austria has drastically changed with the beginning of the special military operation. As the "cancel culture" has been gaining ground, everything Russian and associated with Russia is becoming subject to stigmatization and discrimination.

The Austrian authorities have clearly anti-Russian positions. On 25 February 2022, Federal Chancellor Karl Nehammer, speaking to the press following a meeting of the Austrian Security Council, stated that the rights of Russian businessmen to freedom of movement and private ownership should be restricted.

Russian compatriots in Austria are subjected to pressure, threats and harassment for their pro-Russian statements.

Massive attacks on the websites of Russian compatriots' organizations have been recorded. Thus, after refusing to publish fake Ukrainian videos, the group "Russian-speaking Vienna" in Facebook (one of the largest – more than 30 thousand subscribers – groups of compatriots in the social network) was subjected to large-scale trolling attacks and was subsequently blocked. In parallel, calls for blocking another major Internet community Russian Austria – Russisches Österreich have begun. The reason was that the community administrators did not publish anything on the events in Ukraine except neutral messages about organizing aid collection for Ukrainian refugees.

Discrimination against Russian citizens and compatriots in Austria has gone beyond the Internet. Cases of bias against Russian children in schools and kindergartens were reported to the Russian Embassy. Besides, our compatriots have noted that educational institutions provide one-sided information about Russia and events in Ukraine.

Acts of vandalism against cars with Russian plates were also recorded.

Austrian banks, including major ones such as Erste Bank and Raiffeisenbank, pursue discriminatory policy with regard to Russians (block the accounts of physical persons with Russian passports in order to verify compliance with EU sanctions



requirements without any warning or refuse to open accounts for them).

For instance, with reference to "internal instructions", the Erste Bank verbally refused to open an account for an employee of the Russian Trade Representation Office in Austria, who was on a less than six months mission in the country. As a result, Russian people in Austria are unable to pay for basic needs, including utilities, rent, medical services, etc.

Media outlets continue to be used by authorities to exert pressure on public figures, particularly from the cultural sphere, with calls to explicitly condemn the special military operation and distance themselves from Russia.

Austrian cultural and educational institutions got also involved in the "cancellation of Russia" campaign. So, in February 2022, the Brucknerhaus concert hall in Linz broke agreements with the St. Petersburg House of Music and cancelled musical Russian Tuesdays for 2022–2023.

On 1 March 2022, the Salzburg Festival declared that it saw no reason for creative cooperation with institutions and individuals from Russia. Also in early March 2022, the director of the Vienna Concert Hall (Wiener Konzerthaus) M. Nazke announced his intention to stop cooperation with persons "not supporting Ukraine in the Russian-Ukrainian conflict". The message posted on the concert hall website says that its management, as before, will in some cases assess whether the views of individual artists correlate with those accepted in the Konzerthaus.

On 16 March 2022, the rectors of the universities of Innsbruck and Salzburg, in messages published on their websites, informed about the termination of contracts with the foundation "Russian World" and the intention to reformulate and substantively change the concepts of the Russian centers operating at these universities.

Austrian side refused the Ambassador of Russia and diplomats of the Embassy to participate in a number of memorial actions on the occasion of the 77th anniversary of the end of the Second World War in Europe (8 May – solemn act in the Federal Chancellery, 15 May – commemorative event in the memorial complex on the site of the former Mauthausen concentration camp).

At the same time the analysis of legal status of Russian compatriots in Austria in 2023 has not revealed any serious violations of their rights and freedoms. The Russian Embassy did not receive any information about new cases of violation of the rights of Russian citizens and compatriots in Austria that required a targeted operational response.

Organizations of compatriots, primarily the Center for Compatriots' Legal Aid in Austria, operating since January 2023, at the current stage has not recorded any undue pressure on the diaspora by official authorities.

Activists of the diaspora in accordance with the procedure established by local legislation have repeatedly received from the authorities a permit for patriotic activities without restrictions on the use of Russian state symbols or participation of speakers. In schools and universities, despite loud statements, Russian is generally taught freely. Austria did not follow the example of a number of EU countries in confiscating private cars with Russian plates on its territory.

## Albania

According to some international organizations (Council of Europe, OSCE/ODIHR, etc.), the human rights record in the Republic of Albania was generally satisfactory in 2023. Despite a number of critical comments from relevant local and foreign human rights organizations, no significant changes in this area were noted in the country, compared to 2022.

Albania is a party to the key international human rights treaties.

Drawing on the relevant international legal instruments, the Government is announcing steps to create more opportunities for legal protection of its citizens and developing relevant plans and programmes in cooperation with national and international NGOs. Technically, Tirana is also required to ensure respect for human rights by the European Union, which has set five main priorities for it on its way to membership.

In effect, however, the attempts by the Albanian leadership to reach human rights standards have so far yielded no tangible results, with the human rights record in Albania remaining rather poor on a number of issues.

According to competent international experts, topical and painful issues for Albania remain human trafficking, arbitrariness and disproportionate use of force by law enforcement agencies, prison conditions falling far short of human rights standards, discrimination against members of national minorities, and domestic violence,<sup>137</sup> use of hate speech, unsatisfactory media freedom situation, systemic problems in electoral process, blood feuds, double standards with regard to property rights, as well as issues related to organized criminal groups (OCGs) operating in the country, and violation of civil rights and freedoms.

Corruption, nepotism, imperfect legal framework and judicial system, lack of professionalism among judges and prosecutors, poor legal literacy of the population, high unemployment and poverty, which pushes the population, especially young people, to mass labour migration from outside the country, are considered to be the "breeding ground" supporting the existence of the above-mentioned problems.

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<sup>137</sup> <https://undocs.org/ru/A/HRC/42/4>

It was announced in 2022 that a strategic action plan to improve the human rights situation was finalized which focused on countering modern slavery and human trafficking. The project was developed by the Albanian Ombudsman with the support of UNICEF.

The European Commission's reports 2022<sup>138</sup> and 2023<sup>139</sup> noted some progress in Albania in the field of combating trafficking in human beings and organs.

However, despite efforts made at the national level over recent years, Albania is still recognized as a country of origin, transit and destination of trafficking in human beings<sup>140</sup> and fails to meet the minimum standards for detecting, prosecuting and preventing this type of crime

There are no witness protection, victim rehabilitation and assistance programmes in Albania. Western partners initiate and provide the Albanian Government with full support in the fight and preventive measures in this area. Albanian criminals remain strong though.

From time to time, information appears in open sources about newly revealed organized criminal groups specializing in human trafficking and operating both in Albania and abroad (Italy, Greece, Kosovo,<sup>141</sup> etc.). In 2022, the Prosecutor General's Office of Albania initiated 54 criminal cases involving 8 people as defendants.

In 2023, during the initiated investigations, national law enforcement authorities, in cooperation with NGOs, managed to identify 2 victims and 110 persons at risk of being trafficked, and prevented the intended crimes (70 per cent of them were female, 40 per cent of them minors; 50 per cent narrowly escaped sex work, 30 per cent – forced labour, and 20 per cent – other types of exploitation).<sup>142</sup>

<sup>138</sup> [https://neighbourhood-enlargement.ec.europa.eu/document/download/dde85556-8061-41f3-ba0c-5e921158bc53\\_en?filename=Albania%20Report%202022.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/dde85556-8061-41f3-ba0c-5e921158bc53_en?filename=Albania%20Report%202022.pdf)

<sup>139</sup> [https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b\\_en?filename=SWD\\_2023\\_690%20Albania%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/ea0a4b05-683f-4b9c-b7ff-4615a5fffd0b_en?filename=SWD_2023_690%20Albania%20report.pdf)

<sup>140</sup> [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_690%20Albania%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_690%20Albania%20report.pdf)

<sup>141</sup> Hereinafter, Kosovo is mentioned in accordance with the provisions of UN Security Council Resolution 1244.

<sup>142</sup> <https://www.zeriamerikes.com/a/7451811.html>

As regards trafficking in human organs, tissues and cells, there have been no cases detected by the police and made public over the past two or three years.

Despite the facts registered in the past in relevant international reports, the Albanian authorities strongly deny the existence of this phenomenon in country, especially the involvement of Albanian agencies and citizens in criminal activities in this field.

Recent attempts by the Albanian leadership to disavow accusations against the so-called Kosovo Liberation Army of its involvement in human organ trafficking, including through Albania's territory, have been ignored by the international community.

From time to time, reports appear in the media about "repatriation" of the bodies of Albanian citizens who died in crashes or accidents abroad, mainly in Europe, with their internal organs removed, which are most in demand on the "black market".

This was the case, for example, of an Albanian citizen, Saimir Sula, whose body was repatriated in May 2020 from Spain; a second post-mortem revealed that his heart was missing, so his relatives contacted the police for help.<sup>143</sup>

As has been mentioned above, Albania retains its negative image as a source and transit (and in some cases destination) country for sexual slavery and forced labour for men, women and children. The Committee on the Elimination of Racial Discrimination (CERD) has repeatedly pointed out that the primary risk groups include Roma minorities, children and socially vulnerable segments of the population.<sup>144</sup>

Competent international experts have given a positive assessment of the adoption of Law No. 76/2016 on addenda and amendments to the Constitution of Albania and a package of seven organic laws on the implementation of judicial reform, including improved accountability and monitoring mechanisms for the

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<sup>143</sup> <https://www.balkanweb.com/saimir-sula-humbi-jeten-ne-rrethana-misterioze-ne-spitalin-ne-barcelone-dhe-i-mungonte-zemra-gjonaj-i-kerkon-informacione-homologut-spanjoll/#gsc.tab=0>

<sup>144</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fALB%2fCO%2f9-12&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fALB%2fCO%2f9-12&Lang=ru)

judiciary. In addition, the country's Parliament approved a package of 23 laws covering all aspects of judicial reform.<sup>145</sup>

Blood feuds remain a long-standing and serious challenge. According to the Parliamentary Committee on Legal Affairs, Public Administration and Human Rights, some 10,000 people (120 families) are involved in this relic of the Middle Ages. Moreover, according to the Albanian police, Albania has 704 families affected by blood feuds.<sup>146</sup>

Although the Criminal Code of the Republic of Albania was amended in 2013, increasing the prison term for a person found guilty of a blood feud murder from 25 to 40 years, at this point neither the Ombudsman, nor religious leaders, nor the Coordinating Council for the Fight against Blood Feud are able to put an end to this phenomenon.

The international community and international non-governmental organizations are also concerned about this phenomenon, as numerous Albanians, including minors and often those who are not involved in blood feuds, citing this reason, seek refuge in Western Europe under the pretext of facing an impending vendetta.

In their reports, OSCE's and the Council of Europe's specialized human rights monitoring bodies point to repeated violations of prisoners' rights, including abuse of police authority, physical and psychological abuse by prison guards, and poor medical care.

Misconduct and racist behaviour by law enforcers is highlighted in the 2023 report of the European Union Agency for Fundamental Rights.<sup>147</sup> In that context, the European Court of Human Rights (ECtHR) ordered Albania to pay EUR 13,500 in non-pecuniary damages to three Romani applicants in a case of police ill-treatment.<sup>148</sup>

<sup>145</sup> <https://undocs.org/ru/A/HRC/42/4>

<sup>146</sup> <https://www.tiranatimes.com/?p=137517>

<sup>147</sup> The European Union Agency for Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>148</sup> ECtHR, *Balkasi and Others v. Albania*, App. No. 14800/18, final judgment 14 June 2022

Independent inspections revealed numerous cases of overcrowding in correctional labour institutions and unacceptable conditions of detention of persons with mental disorders.

Recent years have seen a worsening situation in the media space of the Republic of Albania. Albania ranks 96th among 180 states on the 2023 World Press Freedom Index by Reporters Without Borders.<sup>149</sup>

The reasons for this state of affairs include continued dominance of Albania's media space by a small number of business groups, frequently controlled in one way or another by the ruling party or the Government which own mainstream print and electronic media; security challenges faced by local journalists in their profession; attempts by the Government to discredit critical local press; low wages of media workers; and poor protection of journalists under Albania's Labour Code. Regardless of the political spectrum, there are a number of taboo, or rather forbidden topics for any media outlet, including, for example, independent coverage of Russia-related issues that goes beyond Western media patterns, and promotion of Russia's approaches to international agenda, especially in the SMO context.

The above-mentioned OSCE's and Council of Europe's bodies also constantly report lack of media freedom in Albania, and that media outlets are often state-run and biased.

Despite that the Government and management of printed periodicals and electronic resources, and of TV and radio companies keep talking in unison about complete independence of the media space, the environment of strong political biases and weak professional culture in the media has hardly changed over the last 20 years.

Albanian society launched in 2020 an active Government campaign aimed at adopting an "anti-defamation package" – amendments to Law on the Audiovisual Media Service, which, in particular, provides for the equation of online and official media, and introduce fines for publishing inaccurate information.

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<sup>149</sup> <https://rsf.org/en/index?fbclid=IwAR0gXm0METtAVsKugvDDbdFbJ4p3lEn2dKSPKqkaYwgHRQYBHn0zUhlGnJ0>

The scope of the amendments prompted dissatisfaction both within the country (Albania saw massive protests against changes in regulation) and on the part of supranational monitoring bodies.

The opinion of the Council of Europe's European Commission for Democracy through Law (Venice Commission of the Council of Europe), published on 19 June 2020, concluded that the proposed amendments required careful revision. As the experts noted, in their current form, they may have a deterrent effect on the freedom of expression, in particular on political issues, in the Albanian Internet sector.

Despite the intention stated by the authors of the draft law to extend its effect exclusively to the professional media exercising editorial control over their publications, the submitted text contained no clear instructions in this regard.

Thus, bloggers and users of social networks appeared to be also covered by the scope of the proposed amendments. At the same time, one of the prerequisites was deanonymization of online media resources, which, when it comes to individuals who are not professional journalists, conflicts with their right not to disclose their identity in the cyberspace.

In addition, the Venice Commission of the Council of Europe expressed doubts about the real extent of independence of the Albanian media regulator and the Complaints Committee, whose powers are expected to be significantly expanded with the adoption of new legislative provisions.

Finally, as experts with the monitoring body believe, the absence in the draft of any reference to the need to make fines proportionally correlate with the economic capacity of a particular media outlet, so that the imposition of sanctions provided for by the provisions in question does not lead to its ruin, is fraught with the growth of self-censorship to the detriment of democracy.<sup>150</sup> Due to such harsh criticism and rejection, the initiative was postponed.

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<sup>150</sup> Opinion of the European Commission for Democracy through Law on Draft Amendments to Law No 97/2013 on the Audiovisual Media Service. 19 June 2020  
[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2020\)013-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2020)013-e)



Albania continues to be at the forefront in combating discrimination on racial, national and religious grounds and is recognized as a very tolerant country.

Interfaith relations in the country remain generally harmonious. The vast majority of Albanians are moderate believers who treat each other with respect. Major religious holidays (Christmas, Easter – Catholic and Orthodox, Eid al-Adha, Eid al-Fitr and Nowruz) are official non-working days.

The number of mixed inter-ethnic and inter-religious marriages remains high. However, there is still a problem with the restitution of property of religious organizations seized during the communist regime of Enver Hoxha.

In 2022, the Ombudsman documented some 40 cases of violations related to non-compliance with procedures for compensating for expropriation of land for the construction of infrastructure.

Legalization of illegal construction and imperfect legislation in this field are still relevant challenges for Albania in the context of large-scale reconstruction of the road network and tourist infrastructure in coastal areas.

Expert estimates suggest that electoral rights of citizens and representation of women in power are generally observed in Albania.

There is roughly an equal ratio of men to women in state bodies and key institutions, although this often requires top-down decision-making.

The heads of OSCE/ODIHR, OSCE PA and PACE monitoring missions to the 14 May 2023 municipal elections, gave a moderately positive assessment of the electoral process, noting at the same time persisting systemic flaws, cases of vote-buying, unwillingness of the country's leadership to organize voting for Albanian citizens living abroad, and active use of budget funds and administrative resources by the authorities during the election campaign.

Notable was the detention, two days before the elections, for alleged vote-buying of Alfred Beleri, the ethnic Greek mayor-elect of Himare (won 50.12 per cent of votes). The Greek Prime Minister Kyriakos Mitsotakis reacted immediately, calling the accusations against Alfred Beleri far-fetched and stating

that he was not going to tolerate arbitrary treatment of the Greek minority in Albania.

Similar shortcomings in electoral process were noted during the 25 April 2021 parliamentary elections. The banning of coronavirus-infected citizens from participating in elections was recorded separately.

Despite the addenda and amendments to national legislation on combating domestic violence, in reality this problem remains unresolved – some 55 per cent of Albanian women face it.

In 2023, about 4,700 such cases were reported, most of which involved not only women but children as well.<sup>151</sup>

The number of "publicized" cases has risen by 21 per cent over the last five years.

Over 3,000 women and girls, having become victims of domestic violence which led to up to 18 deaths, were placed under the care of social services in 2022 (for comparison, over 3,200 women and girls affected by domestic violence received assistance from social services in 2019).

In 2018, some important amendments were made to Law on Punishment for Domestic Violence and Emergency Measures to Detect and Prevent this Phenomenon, to ensure gender equality.

In addition, on 30 June 2021, the Ministry of Health and Social Protection of the Republic of Albania developed and adopted the National Strategy for Gender Equality, a significant part of which is dedicated to family and domestic violence.

The percentage of Albanians applying for political asylum or refugee status remains traditionally high. By this indicator, the country ranks first in the Balkan region: in 2021, the number of applications exceeded 11,000 (the most frequent applications to EU countries were made by Albanians). However, over 90% of all applications were rejected.

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<sup>151</sup> <https://5pyetjet.al/2024/01/04/live-35-vrasje-dhe-4698-raste-dhune-ne-familje-per-vitin-2023/>

One of the most problematic aspects of the country's human rights record remains discrimination against members of national minorities with Roma being the most vulnerable group among them.

Many members of the community do not possess identity documents and are discriminated against in terms of access to employment, education, health care, housing and social assistance (including in the context of the COVID-19 pandemic).

Segregation in education was highlighted in the 2023 report of the EU Agency for Fundamental Human Rights.<sup>152</sup> In one such case, the European Court of Human Rights held that Albania had violated the general prohibition of discrimination in a school predominantly attended by Roma children. The ECtHR ordered the country to pay 4,500 euros to each applicant in compensation for non-pecuniary damage and to take measures to prevent further manifestations of segregation.<sup>153</sup>

The EU Agency for Fundamental Human Rights 2022 report noted that in late 2021, as part of the implementation of the EU Strategy on Roma up to 2023 (launched by the European Commission in October 2020<sup>154</sup>). Albania which stands as a candidate member of the organization, along with the latter's member states, has submitted a revised national strategy on Roma to the European Commission.<sup>155</sup>

The NGOs, Ombudsman, and the Ministry of Education, Sports, and Youth coordinate the work and implementation of the National Strategy for the Social Integration of Roma. However, the results of all the activities carried out are not visible.

Nevertheless, in the sixth report on Albania, published on 2 June 2020, the European Commission against Racism and Intolerance, which functions within the Council of Europe, stated more significant progress compared to the previous monitoring cycle. The establishment of a dialogue between the Ombudsman and the National Office for Protection against Various Forms of Discrimination was noted,

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<sup>152</sup> The European Union Agency for Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>153</sup> ECtHR, *Balkasi and Others v. Albania*, App. No. 14800/18, final judgment 14 June 2022

<sup>154</sup> European Commission (2020), *A union of equality: EU Roma strategic framework for equality, inclusion and participation*, COM(2020)620 final, Brussels. 7 October 2020

<sup>155</sup> The European Union Agency for Fundamental Rights Report 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

as well as improvements in the situation around inclusive education. At the same time, the practical implementation of the decisions taken and the interaction between governmental and non-governmental institutions and organizations on this topic remains a significant challenge.<sup>156</sup>

According to the Council of Europe Commissioner for Human Rights, access to justice for vulnerable groups remains difficult in Albania. A UNDP investigation, conducted in the country, revealed a high level of legal illiteracy among the population, especially Roma, and a lack of trust in the justice system. According to the investigation, many Roma, the poor, persons with low education, persons with disabilities, victims of domestic violence and children from residential institutions are victims of discrimination and experience financial hardship, which makes it impossible for them to receive services of better qualities. As a result, some abandon all attempts to resolve their legal issues.<sup>157</sup>

Despite the positive developments recorded by the UN in the development of legislation on stateless persons residing in the territory of Albania, there are still approximately 4,900 stateless persons or persons at risk of statelessness, many of whom are Roma, as well as their children or children born abroad who do not have birth registration.

Another group of persons at risk of statelessness are Albanian emigrants who travelled abroad and voluntarily renounced their citizenship and/or did not obtain citizenship of the country of destination.<sup>158</sup>

As a result of the revision of the Law on the Status of Citizen, the possibility of children obtaining stateless status was eliminated.

In 2018, the Law on the Protection of National Minorities in the Republic of Albania was amended. A 20% limit of the population living in the municipalities was finally fixed for the possibility of receiving school education in the mother tongue for the national minorities. The aforesaid legal act contains declarative

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<sup>156</sup> Report of the European Commission against Racism and Intolerance on Albania (6th monitoring cycle) adopted on 7 April 2020, published on 2 June 2020. <https://rm.coe.int/report-on-albania-6th-monitoring-cycle-/16809e8241>

<sup>157</sup> <https://rm.coe.int/report-on-the-visit-to-albania-from-21-to-25-may-2018-by-dunja-mijatov/16808d2e22>

<sup>158</sup> <https://rm.coe.int/report-on-the-visit-to-albania-from-21-to-25-may-2018-by-dunja-mijatov/16808d2e22>

provisions aimed at the protection, preservation and development of the cultural identity and languages of the national minorities. It defines the personal scope and rights of persons belonging to national minorities.

Despite this, there has been a lack of progress in terms of providing education in the languages or languages of national minorities. Schools teaching in Greek continue to operate in Gjirokastra, Saranda, Delvine and Korçe, while instruction in Macedonian is provided only in Korçe. Apart from the limited teaching of Romani language, instruction in other languages or other minority languages has never been introduced.

The fact that Albania has an ombudsman (people's lawyer) for the protection of human rights, including against various types of discrimination, can be viewed positively.

The report prepared following the visit to Albania of the Council of Europe Commissioner for Human Rights Dunja Mijatović focuses on the observance of children's rights. The document concludes that in recent years the situation around this issue has improved considerably, but it is necessary to continue the comprehensive amendment of legislation. The report also positively assesses the social reforms carried out in the country (including an increase in cash payments for socially disadvantaged groups – children and people with disabilities).<sup>159</sup>

The United Nations noted the prioritization of the rights of the child by the Government of Albania, in particular the adoption of a new National Plan on this issue for the period 2021-2026.

The UN Human Rights Council Working Group on the Universal Periodic Review (UPR) also noted a number of positive developments in this area, namely: the improvement of legislation to strengthen the system of protection of children from violence, abuse, exploitation and neglect; the adoption of the Code of Criminal Justice for Children, which aims to protect minors in conflict with the law; the development of a National Plan of Action for the Protection of Children from

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<sup>159</sup> <https://rm.coe.int/report-on-the-visit-to-albania-from-21-to-25-may-2018-by-dunja-mijatov/16808d2e22>

Economic Exploitation; and the adoption of the National Plan of Action for the Protection of Children from Economic Exploitation.<sup>160</sup>

As a whole, there were no attempts to glorify Nazism, Nazi figures and collaborators in the territory of Albania in 2023. There were no neo-Nazi marches and rallies in the country, no attempts to glorify Italian fascists and German Nazis, under whose occupation Albania was from April 1939 to the end of November 1944.

The country's authorities do not hinder the activities of anti-fascist veteran organizations. Local society in general shares Russian positions on the outcome of the Second World War, and the ideas of Nazism, fascism and neo-Nazism do not enjoy support among the population. At the same time, being a candidate for accession to the European Union, Albania actively follows the Western course.

While Albanians abstained from voting until December 2021, in December 2022 and 2023, together with the EU member states, Albania voted against the draft UN General Assembly resolution "Combating the glorification of Nazism, neo-Nazism and other practices that contribute to the escalation of contemporary forms of racism, racial discrimination, xenophobia and related intolerance", introduced annually by Russia and other co-sponsors.

The situation with the prevalence of far-right ideologies and discriminatory practices in Albania and discriminatory practices has not changed significantly in 2023.

The Albanian nationalist and anti-communist organization "Balli Kombetar" ("National Front", founded in 1939, currently has no representation in the Parliament), which first proclaimed the struggle against Italian and German troops, and then in 1943 switched to cooperation with the oppressors, continues to function in the country. Members of "Balli Kombetar" took part in the occupation of Greece and Yugoslavia by the Axis powers, particularly by serving in such German military units as the 21st SS Division Skanderbeg, the Luboten Battalion and the Kosovo Regiment.

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<sup>160</sup> <https://undocs.org/ru/A/HRC/42/4>

As such, glorification of "ballistas" has not been undertaken recently, but the circumstances under which the local residents joined the units of ballistas-nationalists during the years of war rather than communists have been presented to the Albanian public in sufficient detail.

Thus, in 2021-2022 in the Albanian press periodically appeared materials with an emphasis on explaining the ideology, which "Balli Kombetar" adhered to during the World War II and the reasons for disagreements with the Albanian communists, whose anti-fascist struggle was led by Enver Hoxha.

Although the problem of development of the ultra-right movement is not so acute in Albania today, the legal regulation does not allow eliminating it definitively. It does not outlaw racist organizations or criminalize participation in them. This has been pointed out, inter alia, by the UN Committee on the Elimination of Racial Discrimination.<sup>161</sup>

According to Article 18 of the Constitution of the Republic of Albania, the State prohibits discrimination on the grounds of gender, race, religion, nationality and other similar grounds. However, part 3 of this Article contains a reservation, according to which this prohibition is valid only "if there are no justified and objective reasons" for non-compliance.

The Criminal Code of Albania also contains a number of provisions against discrimination and intolerance. Thus, discrimination by officials on the basis of origin, sex, health, religious or political values, trade union activity or membership of a particular ethnic group, country or religion is criminalized. Under Article 253 of the Criminal Code, such acts were punishable by a fine or up to five years of imprisonment.

According to the 2022 report of the EU Agency for Fundamental Human Rights, a number of reports<sup>162</sup> published by Albanian public authorities in 2021 show an increase in hate speech in the Internet.<sup>163</sup>

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<sup>161</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fALB%2fCO%2f9-12&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fALB%2fCO%2f9-12&Lang=ru).

<sup>162</sup> Bogdani, M., Faloppa, F. and Karaj, X. (2021), Beyond definitions. A call for action against hate speech in Albania, Tirana, Council of Europe.

<sup>163</sup> The European Union Agency for Fundamental Rights Report 2022.

According to the same Agency for Fundamental Human Rights 2022 report, in the run-up to the 2021 national parliamentary elections in Albania, a code of conduct to prevent hate speech was developed by the Alliance Against Hate Speech in cooperation with the Central Election Commission.<sup>164</sup> All political parties participating in the elections have pledged to adhere to this document.<sup>165</sup>

Despite this, according to the NGO Amnesty International, women candidates faced hate speech during the March 2021 election campaign.<sup>166</sup>

The 2023 report by the EU Agency for Fundamental Human Rights<sup>167</sup> indicates that Albania has established a special national platform to record reports of hate crimes.<sup>168</sup>

With the launching of the Special Military Operation (SMO) by the Armed Forces of the Russian Federation to denazify and demilitarize Ukraine and protect the civilian population in Donbass in February 2022, Albania has witnessed a surge of Russophobia. Local authorities have fully aligned themselves with the collective West's assessments of Russia's actions, condemning Moscow's "unprovoked and unjustified aggression" and supporting the sanctions imposed.

Albania firmly supports all EU sanctions decisions against Russia and advocates anti-Russian positions in international organizations, including the UN. As a non-permanent member of the UN Security Council in 2022-2023, together with the United States, it was in charge of the "Ukrainian dossier".

The manifestations of Russophobia in the country also include numerous anti-Russian mass media materials and individual cases of "harassment" of compatriots in the Internet.

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[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf).

<sup>164</sup> The European Union Agency for Fundamental Rights Report 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf).

<sup>165</sup> Albania, 'Kodi i Sjelljes së Partive Politike në Shqipëri', 12 April 2021

<sup>166</sup> [https://civic-nation.org/albania/society/hate\\_crime\\_violence\\_and\\_terrorist\\_attacks/attacks/](https://civic-nation.org/albania/society/hate_crime_violence_and_terrorist_attacks/attacks/).

<sup>167</sup> The European Union Agency for Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>168</sup> See iSIGURT.al (n.d.), "Albania: Protection from crimes and hate speech" ("Shqipëria: Mbrojtja nga krimet dhe gjuha e urrejtjes").



At the same time, the official Tirana has so far refrained from adopting any legislative or legal acts aimed at restricting the rights of Russian or Russian-speaking residents of the country and citizens of Russia.

Meanwhile, the Albanian authorities demonstrate full support for the activities of the Ukrainian Embassy, which, with the participation of representatives of the Ukrainian diaspora, organized a number of anti-Russian actions and rallies in front of the Russian diplomatic mission in 2022. Students of Tirana State University also took part in such events, and it is known that the campaigning among them was carried out, including by Ukrainian teachers. All these events received a wide coverage in the Albanian media.

In 2023, the Embassy of the Russian Federation did not receive any reports about violation of the rights of compatriots and Russian citizens in this country.

The Republic of Albania is a rather conservative country relying on traditional family values, therefore the LGBT movement and issues promoted by representatives of sex minorities do not find wide support here. There is no legal persecution of LGBT persons in Albania. Adoption of children by persons of the same gender is prohibited. Local legislation also does not provide for the right of parents to decide on their own to change the gender of their child at an early age.

Albanian citizens often have to address international judicial institutions to protect their rights. In particular, in 2023, the European Court of Human Rights had about 390 cases pending before it for violation of the right to a fair trial, respect for private and family life, non-enforcement of court decisions, lack of effective investigation, etc.<sup>169</sup>

In general, the country's government, guided by the recommendations of international specialized organizations, is trying to take further steps to expand opportunities for legal protection of the population, and is developing relevant plans and programs. The USA, EU, European international non-governmental organizations, embassies of Western countries continue to play a key role in

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<sup>169</sup> [https://www.echr.coe.int/documents/d/echr/Facts\\_Figures\\_Albania\\_ENG](https://www.echr.coe.int/documents/d/echr/Facts_Figures_Albania_ENG)

providing support to it, the "effectiveness" of which is apparently too early to speak about.

## Belgium

Although Belgium is a party to major international human rights treaties and the promotion of the relevant high standards is declared as one of its key domestic and foreign policy priorities, violations of the universally recognized rights and freedoms are reported there on a regular basis.

The State features several official human rights bodies with different mandates, including the Inter-Federal Center for Equal Opportunities (Unia). At the same time, in 2019, a law was adopted to create the Federal Institute for the Protection and Promotion of Human Rights. In this regard, international monitoring bodies are concerned about coordination between the new institution and the existing ones.<sup>170</sup> Thus, the Human Rights Committee (HRCttee) noted the lack of progress in improving and promoting cooperation between the Federal Institute for the Protection and Promotion of Human Rights and regional institutions.<sup>171</sup>

According to the Centre's 2022 report, Unia received 7,310 reports of alleged discrimination, hate speech or hate-motivated acts (10,610 in 2021, 9,466 in 2020). Unia opened 1,887 individual cases after examining the reports (2,379 in 2021). Most of them had to do with discrimination at work and labour market – 532 cases; purchase of goods and use of services – 528; education – 275; public life – 260.

There is a slight decrease in the number of racism-related cases: 735 in 2022 (897 in 2021, 956 in 2020). Disability (543 cases in 2022, 538 in 2021, 519 in 2020), health condition (181 cases in 2022, 391 in 2021, 162 in 2020), religious or

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<sup>170</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Belgium. December 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru)

Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Belgium. March 2020.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru)

Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>171</sup> Human Rights Committee. Report on actions taken following the concluding observations on Belgium. 21 November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F139%2F2%2FAdd.1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2F139%2F2%2FAdd.1&Lang=en)

other beliefs (150 cases in 2022, 243 in 2021, 261 in 2020) are also among the most frequent grounds for discrimination.<sup>172</sup>

In addition, on the initiative of the Federal Center, the project "Improving the Quality of Data Collection on Equality in Belgium" was launched, whereby scattered and previously unstructured data on discrimination are collected in one place and categorized according to the characteristics that underlie unequal treatment.<sup>173</sup>

In 2023, Flanders terminated its participation in Unia. The body will not have competencies to assist those suffered from discrimination in the areas of regional responsibility of that body. The Flemish Government has decided to establish its own anti-discrimination institute on its territory. According to experts, this will make the national system for the promotion and protection of human rights even more complex.<sup>174</sup>

The Flemish authorities also continue to oppose ratification of the Framework Convention for the Protection of National Minorities.<sup>175</sup> Belgium has not signed the European Charter for Regional or Minority Languages. At the same time, the situation in this sphere is far from cloudless. For example, the NGO "Association for the Support of Francophonie in Flanders" points out that the rights of the Walloons living in the north of the country are being infringed. In particular, they have limited access to social housing; francophone cultural associations are unable to apply for funding from the region, and in the vast majority of communes documentation at the local government level is only in Dutch, which contravenes constitutional provisions on linguistic freedom.

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<sup>172</sup> Unia. Report in figures. 2022.

[https://www.unia.be/files/Documenten/Publicaties\\_docs/Unia\\_comme\\_organisme\\_de\\_promotion\\_de\\_l%C3%A9galit%C3%A9\\_\(Unia\\_-\\_Rapport\\_annuel\\_2022\).pdf](https://www.unia.be/files/Documenten/Publicaties_docs/Unia_comme_organisme_de_promotion_de_l%C3%A9galit%C3%A9_(Unia_-_Rapport_annuel_2022).pdf)

Unia. Report in figures. 2021.

[https://www.unia.be/files/Documenten/Publicaties\\_docs/Rapport\\_chiffres\\_2021\\_Unia\\_FR\\_def.pdf](https://www.unia.be/files/Documenten/Publicaties_docs/Rapport_chiffres_2021_Unia_FR_def.pdf)

<sup>173</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>174</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>175</sup> Signed by Belgium in 2001.

For its part, the European Commission against Racism and Intolerance (ECRI), operating within the Council of Europe, criticized the absence of an independent body with competence to deal with discrimination on linguistic grounds, despite the fact that its establishment was provided for by law.<sup>176</sup>

The EU Agency for Fundamental Rights (FRA) 2022 report cites the results of a study conducted in Antwerp to investigate the level of discriminatory attitudes among local employers. As part of it, 2,880 job applications were sent to employers in response to 1,440 vacancy announcements. It was found that candidates whose names are of non-Flemish origin are 17 per cent less likely to get the desired position than those with "Flemish-sounding names".<sup>177</sup>

In January 2023, the Flemish Minister of Education Ben Weyts proposed that allowances and subsidies be withdrawn from parents whose children do not speak enough Dutch in elementary school. In September 2023, he proposed a ban on speaking languages other than Dutch at recess and during lessons in Flemish schools, with the exception of foreign language lessons. In this connection, one cannot help but draw parallels with Ukraine, where around the same time the local Commissioner for the Protection of the State Language Taras Kremin, demanded that even during breaks Ukrainian schoolchildren and teachers communicate only in the state language.

In July 2022, the Belgian Government approved a national action plan to combat racism in accordance with the decisions of the World Conference against Racism in Durban (South Africa) in 2001. The document includes 70 measures aimed at combating racial discrimination in employment, service delivery, public administration, asylum, migration, justice, law enforcement and other areas.

However, in May 2021, the Belgian authorities rejected the recommendation of the Universal Periodic Review of the UN Human Rights Council to enshrine an explicit prohibition of racial profiling in national legislation.

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<sup>176</sup> Report of the European Commission against Racism and Intolerance on Belgium (6th monitoring cycle). Adopted on 12 December 2019. Published on 18 March 2020.

<https://rm.coe.int/ecri-sixth-report-on-belgium-/16809ce9f0>

<sup>177</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

At the same time, the existence of this problem was repeatedly confirmed by sociological research. In particular, in June 2019 scientists from the Antwerp University published data, according to which young people with an ethnic minority background are three times more likely to be stopped by the police than other citizens. The study concludes that this practice undermines trust in law enforcement among this population group.<sup>178</sup>

The Committee on the Elimination of Racial Discrimination (CERD) was also concerned about the risk of abuse that might arise in practice as a result of the loose interpretation of the term "reasonable grounds" used in the Police Act regarding the right of police officers to check identity documents.<sup>179</sup>

In addition, Belgian law still did not contain provisions on the criminalization of any organization that incites racial discrimination. Nor is there any provision for banning "freedom-destroying" parties or de facto organizations that promote racial discrimination.<sup>180</sup>

One of the most acute and persistent problems of the Belgian justice system is the emergency mode of operation of penitentiary institutions. The reasons for the explosive growth of prisoners in recent years have been the upsurge in drug-related crime and the abandonment by the Belgian authorities of the previously dominant practice of actual release from serving the sentence for persons sentenced to terms of less than three years.

The main criticism of independent experts is aimed at prison overcrowding. According to statistics published annually by the Council of Europe, Belgium regularly takes place among the countries with the highest prison occupancy rates in Western Europe. As of 31 January 2022, there were more than 115 prisoners per 100 beds (third highest among Council of Europe member states). Moreover, 51 per cent

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<sup>178</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2020.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>179</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>180</sup> Ibid.

of Belgian prisoners are convicted of drug trafficking offenses (Belgium ranks first among Council of Europe member states on this indicator).<sup>181</sup>

According to a report by the Central Prison Supervision Board, Belgium officially has conditions for placing only 10,700 prisoners. As of 15 February 2023, Belgian prisons are 167 per cent overcrowded in Antwerp and Ghent, and 126 per cent overcrowded in Liège, Namur and Mons. As of 31 January 2024, Belgian prisons have reached a critical number of 12,021 inmates<sup>182</sup> against a prison capacity of 10,700. In Bruges, the permissible threshold for filling the cells has been exceeded twice. Antwerp holds 678 men and 61 women, with a prison capacity of 365 places for men and 48 places for women. In January 2024, the prosecutor of this city notified that the administration of the local jail was refusing to accept new inmates.

The president of the Brussels tribunal, J.-F. Funk said that "the situation has deteriorated considerably in recent years": increase in the number of prisoners, dilapidated buildings, failure to meet minimum hygiene standards. According to the head of the prison in Mons, V. Spronk, "ceilings are collapsing, 60 per cent of cells are infested with bedbugs, overcrowding does not allow the sewage system to work properly." In a prison in Merksplas (Antwerp province) inmates suffocating from the summer heat broke dozens of windows.

In May 2021, in addition to the explicit prohibition of racial profiling, the Belgian Government, in the framework of the HRC's Universal Periodic Review process, rejected recommendations to take measures to prevent overcrowding in prisons.

The November 2022 opinion of the European Committee for the Prevention of Torture (CPT), which operates within the Council of Europe, points to the "persistent problem" of violence among prisoners, lack of staff,

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<sup>181</sup> Annual Report on Criminal Statistics of the Council of Europe (SPACE I). June 2023. [https://wp.unil.ch/space/files/2023/06/230626\\_Key-Findings-SPACE-I\\_Prisons-and-Prisoners-in-Europe-2022.pdf](https://wp.unil.ch/space/files/2023/06/230626_Key-Findings-SPACE-I_Prisons-and-Prisoners-in-Europe-2022.pdf)

<sup>182</sup> Surpopulation carcérale: des détenus refusés en prison par les syndicats. Le Soir. 31 January 2024. <http://www.lesoir.be/565010/article/2024-01-31/surpopulation-carcerale-des-detenus-refuses-en-prison-par-les-syndicats>

shortcomings in medical care and lack of organized activities for prisoners. The paper emphasizes the need to take measures to reduce the prison population.<sup>183</sup>

In October 2023, the Council of Europe once again called on the Belgian government to take urgent action to combat prison overcrowding.

Despite court orders to eliminate the problem of institutional overcrowding (court order in Liège in November 2022, similar procedure initiated in Mons in 2023) the situation is not changing. All of this has led to protests by personnel of the penal enforcement system (PES). Thus, on 12 January 2024, a strike of PES personnel took place, demanding to change the conditions of their work and detention of prisoners.<sup>184</sup> On 4-6 February 2024, a strike took place in Flemish prisons.<sup>185</sup> The strike is called because of overcrowding and "escalating attacks": tension builds more quickly among prisoners who find themselves "crammed" into small spaces.

Strikes by prison workers demanding better working conditions are a frequent occurrence in the Kingdom. At the same time, international monitoring structures do not cease to draw the attention of the authorities to the fact that such strikes by staff have the most negative impact on the situation of prisoners. In addition, studies have shown that a large proportion of prison staff suffers from chronic illnesses, including nervous disorders and, as a result, are overweight due to constant stress.

There has been an increase in violence and suicides resulting from the placement in regular cells of inmates who are drug dependent or showing signs of severe nervousness.

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<sup>183</sup> The Council of Europe anti-torture Committee publishes the report on its visit to prisons in Belgium. 29 November 2022.

<https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-publishes-the-report-on-its-visit-to-prisons-in-belgium>

Executive summary: <https://rm.coe.int/1680a93174>

<sup>184</sup> 12.000 détenus en Belgique, triste record pour le pays. Le Soir. 10 January 2024.

<https://www.lesoir.be/560503/article/2024-01-10/12000-detenus-en-belgique-triste-record-pour-le-pays>

<sup>185</sup> La situation est vraiment dramatique : la grève dans les prisons flamandes s'étend de plus en plus. La Libre. 6 February 2024.

<https://www.lalibre.be/regions/flandre/2024/02/06/la-situation-est-vraiment-dramatique-la- greve-dans-les-prisons-flamandes-setend-de-plus-en-plus-UFHRD3K2ZFDNPP7XM546KU7AVE/?outputType=amp>



The NGO "League for Human Rights" (LHR), in its annual review,<sup>186</sup> expressed concern about the government's attempts to limit the powers of the independent Central Board of Prison Supervision and the Vigilance Commission, which are mandated to review claims against PES. The bill promoted by the Belgian Ministry of Justice aimed at amending the Law on Principles of 2 January 2005 is also criticized; among other things, it limits the powers of the Central Prison Supervisory Board and reforms the right of prisoners to lodge complaints (this right is to be denied to persons with mental disabilities and those placed in punitive isolation cells).

International experts in their reports have repeatedly drawn the attention of the official authorities of the country to the insufficient application of alternative sanctions to deprivation of liberty. The federal government has made unsuccessful attempts since the early 2000s to reduce the prison population to 10,000. Efforts to reduce this indicator were carried out through the prevention of offenses and the imposition of more lenient sentences for crimes of minor gravity (replacing imprisonment with either house arrest with mandatory wearing of an electronic bracelet or correctional work).

Significant violations of prisoners' rights have been reported in the media. Belgium has signed but not yet ratified the Optional Protocol to the Convention against Torture on the establishment of an independent body to monitor conditions in places of detention. The existing control over places of deprivation of liberty in Belgium is described by human rights organizations as unreliable and unprofessional.

Another important problem in the Belgian penitentiary system is the country's ban on the carrying of firearms by prison staff. The only equipment allowed to officers is batons, and less frequently tasers and walkie-talkies. There is special equipment in case of a prison riot, consisting of a protective suit and a shield. As a general rule, in the event of an emergency, prison

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<sup>186</sup> Ligue des droits humains. L'État des droits humains en Belgique. 2023. <https://www.liguedh.be/etat-des-droits-humains-en-belgique-rapport-2023/#:~:text=L'ann%C3%A9e%202023%20sera%20marqu%C3%A9e,qui%20mobilisera%20NG%20et%20syndicats>

staff is instructed to block all exits from the prison and wait for armed police to arrive. This results in less secure correctional facilities and increases the chances of inmates escaping. An illustrative case was recorded in a prison near Ostend, where the accomplices of one of the convicts hired a helicopter from a private firm, flew it into the prison and picked him up directly from the exercise yard. The guards, in the absence of any defences, were unable to do anything about it.

Prisoners are not provided with adequate medical care. The medical staff assigned to the special facilities belongs to the Ministry of Justice, not the Ministry of Health, which is not conducive to impartiality in diagnosis and treatment. Volunteer organizations trying to help manage hepatitis and tuberculosis patients are forced to curtail activities due to unbearable conditions. A few minutes are often allotted to see a patient (there are cases of 80 people being admitted in 120 minutes).<sup>187</sup> The organization Réseau Hepatite C-Bruxelles<sup>188</sup> gives the example of a 50-year-old man with hepatitis C who was only able to start treatment eleven months after his incarceration.

A string of suspicious deaths occurred in 2023: a 46-year-old Belgian woman of Tunisian origin, Souroor Abouda, died in a Brussels prison, two people died in the Merxplas detention center near Antwerp, and another victim in the cell block of the capital's Palais de Justice.<sup>189</sup>

A report by the NGO League for Human Rights<sup>190</sup> mentions a critical accumulation of failures in Belgium's well-established system of responding to public challenges, the "cornerstone" of which is considered to be an independent judiciary. It is noted that court decisions are increasingly being sabotaged by officials. The relevant requests for access to internal documents of

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<sup>187</sup> Ligue des droits humains. L'État des droits humains en Belgique. 2023.

<https://www.liguedh.be/etat-des-droits-humains-en-belgique-rapport-2023/#:~:text=L'ann%C3%A9e%202023%20sera%20marqu%C3%A9e,qui%20mobilisera%20NG%20et%20syndicats>

<sup>188</sup> 12.000 détenus en Belgique, triste record pour le pays. Le Soir. 10 January 2024.

<https://www.lesoir.be/560503/article/2024-01-10/12000-detenus-en-belgique-triste-record-pour-le-pays>

<sup>189</sup> Baromètre des droits humains : la politique de la Vivaldi en matière d'accueil jugée inexcusable. Le Soir. 24 January 2024.

<https://www.lesoir.be/563574/article/2024-01-24/barometre-des-droits-humains-la-politique-de-la-vivaldi-en-matiere-daccueil>

<sup>190</sup> Ligue des droits humains. L'État des droits humains en Belgique. 2023.

<https://www.liguedh.be/etat-des-droits-humains-en-belgique-rapport-2023/#:~:text=L'ann%C3%A9e%202023%20sera%20marqu%C3%A9e,qui%20mobilisera%20NG%20et%20syndicats>

<https://www.liguedh.be/etat-des-droits-humains-en-belgique-rapport-2023/#:~:text=L'ann%C3%A9e%202023%20sera%20marqu%C3%A9e,qui%20mobilisera%20NG%20et%20syndicats>

executive authorities are denied under various pretexts, contrary to the requirements of the law.

On 18 July 2023, the European Court of Human Rights condemned Belgium for violating Article 6 (right to a fair trial) of the European Convention on Human Rights and noted Belgium's "flagrant refusal to comply with the judge's instructions."

The effects of the migration crisis are being felt acutely in the country. The main complaint of human rights defenders against the Belgian authorities in this area is the inadequate conditions of detention of asylum seekers, illegal migrants and their family members. The number of displaced persons in the post-Covid period has increased dramatically, reaching 36,871 applications in 2022 and 35,507 in 2023.

Thousands of asylum seekers stay in a grey area for years without receiving an official response to their applications.<sup>191</sup> Most are denied proper accommodation in temporary accommodation centers (TACs), forcing them to join the ranks of the homeless. Court orders to remedy violations and pay compensations are ignored. Belgium's Secretary of State for Asylum and Migration Policy Nicole de Moor said she was not going to enforce the decision of the Council of State (the highest court of justice) to overturn her order not to admit single men to reception centers.

In the published letter dated 21 December 2022<sup>192</sup> from the Council of Europe Commissioner for Human Rights to the Belgian Secretary of State for Asylum and Migration Policy, Nicole de Moor expresses concern about the situation of persons seeking international protection in this country. The letter notes a lack of affordable housing in reception facilities, as well as delays in the registration and processing of asylum applications, which seriously affects the rights of the individual asylum-seeker, including their right to health and access to housing and other basic needs. The appeal notes that the Belgian government's measures to open additional

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<sup>191</sup> Ibid.

<sup>192</sup> La Commissaire demande à la Belgique de garantir l'hébergement et une assistance matérielle aux demandeurs d'asile. 21 December 2022.  
<https://www.coe.int/fr/web/commissioner/-/a-commissaire-demande-à-la-belgique-de-garantir-l-hébergement-et-une-assistance-matérielle-%20auxdemandeurs-d-asile>

reception centers and increase competent staff are insufficient to correct a complex and widespread problem.

Extremely long periods of stay in the country without the possibility to legalize their situation push migrants to desperate actions. In 2021, about 450 people, some of whom have been unable to obtain official documents in Belgium for more than 10 years, camped out in a church in the center of Brussels, went on hunger strike.<sup>193</sup> Some migrants sewed their mouths shut, others attempted suicide. Under public pressure, the authorities announced that document requests would be expedited for "humanitarian reasons" and "medical reasons".

Cases of minors being placed in closed centers by the Belgian authorities are known. The fact that unaccompanied children are placed in centers for adult asylum seekers was pointed out by the Committee on the Rights of the Child (CRC) in January 2019.<sup>194</sup>

Following two individual complaints in 2022, the CRC found that Belgium had violated Article 37 of the Convention on the Rights of the Child by detaining migrant children prior to their removal. These cases involved children born in Belgium who were detained with their families and held in a closed detention center for long periods of time.<sup>195</sup>

The Committee also noted that in Belgium, there are widespread cases of disappearance of unaccompanied children in transit through the country.

The Belgian government's unsatisfactory migration policy has been the subject of harsh criticism at the national level as well. In December 2022, deputies and supporters of the opposition party Les Engagés held a rally in front of

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<sup>193</sup> Migrants staged a mass hunger strike in the center of Brussels. RIA Novosti. 20 July 2021. <https://ria.ru/20210720/golodovka-1742117231.html>

<sup>194</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Belgium. February 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fCO%2f5-6&Lang=ru)

<sup>195</sup> CRC/C/89/D/73/2019. Committee on the Rights of the Child. 22 March 2022. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/89/D/73/2019&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/89/D/73/2019&Lang=en)  
CRC/C/89/D/55/2018. Committee on the Rights of the Child. 24 March 2022. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/89/D/55/2018&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/89/D/55/2018&Lang=en)

the headquarters of the ruling Open VLD party: they stayed outside all night, having previously pitched a tent like migrants.<sup>196</sup> The reason for this was the lack of progress in solving the issue of accommodation of asylum seekers (and their number, according to various estimates, is from 2,000 to 3,000), while the temperature outside dropped below zero. The number of children among those for whom there was not enough warm shelter was at least 21, according to "Anadolu Agency".

Along with the clandestine business of illegal transportation of migrants from the Middle East and North Africa to Europe, transit channels through Ukraine are being established. It was noted that of all asylum-seekers claiming to be from Ukraine, one in three had nothing to do with Ukraine.

On 25 February 2021, the Belgian Constitutional Court recognized the practice of systematic detention of applicants for international protection as a necessary measure serving the purpose of border control. Meanwhile, the latter was criticized by the Committee on Economic, Social and Cultural Rights (CESCR) in March 2020. The Committee noted with particular concern the return to the practice of imprisonment of migrant families, pregnant women and children.<sup>197</sup>

For those who are in the country without proper legal justification and who have suffered as a result of a criminal offense, going to the police station to file a complaint risks ending in arrest. This state of affairs is contrary to the principle of prohibiting the criminalization of victims of crime. The Committee on the Elimination of Discrimination against Women noted in November 2022 that fear of being expelled from the country is a factor that hinders access to justice for victims of violence. Moreover, the risk of deportation also negatively affects the enjoyment of basic rights such as the right to education, access to health care and housing. Even to receive urgent

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<sup>196</sup> Les Engagés plantent leur tente devant le siège de l'Open Vld. RTBF. 18 December 2022.

<https://www.rtb.be/article/les-engages-plantent-leur-tente-devant-le-siege-de-lopen-vld-11125377>

<sup>197</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Belgium. March 2020.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru)

medical care, irregular migrants must go through many complicated and costly bureaucratic procedures.

In 2022, ECRI experts found that the Belgian government had not taken any action to implement the Commission's recommendation of 2019 to abolish the requirement for providers of services, both private and public, to report their suspicions regarding a person's presumed illegal residence status to the authorities responsible for migration control.<sup>198</sup>

In July 2021, the Committee against Torture (CAT) noted with concern the vagueness of provisions in Belgian law concerning the possibility of refusing refugee status or subsidiary protection if the person requesting it poses a threat to national security.<sup>199</sup>

The "punitive" measures of the authorities against persons sympathetic to migrants or refugees are of concern. For example, two journalists, a social worker and another person were tried for providing asylum or otherwise supporting migrants.

CERD referred to reports of an excessive number of foreigners in Belgian prisons. However, there is no reliable data on their civil or ethnic origin, particularly in relation to the length of their imprisonment.<sup>200</sup>

In ECRI's view, the integration policy of the Belgian authorities also remains incomplete. By focusing on the acquisition by migrants of certain skills, in particular language skills, and familiarization with the way of life of the host State's society, it does not encourage the development of cultural diversity among the population at large, nor does it seek to overcome existing discriminatory practices against migrants.

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<sup>198</sup> Conclusions of the European Commission against Racism and Intolerance on the implementation of the recommendations in respect of Belgium subject to interim follow-up. Adopted on 29 June 2022. Published on 20 September 2022.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a807d0>

<sup>199</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Belgium. July 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FBEL%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FBEL%2FCO%2F4&Lang=en)

<sup>200</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

In the area of the right to liberty and security of person, CERD criticized the persistence of the practice of trafficking in persons and the marked increase in recent years in the number of cases closed without referral to prosecution. However, there is a lack of both financial and human resources to effectively combat this phenomenon, including for case identification and victim protection.<sup>201</sup>

In July 2022, the scandalous case of the forced labor of 55 people, mostly Filipinos and Bangladeshis, during the construction of the Borealis factory in Antwerp received widespread coverage in the Belgian press.<sup>202</sup>

Cases of abuse of authority and use of excessive force by law enforcement officials, including in dispersing demonstrations and protests, are not uncommon. It is noted that law enforcement officials often try to conceal such incidents by drawing up protocols on disobedience to lawful demands of the police in respect of the victims. Thus, law enforcement forces used special means, including water cannons and tear gas, against participants in rallies against coronavirus restrictions.<sup>203</sup> According to local media reports, during the unrest, a demonstrator lost consciousness after being hit by a water cannon truck.<sup>204</sup>

In June 2022, the European Court of Human Rights issued a judgment condemning Belgium for failing to respect the right to a fair trial for C. Boutaffala, victim of police violence.

On 5 September 2023, Mathis, a black nine-year-old child, was injured at school by police excesses. The boy reacted violently to racially motivated insults from a classmate. The three teachers present on the playground did not intervene to punish the other child, causing Mathis to throw a tantrum. Police

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<sup>201</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>202</sup> Human trafficking: Borealis knew about worker exploitation since May. The Brussels Times. 27 July 2022.  
<https://www.brusselstimes.com/262596/human-trafficking-borealis-knew-about-worker-exploitation-since-may>

<sup>203</sup> Report of the Ministry of Foreign Affairs of the Republic of Belarus. "The most resonant cases of human rights violations in some countries around the world 2022".  
[https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

<sup>204</sup> And in the morning they'll tell us. Rossiyskaya Gazeta. 31 January 2021.  
<https://rg.ru/2021/01/31/v-briussele-na-nesankcionirovannom-mitinge-zaderzhali-200-chelovek.html>

were called to the scene of the children's altercation. To calm the boy, the agent placed him on the ground face down, crossed the child's arms behind his back, holding a "block" with a knee to his back, such that the schoolboy was having trouble breathing. Mathis' mother's complaints against school officials and the actions of law enforcement were dismissed.<sup>205</sup>

There was a discrepancy between the number of complaints of ill-treatment by police officers filed with the Standing Committee on Oversight of Police Services and the number of judicial investigations, convictions and disciplinary sanctions imposed by the Investigative Service for such acts. In addition, the degree of independence of the Standing Committee is questionable for the experts.<sup>206</sup>

The arrest of a Congolese migrant woman in Liège in March 2021 sparked another wave of public discontent and resulted in a demonstration in defense of persons of African descent under the slogan "Black Lives Matter". The woman accused the police of racism and violence. A spontaneous protest that began peacefully ended in clashes with the police.<sup>207</sup>

Earlier that year, in January 2021, a similar situation took place in Brussels, where riots broke out after a 23-year-old man of Guinean origin was killed in a police station. He was arrested after he refused to produce documents to the police and attempted to flee. At the station, he felt unwell, lost consciousness and died.<sup>208</sup>

On 11-12 April 2020, mass demonstrations also took place in Andrélecht, migrant neighbourhood of Brussels. The riot was provoked by the death of a young man killed in a collision with a car while trying to escape from a police patrol. Clashes with the police ended with the use of water cannons and mass arrests.

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<sup>205</sup> Ligue des droits humains. L'État des droits humains en Belgique 2023.

<https://www.liguedh.be/etat-des-droits-humains-en-belgique-rapport-2023/#:~:text=L'ann%C3%A9e%202023%20sera%20marqu%C3%A9e,qui%20mobilisera%2000NG%20et%20syndicats>

<sup>206</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Belgium.

December 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru)

<sup>207</sup> Sound and Fury in Liège. Rossiyskaya Gazeta. 14 March 2021.

<https://rg.ru/2021/03/14/v-lezhe-demonstraciia-v-zashchitu-prav-temnokozhih-vylilas-v-pogromy.html>

<sup>208</sup> In the Belgian capital, protesters set fire to a police station. Rossiyskaya Gazeta. 14 January 2021.

<https://rg.ru/2021/01/14/v-stolice-belgii-protestuiushchie-podozhgli-policejskij-uchastok.html>



In 2021, CERD expressed concern about reported cases of migrants, asylum-seekers and persons belonging to ethnic minorities being killed by law enforcement officials.<sup>209</sup>

It is noteworthy that cases of racially motivated police violence were investigated in isolation. There is no single coherent and systematic approach to eradicating this problem, which, according to CERD experts, may indicate the existence of structural discrimination in Belgium.<sup>210</sup>

In the wake of the Black Lives Matter movement, a special parliamentary commission on the colonial past was established in Belgium in 2020. In December 2022, after two and a half years of studying how the metropolis treated its three colonies (the current Democratic Republic of Congo, Rwanda and Burundi) and making 128 recommendations to the Chamber of Deputies, the experts were forced to stop work. The reason for the failure was the lack of consensus on the language expressing the attitude of official Belgium towards its own actions in the past: While the Socialists and environmentalists believed that Brussels should "apologize" for them, the Liberals advocated expressing "deepest regret", following the example of King Philippe of Belgium. In the absence of agreement on this issue, the outcome of the commission's work was never put to a vote and the recommendations made were not presented to Parliament.<sup>211</sup>

People of African descent are subject to racial discrimination in employment, education, and housing. In particular, high rate of unemployment and employment in lower-status jobs is noted among them. Dark-skinned people are also

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<sup>209</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>210</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>211</sup> La Belgique échoue à présenter des «excuses» pour son passé colonial. Le Temps. 19 December 2022.  
<https://www.letemps.ch/monde/belgique-echoue-presenter-excuses-passe-colonial>

underrepresented in administration, the media, cultural settings, the scientific community and academia.<sup>212</sup>

There is a trend towards deterioration of relations between various ethnic and religious groups of the Belgian population. The vigorous debates over wearing headscarves in Belgian society are a visual illustration of the existing tensions. The decision to ban them altogether in institutions of higher education was overturned by the Council of State, which ruled that such a measure should be applied selectively and that it should be justified by the specifics of the institution itself. However, according to ECRI, there were no practical consequences of the verdict: higher education institutions (whether they are official, independent, subsidized, religious or non-religious) continue to have internal regulations prohibiting the wearing of religious symbols.

In their most recent report, experts of the Commission recommended to the authorities to ensure that decisions taken by schools and higher education establishments regarding the prohibition on wearing religious symbols or clothing respect the principle of lawfulness and are taken on a non-discriminatory basis.<sup>213</sup>

In its turn, the HRCtee subjected to criticism the legislation on wearing full veils in public places. The fact that it imposed sanctions in the form of a fine or imprisonment constituted a disproportionate infringement on the freedom to manifest one's religion or belief. The Committee is also concerned about the prohibition on wearing religious symbols at work, in certain public bodies and by teachers and students at public schools, which could result in discrimination and marginalization of certain persons belonging to religious minorities.<sup>214</sup>

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<sup>212</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>213</sup> Report of the European Commission against Racism and Intolerance on Belgium (6th monitoring cycle). Adopted on 12 December 2019. Published on 18 March 2020.  
<https://rm.coe.int/ecri-sixth-report-on-belgium-/16809ce9f0>

<sup>214</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Belgium. December 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru)

There has been an increase in the number of manifestations of anti-Semitism. Most cases are reported in Brussels and Antwerp. Among them, insults against Jews in public places, acts of vandalism (hanging swastikas, nationalist stickers on the buildings of the Jewish Museum and the Holocaust and Human Rights Documentation Center), written and verbal threats, and anti-Semitic statements published on the Internet predominate. In 2018, Belgium has at least one court verdict for Holocaust denial.

In March 2019, proceedings concerning a high-profile crime against members of the Jewish community in Belgium were brought to a close (4 people were killed in the attack on 24 May 2014 at the Jewish Museum in Brussels; the crime caused a wave of indignation, outrage and sympathy for the country's Jewish community both among the Belgian population and throughout Europe). The jury sentenced the perpetrator to life imprisonment. In its decision, the court also noted the anti-Semitic nature of the attack.<sup>215</sup>

The carnival in the Flemish Aalst in February 2020 turned into a scandal because of some participants' making a mockery of the Jewish community. The incident raised the tide of public discontent over the obvious signs of anti-Semitism. UNESCO excluded the carnival in Aalst from the List of the Intangible Cultural Heritage for anti-Semitism.<sup>216</sup>

Against the backdrop of the escalation of the Israeli-Palestinian conflict in 2023, anti-Jewish sentiment is growing in Belgium not only among the Muslim community. From 7 October 2023 to 7 December 2023, Unia logged 91 complaints, 66 of which directly related to instances of domestic anti-Semitism. These are mostly hate messages, more than half of which are posted online, but also statements

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<sup>215</sup> Report of the European Commission against Racism and Intolerance on Belgium (6th monitoring cycle). Adopted on 12 December 2019. Published on 18 March 2020.

<https://rm.coe.int/ecri-sixth-report-on-belgium-/16809ce9f0>

<sup>216</sup> The carnival in Aalst is removed from the Representative List of the Intangible Cultural Heritage of Humanity. 13 December 2019.

<https://www.unesco.org/ru/articles/karnaval-v-alste-isklyuchen-iz-reprezentativnogo-spiska-nematerialnogo-kulturnogo-naslediya>

made in public space. In 2022, Unia logged an average of 4 to 5 reports per month.<sup>217</sup>

On 14 February 2024, pro-Palestinian student actions took place in Antwerp, Brussels, Ghent, Leuven, Louvain-La Neve and Liège. Thousands of activists, chanting "break with Israel and show love for Palestine," called on Belgian university authorities to suspend any contact with Israeli universities.

In its report, Unia recommends greater use of the new Inter-Federal Coordination Mechanism against Anti-Semitism, which held its first meeting on 15 January 2024. In addition, greater attention should be paid by the police and prosecutors to the reporting of anti-Semitic incidents.

International monitoring bodies have also recorded a number of problems in the protection of the right to work of Belgian citizens. Thus, according to the HRCttee, there was a very low level of employment of persons with disabilities in the private sector, unemployment and underemployment among young people and persons over 55 years of age. In addition, the experts were concerned about: abolition of measures to promote employment among persons over 50 years of age; disproportionate discrepancy in unemployment rates among different employment categories depending on the level of qualification; lack of legislative recognition of the right to strike.<sup>218</sup>

Between 2020 and 2023, Brussels saw a 20 per cent increase in homelessness. In the latest measurement, Bruss'Help counted 7,134 homeless or people without proper housing in the Brussels region. The growth is driven by many factors: the health crisis has greatly affected the most vulnerable people, and recent years have been marked by a crisis in the refugee reception system in Belgium.

The CESCR highlights discrimination against women in the economic and social spheres, in particular the persistence of wage gaps between men and women, and the obstacles women face in accessing decision-making positions in the public

<sup>217</sup> Il faut mieux lutter contre l'antisémitisme en Belgique. UNIA. 25 January 2024.

<https://www.unia.be/fr/articles/mieux-lutter-contre-antisemitisme>

<sup>218</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Belgium. December 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru)

and private sectors as problematic. There are also difficulties in accessing permanent employment for women, in particular mothers with children.<sup>219</sup>

According to a highly publicized survey conducted by Ghent University in June 2022, 81 per cent of women and girls aged 16 to 69 have experienced sexual violence in Belgium.

An important step for the advancement of women's rights in Belgium is the adoption of a law on the prevention of femicide in 2023. The law establishes a legal definition of femicide, which is intentional killing of women on the basis of their sex.<sup>220</sup> The law also provides for the collection of statistical data on femicide, as well as the organization of specialized training for law enforcement agencies to deal with cases of violence against women.

The plight of members of the Roma national minority is of concern to international human rights bodies. In March 2020, the CESCR noted omissions in the implementation of the National Strategy for Roma Inclusion and the lack of concrete measures to combat discrimination against members of this group. Experts criticized the increase in forced evictions and the simultaneous lack of adequate aggregate data at the federal level, as well as the failure to adequately protect trailers as places of residence.<sup>221</sup>

In its sixth monitoring cycle report on Belgium, ECRI noted a trend towards increasing marginalization and impoverishment of nomadic communities. The paper also draws attention to the lack of transit and long-term parking in the country.<sup>222</sup>

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<sup>219</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Belgium. March 2020.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru)

<sup>220</sup> Belgium adopts historic law against femicide. The Brussels Times. 2 July 2023.

<https://www.brusselstimes.com/580887/belgium-adopts-historic-law-against-femicide>

<sup>221</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Belgium. March 2020.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru)

<sup>222</sup> Report of the European Commission against Racism and Intolerance on Belgium (6th monitoring cycle). Adopted on 12 December 2019. Published on 18 March 2020.

<https://rm.coe.int/ecri-sixth-report-on-belgium-/16809ce9f0>

In May 2021, CERD also indicated that poverty and social exclusion of the Roma people, in particular children, remained a persistent problem.<sup>223</sup> In addition, child and/or forced marriages persist in Roma communities.<sup>224</sup>

This group has a high percentage of unemployed people compared to the rest of the population. Only a few Roma have health insurance. However, CERD emphasized that the COVID-19 pandemic had had an extremely negative impact on the already limited ability of Roma and Travellers to enjoy their social, economic and cultural rights.<sup>225</sup>

The Interfederal Center Unia has also previously voiced concerns about the large-scale Operation Strike on 7 May 2019 as part of an investigation into a major auto fraud scheme. It included a raid on parking lots that resulted in the confiscation of 90 mobile homes. As a result, the people living in them were left homeless. According to the representatives of the Center, the measures taken by the law enforcement officers were excessive and had a negative impact on the situation of families with children, elderly people and persons with health problems.<sup>226</sup> In 2020, the European Committee of Social Rights concluded that Belgium had violated several articles of the European Social Charter.<sup>227</sup>

An example of a positive practice is the establishment of "neighbourhood stewards" in cities with large Roma communities (e.g., Ghent, Sint-Niklaas, Antwerp, and Brussels). Their task is to establish links between Roma, the city

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<sup>223</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>224</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 8th periodic report of Belgium. November 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FBEL%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FBEL%2FCO%2F8&Lang=en)

<sup>225</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 20th to 22nd periodic reports of Belgium. May 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBEL%2fCO%2f20-22&Lang=ru)

<sup>226</sup> Ook mensenrechten in beslag genomen. UNIA. 17 May 2019.

<https://www.unia.be/nl/artikels/ook-mensenrechten-in-beslag-genomen>

<sup>227</sup> Decision on admissibility and on immediate measures: European Roma Rights Centre v. Belgium, Complaint No. 185/2019. 14 May 2020.

[https://hudoc.esc.coe.int/eng#{\"sort\":\[\"escpublicationdate%20descending\"\],\"escdcidentifier\":\[\"cc-185-2019-dadmissandimmed-en\"\]}](https://hudoc.esc.coe.int/eng#{\)

administration and social services. Active work is also carried out with schools, where a large percentage of Roma children study.<sup>228</sup>

The situation in the sphere of protection of children's rights is far from favourable. Insufficient access of the French-speaking minority to French-language education in the Brussels-Capital Region; risk of school dropout due to the ban on religious symbols in public educational institutions; irregularity in preschool attendance and disparities between regions and socio-economic groups; lack of data on Roma children, in particular to assess the effectiveness of measures taken to facilitate their access to education; actual segregation of children on the basis of social origin and difficulties experienced by children with disabilities in educational institutions<sup>229</sup> are by no means a complete list of the concerns of monitoring bodies.

Thus, CRC pointed to the increasing trend of radicalization of children and incitement to hatred. Bullying and violence at school by both peers and teachers is still widespread in the country. Due to prejudice and discrimination, migrant minors experience difficulties in obtaining education.<sup>230</sup>

A gradual deterioration in the health of the Belgian children has been documented. CRC experts note that an increasing number of children are exposed to stress and the problem of suicide among minors is growing. In this regard, insufficient provision of timely primary psychological assistance, which is more effective at the initial stages of psychological problems than the usual drug therapy and placement in psychiatric institutions, is pointed out. In addition, cases of child abuse and domestic violence are often underreported or insufficiently registered by the authorities.<sup>231</sup>

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<sup>228</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>229</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Belgium. March 2020.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru)

<sup>230</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Belgium. February 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fCO2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fCO2f5-6&Lang=ru)

<sup>231</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Belgium. February 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fCO2f5-](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBEL%2fCO2f5-)

For its part, CESCR reported its concern at the number of children born to Belgian nationals who are still in conflict zones and the conditions in which they remain there, without access to the clear and fair procedure established for the repatriation of all these children, in accordance with the principle of the best interests of the child.<sup>232</sup>

It has been suggested in national and international human rights circles that the Belgian authorities have in some cases gone too far in their counter-terrorism activities, using counter-terrorism and security issues as pretexts for restricting freedom of expression and interfering in the private lives of citizens. In particular, the practice of mass provision of personal information about their wards by employees of social agencies to law enforcement agencies, enshrined at the legislative level, is criticized. Data transmission is organized through the "Local Integrated Security Units" established in each municipality in Belgium. These structures, which bring together police officers, representatives of district administrations and social workers, among others, systematize information on radicalized elements registered in the territory of the municipality. Human rights activists insist that this system potentially implies a violation of Article 23 of the Belgian Constitution, which guarantees equal rights to social protection, access to health care and legal assistance.

The HRCtee in 2019 criticized the lack of legal safeguards regarding data collection and processing procedures to prevent and combat terrorism and violent extremism, as well as provisions in the Belgian Nationality Code and the Consular Code allowing for the deprivation of nationality of a person who poses a serious threat to public order or security.<sup>233</sup>

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<sup>232</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Belgium March 2020.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBEL%2fCO%2f5&Lang=ru)

<sup>233</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Belgium. December 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBEL%2fCO%2f6&Lang=ru)



CAT noted with concern the introduction of new methods of investigating terrorism-related crimes, in particular the possibility of 24-hour searches and the introduction of civilians to work undercover. In the same vein is the use of the vaguely defined concept of "radicalization" to: a) preventively addressing the terrorist threat through extraordinary measures and b) applying special treatment to so-called "radicalized" prisoners with increased security measures or placing them in "D-Rad:Ex" ("deradicalization") units with significant restrictions, without respect for the adversarial principle and without the possibility of review.<sup>234</sup>

In July 2021, an international journalistic investigation called "Pegasus Project" found that spyware developed by Israeli company NSO Group was used to spy on Belgian citizens, activists and senior politicians.

The systematic illegal use by police officers of official databases for personal purposes also remains an unresolved problem.

Human rights defenders are concerned about a clearly visible tendency to restrict the freedom of demonstrations. The three-month strike in 2023 by employees of the Deleuze supermarket chain, protesting against the franchising of stores and the resulting cuts in wages and social package, was an example of "stamped" court orders banning pickets on spurious pretexts. Regular trade unionists were subjected to administrative arrests in Ghent and Mons without any justification. On 17 June 2023, the police of the Brussels-based commune of Ixelles intervened in a picket spontaneously, without any justification and without the presence of bailiffs, demanding that the workers reopen the store they had just closed. Despite union support, workers' discontent in the case of each particular chain store was quickly neutralized by corporate lawyers. Subsequently, federal authorities began searching for legal constructs that could be used to prevent protests. The organizers of demonstrations are asked to send requests several months in advance, denied approval of routes, and everywhere referred to the inadmissibility of causing inconvenience to citizens. The attempts of the Belgian Ministry of Justice

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<sup>234</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Belgium. July 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FBEL%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FBEL%2FCO%2F4&Lang=en)

to "push through" a draft law prohibiting persons who have previously committed even minor violations of public order from participating in public rallies have been intensified. 10,000 demonstrators took to the streets of Brussels in October 2023 to protest this document with the slogan "Demonstrators are not criminals". Dozens of labour unions and NGOs, including the League for Human Rights, took part in the action.

Despite the fact that UN treaty bodies have repeatedly issued opinions condemning medical interventions for sex reassignment, including the use of medications aimed at sex reassignment, including the development of primary and/or secondary sexual characteristics of the other sex, such practices are not explicitly prohibited in Belgium and are even funded by the social security system.

In February 2023, the Brussels Court of Appeal ruled for the first time that an operation performed on an intersex minor at Queen Fabiola University Children's Hospital was not justified at the time and under the conditions in which it was performed. The hospital failed to inform the patient properly and rushed the surgery without offering treatment and adequate psychological support. This decision, in turn, highlights the inhuman, cruel and degrading treatment to which such children are subjected as a result of normalization procedures.<sup>235</sup>

In line with the propaganda of non-traditional relationships and sex reassignment surgery among minors imposed on society, the Belgian authorities have decided to introduce a unified EVRAS program into the educational course (for schoolchildren aged 11-16).<sup>236</sup> This innovation did not find support in the society and caused a wide resonance. For example, in September 2023, a protest was held in the center of Brussels demanding the cancellation of the controversial program, in protest there were cases of arson attacks on schools.<sup>237</sup>

The international human rights community expresses some concern about the situation of the independent functioning of the media in Belgium.

<sup>235</sup> Ligue des droits humains. L'État des droits humains en Belgique. 2023.  
<https://www.liguedh.be/etat-des-droits-humains-en-belgique-rapport-2023/#:~:text=L'ann%C3%A9e%202023%20sera%20marqu%C3%A9e,qui%20mobilisera%20ONG%20et%20syndicats>

<sup>236</sup> The acronym stands for the name of the new subject "Relationships, Emotions and Sexuality Education".

<sup>237</sup> Brussels protests against compulsory sex education. RIA Novosti. 17 September 2023.  
<https://ria.ru/20230917/protest-1896838045.html>

The deteriorating situation of freedom of expression in the country is reflected in the assessments of the NGO "Reporters without Borders". While Belgium ranked 9th position (with a score of 87.93)<sup>238</sup> in the 2019 press freedom ranking, in the same ranking for 2023, Belgium slipped to 31st position (with a score of 76.47).<sup>239</sup>

Attempts to censor the news are noted. In February 2019, a circular of the Attorney General's Office came into force, according to which representatives of the print and audiovisual press should submit the materials they have prepared on the work of law enforcement agencies to the spokesperson of the concerned entity for a visa.

In Belgium, as in other EU countries, access to Russian state portals, RIA Novosti and VGTRK news resources was blocked, and satellite broadcasts of Russian-language TV channels were cut off.

After the Armed Forces of the Russian Federation launched the special military operation, there has been an increase in unfriendly attitudes towards citizens and natives of Russia in Belgium. Thus, some private entrepreneurs refuse to cooperate with Russian legal entities and individuals without explanation, and the authorities have suspended the issuance of tourist visas to Russian citizens.

Belgian banks block transfers from Russia, thus limiting the receipt of Russian pensions and subsidies. Belgium, as the location of the Euroclear depository, has become the leader in frozen Russian assets and transactions. The amount of immobilized funds as of February 2024 amounted to €250.6 billion. In this regard, about a thousand applications for unblocking of funds have been submitted from individuals and legal entities that do not appear on the EU sanctions lists. They are mostly decided negatively.

A prime example of discrimination is ING Bank, which notified in November 2023 that it would cease banking services to the Belgian Federation of Russian-speaking Organizations from February 2024.

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<sup>238</sup> Reporters without Borders. Press Freedom Index 2019.  
<https://rsf.org/en/index?year=2019>

<sup>239</sup> Reporters without Borders. Press Freedom Index 2023.  
<https://rsf.org/en/index?year=2023>



## **Bulgaria**

Although the Republic of Bulgaria has the necessary legal tools in the field of human rights, these do not guarantee comprehensive observance of the legitimate interests of the citizens of the Republic.

In the Republic of Bulgaria, human rights issues are under the competence of the Ombudsman as well as specialized state bodies, such as the Commission for Protection against Discrimination, the Personal Data Protection Commission, the National Council for Equal Opportunities for Women and Men with the Council of Ministers, the National Council for Cooperation on Ethnic and Integration Issues with the Council of Ministers, the Permanent Commission for Human Rights and Police Ethics with the Ministry of Interior, the State Agency for Child Protection, etc. The National Coordination Mechanism for Human Rights has been in place since 2013 to improve cooperation between public bodies and independent institutions. Draft legislation affecting these topics goes through the parliamentary Commission on Religions and Human Rights.

Despite the well-developed institutional network of authorized bodies, Bulgaria has not made significant progress in the field of human rights. The country continues to show weak improvement in most key indicators in this area. According to many of them, it still ranks last among EU countries. Measures taken by the authorities in this regard are often formal or fragmented; while major internal political and socio-economic problems prevent them from taking effective measures to improve the country's human rights record in the short term.

Although ensuring the independence and reforming the judiciary has been one of the priorities of Bulgarian policy and some positive trends in this area have been observed in recent years, the level of public confidence in the judiciary in the country is still low – only 30 per cent of the population assess the justice system in the country as "fair and independent". Furthermore, the rate has decreased as compared to previous years (32 per cent in 2021 and 31 per cent in 2022).

In July 2023, the European Commission published yet another report on the rule of law in EU countries. In the section on Bulgaria, it is emphasized that the

problems relating to the functioning and composition of the Supreme Judicial Council, to which the Commission drew attention in 2022, are still present.

The lack of progress in combating corruption, especially high-level corruption, has been noted. There is also a need to improve mechanisms of control over compliance with the norms of declaration of income of state officials.<sup>240</sup>

International monitoring institutions have expressed their concern over the reports on the increased number of cases related to the use of hate speech and hate crimes, especially against the Turks, Roma, Muslims, Jews, people of African descent, migrants, refugees and asylum-seekers. The lack of more up-to-date data was noted, in particular, by the Committee on the Elimination of Racial Discrimination (CERD) following its review in December 2023 of Bulgaria's combined 23rd to 25th periodic reports.<sup>241</sup> Racist hate speech by representatives of political parties and other public figures, especially during election campaigns, has been recorded. In this context, the excessively lenient court rulings against them are particularly noteworthy. The Bulgarian legislative system does not provide for the crimes committed on grounds of racial hatred and xenophobia in all cases being qualified as an aggravating circumstance.<sup>242</sup>

Experts point to insufficient efforts by the authorities to integrate the Roma minority. Unemployment rates are traditionally high among the Roma and Turkish population, averaging twice as high as the overall unemployment rate. Efforts by the National Employment Agency for Minorities and Marginalized Groups to clarify the importance of the requirement to register with the Agency as a prerequisite for receiving social benefits have been insufficient. Actions to address the lack of proper housing for members of the Roma community, most of who live in poorly

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<sup>240</sup> The European Commission. Rule of Law Report. 2023.  
[https://commission.europa.eu/document/download/024961fd-ea86-4cbf-bf5f-5478bae406a3\\_en?filename=10\\_1\\_52568\\_coun\\_chap\\_bulgaria\\_en.pdf](https://commission.europa.eu/document/download/024961fd-ea86-4cbf-bf5f-5478bae406a3_en?filename=10_1_52568_coun_chap_bulgaria_en.pdf)

<sup>241</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 25th periodic reports of Bulgaria. December 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en)

<sup>242</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

maintained informal settlements with no developed infrastructure, have not yet been taken.<sup>243</sup>

Widespread stigmatization of and discrimination against Roma, including children, was also pointed out by the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM).<sup>244</sup> Experts think that this situation results in corresponding violence and hate speech.

According to experts with the Committee on the Elimination of Discrimination against Women (CEDAW), Roma girls find themselves in a particularly vulnerable position. They often fall victim to the persistent practice of forced marriages, despite the existence of legislation prohibiting marriage for persons under 16.<sup>245</sup>

According to the FRA, about two thirds of Roma children (64 per cent) study in segregated primary and secondary education institutions in Bulgaria.<sup>246</sup>

ACFCNM also concluded that, as regards the right of national minorities to participation in public affairs, the situation had unfortunately deteriorated during the monitoring period. Many organizations working with Roma, as well as organizations representing the Turkish minority, either left the National Council or not reapplied to be a member of it, expressing their discontent with its work.<sup>247</sup>

The fact that persons belonging to national minorities have not been granted the right to use their native language when interacting with the executive authorities should be noted with a negative appraisal. Moreover, no measures have been taken to assess the demand for its use in such situations.

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<sup>243</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 25th periodic reports of Bulgaria. December 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en)

<sup>244</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Bulgaria. Adopted on 26 May 2020.  
<https://rm.coe.int/4th-op-bulgaria-en/16809eb483>

<sup>245</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of Bulgaria. March 2020.  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/062/21/PDF/N2006221.pdf?OpenElement>

<sup>246</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2023.  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>247</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Bulgaria. Adopted on 26 May 2020.  
<https://rm.coe.int/4th-op-bulgaria-en/16809eb483>

There are reported difficulties in the functioning of religious structures. It is alleged, for example, that spiritual leaders of Islam feel disadvantaged. Initiatives to build religious schools in order to educate children about Islam and to publish Muslim literature are ignored at the local level. Amendments to the Act on Religions have significantly limited the sources of foreign funding for religious organizations. Another approved regulation prohibits wearing all kinds of "thick or semi-transparent fabric that covers or conceals the face", including scarves, masks, and other garments in public places. An exception is made only for those who cover their faces due to their profession or health problems. Everyone else is allowed to wear burqa and niqab only in religious institutions and at home.

Expressions of Islamophobia are hardly uncommon. There have also been cases of vandalism in places of worship. Investigations of such cases rarely lead to identification and prosecution of those responsible.

Traditional local topographical indications in Bulgaria are not displayed in minority languages. Furthermore, in 2018, the Stara Zagora local council decided to replace local toponyms of Turkish-Arab origin with Bulgarian translations or neologisms.<sup>248</sup>

The authorities refuse to enter into a dialogue with persons who continue to request recognition as a national minority. The same applies to persons identifying as Pomaks. A 2019 judgment by the Sofia Court of Appeal confirmed once again the position maintained by Bulgaria for 20 years now that there is no "Macedonian ethnos" in its territory. In January 2022, the then Prime Minister Kiril Petkov reiterated that the issue of the Macedonian national minority was not subject to discussion. Moreover, he denied the existence of the Macedonian national minority as such.<sup>249</sup>

This problem has come to the attention of CERD. The Committee is concerned at reports that members of the Macedonian minority are prohibited from

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<sup>248</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Bulgaria. Adopted on 26 May 2020.  
<https://rm.coe.int/4th-op-bulgaria-en/16809eb483>

<sup>249</sup> North Macedonia, Bulgaria PMs Proclaim Goodwill Ahead of Tough Talks. Balkan Insight. 18 January 2021.  
<https://balkaninsight.com/2022/01/18/north-macedonia-bulgaria-pms-proclaim-goodwill-ahead-of-tough-talks/>



freely exercising the rights to freedom of assembly and association. There are persistent obstacles and additional requirements for the registration of civil society organizations, namely the refusal of the Registration Agency and the courts to register Macedonian associations on the basis of their Macedonian identity.<sup>250</sup>

At the same time, aids for teaching Turkish as a mother tongue in grades 1–7 were introduced in schools in Bulgaria since 2019. Such teaching materials have been elaborated for the mother-tongue teaching of Armenian, Hebrew and Romani. As regards the media, some news bulletins are published in minority languages with the support of the National Council for Cooperation on Ethnic and Integration Issues. Bulgarian National Television continues to broadcast daily ten-minute news programmes in Turkish. In 2015, the first national Roma television channel in Bulgaria was launched.<sup>251</sup>

Several nationalist and frankly neo-Nazi structures are active in Bulgaria propagating racial hatred, ideas of National Socialism and intolerance to national minorities.<sup>252</sup> Cases of glorification of Nazis and their accomplices are reported.

The most prominent neo-Nazi structure is the BNA, which holds the Lukov March torch procession in Sofia. This event is held in memory of General Hristo Lukov (1887–1943), a theorist of Bulgarian Nazism during World War II, a supporter of the alliance with the Third Reich, and the leader of the Union of Bulgarian National Legions.<sup>253</sup> The BNA and "Lukov March" websites are the major leading voices of neo-Nazi in Bulgaria. Participants in the march wear military uniforms, nationalist symbols, and voice slogans with relevant content. In 2005, at their initiative, a commemorative plaque was placed on the facade of the building where Lukov had lived.

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<sup>250</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 25th periodic reports of Bulgaria. December 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en)

<sup>251</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Bulgaria. Adopted on 26 May 2020.  
<https://rm.coe.int/4th-op-bulgaria-en/16809eb483>

<sup>252</sup> Those include the Bulgarian National Alliance Edelweiss (BNA, founded in 2001 and claiming to be the successor of the Union of Bulgarian National Legions, a fascist organization that operated in Bulgaria between 1932 and 1944), the Bulgarian branch of the "Blood and Honour" (an international neo-Nazi organization founded in the UK in 1987) in Plovdiv, "National Resistance" (a far-right organization founded in 2008) and the Nationalist Party of Bulgaria (founded in 2013).

<sup>253</sup> A fascist organization active in Bulgaria in 1932–1944.

The Sofia's authorities have taken measures to limit the scale of this event in recent years. The mayor of Sofia has repeatedly issued orders banning the torch procession in the city centre, giving those wishing to "honour", if one can put it that way, the memory of the collaborator only the opportunity to gather at the place where he was shot in February 1943. However, such a decision of the local authorities was regularly overturned in court with references to the provisions contained in the Law of the Republic of Bulgaria "on Meetings, Assemblies and Manifestations".

The year 2024 was also no exception as the Sofia City Administrative Court authorized the Lukov March. On 17 February 2024, despite a formal ban by the capital's mayor's office, a procession in memory of the victims of the communist regime and a torch procession took place in front of Hristo Lukov's house. The so-called event was attended by about 300 people, predominantly by youth. Although the Bulgarian authorities make certain attempts to minimize the "event", they hesitate to ban it completely, leaving the number of participants in the Nazi march growing year after year.

On 10 February 2020, Sophia's Municipal Prosecutor's Office filed a legal claim to Sophia's Municipal Court asking to cancel BNU's registration. The Bulgarian justice rejected the claim with reference to the absence of anti-constitutional statements, incitement of hatred or violence on behalf of the Bulgarian National Union. That judgment was further (on 13 April 2022) also supported by the Court of Appeals. The latter emphasized, in its turn, that the organization shared the idea of Bulgarian nationalism, which per se did not lead to incitement of hatred or hostility.<sup>254</sup> By July 2022, the nationalists provided themselves with a spacious central office located in the centre of Sofia.

Radicals do not abandon attempts to organize Nazi processions, even though the capital's authorities have taken measures to limit them in recent years. Thus, on 6 January 2024, in Sofia's Borisova gradina park, admirers of the collaborator

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<sup>254</sup> Bulgarian court refuses to ban neo-Nazi march. Balkanist Project. 14 April 2022.  
<https://balkanist.ru/lukov-marsh/>

launched a new "parade" season and declared their intention to "collectively take to the streets of the capital in defiance of repression by the authorities" to honour the memory of their idol.

Anti-Semitic sentiment is also rising. On 6 January 2024, some unknown people put posters with Hitler's picture and his obituary on the walls of the synagogue in Sofia. According to the representative of the Spiritual Council of Israel in Bulgaria, M. Delchev, such acts of vandalism occur every year: unknown persons throw stones at the synagogue and draw Nazi symbols on its walls. However, these illegal acts are not suppressed by the law enforcement authorities.<sup>255</sup>

A decrease in migration flows has not resolved the problem concerning the adaptation of illegal migrants who had previously moved to Bulgaria. Living and sanitary conditions in specialized migrant camps are poor and, generally, do not meet European requirements. At the same time, there is an increase in the number of reports of restrictions on the access of asylum-seekers to the territory of the country, which leads to systematic refoulement at the border and violation of the principle of non-refoulement. Thus, nationals of some countries, including Afghanistan, Algeria, Bangladesh, Morocco and Tunisia, are denied entry without due process. Asylum-seekers and migrants, including children and vulnerable persons, are often held at the Bulgarian border without access to asylum procedures and without food, water and a place to sleep.<sup>256</sup>

In 2022, there were 5,268 alleged incidents of displacement of migrants attempting to cross the border into Bulgaria.<sup>257</sup>

The same year, a public outcry was sparked after the "Le Monde" newspaper published a footage showing the alleged detention of migrants by border guards in southern Bulgaria in a cage-like structure without any amenities.<sup>258</sup>

<sup>255</sup> По време на молитва: Вандали разлепиха некролог с лик на Хитлер върху синагогата в София. BTV. 10 January 2024.

<https://btvnovinite.bg/predavanja/tazi-sutrin/po-vreme-na-molitva-vandali-razlepiha-nekrolog-s-lika-na-hitler-varhu-sinagogata-v-sofija.html>

<sup>256</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 25th periodic reports of Bulgaria. December 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en)

<sup>257</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

Refugee minors, especially unaccompanied children, appear to be the most vulnerable due to these circumstances. In August 2021, Bulgaria's Human Rights Ombudsman, D. Kovacheva, reported overcrowding in an area designated for children at the reception centre in the capital's district of Voenna Rampa, i.e. 221 people within an area designed for 100 children. Moreover, 75 children were housed in the sports hall in unsatisfactory conditions and with access to only two bathrooms and two toilets.

Report of the Ministry of Foreign Affairs of the Republic of Belarus "The most high-profile cases of human rights violations in certain countries of the world" provides statistics, according to which by the end of 2021 there were more than 1.1 thousand such cases recorded, which affected at least 13,000 people.<sup>259</sup>

D. Kovacheva generally notes in her reports the degradation of the situation with regard to children's rights. It mainly occurs during family conflicts and in the framework of activities of guardianship authorities. There have been acts of violence and unacceptable practices in child-rearing in kindergartens and nurseries. There is an increase in attempted child molestation with the use of social networks. During the consideration of the combined third to fifth periodic reports of Bulgaria in June 2016, the UN Committee on the Rights of the Child pointed also to discrimination concerning access to education and health care against children from ethnic minorities, primarily Roma, as well as children with disabilities, asylum-seekers, and children living in remote areas.<sup>260</sup>

Bulgaria was ranked 71st in Reporters Without Borders' 2023 ranking for media freedom. The organization concludes that politically biased members of the Council for Electronic Media (which de jure should constitute an independent specialized body) exert a markedly negative impact on the editorial

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<sup>258</sup> Refugees held in cage on EU's border as Frontex agents watched. Le Monde. 8 December 2022.

[https://www.lemonde.fr/en/international/article/2022/12/08/refugees-held-in-cage-on-eu-s-border-as-frontex-agents-watched\\_6006987\\_4.html](https://www.lemonde.fr/en/international/article/2022/12/08/refugees-held-in-cage-on-eu-s-border-as-frontex-agents-watched_6006987_4.html)

<sup>259</sup> Report of the Ministry of Foreign Affairs of the Republic of Belarus "The most high-profile cases of human rights violations in certain countries of the world 2022". [https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

<sup>260</sup> Concluding observations of the Committee on the Rights of the Child on the combined 3rd to 5th periodic reports of Bulgaria. June 2016. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGR%2fCO%2f3-5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBGR%2fCO%2f3-5&Lang=ru)

policy of the "fourth estate". Most major publications remain under the control of a small group of oligarchs. Threats and physical attacks against journalists in Bulgaria are a deep-rooted phenomenon. Particularly evident is the reluctance of the authorities to investigate or condemn these unlawful acts. Journalists working outside the capital are exposed to even more such threats.<sup>261</sup>

An illustrative example of the encroachment of the Bulgarian authorities on freedom of expression was the case of Peter Volgin, a popular journalist of the Bulgarian National Radio (BNR) known for his balanced approach to Russian-Bulgarian relations. In February 2023, members of the political association "Democratic Bulgaria" demanded that the Council for Electronic Media (CEM)<sup>262</sup> check the statements made by Peter Volgin within his programs "Politically INCORRECT" to see if they contained any "propaganda violations". In its opinion, CEM granted Democratic Bulgaria's petition without citing specific facts.<sup>263</sup>

Due to the anti-Russian course pursued by the current leadership of the country, the Russian media have also come under attack. Their coverage of events from a point of view different from the Russophobic position of the official authorities led to the termination of broadcasting of Channel One and NTV in early February 2023 on the basis of the regulations of the Council of the European Union, and in 2022 to the termination of broadcasting of Russia-1, Russia-24, Russia Today and Sputnik TV channels. This provoked public discontent. In February 2023, several dozen people took part in a protest outside the European Commission's office in Sofia. The protest was held under the slogans of stopping media terror and censorship in the country.

In late October 2023, the Bulgarian authorities deprived of accreditation and subsequently extradited "Rossiyskaya Gazeta" correspondent Alexander Gatsak. On 1 November, the Russian journalist left the country.

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<sup>261</sup> Reporters Without Borders. Press Freedom Index 2023.  
<https://rsf.org/en/country/bulgaria>

<sup>262</sup> Supervisory body in the sphere of television and radio broadcasting.

<sup>263</sup> CEM одобри доклади за извършено наблюдение на предавания по програма «Хоризонт». BNR.  
 9 March 2023.  
<http://bnr.bg/horizont/post/101790893/sem-odobri-dokladi-za-izvarsheno-nabludenie-na-predavania-po-programa-horizont>

In December 2023, Peter Volgin's interview with the Russian Ambassador was banned. Following the decision of the BNR program council made immediately after critical comments on the BNR leadership by the Russophobic-minded chairman of the faction "Movement for Rights and Freedoms" Delyan Peevski, the broadcast of the conversation was cancelled. The journalistic community supported its colleague, emphasizing that such unprecedented censorship inevitably leads to a violation of the principle of pluralism and jeopardizes the existence of freedom of speech in the country.<sup>264</sup>

The fight unleashed by the country's political establishment against monuments to Soviet soldiers is alarming. The decision of the Sofia city administration to demolish the Monument to the Soviet Army is an example of the "war on the past" being waged in the Republic. It was dismantled in December 2023. The monument had already been repeatedly desecrated.<sup>265</sup>

On 10 January 2024 members of the Municipal Council from the "Democrats for a Strong Bulgaria" formation came up with a barbaric initiative to dismantle the Monument to the Soviet Liberation Soldier "Alyosha" in Plovdiv by the end of the year. The public reaction came immediately. On 17 January a protest action was held under the slogan of preserving the monument to the Soviet Liberation Soldier. Along with the concerned population, it was attended by city council members from the Socialists, as well as some members of the Democrats for a Strong Bulgaria party. In early February 2024, unknown persons once again desecrated the "Alyosha" monument by spray-painting provocative inscriptions on it.<sup>266</sup>

Human rights activists report domestic and sexual violence against women. Still, the percentage of victims seeking help here is one of the lowest in Europe. According to the Bulgarian Center for the Study of Democracy, official statistics do not include about 70-80 per cent of cases of violence, while one in four women in

<sup>264</sup> Нарушението на свободата дори и на един журналист е нарушение на свободата на всички ни. Съюз на българските журналисти. 16 December 2023. <http://sbj-bg.eu/article/details/56798>

<sup>265</sup> The Investigative Committee will initiate a case after the Soviet Army monument was damaged. RIA Novosti. 18 August 2023. <https://ria.ru/20230818/pamyatnik-1890906737.html>

<sup>266</sup> Паметникът «Альоша» в Пловдив осъмна надраскан с червени надписи «убийци» и «събаряй». Dir.Bg. 3 February 2024. <https://m.dir.bg/dnes/krimi/pametnikat-alyosha-v-plovdiv-osamna-nadraskan-s-cherвени-nadpisi-ubiytsi-i-sabaryay>

Bulgaria becomes a victim of such a crime. In addition, there is a growing trend of severe cases of domestic violence, as well as an increasing number of violent acts against older persons and children.

According to 2022 data, 36 per cent of all Bulgarian women between the ages of eighteen and twenty-nine have experienced physical or sexual violence by partners.

In July 2023, a high-profile case of domestic violence that left an 18-year-old Stara Zagora resident with 21 stab wounds triggered a wave of protests across the country.<sup>267</sup> Public outrage was caused by the release of the suspect from custody, as well as the court's qualification of the incident as "light bodily injury", given the victim's serious condition and the fact that she received about 400 stitches. As a follow-up to the case, the National Assembly of Bulgaria urgently approved amendments to the Criminal Code and the Law on Protection from Domestic Violence. The penalties for inflicting light and moderate bodily harm were increased, and the deadline for filing a petition for protection from domestic violence was extended from one to three months.

Bulgaria is both a source and target country for human trafficking. While there is no unified data on identified victims of trafficking, data collected during the visit of the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings indicates the high incidence of trafficking for the purpose of sexual exploitation, affecting mainly Bulgarian women and girls. Bulgarian men, women and children are victims of human trafficking for forced seasonal labour in agriculture, construction, services, and are often kept as "domestic workers".<sup>268</sup> At the same time, there are practically no protection and support

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<sup>267</sup> Mass actions were held in more than 40 cities in Bulgaria against the abuse of women. TASS. 31 July 2023.

<https://tass-ru.turbopages.org/tass.ru/s/obschestvo/18415789>

<sup>268</sup> Report by the OSCE Special Representative and Co-ordinator for Combating Trafficking in Human Beings, Valiant Richey following the country visit to Bulgaria 22–24 June 2021. Published on 23 September 2022. <https://www.osce.org/files/f/documents/9/4/526804.pdf>

services for victims of this crime in the country. This problem was also previously highlighted by CEDAW in its Concluding Observations.<sup>269</sup>

The problem relating to lower participation of women in the labour market, the persistence of horizontal and vertical occupational segregation between men and women, and the pay gap are also mentioned. This was noted by CEDAW<sup>270</sup> and CESCR.<sup>271</sup> According to the Gender Equality Index for 2023, published by the European Institute for Gender Equality, Bulgaria is ranked 16th among EU member states having 65.1 out of 100 points, which is 5.1 points below the EU average.<sup>272</sup>

Excessive use of force by law enforcement officers still remains a problem. Thus, CERD draws attention to the persistent cases of deaths in custody, acts of torture, ill-treatment, abuse of power, racial profiling and ill-treatment by law enforcement authorities upon arrest and in police stations against detainees. The Roma population and migrants are particularly affected. The Committee is also concerned at the lack of a specific legal prohibition on racial profiling by law enforcement agencies.<sup>273</sup>

Experts of the Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) carried out a visit to Bulgaria in October 2021. It resulted in the publication of a report which noted a lack of progress in the practical implementation of safeguards against ill-treatment, such as the right to notify a third party of detention by law enforcement authorities, the right to legal and medical assistance and the right to be informed of the above. Violence among inmates was identified as the main problem of penitentiary

<sup>269</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of Bulgaria. March 2020.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N20/062/21/PDF/N2006221.pdf?OpenElement>

<sup>270</sup> Ibid.

<sup>271</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Bulgaria. February 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBGR%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBGR%2fCO%2f6&Lang=ru)

<sup>272</sup> European Institute for Gender Equality (EIGE). Gender Equality Index 2023.

<https://eige.europa.eu/gender-equality-index/2023/country/BG>

<sup>273</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 25th periodic reports of Bulgaria. December 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FBGR%2FCO%2F23-25&Lang=en)



institutions. The material conditions in a number of prisons were described by experts as poor and even unacceptable.<sup>274</sup>

The situation of persons with disabilities remains complicated. Discrimination against people with disabilities in exercising their right to education or employment is not uncommon. Necessary elements of infrastructure are absent in the majority of cities. The government is ready to pay social workers only 200 lev (which is about 100 euros) per month for an eight-hour work day. Such salaries discourage those potentially willing to ease the lives of people with disabilities.

The last ad hoc visit to psychiatric institutions and social shelters was carried out between 21 March and 31 March. The experts noted the inability of the Ministry of Health to eradicate the cases of abuse by the specialized institutions' employees. In particular, numerous complaints from patients of public psychiatric hospitals in Tserova Koria and Byala were recorded. Patients claimed that hospital staff raised their voices at them and used physical force on a regular basis. Besides, some of the orderlies accused of ill-treatment in 2023 had previously received similar complaints in 2020, yet the medical management did not take any measures against these orderlies.

The authorities failed to implement the Committee's recommendation of 2020 to completely renovate two hospital wards in Byala. The material conditions in these wards became unbearable over a period of three years and it was decided to close them down, thus putting even more strain on other wards.

Of serious concern to the experts was information from patients at the Tserova Koria Hospital about a clinical trial in which they were taking part. The patients told the delegation that once or twice a month they were "given an injection with an unknown drug". During the procedure, their bio materials were also taken, for which the "study subjects" received a small monetary reward or chocolate. Patients could

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<sup>274</sup> Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 1 to 13 October 2021. Published on 18 October 2021. <https://rm.coe.int/1680a88ec1>

not explain what kind of study this was and what drugs were injected. Most were not sure whether they had signed any consent forms.

On 9 May 2023, the Bulgarian Ministry of Health informed the Committee that Tserova Koria Hospital had been authorized to conduct seven clinical drug trials. However, the delegation was denied access to patient informed consent documents and other information on the study during the visit. For his part, the psychiatrist who was part of the CPT's delegation found no information about the clinical trial in the medical records of the patients concerned.<sup>275</sup>

The experts visited the social assistance homes for persons with disabilities for the first time in Draganovo and Tri Kladenci. The living and treatment conditions of the patients were generally assessed as satisfactory by the members of the delegation.

The results of the 2023 visit confirmed yet again that the quotas for medical personnel (nurses and orderlies) set by the Ministry of Labour and Social Policy do not reflect reality. An extremely heavy and potentially crippling workload is placed on the staff because of these quotas, which makes it impossible to ensure the required level of attention to each person held in the facility.

The country also has a number of controversial laws from a human rights perspective, such as the law "On Combating Terrorism". The law grants the military and security agencies extremely broad powers during anti-terrorist operations. These include, inter alia, the right to enter any residential or non-residential premises; to forcibly evict citizens from the operation area; to use any vehicle for their purposes (except vehicles with special status); to suspend the activities of educational institutions, private security companies, production of chemical, explosive and other dangerous substances).

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<sup>275</sup> Report to the Bulgarian Government on the visit to Bulgaria carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 to 31 March 2021. Published on 31 January 2024.  
<https://rm.coe.int/1680ae4960>

## Bosnia and Herzegovina

There have been no major changes in the human rights situation in Bosnia and Herzegovina (BiH) in recent years. The legal framework established after the 1992-1995 armed conflict remains deficient. The country's population faces problems related to ethnic differentiation of society and persistent socio-economic difficulties. The issues of human rights protection in BiH are politicised, becoming an instrument of struggle between ethno-political forces on the one hand, and pressure on local elites from the states of the "collective West" on the other.

The implementation of a number of constitutional provisions of BiH (Annex 4 of the 1995 General Framework Agreement for Peace in Bosnia and Herzegovina – the Dayton Agreement), as well as human rights laws developed and adopted on its basis, faces certain difficulties. These are due to both the continuing deep discord between the three constitutive peoples of the country (Bosniaks, Serbs and Croats) and the specifics of activities in BiH by international presences.

This problem was pointed out by the UN human rights treaty bodies. For instance, the UN Committee on the Elimination of Racial Discrimination (CERD) following its consideration of the combined 12th and 13th periodic reports of BiH in August 2018, noted that more than 20 years after the end of the war and the Dayton Peace Agreement, ethnic tensions and divisions persist in the country, posing obstacles to legal and institutional progress towards greater societal integration and reconciliation.<sup>276</sup>

One of the main features of the functioning of BiH is the existence in the country to this day of an external protectorate represented by the Office of the High Representative (OHR)<sup>277</sup>, whose activities are completely contrary to the principles of the rule of law. The acts of the High Representative are in fact sole decisions of a foreign citizen, which have primacy over laws and cannot be appealed, including in

<sup>276</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Bosnia and Herzegovina. August 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru)

<sup>277</sup> An international official operating under the 1995 General Framework (Dayton) Agreement for Peace in BiH. Possesses legally controversial powers of unrestricted intervention in any aspect of the situation in the country and uses them extensively with Western support.

court. For example, in response to the refusal of Bosnian Serbs to recognise the validity of the "genocidal" verdicts of the International Criminal Tribunal for the Former Yugoslavia (ICTY), including in view of attempts to use them to reinforce the thesis of "collective responsibility" of Serbs, the High Representative, bypassing parliamentary procedure, amended in July 2021 the country's Criminal Code to criminalise "genocide denial"<sup>278</sup>, allowing, in fact, the prosecution of Serb activists.

At the same time, the current so-called "High Representative" C.Schmidt (FRG), positioning himself as the voice of the international community, does not have the necessary international legal legitimacy and is a de facto usurper of the position. His candidacy was not duly agreed upon by the constituent peoples of BiH and all members of the Peace Implementation Council Steering Board (Russia opposed it). The necessary procedure for its approval by the UN Security Council was not followed either – the relevant Russian-Chinese draft resolution was not adopted by the Council during the voting on 22 July 2021. Despite this, C.Schmidt "took office" on 2 August 2021 in violation of all norms. Throughout 2023 he repeatedly interfered in BiH's legislation and law enforcement practice<sup>279</sup>, contributing to a climate of general legal chaos<sup>280</sup>, lawlessness and insecurity<sup>281</sup>. His decision to amend the Criminal Code of BiH to criminalise the non-implementation of the decisions of the "High Representative" were utter cynicism and arbitrariness.<sup>282</sup>

The line supported by the collective West to revise the fundamental postulates of the Dayton Peace Agreement regarding the rights of the constituent peoples of BiH in favour of centralisation and unitarisation of the State is clearly visible. In this

<sup>278</sup> High Representative's Decision on Enacting the Law on Amendment to the Criminal Code of Bosnia and Herzegovina.

<http://www.ohr.int/hrs-decision-on-enacting-the-law-on-amendment-to-the-criminal-code-of-bosnia-and-herzegovina/>

<sup>279</sup> Decision Enacting the Law on Amendments to the Election Law of Bosnia and Herzegovina.

<http://www.ohr.int/decision-enacting-the-law-on-amendments-to-the-election-law-of-bosnia-and-herzegovina-8/>

Decision Enacting Amendments to the Constitution of the Federation of Bosnia and Herzegovina.

<http://www.ohr.int/decision-enacting-amendments-to-the-constitution-of-the-federation-of-bosnia-and-herzegovina-3/>

<sup>280</sup> I danas protesti u Sarajevu: Bošnjaci traže od Šmita da odustane od izmena Izbornog zakona! Kurir. 26 July 2022. <https://www.kurir.rs/region/bosna-i-hercegovina/3979607/i-danas-protesti-u-sarajevu-bosnjaci-traze-od-smita-da-odustane-od-izmena-izbornog-zakona-video>

<sup>281</sup> Džaferović od Ustavnog suda BiH traži ukidanje Šmitovih odluka. Euronews Serbia. 26 October 2022.

<https://www.euronews.rs/evropa/region/66790/dzaferovic-od-ustavnog-suda-bih-trazi-ukidanje-smitovih-odluka/vest>

<sup>282</sup> Decision Enacting the Law on Amendments to the Criminal Code of Bosnia and Herzegovina.

<https://www.ohr.int/decision-enacting-the-law-on-amendments-to-the-criminal-code-of-bosnia-and-herzegovina/>

context, the Serbian people of Bosnia and Herzegovina are strenuously defending their constitutionally guaranteed rights and the constitutional powers of Republika Srpska.

The dangerous situation since April 2023 surrounding the Constitutional Court of Bosnia and Herzegovina is a cause for concern. As a result of provocative changes to its rules of procedure, Republika Srpska has been excluded from the decision-making process. At the same time, three foreign judges continue to serve on the court. In fact, the court is not objective and serves as yet another anti-Serb tool.

The struggle of the Croatian people living in BiH for equal representation in the authorities continues. According to the results of the general elections held in the country in autumn 2022, the Bosnian Croats once again do not have their national representative in the Presidency of BiH<sup>283</sup> – Ž.Komšić was re-elected to this post, despite the fact that he is a Croat "by passport", was elected predominantly by the votes of Muslims (Bosniaks) and de facto pursues a line in their interests.

CERD expressed its concern regarding the limited representation of ethnic minorities in decision-making bodies and public positions at entity and local government levels.<sup>284</sup>

International monitoring mechanisms have drawn attention to hate speech and statements in public discourse, both by public and political figures and in the media, including the Internet. This is particularly evident in the form of nationalist and ethno-religious rhetoric against returnees, anti-Semitism, intolerance against Roma and attacks against them. Only a small number of hate crimes have

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<sup>283</sup> The supreme authority, comprising one representative each from the three constituent peoples (Serbs, Croats and Bosniaks). The Chairman of the Presidency rotates every eight months. The term of office of the Presidency is four years.

<sup>284</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Bosnia and Herzegovina. August 2018.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru)

been effectively prosecuted. This problem has been brought to the attention of the UN Human Rights Committee (HRCttee)<sup>285</sup>, among others.

According to OSCE monthly reports, 129 hate crimes<sup>286</sup> were recorded in BiH between January 2023 and December 2023, the vast majority of which were based on intolerance against persons belonging to a different ethnic or religious group. Only a small number of these incidents were publicly condemned by the authorities. The number of prosecutions also remains low.<sup>287</sup>

Refugees who returned and displaced persons are another vulnerable group of population in BiH. They face obstacles to sustainable reintegration into society, full restitution of their property, and access to the labour market and social benefits<sup>288</sup>. In 2023-2024, there were cases of attacks on Serb migrants in the Federation of BiH: in December 2023, R.Simić from Lukavac was beaten on the doorstep of her own house; on 7 January 2024, the house of the Serb Shantić family in Mostar was stoned. All cases remained unsolved. There were attacks on Bosniaks in Republika Srpska: on 7 January 2024, a Bosniak refugee who returned to the country was verbally abused in Vlasenica; on 30 January 2024, Bosniak B.Gušo was beaten in Višegrad, and the crimes against Bosnian Muslims were solved by the police of Republika Srpska.

The consequences of the 1992-1995 armed conflict are still affecting the human rights specificity of the country. Although the UN human rights treaty bodies have noted a high rate of locating and identifying missing persons from the 1992-1995 armed conflict, the work is far from complete. As of June 2023, 7,600 people remain missing as a result of the 1990s conflict (111 missing persons were identified in 2022, 44 in the first half of 2023). There was no progress in establishing a support fund for the families of missing persons, as provided for by

<sup>285</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Bosnia and Herzegovina. March 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=ru)

<sup>286</sup> Article 163 of the Criminal Code of Bosnia and Herzegovina.

<sup>287</sup> Monitoring of hate incidents. The OSCE. <https://www.osce.org/hatemonitorbih>

<sup>288</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Bosnia and Herzegovina. August 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru)

the law, nor in improving the work of the Missing Persons Institute and forensic capacity at the state level.<sup>289</sup>

Despite the challenges in ensuring the rights of war victims, there has been some progress in this area. For instance, in 2023, one of the two entities, the Federation of BiH, adopted a law enshrining the special status of children born as a result of sexual violence during wartime (in 2022, adopted in the Brčko District), and on 1 January 2024, the Law on the Protection of Civilian Victims of War of the Federation of BiH entered into force. The adoption of this law became an essential step in ensuring and recognising the rights of civilian victims of war and in providing support to a historically neglected and marginalised group.<sup>290</sup>

The problem of ill-treatment by law enforcement agencies persists. In particular, this was highlighted by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), which visited BiH from 17 to 27 September 2021.

As during its 2019 visit, the CPT's delegation received numerous allegations of ill-treatment of detained persons by police officers, notably concerning the Sarajevo Cantonal Police and others. The victims alleged that they had spent several hours, and even overnight, handcuffed to a piece of furniture in a crime inspector's office or in a police detention cell without being offered food or water or access to a toilet.

The experts found that there was no proper medical examination and that its procedures had been violated. It is noted that the great majority of detained persons who alleged physical ill-treatment had been escorted to a health-care facility by the same law enforcement officials allegedly responsible for the ill-treatment. These officers were not only often present during medical examinations, but allegedly also instructed the detained persons in advance on what to recount to

<sup>289</sup> Report of the European Commission on Bosnia and Herzegovina. 2023.  
[https://neighbourhood-enlargement.ec.europa.eu/document/download/e3045ec9-f2fc-45c8-a97f-58a2d9b9945a\\_en?filename=SWD\\_2023\\_691%20Bosnia%20and%20Herzegovina%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/e3045ec9-f2fc-45c8-a97f-58a2d9b9945a_en?filename=SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf)

<sup>290</sup> Nearly 30 years following the end of the war in Bosnia and Herzegovina, war victims remain neglected. OSCE Mission to Bosnia and Herzegovina. 18 January 2024.  
<https://www.osce.org/mission-to-bosnia-and-herzegovina/561697#:~:text=Most%20recently%2C%20on%201%20January,historically%20neglected%20and%20marginalized%20group.>

the medical staff as to the cause of the injuries and pressured them. Consequently, in the numerous medical certificates examined by the CPT's delegation, the injuries were cursorily described, and their origin was systematically attributed to vague circumstances, such as "in the course of deprivation liberty" or "during confrontation with a third person".

The delegation also noted that in spite of repeated recommendations following previous visits, the fundamental safeguard of a prompt access to a lawyer (ex officio or of one's choice) from the very outset of deprivation of liberty remains generally unimplemented. It was not uncommon for police officers, notably from Cantonal police agencies to deny or delay access to a lawyer during the first 24 hours of police custody.<sup>291</sup>

The judicial system in BiH is highly politicised, ethno-oriented and characterised by long delays in the consideration of cases.<sup>292</sup> There is a biased attitude towards representatives of the Serbian people, against whom 70-80 per cent of all war crimes cases from the period of the armed conflict has been brought<sup>293</sup>. The atrocities of other ethnic groups are often ignored.<sup>294</sup> Depending on which ethnic group representative is being prosecuted, Bosnian Muslim-controlled courts arbitrarily apply the law of a particular period (former Yugoslavia or modern BiH) against the defendant, imposing heavier penalties on Serbs.<sup>295</sup>

In October 2019, a decision of the Constitutional Court of BiH abolished the death penalty throughout the state. It was previously provided for in the Republika Srpska Constitution, although it was not applied in practice.

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<sup>291</sup> Report to the Government of Bosnia and Herzegovina on the ad hoc visit to Bosnia and Herzegovina carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 27 September 2021. Published on 11 May 2023. <https://rm.coe.int/1680ab30e9>

<sup>292</sup> Čubrilović: Ustavni sud BiH odavno je instrument samo jedne politike i samo jednog naroda u BiH. ATB. 15 July 2023.

<https://www.atvbl.rs/republika-srpska/cubrilovic-ustavni-sud-bih-odavno-je-instrument-samo-jedne-politike-i-samo-jednog-naroda-u-bih-15-7-2022>

<sup>293</sup> Većina osuđenih ratnih zločinaca – Srbi?

<https://www.dw.com/sr/ve%C4%87ina-osu%C4%91enih-ratnih-zlo%C4%8Dinaca-srbi/a-6226266-0>

<sup>294</sup> Za međunarodnu zajednicu Srbi nisu žrtve.

<https://www.rcirz.org/za-medjunarodnu-zajednicu-srbi-nisu-zrtve-ubijeno-35-042-srba-u-hagu-presuda-od-samo-45-godina/>

<sup>295</sup> Čedomir Antić za Glas Srpske: Srebrenica postala temelj bošnjačkog nacionalnog mita.

<https://balkanskapravila.com/cedomir-antic-za-glas-srpske-srebrenica-postala-temelj-bosnjackog-nacionalnog-mita>



A separate problem is the increasingly clear trend to apply to all Bosnian Serbs the corpus delicti of the July 1995 genocide of Bosnian Muslims in Srebrenica, established by ICTY verdicts against individual Serbs<sup>296</sup>, which is why criminal proceedings against defendants of this nationality are conducted without regard to the statute of limitations for the acts imputed to them.<sup>297</sup>

A separate problem is the increasingly clear tendency to project the offence of genocide of Bosnian Muslims in Srebrenica in July 1995, established by ICTY verdicts against individual Serbs, onto all Bosnian Serbs, thus prosecuting defendants of this nationality without regard to the statute of limitations of the acts charged against them

Residential areas of BiH have a number of streets and educational institutions named after "figures" of modern and contemporary history. In particular, there have been cases of renaming the streets in Mostar, Široki Brijeg and Čapljina (with the majority of the Croatian population) in honour of the leaders of the Ustasa movement – Mile Budak and Jure Francetić, Ante Vokić and Mladen Lorković.

In 2018, the Sarajevo school received widespread media coverage as it was named after Mustafa Busuladžić, an adherent of anti-Semitic and fascist ideas during World War II.

In June 2022, vandals once again destroyed the tombstones of the Partisan Cemetery in Mostar<sup>298</sup>, earlier in 2020, on the eve of the 75th anniversary of the Great Victory over Fascism, the graves of the Partisans of the Yugoslav Liberation Army were also barbarously destroyed.<sup>299</sup> The perpetrators of this crime have not been found. Moreover, the state does not allocate funds for the restoration of the memorial.

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<sup>296</sup> Serbia stated that it can only rely on the support of the Russian Federation if new genocide allegations occur. TASS. 30 October 2022.

<https://tass.ru/mezhdunarodnaya-panorama/16197591>

<sup>297</sup> International Tribunal for the Former Yugoslavia: Activities, Results, Effectiveness.

[https://inslav.ru/sites/default/files/editions/2012\\_mezhdunarodnyj\\_tribunal.pdf](https://inslav.ru/sites/default/files/editions/2012_mezhdunarodnyj_tribunal.pdf)

<sup>298</sup> The Partisan Cemetery in Mostar was opened in 1965 to mark the 20th anniversary of the liberation of the town from the Nazis during World War II.

<sup>299</sup> The Russian Embassy in Bosnia and Herzegovina condemned the desecration of the Partisan Cemetery in Mostar. TASS. 10 April 2020. <https://tass.ru/politika/8218249>

Vandals destroyed 700 tombstones of partisans in Mostar. TASS. 15 June 2022. <https://tass.ru/mezhdunarodnaya-panorama/14922399>

There are periodic clashes between fans of football clubs, the most recent one in Vlasenica on 31 October 2023 between fans of the Zrinjski (Mostar) and Sloboda (Tuzla) teams, represented by Croats and Bosniaks respectively. At the same time, Croatian fans repeatedly used Nazi symbols, to this day shouting slogans of the Ustasha and Croatian war criminals.

Bosniaks and Croats in Bosnia and Herzegovina, especially in the Mostar region, cannot be reconciled on the issue of anti-fascist organisations. On 11 February 2024, the mayor's office (under the leadership of Croatian M. Kordic) banned the Society of Anti-Fascists and Fighters of the People's Liberation War (composed mainly of Bosniaks) from a peaceful demonstration on the occasion of the 75th anniversary of the liberation of Mostar from fascism. A branch of the leading Croatian party, the Croatian Democratic Commonwealth of Bosnia and Herzegovina, condemned the anti-fascists "for waving Yugoslav communist flags as it salutes those who fought against fascism, all totalitarian regimes and communism."

Education remains an area of concern, as ethnic segregation in this field has not yet been addressed. The practice of "two schools under one roof", where children of different nationalities study not only under different programmes but also on different shifts, is still common in areas of the Muslim-Croatian Federation BiH (FBiH) with a mixed population.

This issue, which undermines reconciliation efforts, was highlighted by many UN human rights treaty bodies – HRCtee in March 2017<sup>300</sup>, CERD in August 2018 (situation in some cantons of Central Bosnia and Herzegovina-Neretva was of particular concern to the committees),<sup>301</sup> the Committee on the Rights of the Child

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<sup>300</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Bosnia and Herzegovina. March 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=ru)

<sup>301</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Bosnia and Herzegovina. August 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru)

(CRC) in September 2019<sup>302</sup> and the Committee on Economic, Social and Cultural Rights (CESCR) in November 2021.<sup>303</sup>

The Council of Europe's European Commission against Racism and Intolerance (ECRI) once again pointed out to the national authorities in December 2019 that their efforts in this area are insufficient. ECRI's representatives took note of the data made available to it about the activities implemented in a number of FBiH cantons related to a common core curriculum for all students. However, these consisted of pilot projects and training activities. ECRI also strongly recommended the removal in all schools of any symbols that represent an ethnic or religious bias.<sup>304</sup>

It is noteworthy, however, that since 2002, there have been no new cases of opening "two schools under one roof", and there is a trend towards a further reduction in their number.

CRC, however, drew attention to broader educational challenges in Bosnia and Herzegovina. It was pointed out, for example, that many schools were not provided with teaching materials and did not have the necessary teaching equipment. In addition, many of them lacked heating and sewage systems. It is among children from marginalized families that school dropout rates are highest. Pre-school attendance rates are low in rural areas, largely due to lack of budgetary means.<sup>305</sup>

Educational problems in BiH are often politicized. A case in point is the controversy over the name and teaching of the Bosniak-Muslim national language in schools of Republika Srpska (RS). The wording used to name

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<sup>302</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Bosnia and Herzegovina. September 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru)

<sup>303</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Bosnia and Herzegovina. November 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBIH%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBIH%2fCO%2f3&Lang=ru)

<sup>304</sup> Concluding observations of the European Commission against Racism and Intolerance on the implementation by Bosnia and Herzegovina of recommendations subject to interim monitoring. Adopted on 10 December 2019. Published on 19 March 2020.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/16809cde0e>

<sup>305</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Bosnia and Herzegovina. September 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru)

the subject in Bosnian-Serbian educational institutions – "the language of the Bosniak people" – is stipulated in the Constitution of the RS and dissatisfies the parents of the students who defend, with substantial political support, the right to study "the Bosnian language". In other cases, the debate is heated by the choice of the adjective "Bosniak" instead of "Bosnian", which is also seen by repatriated refugees as an act of infringement of their rights. Such a position has not been so far spread to some of the cantons of BiH itself. In May 2018, the FBiH Constitutional Court changed the spelling of "Bosniak" to "Bosnian" in official documents and formally restored the constitutional rights of Serbs, the Serbian language, and the Serbian Cyrillic alphabet.

CESCR experts reported in their concluding observations that the three official languages and two alphabets are not recognized by all cantons of the Federation of Bosnia and Herzegovina, which has led to a high incidence of discrimination based on language and disruption of education.<sup>306</sup>

Human rights organizations note difficulties in ensuring the rights of a large (up to 35,000 persons) Roma community in the country. It remains the most marginalized group in BiH.

This segment of the population remains under-integrated in the educational process. Only 1.5 per cent of Roma children attend preschool institutions, 69 per cent attend primary and only 22.6 per cent attend secondary school.

No effective mechanisms for the social integration of Roma in BiH have yet been found. The freedom of self-determination on the basis of nationality is guaranteed by law, as well as the right to organize and convene meetings to express and protect their cultural, religious, educational, social and economic, as well as economic and political rights, the freedom to use symbols, the right to use their mother tongue, including in social and legal relations in those areas where they constitute more than one third of the population, the right to secondary education in

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<sup>306</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Bosnia and Herzegovina. November 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBIH%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBIH%2fCO%2f3&Lang=ru)

the mother tongue in municipalities where the national minority constitutes more than one third of the population (if it is more than one fifth of the population, education in the mother tongue is allowed as an option). In practice these rights and freedoms are not exercised. If, for example, there are enough children of certain ethnic community to attend school in their mother tongue in a particular locality, then another problem arises – the lack of teachers. Many Roma have to express themselves as Serbs or Bosniaks so that their rights are respected.

The situation of the Roma population in the country, in particular the persistent marginalization of the Roma, obstacles to their integration into society, high levels of unemployment, lack of adequate housing and identity documents, difficulties in accessing health care, as well as low school attendance of Roma children and discriminatory attitudes of teachers towards Roma students, were emphasized by HRCtee in March 2017<sup>307</sup>, CERD in August 2018<sup>308</sup> and CRC in September 2019.<sup>309</sup>

In its concluding observations, CESCR noted that not only Roma, but also other ethnic minority groups face such problems. These include the persistent and rampant stigmatization, heightened hate speech and hate crime targeted at them, discrimination in housing and public services. A significant number of Roma families live in illegal dwellings or in informal settlements without security of tenure, and do not have access to basic services or utilities.<sup>310</sup>

One example of the violation of the rights of the Roma community is the "relocation" of the Roma settlement in Ilidže at the end of 2021, which left

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<sup>307</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Bosnia and Herzegovina. March 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=ru)

<sup>308</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Bosnia and Herzegovina. August 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fBIH%2fCO%2f12-13&Lang=ru)

<sup>309</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Bosnia and Herzegovina. September 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru)

<sup>310</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Bosnia and Herzegovina. November 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBIH%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fBIH%2fCO%2f3&Lang=ru)

several families homeless. As compensation for the eviction from their homes, these families were placed in containerised housing in the settlement of Rakovica near Sarajevo without water, electricity or basic necessities.

The status of women in BiH is below the European average in many respects. Despite the existing legislative framework (Law on Prohibition of Discrimination and Law on Gender Equality), the bodies responsible for gender equality lack functionality and efficiency. Women continue to face unequal treatment, especially in employment. In addition, they are underrepresented in the political life of the State.

The problem of violence against women in BiH was noted by the UN human rights treaty bodies. In March 2017, for example, the HRCttee drew attention to the inadequacy of protection and assistance measures to victims of violence.<sup>311</sup> In September 2019, CRC noted with concern the protracted process to harmonize legislation on domestic violence in the entities and local administrations on domestic violence.<sup>312</sup>

According to the Agency for Statistics of BiH, about 100,000 children are in a difficult family situation, 40,000 of whom live in families with incomes below the minimum subsistence level. There are cases of non-payment of child benefits recorded, despite constitutional guarantees.

The European Commission report states that the BiH authorities have not taken any steps to develop and adopt a new action plan for child protection (replacing the 2015-2018 plan). In 2022, the Ombudsman received 219 complaints about violations of children's rights (190 in 2021). Child exploitation and child begging remain a major concern. Unaccompanied migrant children face particular

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<sup>311</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Bosnia and Herzegovina. March 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fBIH%2fCO%2f3&Lang=ru);

Concluding observations of the Committee against Torture on the 6th periodic report of Bosnia and Herzegovina. November 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBIH%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fBIH%2fCO%2f6&Lang=ru)

<sup>312</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Bosnia and Herzegovina. September 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fBIH%2fCO%2f5-6&Lang=ru)

problems, namely lack of access to safe accommodation and asylum procedures. In 2021, 1,878 unaccompanied migrant children were identified (351 in 2020 and 533 in 2019).<sup>313</sup>

Freedom of religion is sufficiently respected in BiH. However, acts of vandalism against religious sites of the three main confessions in the country (Islam, Orthodoxy and Catholicism) are not uncommon. Regular thefts of church property and desecration of the Holy Trinity Cathedral in Mostar, which is under reconstruction, including numerous incidents in 2021-2022, are viewed by the local Serbian community as a signal that they are not welcome in these predominantly Croatian-populated areas.<sup>314</sup>

Persons with disabilities continue to experience systemic social vulnerability: the budget payments they receive are lower than the pensions paid to military veterans and disabled persons affected by the armed conflict of 1992-1995 in BiH. The country's urban infrastructure fails to offer a comfortable life for this category of citizens.

Despite the adoption in recent years of a number of laws aimed at improving the situation with regard to the freedom of the media and opportunities for free expression, violations of journalists' rights and pressure on media have been recorded in BiH.

In the international ranking of the NGO "Reporters Without Borders" on the "degree of freedom" of the media, BiH is ranked 64th among 180 states in 2023<sup>315</sup>. The Association of Journalists BH Novinari recorded 73 cases of violation of journalists' rights in 2022 (70 in 2021, 69 in 2020).<sup>316</sup>

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<sup>313</sup> Report of the European Commission on Bosnia and Herzegovina. 2023. [https://neighbourhood-enlargement.ec.europa.eu/document/download/e3045ec9-f2fc-45c8-a97f-58a2d9b9945a\\_en?filename=SWD\\_2023\\_691%20Bosnia%20and%20Herzegovina%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/e3045ec9-f2fc-45c8-a97f-58a2d9b9945a_en?filename=SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf)

<sup>314</sup> Hram SPC u Mostaru opljačkan deseti put: Ponovo napad na srpske svetinje, u Sabornoj crkvi Svete Trojice strepe za bezbednost. Novosti. 8 December 2022. <https://www.novosti.rs/republika-srpska/vesti/1180257/hram-spc-mostaru-opljackan-deseti-put-ponovo-napad-srpke-svetinje-sabornoj-crkvi-svete-trojice-strepe-bezbednost>

<sup>315</sup> Reporters Without Borders. Press Freedom Index 2023. <https://rsf.org/en/country/bosnia-herzegovina>

<sup>316</sup> Report of the European Commission on Bosnia and Herzegovina. 2023. [https://neighbourhood-enlargement.ec.europa.eu/document/download/e3045ec9-f2fc-45c8-a97f-58a2d9b9945a\\_en?filename=SWD\\_2023\\_691%20Bosnia%20and%20Herzegovina%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/document/download/e3045ec9-f2fc-45c8-a97f-58a2d9b9945a_en?filename=SWD_2023_691%20Bosnia%20and%20Herzegovina%20report.pdf)

Most of the local press, radio and television are kept under close supervision by certain national and political elites and receive grants from foreign States. As a result, there is a difference in interpretation of the same events, a biased presentation of the recent tragic past, which is a negative aspect on the way of rapprochement of the peoples in the country. All this suggests that free access to information in BiH is not fully ensured.

As of February 2024 there is also no progress with regard to BiH's implementation of the Terezin Declaration which calls on signatory States to make every effort to guarantee the restitution of former property of the Jewish community, property of religious significance and private property of Holocaust victims and other victims of Nazi repression. Relevant legislation has not yet been drafted, despite the fact that it was declared a prerequisite for joining the European Union. Apart from the Jewish community, the Serbian Orthodox and Roman Catholic churches, as well as the Islamic community, are the most interested in passing a restitution law. The relevant legislation has not yet been drafted.

We should not ignore the fact that BiH became a candidate for EU accession only by political will of Brussels against the backdrop of the Ukrainian crisis, as most of the demands made by the EU leadership to Sarajevo were never fulfilled.



## United Kingdom (the)

The British authorities, while remaining silent on serious, deep-rooted issues in their human rights record, try to position the country as a benchmark for the protection of human rights in the external arena and on the basis of such a position circulate criticism on this issue towards "unfavourable" States.

Racism and its manifestations constitute one of chronic challenges for British society resulting from its shameful colonial past. The Working Group of Experts on People of African Descent of the UN Human Rights Council, having visited the country in January 2023, characterizes the current situation on the issue of racism as being of "deep concern". Moreover, despite the recommendations formulated after the previous visit in 2012 and the subsequent research by the British themselves, over the last decade, the situation in some respects has only deteriorated.

According to the report made upon the visit, there is systemic racism, bias, and discriminatory policing, which translates into acute social inequality. People of African descent suffer more than twice the unemployment, poverty, and nearly four times the homelessness in the UK. Nearly half of Black people in the UK live in poverty.<sup>317</sup>

With regard to specific manifestations of racism, considerable attention is paid to discrimination against persons of African descent in the law enforcement, justice, penitentiary system: direct or indirect causes of death, neglect in prisons by staff, disproportionately frequent and harsh use of arbitrary police searches, inter alia, searches of children and adolescents were used by police over 5,000 times in 2019–2021; what is significant, 75 per cent of cases involved persons of African, Asian and other non-British descent.

A high-profile case has been that of "Child Q", an African-American girl of high school age who was subjected to a humiliating strip search in her own school's

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<sup>317</sup> Report of the Working Group of Experts on People of African Descent A/HRC/54/67/Add.1 October 2023.

<https://www.ohchr.org/en/documents/country-reports/ahrc5467add1-visit-united-kingdom-great-britain-and-northern-ireland>

medical office in London in 2020. The humiliation was prompted by suspicions from teachers that Child Q might have brought drugs into the school. As they could not find anything of interest in the girl's belongings, the teachers decided to call in the police for help. The police officers arrived and searched the girl's belongings in the absence of an adult representative, without informing the girl's mother. However, the efforts of law enforcement officers were in vain: the schoolgirl was not found in possession of any drugs. The girl needed psychological help because of the stress she had been under.

According to the March 2022 Local Safeguarding Children Practice Review published by the City of London and Hackney Safeguarding Children Partnership, the factor influencing the decision to conduct a body search in Child Q's case was very likely to be racism.<sup>318</sup>

The UN Committee on the Rights of the Child (CRC) draws attention to the continued use of unnecessary stop-and-search checks on children. The experts are especially concerned about the fact that the majority of them are conducted on children belonging to ethnic minority groups.<sup>319</sup>

As of February 2021, it was estimated that the number of young black inmates aged 15 to 21 in children's prisons was 51 per cent of the total number of young inmates (40 per cent in 2017). According to experts, this was due to a combination of factors, including reduced funding for local authorities, police, mental health services, increased confiscation of residential property from African families, etc.<sup>320</sup> Children of Caribbean descent are 3.5 times more likely to be excluded from public schools than other students.

There are serious problems in healthcare system. It is stressed that women of African descent's reproductive health and rights are burdened by racial disparities.

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<sup>318</sup> Local Child Safeguarding Practice Review. March 2022.

<https://chscp.org.uk/wp-content/uploads/2022/03/Child-Q-PUBLISHED-14-March-22.pdf>

<sup>319</sup> Concluding observations of the Committee on the Rights of the Child on the combined 6th and 7th periodic reports of the United Kingdom. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)

<sup>320</sup> The Lammy Review. 2017.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/643001/lammy-review-final-report.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/643001/lammy-review-final-report.pdf)

Black women are almost four times more likely to die in pregnancy or just after childbirth. Black babies are stillborn at twice the rate of white babies.

Human rights defenders are worried about violations of the principle of legal equality and systemic manifestations of racist discrimination in the British judicial system.<sup>321</sup> In November 2022, the University of Manchester published a report "Racial Bias and the Bench"<sup>322</sup>, in which the authors draw the conclusion that the judiciary in England and Wales was "institutionally racist". According to the survey of reputable legal professionals cited in the report, over half of the survey respondents stated they had repeatedly witnessed manifestations of racial intolerance and ethnic discrimination by judges during their career, being reflected, inter alia, in their judicial rulings. The survey's authors criticize the governmental Judicial Diversity and Inclusion Strategy 2020–2025, noting, inter alia, the absence of references to racism.

There is institutional racism in the courts, especially impacting attorneys and court personnel of African descent. Ninety-five per cent of lawyers believe institutional racism persists in the courts, over half of whom speak from personal experience. Lawyers of African descent report being interrogated as to their purpose for being in courtrooms, inter alia, subject to professionalism.<sup>323</sup>

Non-White Britons are disproportionately targeted throughout the criminal justice system.<sup>324</sup> They are the most frequent victims of abuse by British law enforcement authorities. Data from the London Police Service published in August 2017 showed that Black and ethnic minority people, particularly those of the Caribbean origin, were twice as likely to die due to excessive use of force by law enforcement officers and subsequent lack of access to proper medical care as White

<sup>321</sup> Judiciary in England and Wales "institutionally racist", says report. The Guardian. 18 October 2022.

<https://www.theguardian.com/law/2022/oct/18/judiciary-in-england-and-wales-institutionally-racist-says-report>

<sup>322</sup> The University of Manchester. Racial Bias and the Bench. 2022.

<https://documents.manchester.ac.uk/display.aspx?DocID=64125>

<sup>323</sup> Report of the Working Group of Experts on People of African Descent A/HRC/54/67/Add.1 October 2023.

<https://www.ohchr.org/en/documents/country-reports/ahrc5467add1-visit-united-kingdom-great-britain-and-northern-ireland>

<sup>324</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of the United Kingdom. August 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en)

Britons. Although African, Asian and minority ethnic groups make up only 14 per cent of the total population, they account for 25 per cent of the prison population. At the same time 40 per cent of the pre-detained young people are also non-Whites. Human rights defenders point out that the Metropolitan Police Service's Organized Crime Suspects Database has been criticized on the grounds that the number of young Black men in the database is disproportionate to the likelihood of their association with the criminal world.<sup>325</sup>

According to a study by Fawcett Society and the Runnymede Trust, three-quarters of women of non-European descent (about 2,000 women from this group participated in the study along with 1,000 women of European descent) experience racism in the workplace, and just over a quarter faced racist hate speech. More than 60 per cent of non-White respondents reported having to hide their ethnicity by changing their hairstyles, clothing style, eating habits, and way of speaking. Women of Indian origin also reported changing their names. Forty-two per cent of non-British women say that their superiors favour white employees when making promotion decisions. One third of women of Indian, Pakistani, and Bangladeshi ancestry say their promotion was not only discouraged, but also prevented. By comparison, only 20 per cent (which is also quite a few) of British women of European descent reported such negative experience. More than half of the women in the first group had also experienced discrimination in hiring.<sup>326</sup>

In October 2020, Office for National Statistics published data showing that people of African descent were 18 (!) times more likely to be racially profiled. What is more, the UK is the first European country to face the issue of institutional racial profiling by the police using technical means, namely test trials of facial recognition technology.

A 2023 INQUEST report on discrimination documented a disproportionate number of deaths of people of African descent "in or following police custody" in

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<sup>325</sup> Report of the Working Group of Experts on People of African Descent to the 74th session of the UN General Assembly (A/74/274). October 2019.  
<https://undocs.org/en/A/74/274>

<sup>326</sup> Broken Ladders: the Myth of Meritocracy for Women of Colour in the Workplace.  
<https://www.fawcettsociety.org.uk/broken-ladders>

recent years.<sup>327</sup> In absolute terms, the number of deaths of people of African descent is much lower than that of white British people (23 to 86 between 2012 and 2021), but they are still far more likely to die than the proportion of the population they represent. The report concluded that Black people were seven times more likely to die than White people when restraint was involved. None of the deaths of Black people led to officers being disciplined for racism, it was noted. Needless to say, there's a parallel with the United States of America, where, as you know, this situation mirrors that of the former metropole.

An independent review into the standards of behaviour and internal culture of the Metropolitan Police Service (written by Baroness Casey<sup>328</sup> – a member of the House of Lords of the British Parliament) reports on the manifestations of racism by law enforcement officers. It was initiated after a high-profile murder of Sarah Everard, aged 33, by a police officer two years ago. The document contains high-profile findings on the institutional racism, and misogyny in the service. The recruitment policy of the police service is being criticized and leads to disproportion between men and women and underrepresentation of the ethnic groups living in the British capital.

The chronic character of racism in the country was underlined by the fact that international human rights monitoring bodies had on a number of occasions over the years (the Committee on the Elimination of Racial Discrimination (CERD) in August 2016<sup>329</sup>, the Human Rights Committee (HRCttee) in July 2015<sup>330</sup>, the

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<sup>327</sup> NEW REPORT: Black men seven times more likely to die following police restraint but racism not being addressed. Inquest 2023.

<https://www.inquest.org.uk/police-racism-report-2023>

<sup>328</sup> Baroness Casey Review. Baroness Casey of Blackstock DBE CB. 2023.

<https://www.met.police.uk/SysSiteAssets/media/downloads/met/about-us/baroness-casey-review/update-march-2023/baroness-casey-review-march-2023a.pdf>

<sup>329</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of the United Kingdom. August 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGBR%2fCO%2f21-23&Lang=en)

<sup>330</sup> Concluding observations of the Human Rights Committee on the 7th periodic report of the United Kingdom. July 2015.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=en)

Committee against Torture (CAT) in May 2019<sup>331</sup>) have voiced their concern about the sharp increase in racially motivated hate crimes. However, underreporting of such offences remains a problem. The gap between the number of reported offences and the number of successful prosecutions remains significant.

Strong anti-Gypsy sentiment continues to permeate British society, according to the latest opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM), published in May 2023. At the same time, the number of crimes committed against members of other ethnic and religious minorities, particularly Jews and Muslims, has significantly increased. At the same time, experts have found that government policies not only fail to address the stereotypes about vulnerable groups, but in some cases make the situation worse by fuelling indirect discrimination against them.<sup>332</sup>

The ACFCNM notes that the situation for people from African and Asian descent and Irish Travellers (a nomadic ethnic community, own name Pavees)<sup>333</sup> is particularly alarming in Northern Ireland. Northern Ireland has the highest rates of hate crime in the UK per capita. Furthermore, Travellers do not have adequate representation and participation in political life. The lack of equality data in Northern Ireland prevents concrete solutions being elaborated.<sup>334</sup>

Despite active public censure and widespread media coverage of anti-Semitism in the UK, human rights activists assess the situation in this area as extremely negative. The scale of the problem was pointed out by Special Rapporteur of the UN Human Rights Council on contemporary forms of racism E.Tindayi Achiume in her report to the 74th session of the UN General Assembly on

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<sup>331</sup> Concluding observations of the Committee against Torture on the 6th periodic report of the United Kingdom. May 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=en)

<sup>332</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on the United Kingdom. Adopted on 8 December 2022. Published on 25 May 2023.  
<https://rm.coe.int/5th-op-uk-en/1680ab55b4>

<sup>333</sup> Irish Travellers (a nomadic ethnic community of Irish descent, own name Pavees)

<sup>334</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on the United Kingdom. Adopted on 8 December 2022. Published on 25 May 2023.  
<https://rm.coe.int/5th-op-uk-en/1680ab55b4>

contemporary manifestations of racism and the fight against the glorification of Nazism, pursuant to the UN General Assembly resolution 73/157.<sup>335</sup>

Against the escalation of the Middle East crisis, the United Kingdom faces an increase of crimes motivated by religious and national hatred. For example, in 2023, the number of anti-Semitic incidents across the country reached 4,103, a value that increased twice in comparison with 2022; moreover, it is the highest number since 1984.<sup>336</sup>

At the same time, at the end of 2023, there was a sevenfold increase in the number of hate incidents against the Muslim community. Only in the period from October 2023 to February 2024, 2,010 manifestations of Islamophobia were recorded.<sup>337</sup> Most manifestations of intolerance are recorded online, at the same time, there were numerous cases of physical assault and harassment.

London largely prefers to ignore the painful issue of neo-Nazi groups being active in the country. Although they are mostly marginal and focus on online activities, there is a growing trend towards the popularity of far-right ideology, especially among young people. The latter was recognized to be a serious terrorist threat in a UK Government policy paper titled *Global Britain in a Competitive Age: The Integrated Review of Security, Defence, Development and Foreign Policy* presented in March 2021.<sup>338</sup>

A Home Office statistic<sup>339</sup> shows that, as at 30 September 2022, there were 239 persons in custody for terrorism-connected offenses in Great Britain; of those in

<sup>335</sup> Report of the UN Human Rights Council Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume A/74/253, pursuant to Assembly resolution 73/157. October 2019. <https://undocs.org/en/A/74/253>

<sup>336</sup> Antisemitic incidents 2023. The Community Security Trust. 2024.

[https://cst.org.uk/data/file/9/f/Antisemitic\\_Incidents\\_Report\\_2023.1707834969.pdf](https://cst.org.uk/data/file/9/f/Antisemitic_Incidents_Report_2023.1707834969.pdf)

<sup>337</sup> Anti-Muslim cases surge in the UK since Hamas attacks, charity finds. BBC. 22 February 2024.

<https://www.bbc.com/news/uk-england-68374372.amp>

<sup>338</sup> *Global Britain in a Competitive Age: the Integrated Review of Security, Defence, Development and Foreign Policy*. Policy Paper.

<https://www.gov.uk/government/publications/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy/global-britain-in-a-competitive-age-the-integrated-review-of-security-defence-development-and-foreign-policy>

<sup>339</sup> Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to September 2022. 8 December 2022.

<https://www.gov.uk/government/statistics/operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-september-2022/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stop-and-search-great-britain-quarterly-u>

custody, 66 were categorized as holding far right-wing ideologies (35 per cent more than since 30 September 2021), while 155 were categorised as holding Islamist-extremist views. Starting from 2018, those of White ethnic appearance have accounted for the most of terrorist-related arrests – 86 out of 190 (45 per cent). However, their proportion has decreased since 2021 (100 out of 190 persons arrested, 52.6 per cent). As at 30 September 2023, there were 170 persons in custody for terrorism-connected offences.<sup>340</sup>

According to Hope Not Hate, an advocacy group, a total of 18 young people supporting extreme right-wing ideas were convicted of terrorist crimes in 2021 (twice as many as in the previous year). Six of them were teenagers.<sup>341</sup>

In this context, the following high-profile case is especially worthy of mentioning. In March 2021, a 16-year-old boy was given a two-year rehabilitation order for possessing and distributing "right-wing materials"; he was the suspected leader of the British branch of the mentioned Feuerkrieg Division (See Estonia section). It was established that he was engaged in the illegal activity since the age of 13. The judge's decision to spare the boy from jail was explained by the fact he had expressed the desire to pursue a better path, causing a backlash from members of the Muslim community, saying that a Muslim would have been jailed in a similar situation.

The increase in the number of law enforcement officers in the ranks of supporters of radical nationalism is an alarming symptom. A high-profile court decision was made in April 2021, when a 22-year-old Met Police officer, a member of the neo-Nazi organisation National Action, was found guilty of terrorism. According to a spokesman of the Metropolitan Police Counter Terrorism Command,

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<sup>340</sup> Operation of police powers under the Terrorism Act 2000 and subsequent legislation: Arrests, outcomes, and stop and search, Great Britain, quarterly update to September 2023. 29 February 2024.

<https://www.gov.uk/government/statistics/operation-of-police-powers-under-tact-2000-to-september-2023/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stop-and-search-great-britain-quarterly-u>

<sup>341</sup> State of Hate 2022: On The March Again. Hope not Hate. March 2022.

[https://hopenothate.org.uk/wp-content/uploads/2022/03/state-of-hate-2022-v1\\_17-March-update.pdf](https://hopenothate.org.uk/wp-content/uploads/2022/03/state-of-hate-2022-v1_17-March-update.pdf)



this is the first time a police officer has been officially recognised as a follower of such an ideology.<sup>342</sup>

In December 2021, Ben Raymond, one of the founders of National Action, was sentenced to eight years' imprisonment with the right to parole two years before the end of the term. In addition to his active involvement in the development of the group, the court also found that he had kept the Norwegian terrorist Anders Breivik's manifesto and instructions for making explosives at home. Ben Raymond thus became the 17th member of National Action to be prosecuted for membership in it.<sup>343</sup>

In February 2021, the Government's Commission for Countering Extremism published a report titled "Operating with impunity. Hateful extremism: the need for a legal framework"<sup>344</sup>, which stated that the current legal framework is insufficient to effectively combat hate crime (including that inspired by far-right ideology). It is noted that hate crime cannot be fully eradicated and protection against hateful extremism is impossible and that freedom of expression will always be an issue when attempting to resolve this problem. However, the report concludes that toughening and updating (including taking into account the development of digital space) of legislation in this area is necessary.

Another form of xenophobia – Russophobia – is becoming increasingly familiar to British society. Since February 2022, after the Russian Federation launched a special military operation to denazify and demilitarise Ukraine and protect the peaceful population of Donbass (SMO), cases of harassment of Russians and Russian-speaking citizens have been registered across the country. Leaflets with the slogan "GOOD Russian = DEAD Russian", clearly borrowed from the 19th century American general Philip Sheridan who tarnished himself as an advocate of

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<sup>342</sup> London Police Officer Convicted of Membership in Neo-Nazi Group. The New York Times. 1 April 2021. <https://www.nytimes.com/2021/04/01/world/europe/london-metropolitan-police-neo-nazi.html>

<sup>343</sup> National Action: Ben Raymond jailed for eight years. BBC News. 3 December 2021. <https://www.bbc.com/news/uk-england-wiltshire-59519211>

<sup>344</sup> Operating with Impunity. Hateful extremism: The need for a legal framework. 2021. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/963156/CCE\\_Operating\\_with\\_Impunity\\_Accessible.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/963156/CCE_Operating_with_Impunity_Accessible.pdf)

ruthless struggle against the indigenous Indian population of North America, were widely used by the owners of public places.

The Consular Section of the Russian Embassy to the United Kingdom was also attacked when "activists" pelted it with eggs and broke windows of the visitors' hall. In breach of the UK's international legal obligations, Russian diplomats' rights to work, to fair and favourable working conditions, to access to any service intended for the use of the general public, and to security of person and protection by the receiving State were compromised.

The spheres of culture and sports have not been spared anti-Russian hysteria. For instance, the British auction houses Christie's, Sotheby's, and Bonhams refused to hold auctions of Russian art.<sup>345</sup> The Royal Birmingham Conservatoire has banned a Russian graduate from participating in a music competition in Dublin.<sup>346</sup> The Cardiff Philharmonic Orchestra, in its turn, refused to hold a concert dedicated to the work of Tchaikovsky. The Cardiff Philharmonic Orchestra announced on its website that they "feel the previously advertised programme including the 1812 Overture to be inappropriate at this time".<sup>347</sup> The Royal Opera House has cancelled the Bolshoi Ballet's London tour.<sup>348</sup> London's National Gallery decided to rename the painting "Russian Dancers" by Edgar Degas as "Ukrainian Dancers" at the request of some Ukrainian artist M.Naiem<sup>349</sup>.

Russian teams and individual racers were banned from participating in any competitions in the UK. In particular, Nikita Mazepin, a Russian Formula One racing driver, was suspended from participation in the British Grand Prix.<sup>350</sup> Russian

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<sup>345</sup> Sotheby's, Christie's and Bonhams call off Russian art auctions in response to war in Ukraine. The Art Newspaper. 16 March 2022.

<https://www.theartnewspaper.com/2022/03/15/sothebys-christies-call-off-russian-art-auctions-ukraine-war>

<sup>346</sup> Controversy as young Russian pianists banned from international music competitions. Classic FM. 10 March 2022.

<https://www.classicfm.com/discover-music/instruments/piano/young-russians-banned-international-competitions/>

<sup>347</sup> Cardiff Philharmonic removes Tchaikovsky performance over Ukraine conflict. The Guardian. 9 March 2022.

<https://www.theguardian.com/uk-news/2022/mar/09/cardiff-philharmonic-orchestra-removes-tchaikovsky-over-ukraine-conflict>

<sup>348</sup> Bolshoi Ballet run cancelled by Royal Opera House. The Times. 26 February 2022

<https://www.thetimes.co.uk/article/bolshoi-ballet-run-cancelled-by-royal-opera-house-mk5vsftqh>

<sup>349</sup> London's National Gallery has renamed "Russian Dancers". Rossiyskaya Gazeta. 5 April 2022.

[https://rg.ru/2022/04/05/londonskaia-nacionalnaia-galereia-pereimenovala-russkih-tancovshchic.html?utm\\_source=yxnews&utm\\_medium=desktop](https://rg.ru/2022/04/05/londonskaia-nacionalnaia-galereia-pereimenovala-russkih-tancovshchic.html?utm_source=yxnews&utm_medium=desktop)

<sup>350</sup> Motorsport UK announces actions in response to the situation in Ukraine. Motorsport UK. 2 March 2022.

<https://www.motorsportuk.org/news/motorsport-uk-announces-actions-in-response-to-the-situation-in-ukraine/>

tennis players were also threatened that they would be suspended from Championships. For example, it was demanded that Daniil Medvedev should publicly condemn the Russian special operation if he wished to participate in Wimbledon.<sup>351</sup> As a result, all representatives of Russia and Belarus were excluded from the Championship under the pretext of "playing their part in the widespread efforts of Government, industry, sporting and creative institutions to limit Russia's global influence". This absurd decision by the All England Lawn Tennis and Croquet Club (AELTC) was opposed by the world's leading tennis players and major sports associations.

In February 2023, the United Kingdom opposed the option under consideration by the International Olympic Committee (IOC) to allow Russian and Belarusian athletes to participate in the Olympic Games in a neutral status. Moreover, having formed around itself a "coalition of like-minded people" of 35 countries, the British authorities issued a joint statement calling the IOC, whose members are 193 countries, to ban athletes from Russia and Belarus from taking part in the upcoming competitions in France in 2024.

In March 2023, the results of a Sky News investigation were made public, which found that discrimination against Russian compatriots had increased since February 2022. It noted that the attacks were carried out based on the nationality alone, without any connection to a person's position on the SMO.<sup>352</sup>

Among the most egregious criminal offences documented by British law enforcement officers are beating, threats of death and serious bodily harm, vandalism and property damage, sending "white powder" and "telephone terrorism". Shockingly, according to the publication, the victims of discrimination and attacks based on ethnicity were often children of primary school age. And these attacks, according to one of the experts interviewed, are only "the tip of the iceberg. In fact,

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<sup>351</sup> Daniil Medvedev could be banned from Wimbledon unless he denounces Vladimir Putin. The Independent. 16 August 2022.

<https://www.independent.co.uk/sport/tennis/daniil-medvedev-putin-russia-wimbledon-b2037376.html>

<sup>352</sup> Russians assaulted, threatened and abused in UK as hate crimes linked to Ukraine war surge. Sky News. 3 March 2023.

<https://news.sky.com/story/russians-assaulted-threatened-and-abused-in-uk-as-hate-crimes-linked-to-ukraine-war-surge-12821923>

there are many more such incidents: from the demand for businessmen to sever all relations with Russia to the imposition of restrictions on parishes of the Russian Orthodox Church in Great Britain.<sup>353</sup>

The 2024 presidential election was no exception. During the voting at the polling station at the Embassy of the Russian Federation in London, a protest action broke out in front of the diplomatic mission building, which to some extent prevented voters from moving to the polling station, anti-Russian slogans were shouted. Shortly before the election there were threats against Russians living in the UK.<sup>354</sup> Thanks to the active civic position and genuine patriotism of Russians, attempts to sabotage the elections were not successful. Thus, there was a record turnout – about 2.7 thousand Russian citizens used their constitutional right in the UK. This number is slightly higher than the number of those who voted in other European countries, where only one polling station was set up – in Russian Embassies.

The human rights community is concerned about the situation in the UK prison system. Overcrowding and poor conditions in male prisons in England and Wales are among the main problems. Thus, as of September 2023, the number of male and female prisoners amounted to at least 87,685 prisoners, which is 7.5 per cent higher than a year earlier. Moreover, this figure is only increasing. The UK Ministry of Justice estimates that the number of prisoners may exceed 100,000 within two years. In this regard, the country's authorities have even launched an initiative to rent prison facilities abroad.<sup>355</sup>

The main factors for the growth of this indicator are the increasing percentage of prisoners on remand and persons handed longer sentences. At the same time, there is a serious shortage of prison staff and low state funding of penitentiary

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<sup>353</sup> Ibid.

<sup>354</sup> Russian Ambassador: Several hundred people are trying to prevent voting at the Embassy in London. TASS. 17 March 2024.  
<https://tass.ru/politika/20260873>

<sup>355</sup> Foreign prison rental to ensure public protection. Press release by The Ministry of Justice. 3 October 2023.  
<https://www.gov.uk/government/news/foreign-prison-rental-to-ensure-public-protection>

institutions. There is a high death rate among prisoners – while in 2013 there were 2.3 deaths for every 1,000 prisoners, in 2023 this figure increased to 3.8.<sup>356</sup>

In addition, the experts note the overrepresentation of minority ethnic people in both the male and female prison population in these parts of the Kingdom. This was acknowledged, including by the UK official delegation in May 2019 during the submission of the 6th periodic report to the CAT, and is reflected in its concluding observations.<sup>357</sup> It is pointed out that the use of tasters in British prisons has increased, including on children and young people. Tasers are disproportionately used against members of minority groups.

In June 2021, a team of experts of the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) of the Council of Europe visited the UK. The report following the visit noted a consistently high level of violence in male prisons, which would undoubtedly be much higher if prisoners were not in their cells for most of the day. The CPT delegation found that the vast majority of prisoners were continued to be locked up in their cells for 22 to 23 hours a day, with far too little to do.

At HM Bronzefield female prison, experts observed similar shortcomings as in male prisons. In addition, the CPT has documented that during the coronavirus pandemic, the number of self-harm incidents among women increased sharply. Moreover, due to their frequent use of ligatures<sup>358</sup>, the risks of lethal incidents increased. In one prison, there were several women with severe mental health problems who did not receive appropriate care.<sup>359</sup>

The UN human rights treaty bodies have noted with grave concern the deplorable state of the juvenile justice system. In particular, the CRC notes the

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<sup>356</sup> The state of prisons in England and Wales – in numbers. The Guardian. 26 September 2023.

<https://www.theguardian.com/society/2023/sep/26/the-state-of-prisons-in-england-and-wales-in-numbers>

<sup>357</sup> Concluding observations of the Committee against Torture on the 6th periodic report of the United Kingdom. May 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=ru)

<sup>358</sup> A ligature is a thread for ligation of blood vessels.

<sup>359</sup> Report to the United Kingdom Government on the periodic visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 8 to 21 June 2021. 7 July 2022.  
<https://rm.coe.int/1680a72b71>

limited progress made in implementing the previous recommendations of 2016. The experts are deeply concerned by the low minimum ages of criminal responsibility (at 10 or 12 years throughout all jurisdictions of the State), that legislation allows for life imprisonment for children, the continued use of solitary confinement for children, as well as the large number of cases of violence, including sexual abuse, committed by staff against children in the child justice system.<sup>360</sup>

The human rights community has repeatedly highlighted the social inequalities experienced by certain vulnerable groups in the UK. The Committee on Economic, Social and Cultural Rights (CESCR) was concerned about the adverse impact that changes to the fiscal policy, such as the increase in the threshold for the payment of inheritance tax and the increase of the value added tax, as well as the gradual reduction of the tax on corporate incomes, are having on the ability of the State party to address persistent social inequality. And this, in the Committee's opinion, despite the State's sufficient resources to achieve the full realisation of economic, social and cultural rights for the benefit of disadvantaged and marginalised individuals and groups.<sup>361</sup>

It was highlighted that the reforms to the legal aid system and the introduction of employment tribunal fees have restricted access to justice in areas such as employment, housing, education and social welfare benefits. The experts of the Committee noted that despite the increase in the employment rate, some disadvantaged and marginalised individuals and groups continue to be disproportionately affected by unemployment, including persons with disabilities, young people and persons belonging to ethnic, religious or other minorities in the United Kingdom. The changes in the entitlements to, and cuts in, social benefits introduced by the Welfare Reform Act 2012 and the Welfare Reform and Work Act 2016 were also a cause for concern. These, in particular, include the reduction of the

<sup>360</sup> Concluding observations of the Committee on the Rights of the Child on the combined 6th and 7th periodic reports of the United Kingdom. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)

<sup>361</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of the United Kingdom. June 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2fCO%2f6&Lang=ru)

household benefit cap, the removal of the spare-room subsidy (bedroom tax), the four-year freeze on certain benefits and the reduction in child tax credits. The CESCR was particularly concerned about the adverse impact of these changes and cuts on the enjoyment of the rights to social security and to an adequate standard of living by disadvantaged and marginalized individuals and groups, including women, children, persons with disabilities, low-income families and families with two or more children.<sup>362</sup>

In November 2018, UN Special Rapporteur on Extreme Poverty and Human Rights Philip Alston following his visit to the UK published a report where he strongly criticised the UK's current social security system. The document stressed that the "austerity" policy implemented since 2010 by the Ministry of Finance had a negative impact on the social security system, bringing "suffering and discord" in the social sphere. The welfare reform in fact failed, primarily due to stricter eligibility requirements and significant delays in payments. The UK tax system has had a negative impact on the welfare of the most vulnerable, including women, people of Asian and African descent, ethnic minorities, single parents and people with disabilities.

It should be noted that concerns about the vulnerable position of women, particularly those of Asian and African descent, other ethnic minorities and refugee women, were reflected in the February 2019 CEDAW report following the consideration of the 8th periodic report on the UK. In particular, the Committee pointed out the disproportionately negative impact of austerity measures on women, who, according to the estimation, constitute the vast majority of single parents and, as a rule, do not have permanent jobs and, consequently, stable incomes. Budget cuts in the public sector, where more women are employed than men, cuts in funding to organisations that provide social services to women were also noted.

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<sup>362</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of the United Kingdom. June 2016.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fGBR%2fCO%2f6&Lang=ru)

According to the Committee, this move led to an increased burden on women specifically, including in the area of childcare<sup>363</sup>.

Despite the efforts of the government to eradicate gender inequalities in the UK (including the adoption of a roadmap in July 2019), human rights organisations estimate that the situation is "far from perfect".

Fawcett Society estimates that the gender income gap currently reaches 10 per cent among full-time employees and 34.5 per cent among part-time employees in the UK. Women make up 70 per cent of all minimum wage earners. Income inequality in the UK has grown faster in recent years than in other OECD countries; women now earn on average £140 thousand less than men over the course of their career. In addition, 54 per cent of women in part-time jobs (2.8 mln) hold low-paid and non-prestigious positions that do not match their qualifications, experience and skills.

The Scottish Widows pension and insurance company reports that 37 per cent of British women have no retirement savings and the proportion is increasing every year. In 2019, only 40 per cent of women had retirement savings to match their standard of living (up from 50 per cent in 2006). Meanwhile, the average monthly contribution barely reached £182 per month, compared to around £260 among men. Analysts attribute this to the ever-increasing costs of supporting children and elderly parents, most of which are borne by women.

The concluding observations of the Committee on the Rights of the Child on the combined sixth and seventh periodic reports of the United Kingdom of Great Britain and Northern Ireland<sup>364</sup> highlighted that the Committee's previous recommendations from 2016 had only been partially implemented, and that serious challenges remained with regard to protecting and ensuring the rights of children in Great Britain.

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<sup>363</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of the United Kingdom. February 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fGBR%2fCO%2f8&Lang=ru)

<sup>364</sup> Concluding observations of the Committee on the Rights of the Child on the combined 6th and 7th periodic reports of the United Kingdom. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)



The document stressed the negative impact of austerity measures on children as well as the high number of minors living in poverty, food insecurity and below the poverty line, particularly among Asian, African and Roma children. This results in a large number of children being prosecuted and disparities in educational attainment.

There are serious child health problems, including high infant and child mortality rates (particularly among boys in the British Overseas Territories), violence and child abuse, and poor outcomes for children with mental health problems and disabilities. Experts point to the high number of children exposed to abuse, especially in medical and alternative care facilities. Therefore, CRC encourages the UK to adopt legislation that explicitly prohibits the use of restraints that are harmful to children (head bags, tasers, etc.).

Children seeking mental health care in the UK face long waits for help. CRC experts are particularly concerned that large numbers of children with mental disorders, learning disabilities and autism are placed in adult institutions under the Mental Health Act 1983. There is an urgent need to reform the Act, in particular to include provisions prohibiting the detention or placement of children with mental disorders, learning disabilities or autism in adult psychiatric facilities, and to establish standards for determining the duration of inpatient psychiatric treatment in order to prevent unnecessary and prolonged stays of minors in such institutions.

The large number of children living in areas with unsafe levels of air pollution, including high levels of lead in the air, and the limited nature of government measures to reduce greenhouse gas emissions is of particular concern to experts.<sup>365</sup>

In this regard, it is noteworthy that the UK became the first country in the world to list high levels of air pollution as a cause of death: In 2013, a 9-year-old

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<sup>365</sup> Concluding observations of the Committee on the Rights of the Child on the combined 6th and 7th periodic reports of the United Kingdom. May 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)

girl died after an asthma attack aggravated by living in an area with high levels of air pollution. Specifically, between 2010 and 2013, the child was exposed to levels of nitrogen dioxide and particulate matter (the primary source of which was vehicle emissions) that exceeded World Health Organization guidelines. The coroner concluded that it was high levels of air pollution, above legal limits, that contributed to the child's worsening illness and death.<sup>366</sup>

The situation regarding the protection of children's rights in children's institutions remains depressing. A report published in January 2017 on the investigation into institutional abuse partially revealed the extent of physical and sexual abuse in orphanages and other residential institutions run by religious, charitable and state organizations in Northern Ireland between 1922 and 1995. The CAT noted this problem and stressed that the recommendations following the investigation had not been implemented and that, as a result of the authorities' inaction, the identified victims of abuse had not received financial or other compensation or redress for the physical or mental harm they had suffered.<sup>367</sup>

At the same time, CAT experts expressed concern about the facts cited in a report published in February 2019 by the Independent Inquiry into Child Sexual Abuse. Between 2009 and 2017, 1,070 cases of sexual abuse of minors were reported to have taken place in detention facilities across the UK. It was emphasized that investigations of complaints received were very rare. The Committee also mentioned that an investigation into institutional practices not covered by the above-mentioned inquiry was pending, in particular the infamous St. Magdalene laundries and some other mother and baby homes.<sup>368</sup>

The situation of migrants in the country is deteriorating. The Illegal Migration Act, approved on 20 July 2023, caused mixed reactions in the British society and serious criticism from local and foreign human rights activists, representatives of the

<sup>366</sup> Air pollution a cause in girl's death, coroner rules in landmark case. The Guardian. 16 December 2020. <https://www.theguardian.com/environment/2020/dec/16/girls-death-contributed-to-by-air-pollution-coroner-rules-in-landmark-case>

<sup>367</sup> Concluding observations of the Committee against Torture on the 6th periodic report of the United Kingdom. May 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fGBR%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2fC%2fGBR%2fCO%2f6&Lang=ru)

<sup>368</sup> Ibid.

UN and the Council of Europe. They say the law essentially denies "genuine refugees" the opportunity to seek protection in the UK and is "cruel" to the most vulnerable migrant groups.<sup>369</sup> For example, the British authorities shall not consider asylum applications from persons who have entered the territory of the United Kingdom illegally. Illegal migrants shall be detained for up to 28 days, after which they shall be deported to "safe countries" (either the country of origin or transit, or a "third country") without the right to return to the UK. Exceptions shall be made for unaccompanied minors, the seriously ill, and those who would face "serious and irreversible harm" in the country of deportation. However, children and pregnant women are also subject to detention, albeit for shorter periods than other persons.

The law also contains provisions that would allow the Home Secretary, in certain circumstances, to ignore temporary injunctions issued by the European Court of Human Rights (ECtHR) to suspend the deportation of illegal migrants<sup>370</sup> which, judging by the media, is what the "reformers" have consistently sought.

Ms Siobhán Mullally, HRC Special Rapporteur on Trafficking in Persons, especially Women and Children, has expressed concern about the United Kingdom's policy on asylum seekers. In June 2022, for example, she criticized the April 2022 agreement with Rwanda to transfer people seeking international protection who had entered the UK illegally to Rwanda. Special Rapporteur Mullally said that such a practice violates the international legal principle of non-refoulement and does nothing to prevent human trafficking. Therefore, the Special Rapporteur urged the United Kingdom to halt plans to forcibly transfer asylum seekers to third countries.<sup>371</sup>

Not only human rights defenders condemned these plans as inhumane, but also Theresa May, former Prime Minister and Home Secretary. She expressed her displeasure with the new migration policy, questioning its "legality and efficacy".

<sup>369</sup> Joint civil society statement on the passage of the Illegal Migration Act. Redress. July 2023.

<https://redress.org/publication/joint-civil-society-statement-on-the-passage-of-the-illegal-migration-act/>

<sup>370</sup> Parliamentarians should uphold the United Kingdom's international obligations when scrutinizing the Illegal Migration Bill. COE Commissioner for Human Rights. 27 March 2023.

<https://www.coe.int/en/web/commissioner/-/parliamentarians-should-uphold-the-united-kingdom-s-international-obligations-when-scrutinising-the-illegal-migration-bill->

<sup>371</sup> UN expert urges UK to halt transfer of asylum seekers to Rwanda. 17 June 2022.

<https://www.ohchr.org/en/press-releases/2022/06/un-expert-urges-uk-halt-transfer-asylum-seekers-rwanda>

The practical implementation of the agreement has so far been hindered by the proactive position of the asylum-seekers to be deported to Kigali (Rwanda's capital), as well as human rights defenders who have undertaken to file the necessary complaints with the judicial authorities. The first "deportation" flight to Kigali was scheduled for June 2022, but was cancelled shortly before departure after the ECtHR decided to take interim measures against one of the passengers on board. However, the British authorities have not given up their efforts to bring the agreement into force.

Nevertheless, on 15 November 2023, the United Kingdom Supreme Court ruled that the so-called "Rwanda Scheme" was unlawful. In response, the government introduced the Safety of Rwanda (Asylum and Immigration) Bill in the House of Commons on 7 December 2023. It provides for the recognition of Rwanda as safe for migrants in relation to the implementation of the "Rwanda Scheme", reduces the grounds for appeal against expulsion decisions and limits the possibility of enforcing the ECtHR interim measures in relation to the "scheme". On 27 January 2024, a group of 260 human rights NGOs called on the House of Lords to block consideration of the Bill.

In January 2022, Ms Siobhán Mullally also raised concerns about the Nationality and Borders Bill, the provisions of which she said would encourage discrimination and serious human rights abuses in the UK. In particular, the document does not oblige the state to ensure the protection of migrants and asylum-seeking children, while certain provisions risk increasing the number of people without nationality.<sup>372</sup> Despite criticism, including from domestic experts, the Bill was passed by the British Parliament in April 2022. The Act essentially took away the right of foreigners to seek asylum from the British authorities if they had entered the UK illegally and not directly from the state where their "life and freedom were threatened". The measure is aimed at illegal migrants who arrive in the UK in small boats across the English Channel (28,500 people in 2021, more than 10,000 in

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<sup>372</sup> UN human rights criticizes Britain's Nationality and Borders Bill. 14 January 2022. <https://news.un.org/ru/story/2022/01/1416912>

the first half of 2022), and who, after traveling through France and other continental European countries, do not meet the criteria of having arrived directly from a "dangerous" country.

In the second half of 2021, amid a growing number of illegal migrants arriving in the UK in small vessels through the English Channel, UK Home Office officials repeatedly stated that the Border Force has the power to physically push back such vessels that have entered British territorial waters or adjacent waters. However, the legal basis for such a measure remains unclear. At the same time, the aforementioned Nationality and Borders Act grants border guards the power to "turn around" vessels and also exempts such officers from criminal liability if they commit offenses in the exercise of their powers (potentially triggering a situation leading to loss of life). The original clause requiring the International Convention for the Safety of Life at Sea to be taken into account when deciding on such coercive measures was removed from the bill during parliamentary scrutiny.

Critics argue that the pushback tactics may in general or in specific cases contravene Article 4 of Protocol 4 to the ECHR and a number of international maritime law conventions (International Convention for the Safety of Life at Sea, International Convention on Maritime Search and Rescue, Convention on the Law of the Sea).<sup>373</sup>

Arguably, especially in view of the poor seaworthiness and technical state of many of the boats used by migrants, it could also be a violation of Article 2 of the ECHR,<sup>374</sup> the Protocol to Prevent, Suppress and Punish Trafficking in Persons, supplementing the Convention against Transnational Organized Crime and, in case there are children among these migrants, of Article 3 of the Convention on the Rights of the Child.

In 2023, the following incidents of violation of the rights of refugees by the British authorities caused widespread publicity. On 12 December, an Albanian national, Leonard Farruku, was found dead in the asylum-seekers' detention centre

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<sup>373</sup> Prohibition of collective expulsion of aliens.

<sup>374</sup> Right to life.

on the non-self-propelled ship Bibbi Stockholm, moored in the English port of Portland. A coroner's inquest concluded that the cause of death was suicide. Human rights activists have criticized the British government for the inhumane conditions of illegals on the "floating prison". On 27 December, the UK Home Office published a service report acknowledging the discriminatory nature (on the basis of gender and age) of the detention of refugees on the barge. At the same time, it emphasized that the actions of the authorities do not violate British law.<sup>375</sup>

Another infamous migrant camp is located at the former Wetherfield Air Force Base on a remote island in Essex County. Human rights activists accuse the authorities of violating Article 5 of the ECHR (the right to liberty and security of person), as the detention of migrants there is effectively tantamount to imprisonment. In December 2023, the NGO Care4Calais announced its intention to sue the Home Office for inhumane housing conditions for illegal immigrants, failure to meet security requirements, and damage to mental health (including amid reports of multiple suicide attempts among refugees there). In January 2024, the list of claims against Weatherfield was expanded to include complaints about lack of access to medical care (probably psychological care, actually). As an emergency measure, the international NGO Médecins Sans Frontières sends its staff and volunteers to the migrant camp.<sup>376</sup>

In June 2023, a report was published following a monitoring visit by a CPT delegation to the United Kingdom (25–28 November 2022) to analyse the treatment of foreign nationals who cross the Channel illegally in small vessels. Interviews with staff and a review of records at the Manston short-term detention centre confirmed that while migrants were arriving en masse, they were held for 40 days in overcrowded tents with no furniture (other than foam mattresses), poor sanitary conditions, and limited access to fresh air. The CPT's delegation concluded that, between October and early November 2022, foreign nationals detained at the

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<sup>375</sup> Bibby Stockholm: Asylum seekers to be returned to migrant barge. BBC. 10 October 2023. <https://www.bbc.co.uk/news/uk-england-dorset-67063219>

<sup>376</sup> Wethersfield asylum seekers protest over conditions on base. BBC. 17 November 2023. <https://www.bbc.co.uk/news/uk-england-essex-67444334>

migration centre in question may have been subjected to inhuman and degrading treatment. Such practices violate the UK's obligations under the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. The report makes recommendations to improve migrants' access to health care, including mandatory medical examinations for those detained for more than 24 hours, as well as to ensure medical confidentiality, and to prevent the use of force against detainees.<sup>377</sup>

On February 2024, the CPT published a report following a delegation visit to the United Kingdom from 27 March to 6 April 2023. During the visit, experts inspected immigration detention facilities. The report states that the living conditions in the centres are generally satisfactory. The exceptions were the Colnbrook and Brook House immigration centres, where experts documented numerous violations. There are also cases of mistreatment by the staff of these institutions, the use of excessive measures such as handcuffing women to their beds during visits to hospitals outside the centre. Experts emphasize the urgent need to introduce a time limit for detention in migration centres into migration legislation.<sup>378</sup>

The experts also visited prisons where migrants who had violated migration laws were held. For example, as of 31 March 2023, the 56 prisons in England and Wales held 387 sentenced foreign national offenders (TSF NO; time served foreign national offenders), which is a high number given that the Prison and Probation Service typically provides the Home Office with 300–400 accommodation places for people detained under breach of immigration law. Experts continue to emphasize the principled position that migrants who have violated migration laws should not be imprisoned. The delegation found that administrative detainees in prisons are at a distinct disadvantage in terms of their ability to exercise their right to legal counsel, contact with the outside world, time out of their cells, and access to fresh air.

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<sup>377</sup> Report to the United Kingdom Government on the ad hoc visit to United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 25 to 28 November 2022. Published on 19 June 2023.  
<https://rm.coe.int/1680abc9b6>

<sup>378</sup> Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 6 April 2023. Published on 8 April 2024.  
<https://rm.coe.int/1680ae68ac>

Moreover, the conditions in the prisons they visited were much worse compared to the migrant detention centres.<sup>379</sup>

Violations of the rights of minors is particularly relevant for the UK against the background of the worsening migration crisis. CRC experts are deeply concerned about the restrictions imposed by the Citizenship and Borders Act (2022) and the introduction of a two-tier identification system for refugee children. CRC is seriously concerned that under this law children may be deprived of their nationality without notification. Therefore, the Committee encouraged the authorities to amend it in order to avoid the risk of statelessness among children. It also emphasizes the need to repeal National Health Service regulations that prevent asylum-seeking and children as well as children without a regular residence status from accessing health services on the basis of their migration status.<sup>380</sup>

Human rights organizations express serious concern about the inadequate security provided by the UK authorities for children entering the country illegally without parental consent.<sup>381</sup>

For a long time, such persons were accommodated in the same ordinary hotels as adult migrants, without proper supervision. According to local press reports, more than 400 children have "disappeared" from these hotels during the implementation of this practice. In July 2023, the UK Home Office confirmed that 154 migrant children were reported missing (with the reservation that 100 of them should have reached adulthood since the disappearance, and the age of 25 was disputed). According to the media and human rights defenders, these often involve not escapes, but kidnappings by criminal groups for the purpose of further engaging minors in

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<sup>379</sup> Report to the United Kingdom Government on the visit to the United Kingdom carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 6 April 2023. Published on 8 February 2024.

<https://rm.coe.int/1680ae68ac>

<sup>380</sup> Concluding observations of the Committee on the Rights of the Child on the combined 6th and 7th periodic reports of the United Kingdom. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)

<sup>381</sup> Charity launches legal action over children placed in 'unlawful' asylum hotels. Children and Young People Now. 12 June 2023.

<https://www.cypnow.co.uk/news/article/charity-launches-legal-action-over-children-placed-in-unlawful-asylum-hotels>



illegal activities. In addition, the children who stayed in hotels faced manifestations of racism and threats of violence by hotel staff.

The lack of a humane approach to children who have entered the UK illegally is one of the areas of criticism of the Illegal Migration Act mentioned above. The Act provides for the arrest of illegal minors on the same basis as adult offenders. Under the legislative process, the opposition was only partially able to soften the provisions originally proposed by the Government. The possible detention period for unaccompanied children was reduced from 28 (as for adults) to 8 days.

International human rights NGOs have criticised the UK government for failing to honour earlier commitments to accept Syrian refugees. In 2016, London announced its intention to grant asylum to 3,000 Syrian minors. However, only 480 people were actually admitted, after which the government announced in July 2018 that it was scrapping the programme. A subsequent attempt by Refugee Aid NGO to challenge the decision in court failed. The High Court in London upheld it and rejected a subsequent appeal.

The difficult situation of asylum-seekers has also been highlighted by UN human rights treaty bodies, including CERD, CEDAW, CAT, HRCttee, and CESCR. They noted, in particular, that refugees, asylum-seekers and rejected asylum-seekers, as well as Roma continued to face discrimination in accessing healthcare. In addition, human rights defenders drew attention to the lack of clear time limits on the duration of detention in migrant removal centres. Mistreatment of this group of persons in temporary detention centres, as well as in prisons and places of detention, which was documented in a large number of complaints, remains a serious problem. This has been highlighted by UN human rights treaty bodies, including the HRCttee in July 2015<sup>382</sup> and the CAT in May 2019, which have reflected these facts in their concluding observations. According to CAT statistics, between 2013 and 2018, more than 6,500 investigations were conducted into

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<sup>382</sup> Concluding observations of the Human Rights Committee on the 7th periodic report of the United Kingdom. June 2015.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=en)

allegations of misconduct and 2,600 correctional officers received disciplinary actions, including 50 for physical abuse.<sup>383</sup>

The British human rights community is seriously concerned about the prospect of a significant extension of police powers in policing demonstrations. The Police, Crime, Sentencing and Courts Act, passed in April 2022, provides for more complex procedures for authorising marches and assemblies and extends police powers to respond to protests where there is an increased risk of disruption to the rights of people and organizations in the vicinity of the event (e.g. if protesters are being too loud). The Head of the Home Office may introduce a clear definition of "public order offence" in the by-laws. The Act also provides for an increase in the maximum term of confinement (up to 51 weeks) and higher fines (up to GBP 2,500) for organizers and protesters if they refuse to obey the demands of the authorities.

The bill was heavily criticised by the expert community as it passed through parliament. The Human Rights Committee of the British Parliament gave highly unfavourable assessments of some of its provisions. There was significant resistance to the Act from members of the House of Lords. It has been noted that the language of the new police powers is vague and "broad", and that some of the measures that are particularly at odds with the British "protest tradition" have been described as disproportionate or even conflicting to human rights.

However, the government persistently ignored public opinion on the bill's most controversial provisions and in the final stages of its passage through Parliament used the Conservative majority in the House of Commons to push the initiative and force the House of Lords not to block the bill.

Numerous protests in a number of cities in England against the bill, under the slogan Kill the Bill, were met with a brutal response from law enforcers.

The Public Order Act adopted in May 2023 provided the law enforcement agencies with these powers in terms of anti-protest legislation. If the police consider

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<sup>383</sup> Concluding observations of the Committee against Torture on the 6th periodic report of the United Kingdom. May 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=en)

that there is a threat of protests in a certain form (i.e. locking-on, that is attaching oneself to buildings, street structures, each other, etc.), in a certain area and at a certain time, their officers may be authorised to carry out random searches of persons to check whether they are carrying the means for the above-mentioned actions. A number of human rights NGOs have condemned the provisions of the Act, emphasising the "authoritarian" powers of the police, including in the context of a possible risk of discrimination on ethnic grounds.

The consideration and adoption of the Public Order Law in May 2023 was accompanied by intense criticism by local activists and international NGOs.<sup>384</sup> Human rights defenders accused official London of further tightening "draconian" measures that restrict freedom of expression and the right to peaceful protest.

The fact that this Act was passed on the eve of the coronation of Charles III caused a certain resonance. The government denied accusations of deliberately forcing the bill's passage. However, during the celebrations, law enforcement agencies detained more than 60 members of anti-monarchist and environmental movements, allegedly using the powers provided for in the Act just passed. The protesters were subsequently released without charge and the police publicly apologised for the incident.

It is noteworthy that the main political parties of the country (except for the ruling conservatives) criticised the police actions and anti-protest measures in general. Scottish nationalists tried to launch a procedure in the UK parliament to repeal the new law, but did not receive sufficient support from other MPs.

In January 2024, during a visit to the UK, Michel Forst, former HRC Special Rapporteur on the situation of human rights defenders, expressed concern about legal developments in anti-protest legislation. In particular, he pointed to the use of "draconian" restrictive measures by local law enforcement agencies against members of environmental movements such as Extinction Rebellion and Just Stop

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<sup>384</sup> Public Order Act: New protest offences and "serious disruption". Liberty.  
[https://www.libertyhumanrights.org.uk/advice\\_information/public-order-act-new-protest-offences/](https://www.libertyhumanrights.org.uk/advice_information/public-order-act-new-protest-offences/)

Oil. He emphasised the arrests that have taken place in 2023 and in some cases actual prison sentences for peaceful protest.

Observers note a tightening of the regulation of strike activity. There was widespread resonance with the adoption by the British Parliament in July 2023 of the Strikes (Minimum Service Levels) Act, which provides for the possibility of effectively limiting the scale of strikes in the most important sectors. In December 2023, Parliament approved regulations that set out the minimum service levels required of border control, passenger rail transport, ambulance and medical transport workers in the context of strike action. As of January 2024, employers have not utilised this mechanism.

However, human rights defenders claim that the very idea of "legislative restriction" of strike action is contrary to London's international obligations under the ECHR and the ILO.

Attention is drawn to the practice of harshly repressing undesirable civil actions, which, according to London, does not at all violate the principles that underpin a democratic society. For example, in August and September 2021, 480 people were arrested by Extinction Rebellion activists for taking part in two weeks of mass climate demonstrations in London alone, hundreds more were arrested in numerous pickets and demonstrations across the country during the year, including in connection with the UN Framework Convention on Climate Change conference in Glasgow in October–November 2021. At least 18 members of such groups and associations, 10 of whom are members of Insulate Britain, which advocates for thermal insulation in homes by 2030, have been sentenced to prison. There have been cases of police brutality against protesters during civil actions.

The report of the Ministry of Foreign Affairs of the Republic of Belarus on the Most Resonant Human Rights Violations in Certain Countries of the World, published in 2022, provides an extensive list of facts of disproportionate use of

force against activists of the Extinction Rebellion and Insulate Britain movements, as well as statistics of arrests.<sup>385</sup>

The most public outcry was caused by the disproportionate and unjustified brutal actions of the British police in London during the peaceful actions in memory of Sarah Everard. A member of the Diplomatic Missions and Government Buildings Protection Unit of the Metropolitan Police was charged with the kidnapping and murder of the young British woman. The crime literally shook the public in the United Kingdom, prompting thousands of women to share their stories of rape, beatings and harassment. The Reclaim These Streets activists did not vandalize historical monuments related to the slave trade, nor did they block the printing houses like the eco-activists. They took to the streets as a reminder that violence against women is not a relic of the past and that official authorities and society as a whole are not doing enough to address it. Nevertheless, law enforcement officers responded to the anti-violence rally with new violent actions: participants in the rally had their arms twisted and were dragged along the pavement by their hair.

The disproportionately harsh measures by law enforcers were criticised even in the UK itself, in particular by the Mayor of London Sadiq Khan and the then Head of the UK Home Office Priti Patel.

The UK Home Office's practice of withdrawing citizenship for the "public good" is also controversial. Such a procedure should only be applied when a person has another nationality, but practice shows that this requirement is not always met by the authorities. In this regard, British human rights defenders draw attention to the situation of people formerly associated with ISIS who are now in refugee camps in Syria (according to the media, there may be several hundred people, primarily wives and children of fighters). The most telling example is that of former UK citizen Shamima Begum,<sup>386</sup> who travelled from the UK to ISIS controlled territory in 2015 at the age of 15. Shamima Begum was deprived of her British citizenship

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<sup>385</sup> Report of the Ministry of Foreign Affairs of the Republic of Belarus on the Most Resonant Human Rights Violations in Certain Countries of the World. 2022.

[https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

<sup>386</sup> Shamima Begum loses appeal against removal of British citizenship. The Guardian. 22 February 2023.

<https://www.theguardian.com/uk-news/2023/feb/22/shamima-begum-loses-appeal-removal-british-citizenship>

in 2019. In 2020, the legality of the decision was confirmed by a special tribunal. In February 2023, an appeal against this decision was rejected by the UK's Special Immigration Appeals Commission. This has set a precedent that places a significant number of people at risk of uncertainty with no apparent prospect, while living in extremely precarious conditions in refugee camps.

The situation is resonant around the refusal of the British authorities to repatriate their minor citizens living in the Al-Hawl camp for relatives of ISIS fighters in the north-east of the Syrian Arab Republic (SAR), where extremely difficult living conditions and problems with access to essential commodities have been noted.

In particular, CRC experts expressed concern about this issue and called on the United Kingdom authorities to take urgent action to repatriate British citizen children from camps in the SAR.<sup>387</sup>

At the same time, the human rights community criticises the British government's attempts to tighten counter-terrorism legislation. In particular, there is a concern about the content of the counter-terrorism strategy approved by the government in June 2018, which, according to Sajid Javid, then Head of the Home Office, was based on the principle of "ensuring there is no safe space for terrorists internationally, in the UK or online." The instrument requires British intelligence agencies to share operational information with municipal authorities and the government as much as possible. In addition, the strategy provides for the prompt elimination of vulnerabilities in critical infrastructure, strengthening security measures in crowded places, and responding to suspicious purchases of goods. It is even provides for the involvement of private companies in anti-terrorist activities, which are supposed to notify the police about dubious purchases (chemicals) and strange behaviour of customers (e.g. when renting a car, etc.).

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<sup>387</sup> Concluding observations of the Committee on the Rights of the Child on the combined 6th and 7th periodic reports of the United Kingdom. May 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)

Human rights defenders also drew attention to the UK's Counter-Terrorism and Border Security Act 2019, which, among other things, provides for tougher penalties for distributing unlawful material electronically via the Internet. In their opinion, its vague provisions can be interpreted as broadly as possible by law enforcement agencies, resulting in the criminalisation of perfectly legal acts, including familiarisation with extremist materials for academic, research and professional purposes. There is also a continuing and lively discussion about toughening responsibility for posting extremist content on the Internet, as well as strengthening tools to influence against those who spread extremist ideology.

The government's decision to give retrospective effect to the Terrorist Offenders (Restriction of Early Release) Act 2020 has been heavily criticised by the British public. The legislation resulted in dozens of people being denied parole.

The content of the Counter-Terrorism and Sentencing Act, which came into force in April 2021, aimed, inter alia, at significantly expanding the powers of law enforcement agencies in the field of counter-terrorism with an emphasis on preventive measures, has received a negative assessment by the UK expert and public community. It is proposed, among other things, to change the practices of law enforcement agencies using "terrorism prevention and investigation measures," including the imposition of curfews on individuals, house arrest, forced displacement to a new place of residence, prohibition to participate in meetings, restriction of the right to use banking services and means of communication, and confiscation of foreign passports. Currently, this tool can be used for up to two years if there is evidence that a suspect is involved in terrorism. The new bill proposes to allow its use "if there is suspicion that a person is engaged in terrorist activity," to remove time limits on such measures, and to include such measures as compulsory drug testing, engagement in drug rehabilitation programmes and mandatory registration with law enforcement agencies of all electronic devices present in the household.

The human rights community accused the British government of disregarding the country's human rights obligations and intending to punish certain citizens

extrajudicially on the basis of mere suspicion by security agencies rather than concrete evidence of guilt. It was noted that the introduction of the relevant bill in the midst of the COVID-19 pandemic was "no accident." Such a move, it is said, was intended to push the document through Parliament without proper public debate.

In turn, CRC notes that counter-terrorism measures have a harmful and restrictive effect on children's right to freedom of expression. Experts are deeply concerned about the fact that nearly half of the children referred under the Prevention Strategy are Muslim or of Asian descent.<sup>388</sup>

In addition to the above, the UK has had an electronic facial recognition system in place since 2014, i.e. for 10 years now, which has caused extremely mixed reactions in society. Before the technology was used in the British capital, it was publicly tested on 12 January 2020 in Cardiff during a football match at Cardiff City Stadium, accompanied by protests and strong condemnation by human rights groups and the general public.

The working principle of this system is the following. The software reads faces offline, capturing dozens of individual features of a scanned face to create a unique "fingerprint" that is automatically checked against a database of wanted criminals, as well as missing children and members of vulnerable groups. The computer then ranks possible matches for subsequent verification by a police operator. If a match is found, the "identified" individual is detained by a police officer for an interview.

British Big Brother Watch NGO advocating for the right to privacy and freedom from surveillance by the State and "technology giants" has been actively fighting its implementation through pickets, lawsuits and petitions to Parliament. According to the statistics of this NGO, 93 per cent of "recognitions" resulting from 10 tests were found to be wrong. According to research conducted by Professor

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<sup>388</sup> Concluding observations of the Committee on the Rights of the Child on the combined 6th and 7th periodic reports of the United Kingdom. May 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FGBR%2FCO%2F6-7&Lang=en)



Peter Fussey, expert on surveillance systems at the University of Essex, the accuracy of the system is no more than 19 per cent.

Human rights activists point out that law enforcement officials often use personal data under the pretext of national security and search for criminals with no legitimate grounds. This can have negative consequences for the citizens in the country. The Commissioner for the Retention and Use of Biometric Material, Paul Wiles, spoke out about the chaotic use of identification systems and called on the UK authorities to establish a clear legal framework for handling these technologies to ensure that human rights are not being violated.<sup>389</sup> The government's UK Information Commissioner Elizabeth Denham, has expressed concern about the "irresponsible, inappropriate and excessive" use of such technology and the mass collection of sensitive biometric data without the knowledge, choice and control of the public. According to Surveillance Camera Commissioner Tony Porter, the government has extensive legal powers to monitor the public, while proper legislative leverage and thus public oversight of such practices is lacking.

In July 2022, the British human rights organisation "Liberty" appealed against a 2019 judgement of the High Court of London that there was no UK legislation of 2019 that the UK's security legislation does not amount to a breach of the right not to be subjected to arbitrary or unlawful interference with personal and family life.<sup>390</sup> In particular, the NGO criticises the Investigatory Powers Act's ability for law enforcement and intelligence agencies to implement electronic surveillance and monitoring systems (including mass interception of any electronic communications and hacking of computer systems).

Human rights activists point to the wide scope for abuse of surveillance technologies, the vagueness of the statutory justifications for intercepting information, the unreasonable division into "external" and "internal" communications that facilitates access to the data of non-UK citizens, the lack of a

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<sup>389</sup> Biometrics commissioner criticizes police's «chaotic» use of face recognition. Computing. 28 June 2019. <https://www.computing.co.uk/ctg/news/3078110/biometrics-police-facial-recognition-chaotic>

<sup>390</sup> Snooper's Charter fails to protect public from being spied on, Court of Appeal hears. The Telegraph. 10 May 2023. <https://www.telegraph.co.uk/news/2023/05/10/snoopers-charter-fails-to-stop-public-being-spied-on/>

limit on the duration of surveillance and the absence of proper procedures for filtering, storing and analysing intercepted material.

Human rights activists are also concerned about the widespread practice of gathering detailed information about the activities and personal lives of some of the "most dangerous activists" on behalf of law enforcement agencies, municipal authorities (such as London City Hall), and big businesses. The Times and the Open Democracy online news outlet have reported the hiring of private detective companies, such as Welund, for this purpose. For example, in 2019–2021, on the commission of British Petroleum, this agency carried out targeted collection of information (including video and photos from street surveillance cameras, data on online activity) on a member of Art Not Oil, Chris Garrard, and a Warwick University student, Connor Woodman, campaigning for the abolition of mining and sponsorship of cultural projects by the above-mentioned corporation.

The destiny of WikiLeaks founder Julian Assange remains a high-profile case in the context of the violation of the human right to freedom of opinion and expression. The political implications behind the ongoing criminal proceedings against him are obvious. There remains a serious risk of gross violations of his rights should he be extradited to the United States. At the same time, the question of Assange's actual situation in the United Kingdom remains a pressing one.

Despite having served his full sentence for violations of British law, he is still being held in extremely harsh conditions at Belmarsh high security prison on pretext of preventing him from escaping while his extradition proceedings against the US authorities are pending.

The journalist was on 7 September 2020 arrested and then brought before the Westminster District Court to decide whether to extradite him to the US authorities to face prosecution on 18 counts of the indictment. On 4 January 2021, the court ruled that Mr Assange could not be extradited to the US because he suffered from clinical depression and suicidal tendencies, but would remain in a British prison during the time given to representatives of the US prosecution to lodge an appeal. The UN Human Rights Council's Special Rapporteur on torture and other cruel,

inhuman or degrading treatment or punishment, Nils Meltzer, welcomed the ruling, stressing that if transferred to the US, Mr Assange could be subjected to harsh and degrading conditions of detention, close to total isolation. However, the British judiciary concluded that the US prosecution of the Australian national was not an attack on freedom of the press and was not political.

On 10 December 2021, after receiving assurances of proper treatment for Julian Assange from the US authorities, the High Court of Justice ruled that the journalist could be extradited. The decision sparked a wave of indignation in human rights and journalistic circles: the ruling was described as "a blatant miscarriage of justice". Christophe Deloire, the Secretary General of Reporters Without Borders, said the outcome of the trial was a threat to press freedom around the world. Julian Assange, the organisation believes, "has been victimised for his contribution to journalism".

On 20 April 2022, the Westminster magistrates court, where the Australian's case was transferred, did issue a warrant for his extradition, but the final decision to hand Assange over to US justice rested with the then UK Home Secretary Priti Patel. She, too, approved the extradition in June 2022. The defence briefly appealed the decision to the UK Supreme Court, and the appeal hearing is due to take place in early 2023. In addition, Assange's complaint against the British authorities is pending before the ECtHR.

In June 2022, the extradition was approved by her as well. The defence briefly appealed the decision to the UK Supreme Court. In June 2023, the High Court of London rejected his further appeal<sup>391</sup>, but on 26 March 2024, the High Court decided to postpone for the time being the extradition to the US of the Wikileaks founder. In the three weeks allotted by the court, the American side will have to provide a number of guarantees, including that no death sentence will be imposed on him. In case of their absence, Assange will have the right to challenge again the decision of

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<sup>391</sup> Julian Assange "dangerously close" to US extradition after losing latest legal appeal. The Guardian. 9 June 2023.

<https://www.theguardian.com/media/2023/jun/09/julian-assange-dangerously-close-to-us-extradition-after-losing-latest-legal-appeal>

the head of the British Interior Ministry on his extradition.<sup>392</sup> The court, for its part, will return to consider granting the Australian the right to appeal on 20 May 2024.

The decision by the British media regulator Ofcom to revoke the licence of the Chinese news agency CGTN can be seen as an illustrative example of restrictions on the activities of foreign journalists in the UK. The official reason was an investigation initiated in 2020, which found that the media outlet was under the control of the Chinese government, which, in the opinion of the UK, hindered journalistic impartiality and violated local laws on the operation of the media. The decision was a serious setback for the company, which had planned to use its London office as an outpost for extensive international outreach.

According to Ofcom's official statement, the news agency's license belonged to Star China Media Limited, which had no editorial control over CGTN's content.

CGTN described the decision as unconstructive and politically motivated and the launch of the investigation as a manipulation by far-right anti-Chinese political forces. It stressed that the British side refused to make trade-offs and chose to ignore CGTN's reputation as a professional international news agency with 18 years of experience in the UK.

Despite attempts to turn over the shameful pages of its colonial past, its consequences are increasingly affecting Britain's international image. In March 2024 a series of articles<sup>393</sup> appeared in the local press on the fate of half a million Indians taken by Britain to the Caribbean to replace African slave labourers. In historiography they are known as "coolies", although this term is now shamefully avoided by the former British exploiters, who consider it offensive. Formally they were wage labourers, but in reality they were tricked into a bondage relationship – once in unbearable working conditions, they were restricted in their rights and little different from slaves. In 90 per cent of cases, contrary to agreements, they were

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<sup>392</sup> Julian Assange wins temporary reprieve in case against extradition to US. The Guardian. 26 March 2024. <https://www.theguardian.com/media/2024/mar/26/julian-assange-granted-permission-to-appeal-against-extradition-to-us>

<sup>393</sup> Caribbean nations demand UK reparations for indentured labor. The Times. 12 March 2024. <https://www.thetimes.co.uk/article/uk-reparations-slavery-labour-caribbean-countries-kjg75rddd>

never paid for their work and were unable to return home at the end of their "contracts".

Guyana, where more than 40 per cent of the population are descendants of the very people who were imported from India since 1838 and from China since 1853, is spearheading the current campaign to defend the interests of this category of people. In an interview with the Daily Telegraph, the country's President M.I. Ali recalled the atrocities of the British exploiters and called for recognition of the historical mistakes.

According to media reports, Guyana is planning to set up a special commission to study the damage caused by the exploiters, determine its monetary equivalent and work out mechanisms for obtaining compensation. It is planned that this topic will be brought up for discussion by the Caribbean Community (CARICOM), a regional grouping of Caribbean countries. In 2014, the organisation had already sent the former colonial powers a proposal for compensation – the "Regional Justice Plan". However, the "democratic" Western European capitals then arrogantly ignored these calls.

Although British officials condemn their country's colonial past, they have traditionally rejected the idea of compensating victims of colonialism. In 2015, when he was Prime Minister of Britain, this was mentioned by the current Minister of State D.Cameron, whose ancestors included many slave owners.<sup>394</sup> The current head of the Cabinet, R.Sunak, refused to apologise at all for London's role in the slave trade. Against this background, it draws attention to the fact that the initiator of the export of labour in the XIX century – J.Gladstone was the father of the future Prime Minister W.Gladstone.<sup>395</sup>

The focus of attention remains on the media reports that testify to the numerous killings by British Special Air Service (SAS) troops of unarmed people in Afghanistan between 2010 and 2013. In July 2022, the BBC released the results of

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<sup>394</sup> How do we know David Cameron has slave owners in family background? The Guardian. 29 September 2015.

<https://www.theguardian.com/world/2015/sep/29/how-do-we-know-david-cameron-has-slave-owning-ancestor>

<sup>395</sup> Rishi Sunak refuses to apologise for UK slave trade or to pledge reparations. The Guardian. 26 April 2023.

<https://www.theguardian.com/world/2023/apr/26/rishi-sunak-refuses-to-apologise-for-uk-slave-trade-or-to-pledge-reparations>

its own investigation into war crimes committed by SAS special forces against civilians in Afghanistan. It was reported that there was evidence of British military involvement in the killing of 54 Afghan civilians over a 6-month period in 2010–2011. According to the data presented, the SAS acted with the connivance of their immediate and superior commanders, who were aware of significant abuse of authority by their subordinates.

In June 2023, lawyers representing the Afghan dead, Leigh Day, a British law firm, said they had documented a further 25 "suspicious" deaths<sup>396</sup>. In total, the lawyers claim, there have been 30 "suspicious" incidents in the four years in question, resulting in at least 80 deaths.

Amid public pressure, on 15 December 2022, Britain's Ministry of Defence announced the launch of an independent enquiry into the allegations of unlawful acts in Afghanistan between 2010 and 2013. Its format does not include criminal prosecutions, as the inquiry, which came into force in April 2021, will not be prosecuted. The Foreign Military Operations Act establishes only a five-year statute of limitations on criminal liability for such acts. It provides for its extension only in exceptional cases by decision of the Prosecutor General. There is also a limitation on the possibility of extending the standard limitation period for civil actions for damage caused by such military operations (which may not exceed six years under any circumstances). A report will be issued following the proceedings. As of January 2024, there have been three rounds of substantive hearings in the Inquiry (9–11 October, 23–27 October, 4–6 December 2023).<sup>397</sup>

At the same time, the objectivity of this investigation is highly questionable. The failure of the UK authorities to conduct independent investigations into torture during the military campaigns in Afghanistan and Iraq has been the subject of repeated criticism by international human rights bodies.<sup>398</sup>

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<sup>396</sup> Eighty Afghan civilians may have been summarily killed by SAS, inquiry told. The Guardian. 2 July 2023. <https://www.theguardian.com/uk-news/2023/jul/02/eighty-afghan-civilians-may-have-been-summarily-killed-by-sas-inquiry-told>

<sup>397</sup> Independent Inquiry relating to Afghanistan. <https://www.iiaindependentinquiry.uk>

<sup>398</sup> See, for example, the concluding observations of the Human Rights Committee on the 7th periodic report of the United Kingdom. July 2015.

In 2018, Intelligence and Security Committee of Parliament published reports regarding the maltreatment of detainees and extradition of suspects by UK intelligence and security services, which was prematurely terminated because crucial evidence could not be obtained – British authorities had banned intelligence officers from giving evidence. Nevertheless, the findings on the possible involvement of UK military personnel in torture contained in the documents produced were of particular concern to CAT.

The committee also noted that none of some 3,400 reports of unlawful killings, torture and maltreatment committed by UK military personnel in Iraq between 2003 and 2009 received by the Iraq Inquiry Team resulted in a criminal prosecution. Moreover, the investigations that had not been completed by the time the Panel ceased its work in June 2017 were handed over to the military police, and most of the cases were closed.<sup>399</sup>

The fact that in twenty years of investigating crimes in Iraq, only one soldier has been brought to trial and sentenced to one year in prison demonstrates that the UK is not prepared to investigate the crimes of its soldiers.<sup>400</sup>

The Office of the UN High Commissioner for Human Rights (OHCHR) expressed its dismay over the fact that the British authorities protect their military personnel who have repeatedly committed murder and torture. In particular, it was pointed out that no one has the right to impose a statute of limitations on forced disappearance, since the latter is a crime that has no statute of limitations. However, the lack of prosecution deprives the victims of the right to justice and reparation. OHCHR considers that the UK Government should not impose a deadline within which victims can seek remedies.<sup>401</sup>

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[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGBR%2fCO%2f7&Lang=ru)

<sup>399</sup> Concluding observations of the Committee against Torture on the 6th periodic report of the United Kingdom. May 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fGBR%2fCO%2f6&Lang=ru)

<sup>400</sup> Baldwin C. The ICC Prosecutor Office's Cop-Out on UK Military Crimes in Iraq. Human Rights Watch. 18 December 2020.

<https://www.hrw.org>.

<sup>401</sup> UK Parliament must not introduce impunity for war crimes, say UN experts. The Office of the High Commissioner for Human Rights. 5 October 2020.

In parallel, media outlets have been circulating criticism of the British authorities for numerous offences in Kenya. In particular, representatives of the British training unit BATUK have been accused of violence, sexual harassment, negligent handling<sup>402</sup> and loss of ammunition, and the use of chemicals during training exercises.

Kenyan authorities are currently investigating alleged war crimes by the British Army in the country. According to the latest figures, at least 43 complaints have been received<sup>403</sup>. The unsolved murder of 21-year-old Kenyan woman A.Wanjiru in March 2012, committed, according to investigators, by British servicemen, has received widespread publicity. In August 2023, the Kenya Defence Committee initiated its own investigation.

In October 2023 (days before King Charles III's visit), a Nairobi court ordered the British Army to pay compensation for a devastating fire caused by a unit's negligent actions during an exercise in 2021. Commentators point out that London allegedly deliberately delayed the proceedings in order to delay or avoid paying damages.<sup>404</sup>

The UK has often been criticised by the Council of Europe's human rights institutions. In particular, Strasbourg is concerned about the Conservative government's law "On Intercommunal Relations", Conservative government-initiated legislation, the Northern Ireland Intercommunal Conflict in respect of Heritage and Reconciliation Act.

Despite criticism from international organisations, a number of states (primarily Ireland) and human rights activists, the above-mentioned law was adopted in the UK on 18 September 2023. Moreover, its most controversial provisions were retained. It is envisaged to establish the so-called Reconciliation and Information Search Commission, which will establish the circumstances of the offences during

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<https://www.ohchr.org>

<sup>402</sup> Divisive legacy of a British army base in Kenya. France 24. 28 October 2024.

<https://www.france24.com/en/live-news/20231028-divisive-legacy-of-a-british-army-base-in-kenya>

<sup>403</sup> Committee on Defence, Intelligence and Foreign Relations begins BATUK Inquiry. The Parliament of Kenya. 6 March 2024. <http://www.parliament.go.ke/index.php/node/21533>

<sup>404</sup> Kenyans demand compensation for fire set by British Army. Russia Today. 24 October 2023. <https://www.rt.com/africa/585665-kenya-demand-compensation-uk-army/>



the Ulster conflict. The perpetrators, who have not been investigated to date, will not be prosecuted if they agree to co-operate fully with the body to be established. The regulations also include a commitment not to open new criminal cases in cases that do not involve murder or grievous bodily harm; not to pursue new civil claims; and not to launch quasi-judicial "coroner" enquiries.

As opponents of the law point out, such "immunity" will be available to ex-militants from the republican and unionist underground, as well as former British military personnel involved in the death or injury of civilians. Many perceive the "novella" as a loss of opportunity to bring justice to those affected by the conflict.

On 19 January 2024, the Irish government initiated a lawsuit against London at the ECtHR in response to the law. Dublin insists that a number of provisions of the act contravene provisions of the ECHR – Article 2 (right to life), Article 3 (prohibition of torture), Article 6 (right to a fair trial) and Article 13 (right to an effective remedy).

One of the most high-profile cases during the Northern Ireland intercommunal conflict is the brutal murder of republican lawyer P.Finucane in February 1989. Human rights activists are concerned about the refusal of the British government to conduct a new public enquiry into the circumstances of the murder, including in the context of the alleged involvement of the British secret services. The ECtHR pointed out numerous shortcomings in the investigation of the murder in its judgement of 1 July 2003. However, the verdict did not demand a new trial from the UK government. In 2019 The UK Supreme Court also commented on the actions of the investigative authorities in the context of the P.Finucane case. In December 2022, following a further application by the family of the deceased, the High Court of London concluded that the violations mentioned had never been remedied by the British authorities.<sup>405</sup>

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<sup>405</sup> Pat Finucane: UK government in legal breach over investigation. BBC. 21 December 2022. <https://www.bbc.co.uk/news/uk-northern-ireland-64053473>

## Hungary

Hungary, in general, meets international humanitarian standards with respect to fundamental human rights and freedoms. No serious cases of abuse of authority by law enforcement officials have been registered recently. The relevant state authorities are fairly successful in preventing manifestations of xenophobia, racism and religious intolerance.

Hungarian legislation fully guarantees freedom and security of the person, freedom from torture, humane treatment and respect for the dignity of persons deprived of their liberty, equality before the law and judicial guarantees based on full equality, the right to freedom of thought, conscience and religion, freedom of speech and public assembly, and freedom of association for the defence of one's own interests. There are no significant restrictions on freedom of movement or the ability to change residence or employment (with the exception of restrictions related to the COVID-19 pandemic).

In 2012 the Hungarian Ministry of Justice established a human rights working group. In the same year, a human rights round table was created, consisting of 72 experts and representatives of 40 civil and professional organisations. The round table has 11 thematic groups dealing with the protection of the rights of persons with disabilities, children, the homeless, the elderly, refugees and migrants, women, Roma, as well as a group on nationalities, a group on freedom of expression and a group on the defence of other civil and political rights. Each of the working groups is chaired by a Secretary of State or Deputy Secretary of State.

Based on the government's priorities, the working groups each focus on areas such as public education, employment and health. In the field of public education, the government prioritises access to quality education and countering segregation as its main goals. The target groups for support in this area are children and students with disabilities, children from disadvantaged families (including Roma), children with special educational needs.

In the area of employment, the Hungarian government is taking measures to achieve fuller employment, reduce unemployment and improve labour law.

The Hungarian government's health policy aims to "create a society of physically and mentally healthy families and individuals, contributing to the further development of national values".

The protection and implementation of human rights in Hungary has traditionally been the target of a coordinated campaign of criticism by Western neoliberal forces, usually in the form of "analytical material" produced by various international NGOs (Amnesty International (banned in the Russian Federation), Transparency International, Freedom House) related to the ruling conservative Fidesz-KDNP party alliance. In particular, in their 2022 reports, NGOs accused the Hungarian authorities of legal degradation of state institutions, large-scale corruption and abuses in public procurement and the distribution of financial flows in the EU.

International universal and regional human rights bodies have commented on a number of human rights issues in the country.

As in many other countries, the situation regarding intolerance is monitored. In particular, the European Commission against Racism and Intolerance, quoting the Hungarian law enforcement authorities, provides the following statistics: 100 hate crimes were recorded in 2020, 132 in 2019, 194 in 2018, 233 in 2017 and 33 in 2016.<sup>406</sup>

A statistic provided by Hungary to the OSCE also indicates a decrease in hate crime: 194 in 2018, 132 in 2019, 100 in 2020, 38 in 2021 and 58 in 2022.<sup>407</sup> At the same time, experts note that as police reports are the most commonly cited source, the above is mostly a record of violent crime and does not include threats or other manifestations of hate. Compared to the statistics of civil society organisations, these incidents therefore represent only a small fraction of what actually happens.<sup>408</sup>

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<sup>406</sup> Report of the European Commission against Racism and Intolerance on Hungary (6<sup>th</sup> monitoring cycle). Adopted on 6 December 2022. Published on 9 March 2023. <https://rm.coe.int/ecri-6th-report-on-hungary-translation-in-hungarian-/1680aa687b>

<sup>407</sup> Hungary section of the OSCE/ODIHR database on state reporting of hate crimes. <https://hatecrime.osce.org/hungary>

<sup>408</sup> Xenophobia, Radicalism, and Hate Crimes across the OSCE. Joint report by the Centre for the Study of Extremism and Radicalism at the Moscow Institute of Economics and the European Centre for Democracy Development. 2020-2022. [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

As for anti-Semitic incidents in Hungary, the general attitude towards the local Jewish community has improved. The European Union's Fundamental Rights Agency (FRA) also noted a decline in anti-Semitic incidents in its latest report, citing data from Tett és Védelem Alapítvány (TEV, "Action and Protection Fund"), an NGO that monitors and analyses manifestations of anti-Semitism in Hungary. Since 2013, the organisation has been working through its Brussels office with the Hungarian Prime Minister's Office to share data on anti-Semitism across the country. In 2022, TEV recorded 45 anti-Semitic incidents, noting also that the overall trend between 2013 and 2022 shows a general decrease in the number of anti-Semitic incidents reported, even though the number increased in 2021 and 2022. The number of incidents in 2022 totalled 48, almost reaching the 2016 high. Most of them involve hate speech and acts of vandalism.<sup>409</sup>

Among specific cases of anti-Semitism, experts cite an incident at the Kechele cemetery in 2020, where some tombstones were smashed and others desecrated, and acts of vandalism at the Budakeszi cemetery on the outskirts of the Hungarian capital in 2022.<sup>410</sup>

However, some NGOs, following EU and US policy, have pointed to negative trends in this area. However, Anti-Defamation League (ADL), an American non-governmental human rights organisation, has found that the number of Hungarians with negative opinions of Jews has been rising consistently since 2012. According to a 2023 report by ADL, around 2.9 million out of 8 million Hungarians hold anti-Semitic beliefs. Moreover, the watchdog claims that Hungary is one of the most anti-Semitic countries in Eastern Europe, with manifestations of anti-Semitism more common among young people under the age of 35.<sup>411</sup>

According to an international survey conducted by Action and Protection Foundation in 2021, Hungary ranks third (after Greece and Poland) out of

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<sup>409</sup> Antisemitism. Overview of Antisemitic Incidents Recorded in the EU in 2012-2022. European Agency for Fundamental Rights [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

<sup>410</sup> Xenophobia, Radicalism, and Hate Crimes across the OSCE. Joint report by the Centre for the Study of Extremism and Radicalism at the Moscow Institute of Economics and the European Centre for Democracy Development. 2020-2022. [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

<sup>411</sup> Anti-Semitic views in Hungary. ADL. <https://global100.adl.org/country/hungary>

16 countries with respect to the level of anti-Semitic sentiments in society. The survey found that 42 percent of Hungarians harbour a strongly or moderately prejudiced opinion of Jews: 24 percent of Hungarians are openly anti-Semitic and 18 percent hold moderately anti-Semitic views. In terms of party affiliation, Our Homeland leads with 45 percent of its supporters, followed by Jobbik with 40, the Hungarian Socialist Party with 31 percent, while 28 percent of Fidesz-HDNP's active supporters are people who share anti-Semitic views. The figure is 18 percent for the liberal Democratic Coalition and 14 percent for Alternative Politics and Momentum. At the same time, the Hungarian government in recent decades has pursued a policy of "zero tolerance" of any manifestation of anti-Semitism at the national level.

In its 2023 report on Hungary, ECRI noted that the Federation of Hungarian Jewish Communities (Mazsihisz) recorded 20 anti-Semitic incidents in 2019 and 31 in 2020.<sup>412</sup>

The situation of Russian citizens living in Hungary is generally not a cause for concern and no cases of unlawful persecution have been reported. In 2022 and 2023, there were only isolated cases of disapproval of Russia's foreign policy, which, unlike in some other EU member states, did not reach massive proportions. Any cases of Russophobia were only of incidental nature. The Russian Embassy in Budapest was informed of instances where Russian citizens had been denied certain services, mainly in the banking sector (opening new accounts, blocking of current ones, restrictions on currency transactions, increased interest on mortgages, etc.). In some cases, Russians were excluded from Hungarian language courses, refused SIM cards and had their internet services cut off.

At the same time, in a broader time frame, since mid-2019, an increasing number of Russian citizens have been denied renewal of their residence permits in this country and further deported under the pretext of being a threat to national security. The Russian Embassy in Hungary is aware of about a dozen cases where

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<sup>412</sup> Report of the European Commission against Racism and Intolerance on Hungary (6th monitoring cycle). Adopted on 6 December 2022. Published on 9 March 2023.  
<https://rm.coe.int/ecri-6th-report-on-hungary-translation-in-hungarian-/1680aa687b>

Russians have been deported or denied entry to Schengen countries for a period of 5 years or more. All court hearings resulted in the extradition decisions being upheld. The lawyers of the Russian citizens cannot familiarise themselves with the cases in full because the Hungarian Constitution Protection Office initiates the extradition, and the materials it handles are classified. In many cases, the affected citizens subsequently appeal against such decisions to European courts.

In terms of racism and racial discrimination, international human rights bodies have criticised the Hungarian authorities on the situation of the Roma population, who are largely underprivileged and may be subject to various forms of discrimination, they say. Reports and materials from international human rights NGO mechanisms have also repeatedly drawn attention to the poor living conditions of the Roma (who generally live in ghettos located mainly in the northeast of the country), the inaccessibility of general education for children of Roma origin and the high number of school drop-outs, and called on the government to take real steps to improve the situation in this area.<sup>413</sup> The Hungarian Ombudsman has also drawn attention to this problem.

The Council of Europe's European Commission against Racism and Intolerance (ECRI) has indicated that the most vulnerable and marginalised group in Hungary remains the Roma, estimated at around 8 percent of the population.

The problems of the Roma community have been highlighted by the Committee on the Rights of the Child,<sup>414</sup> the Committee on the Elimination of Racial Discrimination,<sup>415</sup> the Human Rights Committee,<sup>416</sup> UN Committee on the

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<sup>413</sup> Beszámoló az alapvető jogok biztosának és helyetteseinek tevékenységéről. 2021. B/18284.

<https://www.ajbh.hu/documents/10180/7431400/AJBH+besz%C3%A1mol%C3%B3+2021.pdf/bf73947f-a224-3e34-ca23-32efe207423b?version=1.0&t=1667998470775>

<sup>414</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Hungary. February 2020. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/HUN/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/HUN/CO/6&Lang=En)

<sup>415</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th to 25th periodic reports of Hungary. June 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fHUN%2fCO%2f18-25&lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fHUN%2fCO%2f18-25&lang=ru)

<sup>416</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Hungary. March 2018.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/059/69/pdf/G1805969.pdf?OpenElement>

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHUN%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHUN%2fCO%2f6&Lang=ru)

Elimination of Discrimination Against Women,<sup>417</sup> as well as the European Commission against Racism and Intolerance<sup>418</sup> and the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM).<sup>419</sup>

The EU Agency for Fundamental Human Rights has also drawn attention to this issue, pointing out that poverty, discrimination and stigmatisation of Roma are the problems that, despite improvements, still put Roma families at three times the risk of poverty compared to other ethnic groups. In particular, they noted the low accessibility of education for Roma children, the incident around forced eviction of the Romani families, as well as the restrictive measures imposed due to the coronavirus pandemic, which have significantly affected this ethnic group.<sup>420</sup> The AOHR has raised similar concerns in its 2023 report noting that the European Commission had opened an investigation into the Hungarian authorities' violation of EU rules due to the segregation of Roma children in educational institutions.<sup>421</sup>

At the same time, despite its critical stance, the Agency rightly mentions the National Strategy for Social Inclusion developed by the Hungarian government, which aims to improve the situation of Roma in various areas.

In a separate study on the situation of Roma in 10 EU states with the largest Roma communities, FRA conducted a survey of Roma in Hungary. It is noteworthy that Hungary had the largest number of respondents after Romania (1,409 and 1,695 respectively), which shows the representativeness of the sample and a more careful consideration of the position of the Roma. According to the study, the Hungarian Roma are doing fairly well when it comes to finding employment. Hungary, like Italy, has achieved a 60 percent rate in terms of providing Roma with paid

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<sup>417</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 9th periodic report of Hungary. February 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FCOC%2FHUN%2F51815&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FCOC%2FHUN%2F51815&Lang=ru)

<sup>418</sup> Report of the European Commission against Racism and Intolerance on Hungary (6th monitoring cycle). Adopted on 6 December 2022. Published on 9 March 2023. <https://rm.coe.int/ecri-sixth-report-on-belgium-/16809ce9f0>

<sup>419</sup> Fifth opinion on Hungary of the Advisory Committee on the Framework Convention for the Protecting of National Minorities. Adopted on 26 May 2020. Published on 12 October 2020. <https://rm.coe.int/5th-op-hungary-en/16809eb484>

<sup>420</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>421</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

employment. Also, the number of young Roma aged 16-24 who are not studying or in employment reaches 35 percent, compared to the EU average of 56 percent. However, the same indicator for Roma girls in Hungary is the lowest in the EU. Roma employment rates are also among the highest in the EU for both genders, at 81 percent for men and 44 percent for women, and wage levels in Hungary are also closest to the overall national level. The Agency also noted positive aspects in the field of education. 41 percent of young Roma aged 20-24 have at least general secondary education (EU average is 27 percent). No more than 16 percent of Roma children have experienced peer bullying at school. The Roma population coverage for medical services (in particular, health insurance) is 93 percent. At the same time, 85 percent of Roma live in overcrowded households.<sup>422</sup>

Efforts by civil society to protect the rights of the Roma are also paying off. In December 2021, the European Roma Rights Centre (ERRC) filed a lawsuit against the Hungarian Ministry of Human Resources. The case was based on the fact that children from Roma families are more likely to be placed in foster care than children from other ethnic groups. Although Hungarian law prohibits the removal of children from families solely for material reasons, poverty was a significant factor in most such removals.<sup>423</sup> The Committee on the Rights of the Child indicated in February 2020, among other things, the need to ban the separation of children from their families and their placement in alternative care on the basis of the family's economic situation.<sup>424</sup>

At the same time, it should be noted that the European Court of Human Rights (ECtHR), in judgments on claims against Hungary in the years 2020-2023, cited previous instances of abuse of authority and excessive use of force by Hungarian police officers against Roma. For example, in a complaint about police ill-treatment of a Romani man (*Mata v. Hungary*) the ECtHR awarded the applicant EUR 19,500

<sup>422</sup> The European Union Agency for Fundamental Rights. Roma in 10 European Countries. Main Results. 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-roma-survey-2021-main-results2\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf)

<sup>423</sup> Xenophobia, Radicalism, and Hate Crimes across the OSCE. Joint report by the Centre for the Study of Extremism and Radicalism at the Moscow Institute of Economics and the European Centre for Democracy Development. 2020-2022. [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

<sup>424</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Hungary. February 2020. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/HUN/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/HUN/CO/6&Lang=En)



for having been beaten by police officers in 2014. Experts also point out that it is not uncommon for Hungarian police to impose fines on Roma for minor offences as a means of maintaining "public order", which is, in effect, racial profiling.<sup>425</sup>

Hungary's ruling conservative Fidesz-KDNP party alliance has a consistent policy of zero tolerance for xenophobia, including the spread of Nazi ideology, anti-Semitism and other forms of religious intolerance. Local think tanks specialising in this matter estimate that xenophobic incidents in Hungary are rare and incidental, and do not involve physical violence by right-wing extremist groups.<sup>426</sup> Proponents of an opposite view, on the other hand, see Hungary as a country with widespread xenophobia, usually citing the Hungarian Government's hard-line policy against refugees and irregular migrants, especially at the height of the European migration crisis in 2015.

The decisive measures taken by the Hungarian authorities at the time to curb the influx of refugees along the "Balkan" route became, not without the encouragement of the EU, a reason for international human rights structures and NGOs to criticise Orbán's government. Among other issues, Hungary's reluctance to accept any migrants has unnerved EU leaders. Brussels threatens from time to time to impose punitive sanctions on Hungary over this and a number of other issues.<sup>427</sup> Many human rights organisations, however, have acknowledged the significant number of refugees and asylum seekers coming to Hungary and the fact that it led to a crisis situation in the country.

The issue of migrants in Hungary was highlighted by Felipe González Morales, Special Rapporteur on the Rights of Migrants of the UN Human Rights

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<sup>425</sup> Xenophobia, Radicalism, and Hate Crimes across the OSCE. Joint report by the Centre for the Study of Extremism and Radicalism at the Moscow Institute of Economics and the European Centre for Democracy Development. 2020-2022. [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

<sup>426</sup> Xenofóbia vizsgálati eredmények és ajánlások Magyarországon a humán migráció kezelésének rendészeti feladatait ellátók között. (Xenophobia research results and recommendations in Hungary among those responsible for the management of human migration). Belügyi Szemle. No. 2021/6. <https://ojs.mtak.hu/index.php/belugyiszemle/article/view/6560/5185>

<sup>427</sup> At the same time, it should be noted that in recent years Budapest has come under pressure from EU bodies for its independent policy. For example, Hungary, alongside Poland, has been subject to review of its compliance with EU law. In addition, in July 2021, the European Commission challenged Budapest over a law passed a month earlier banning the promotion of homosexuality among minors, calling it discriminatory.

Council, following his visit to the country in July 2019.<sup>428</sup> Among the areas of concern, he mentioned the automatic detention of asylum-seekers in transit zones, the poor living conditions in such zones, the limited access to medical care, the great difficulty for asylum-seekers to challenge detention decisions in court, and the denial of access to transit zones for civil society organisations (with the exception of lawyers working on behalf of human rights organisations). Furthermore, although the Special Rapporteur maintained a critical stance on Hungary's governance of migration, he praised the programme funded by the government to educate students from 70 countries in Hungarian universities, which aimed to promote development through education and address the root causes of migration.

Experts note that there have been significant improvements in Hungary's migration legislation since the COVID-19 pandemic. These changes were partly prompted by a May 2020 ruling by the European Court of Justice, which labelled the practice of detaining asylum seekers in transit zones for excessive periods as deprivation of liberty. The Court recognised the legality of the transit zones, but limited the maximum period of detention to four weeks, prompting Hungary to close them altogether on its border with Serbia.<sup>429</sup>

In May 2020, after his visit to the country, the Special Rapporteur also specifically noted Hungary's closure of "transit zones", where asylum seekers were automatically detained for the duration of the asylum procedure. He described the authorities' decision as an important step forward in protecting the rights of all migrants, especially asylum seekers.<sup>430</sup>

UN Special Rapporteur for Freedom of Opinion and Expression Irene Khan, following her visit in November 2021, also spoke about the spread of hate speech

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<sup>428</sup> Visit to Hungary. Report of the Special Rapporteur on the human rights of migrants Felipe González Morales. A/HRC/44/42/Add.1. May 2020.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G20/111/59/PDF/G2011159.pdf?OpenElement>

<sup>429</sup> Xenophobia, Radicalism, and Hate Crimes across the OSCE. Joint report by the Centre for the Study of Extremism and Radicalism at the Moscow Institute of Economics and the European Centre for Democracy Development. 2020-2022. [https://www.ru.civic-nation.org/obshchevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshchevropeyskiy-doklad/Доклад%202023_3.pdf)

<sup>430</sup> <https://www.ohchr.org/en/statements/2020/05/closure-transit-zones-hungary-important-step-forward>

against migrants and refugees, as well as human rights advocates who helped them.<sup>431</sup>

According to ECRI, the Hungarian public discourse has become increasingly xenophobic in recent years, while political speech has taken on highly divisive and antagonistic overtones particularly targeting refugees, asylum seekers, migrants and Muslims. These concepts are often being conflated, with migrants being described as 'Muslim invaders'. However, the Commission acknowledges that the arrival of the substantial amount of asylum seekers in 2015 was perceived as a threat to Hungarian security, national identity and culture, leading to a build-up of anti-immigrant and anti-Muslim sentiments. Additionally, ECRI documented cases when refugees had been prevented from seeking asylum.<sup>432</sup>

The same trend is confirmed by public opinion polls. For example, according to the biennial European Social Survey commissioned by the EU, 57 percent of Hungarians do not want migrants in their country.<sup>433</sup>

Among other things, ECRI praised the treatment of Ukrainian refugees in Hungary: according to the Commission, both the Hungarian authorities and civil society organisations have made significant efforts to assist refugees. At the same time, FRA in its 2023 report cited evidence of discrimination against Roma refugees from Ukraine, both in reception centres and in the media.

Experts point out that the generally more favourable attitude of Hungarians towards Ukrainian refugees than towards those from other countries is also due to the fact that most of them (figures in the tens of thousands) are ethnic Hungarians from the Carpathian region. In addition, 81 percent of Hungarians surveyed said that they had never noticed inappropriate behaviour on the part of Ukrainian refugees,

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<sup>431</sup> Hungary: Government's stranglehold on media poses serious risks to human rights – UN expert. OHCHR Press release. 22 November 2021.

<https://www.ohchr.org/en/press-releases/2021/11/hungary-governments-stranglehold-media-poses-serious-risks-human-rights-un>

<sup>432</sup> Report of the European Commission against Racism and Intolerance on Hungary (6th monitoring cycle). Adopted on 6 December 2022. Published on 9 March 2023.

<https://rm.coe.int/ecri-6th-report-on-hungary-translation-in-hungarian-/1680aa687b>

<sup>433</sup> Anti-migration feelings in Europe are the highest in Hungary. Daily News Hungary. 28 April 2019. <https://dailynewshungary.com/anti-migration-feelings-in-europe-are-the-highest-in-hungary/>

which is much higher than in other countries in the region.<sup>434</sup>

At the same time, in its 2023 report, FRA noted that Hungary had reinforced its "border hunters", a newly set-up special unit within the police, who do not have to undergo the same training and obtain the same qualifications as ordinary police personnel. They are charged with patrolling the border, apprehending people and escorting them back. As of December 2022, they had apprehended 3,776 migrants who had attempted to cross, or crossed the fenced Hungarian-Serbian border in an irregular manner.<sup>435</sup>

Hungarian law enforcement agencies also keep their own statistics. In particular, the police provide a detailed weekly overview of incidents of illegal migration. The authorities have a detailed report on migration-related incidents available.<sup>436</sup> According to official figures, illegal migration is on the rise: at least 269.254 people were arrested in 2022, compared to 122.239 in 2021.<sup>437</sup>

The Committee on the Elimination of Discrimination against Women highlights that Hungary is a frequent source and transit country for victims of human trafficking. Migrant females and girls are particularly vulnerable to exploitation and trafficking.<sup>438</sup>

European bodies have also linked Budapest's steps to regulate the activities of NGOs in the country to the government's opposition to migration. The authorities have been criticised for an alleged "persecution" of civil society groups, who are seen as playing a key role in alleviating the difficulties experienced by asylum

<sup>434</sup> Xenophobia, Radicalism, and Hate Crimes across the OSCE. Joint report by the Centre for the Study of Extremism and Radicalism at the Moscow Institute of Economics and the European Centre for Democracy Development. 2020-2022. [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

<sup>435</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>436</sup> For example, Hungarian Police. Information on illegal migration. 2023. ([https://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa?weekly\\_migration\\_created%5Bmin%5D=2022-01-01+00%3A00%3A00&weekly\\_migration\\_created%5Bmax%5D=2023-01-01+00%3A00%3A00](https://www.police.hu/hu/hirek-es-informaciok/hatarinfo/illegalis-migracio-alakulasa?weekly_migration_created%5Bmin%5D=2022-01-01+00%3A00%3A00&weekly_migration_created%5Bmax%5D=2023-01-01+00%3A00%3A00))

Quote from: Xenophobia, Radicalism, and Hate Crimes across the OSCE. Joint report by the Centre for the Study of Extremism and Radicalism at the Moscow Institute of Economics and the European Centre for Democracy Development. 2020-2022. [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

<sup>437</sup> Hungarian Police to Continue to Protect Borders & Prevent Illegal Entries in 2022. Schengenvisa News. 14 January 2022. <https://www.schengenvisainfo.com/news/hungarian-police-to-continue-to-protect-borders-prevent-illegal-entries-in-2022/>

<sup>438</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 9th periodic report of Hungary. February 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FCOC%2FHUN%2F51815&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FCOC%2FHUN%2F51815&Lang=ru)

seekers and irregular migrants and in protecting their rights under international and EU law.

In February 2018, the European Commission launched proceedings with the European Court of Justice (ECJ) to establish whether the Hungarian legislation was in line with EU regulations. The catalyst was the Law on Non-Governmental Organisations from June 2017 obligating relevant NGOs to disclose in all their publications, printed materials and websites that they were "foreign-supported organisations". This requirement was made mandatory for NGOs if they receive foreign financial aid of more than HUF 7.2 million (about USD 28,000 at the time of the initiation of the said proceedings). Not surprisingly, the European Court of Justice ruled in June 2020 that the provisions of the legislation were in breach of EU law, as they violated the right to free movement of capital, the right to privacy and protection of personal data, and the right to freedom of association. Prime Minister Viktor Orbán reacted negatively to the ruling accusing the EU of gross interference in Hungary's internal affairs.

These laws came under scrutiny of European bodies, along with a package of initiatives adopted by Hungary in 2018, known as "Stop Soros", which also criminalises the provision of assistance to irregular migrants. The legislation was found to be in breach of EU law by the European Court of Justice.

Irene Khan, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression at the UN Human Rights Council, joined the criticism of Hungary's actions in this area. During her visit, she noted the detrimental impact of the Law on non-governmental organisations and urged Budapest to re-evaluate its position on civil society groups in light of the EU Court of Justice decision.

In its 2023 report, FRA noted that Hungary was mentioned in the European Commission's Rule of Law reports as a country that restricts the activities of non-governmental organisations.<sup>439</sup>

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<sup>439</sup> Report of the EU Agency for Fundamental Human Rights. 2023.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

Budapest's refusal to adhere to the "pan-European norms" of tolerance, which in reality amount to the propaganda of non-traditional relationships and the artificial imposition of other similar neoliberal values in society, remains another irritant for the European Union. In 2021, the European Commission presented again a legal case before the EU Court of Justice concerning Hungary's enactment of a legislation restricting the dissemination of information about homosexuality and gender reassignment among minors. In a statement, the European Commission cynically called the protection of minors a legitimate public interest of the Hungarian authorities that the EU shared and aspired to. However, EU officials noted that the information provided by the Hungarian authorities on the adopted laws did not explain why introducing children to LGBT content might be detrimental to their well-being or not in their best interests, displaying a glaring double standard on the matter.<sup>440</sup> In its report for 2023, the EU Agency for Fundamental Human Rights criticised Budapest for banning self-identification and the promotion of a gender identity other than the sex at birth, as well as gender reassignment.

Furthermore, the report accuses the Hungarian authorities of being reluctant to incorporate the concept of gender, as defined by the Istanbul Convention, into their legal system. The report highlights that the convention defines "gender" as roles, behaviours, actions and attributes that are socially constructed, and includes a definition that opposes the concept of biological sex.<sup>441</sup> The Committee on the Elimination of Discrimination against Women has also criticized the authorities' imposition of "stereotypical attitudes" about the roles and responsibilities of women and men in the family and in society. The Committee claims that this practice impedes the achievement of gender equality.<sup>442</sup>

The Council of Europe's European Commission against Racism and

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<sup>440</sup> EU founding values: Commission starts legal action against Hungary and Poland for violations of fundamental rights of LGBTIQ people. European Commission press release. 15 July 2021.

[https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_3668](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3668)

<sup>441</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>442</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 9th periodic report of Hungary. February

2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FCOC%2FHUN%2F51815&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCEDAW%2FCOC%2FHUN%2F51815&Lang=ru)

Intolerance has identified the deteriorating situation of the LGBT community as one of the main problems in Hungary. Among other things, the Hungarian government's 2020 ban on the adoption of children by same-sex couples was presented in a negative light. The Commission also condemned the 2021 law on harsher sentencing for paedophile criminal offences and a criminal registry for perpetrators of such offences which prohibits the promotion of gender and sexual diversity in the public space, including schools and the media.

According to the latest Corruption Perceptions Index compiled by Transparency International at the beginning of 2023, Hungary's performance in the past year has, according to the organisation's experts, slightly deteriorated, with a score of 42 out of 100 and a ranking of 77 out of 180 countries – down four points in the so-called corruption ranking.

The 2023 State of Press Freedom Report by Reporters Without Borders ranks Hungary 72th out of 180 countries (92nd in 2021, 85th in 2022) saying that Viktor Orbán "has built a media empire whose outlets follow his party's orders". Independent media maintain major positions in the market, but they are subject to political, economic, and regulatory pressures".

Overall, the criticism of the Hungarian authorities voiced by international NGOs and the EU falls flat with Hungarians. The Hungarian authorities have accused the above-mentioned international NGOs of interfering in domestic politics with the aim of overthrowing the government.

The Hungarian government has acknowledged certain human rights deficiencies and shown a willingness to cooperate with the European institutions and international human rights organisations in order to remedy them.

## Greece

Through the efforts made in recent years by the Greek authorities to update its legislation, including with regard to the recommendations of human rights organizations, the national legislation was brought into conformity with the provisions of the international law.

However, the human rights situation in Greece remains complex.

Greece properly implements the recommendations of the UN Human Rights Council. National action plans on human rights, asylum reform, migration management, social integration of Roma and protection the rights of the child are being implemented.

So far, Greece has not ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990), the European Convention on Nationality (1992) and the Framework Convention for the Protection of National Minorities (1995). Nor has it signed or ratified the European Charter for Regional or Minority Languages (1992).

The Constitution of the Hellenic Republic of 1975, as amended in 1986, 2001, 2008, and 2019, enshrines a set of human rights and freedoms<sup>443</sup>. The State guarantees rights of the human being as an individual and as a member of the society, as well as the principle of the welfare state rule of law. This fundamental law establishes the right to respect for and protection of life, honour and dignity irrespective of nationality, race, language, religious beliefs or political convictions. The rights to personal liberty, private and family life, housing, freedom of expression and of the press, and protection by the courts are inviolable. Torture, cruel and degrading treatment, injury to health, psychological pressure, arbitrary arrest and detention, as well as full confiscation of property are prohibited.

Human rights activists acknowledge the progress in developing the relevant legislation.

Law 4285/2014 on Combating Certain Forms and Expressions of Racism and Xenophobia by means of Criminal Law lists the relevant offenses under a separate

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<sup>443</sup> <https://www.hellenicparliament.gr/Vouli-ton-Ellinon/To-Politevma/Syntagma/>



category of crimes. The law increased penalties for incitement to hatred or violence against certain population groups (shall be punished by imprisonment for a term up to three years and a EUR 20,000 fine<sup>444</sup>).

Inspired by neo-liberal tendencies dominant in the EU, a proposal to amend the law was made in March 2023 in order to counteract homo- and transphobic manifestations as well. On 15 February 2024, the Greek parliament passed Law No. 5089/2024, Equality in Civil Marriage and Amendments to Other Provisions of the Civil Code, legalizing same sex marriage and making joint adoption a possibility for same-sex couples.<sup>445</sup>

In accordance with the Recommendations of the European Commission against Racism and Intolerance (ECRI), in December 2020, Greece adopted a National Action Plan (NAP) against Racism and Intolerance, which seeks to eliminate all forms of discrimination based on race, skin colour, religion, belief, national or ethnic origin, etc. The NAP is being implemented in four major areas: awareness-raising, education, social integration and justice.<sup>446</sup>

In 2019, in accordance with the European Parliament resolution on combating anti-Semitism 2017/2692 (RSP) the Greek government adopted the working definition of antisemitism used by the International Holocaust Remembrance Alliance (IHRA) (includes 35 Member Countries, Russia and the Republic of Belarus are not members), as part of the preparations for Athens' chairmanship in 2021.

Decisions to close maximum security prisons, to replace imprisonment with house arrest for convicts with more than 80% incapacity and to grant parole to persons over 75 years of age are being implemented.

Amendments to the Greek Citizenship Code, approved in July 2015 by Law 4332/2015, now providing for the Greek citizenship to children who were born in Greece and enrolled in an elementary school.

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<sup>444</sup> <https://www.e-nomothesia.gr/kat-anthropina-dikaionomata/n-4285-2014.html>

<sup>445</sup> <https://ria.ru/20240216/gretsiya-1927696084.html>

<sup>446</sup> <https://rm.coe.int/ecri-first-report-on-greece-adopted-on-28-june-2022-published-on-22-se/1680a818bf>

In 2019, new amendments to the Greek Penal Code and Code of Criminal Proceeding bridging the gaps between local and EU's law enforcement practices came into force.

Meanwhile, the existing human rights difficulties, particularly in law enforcement, caused by the financial and economic crisis and the influx of refugees and irregular migrants from the Middle East and North Africa (MENA) region, have not been overcome.

Strong restrictive measures aimed at combating the spread of a novel coronavirus infection in 2020-2021 have negatively affected the enjoyment of a range of fundamental rights in Greece (freedom of movement, assembly, as well as several aspects of privacy).

The unvaccinated people were particularly affected. In particular, about 7,000 health providers have been suspended for failing to comply with the legal requirement for mandatory vaccination.<sup>447</sup> In August-September 2021, major Greek cities witnessed mass protests accompanied by clashes with the police.

A large set of human rights issues is associated with the migration pressure on Greece that has continued over recent years.

The Office of the United Nations High Commissioner for Refugees has repeatedly drawn attention to the situation in reception centres.<sup>448</sup>

According the UNHRC<sup>449</sup>, as of September 2023, there were 169,400 refugees in the country, including from the Middle East, North Africa and several Asian countries (43,200 from Syria, 36,300 from Afghanistan). Despite some progress, there are concerns about conditions in certain reception facilities in terms of hygiene, access to medical and interpretation services, compliance with the maximum length stay and rules of separate accommodation of children and adults,

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<sup>447</sup> <https://m.naftemporiki.gr/story/1771892/nees-kinitopoiiseis-prokirukse-i-poedin-enopsei-deth-ti-leei-gia-ta-nosokomeia-meta-tis-anastoles>

<sup>448</sup> Greece must act to end dangerous overcrowding in island reception centres, EU support crucial. UNCHR. 1 October 2019  
<https://www.unhcr.org/nes/briefing/2019/10/5d930c194/greece-must-act-end-dangerous-overcrowding-island-reception-centres-eu.html>

<sup>449</sup> <https://data.unhcr.org/en/documents/details/103789>

restrictions for residents on movements within the limits of the camps<sup>450</sup>, bans or restrictions on visitors, which affected the provision of social services.<sup>451</sup>

In September 2022, 22 NGOs denounced the "prison-like" conditions at the first EU-funded Closed Controlled Access Centre (CCAC) in Samos. According to Human Rights Watch, the rights of other vulnerable groups, including people with disabilities, are also not protected enough. The hard living conditions and unstable moral and psychological state often result in outbursts of aggression and antisocial behaviour.

Since 2018, Human Rights Watch continues to report<sup>452</sup> on overcrowded detention centres and long periods of shared detention of men and women in camps referring to the "intolerable conditions for migrant minors in Greek deportation centres where they are detained, despite the Law 4760/2020 ratified by Greece's Parliament in December 2020 prohibiting the unaccompanied detention of children."<sup>453</sup> However, in May 2020, the maximum term for detaining children was decreased from 45 to 25 days.<sup>454</sup>

Human Rights Watch also reports that migrant children and child asylum seekers face challenges in receiving school education. Only 15 per cent of them have access to educational services.

Victims of violence face difficulties in accessing a safe environment. There are insufficient shelters and emergency accommodations and inconsistent coordination of services.<sup>455</sup>

The EU authorities, International human rights organizations and media increasingly accuse Greece of circumventing EU legal norms and unjustifiably ill-treating refugees, including the practice of "unofficial expulsions" and pushbacks of

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<sup>450</sup> Coronavirus Pandemic in the EU – Fundamental Rights Implications: Focus on Social Rights 1 September 2020 – 31 October 2020 Report of the European Union Agency for Fundamental Rights 27 November 2020 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf)

<sup>451</sup> Coronavirus Pandemic in the EU – Fundamental Rights Implications: Focus on Social Rights 1 September 2020 – 31 October 2020 Report of the European Union Agency for Fundamental Rights 27 November 2020 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf)

<sup>452</sup> <https://www.hrw.org/world-report/2022/country-chapters/greece>

<sup>453</sup> <https://www.e-nomothesia.gr/kat-astynomikos-astynomia/idrysi-leitourgia-uperesion/nomos-4760-2020-phek-247a-11-12-2020.html>

<sup>454</sup> <https://www.hrw.org/world-report/2021> Human Rights Watch // World Report 2021.

<sup>455</sup> <https://www.hrw.org/world-report/2021> Human Rights Watch // World Report 2021

their boats from national territorial waters that often endanger their health and lives.<sup>456</sup>

According to materials on migrant rights abuses by Greek law enforcement officials, published in the European press and based on the EU Anti-Fraud Office report<sup>457</sup> of 15 February 2022, the management of the EU Border and Coast Guard Agency (FRONTEX) was not only aware of, but also deliberately covered up the abuses.

According to Amnesty International's 2022 final report on Greece, mortality rates among refugees increased more than twice as compared to 2021.<sup>458</sup>

In June 2023, an Italy-bound fishing vessel carrying more than 700 irregular migrants from Tobruk sank in the Greek waters; only 104 people were rescued. It was then reported that Frontex was considering suspending its activities in Greece due to long-standing violations of migrants' rights in the country.

In June 2022, the Committee on Civil Liberties, Justice and Home Affairs of the European Parliament held a hearing on reports of gross violations of the rights of asylum seekers and their human rights defenders in Greece. Mary Lawlor, UN Special Rapporteur on the situation of human rights defenders, reported (March 2023) serious abuses by the Greek authorities following her visit to the country in June 2022.<sup>459</sup>

According to Human Rights Watch, in 2021-2022, pushback operations began to coerce previously detained asylum seekers into pushing fellow migrants back to Turkey, supplying them with weapons and promising to legalize their stay after three months in the country. The NGO also points out that despite the Greek government's continued denial of its involvement in pushbacks, in September 2022, Prime Minister Kyriakos Mitsotakis reported a "successful 'prevention' of 150,000 illegal border crossings in 2022."

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<sup>456</sup> <https://www.hrw.org/world-report/2024> Human Rights Watch // World Report 2024

<sup>457</sup> <https://fragdenstaat.de/dokumente/233972-olaf-final-report-on-frontex/>

<sup>458</sup> [https://www.amnesty.ie/wp-content/uploads/2023/03/202223-air-english\\_2023-03-22\\_corr1.pdf](https://www.amnesty.ie/wp-content/uploads/2023/03/202223-air-english_2023-03-22_corr1.pdf)

<sup>459</sup> <https://reliefweb.int/report/greece/report-special-rapporteur-situation-human-rights-defenders-mary-lawlor-visit-greece-ahrc5229add1-advance-edited-version>

Human Rights Watch published a report entitled "Their Faces Were Covered: Greece's Use of Migrants as Police Auxiliaries in Pushbacks" based on interviews with 26 Afghan refugees who tried to cross the Greek-Turkish land border between September 2021 and February 2022 and were pushed back to Turkey.

The report states that Greek police detained asylum seekers at the land border between Greece and Turkey on the Evros River during the period, in most cases beating them and stripping them of their clothes, seizing their money, mobile phones and other belongings. Then, they handed the migrants over to masked men who pushed them into small boats, took them to the middle of the Evros River and threw them into the frigid water, making them wade to the riverbank on the Turkish side. They employed men who were of Middle Eastern or South Asian origin.

Dunja Mijatović, the then Council of Europe Commissioner for Human Rights, pointed out in a letter to Notis Mitarachi, Greek Minister of Migration and Asylum, in spring 2021 to more than 100 episodes of "pushing back" migrants in 2020.

On 30 June 2022, Ylva Johansson, European Commissioner for Home Affairs, during a teleconference with George Gerapetritis, Minister of State, Takis Theodorikakos, Minister of Citizen Protection, and Ioannis Plakiotakis, Minister of Maritime Affairs and Insular Policy, accused Greece of "pushing back" migrants, abuse and excessive use of force by Greek border services and coast guards and obligated the government to develop a mechanism for dealing with migrants that meets basic human rights. Otherwise, the European commissioner promised to stop allocating migration-related funds to Greece.<sup>460</sup>

In March 2022, Minister of Migration and Asylum Notis Mitarachi told, in the EU conventional manner, that Ukrainians are "real refugees," while those arriving from Syria or Afghanistan are "irregular migrants".

In 2022, Greece decided on the deportation to Turkey of 540 immigrants from the Middle East and North Africa.

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<sup>460</sup> <https://www.hrw.org/world-report/2022/country-chapters/greece>

At the same time, by July 2023, Greece had provided refuge to 24.9 thousand Ukrainians.<sup>461</sup> In view of the "easier" entry conditions, fast-track procedure for granting temporary protection and highly tolerant attitude to Ukrainian migrants on the part of Greek authorities, many humanitarian organizations and human rights NGOs have accused the Greek leadership of discriminatory policies towards other refugees, including from the MENA region.

Experts note manifestations of racism and xenophobia, especially against incoming migrants, but also against Roma. They have significant difficulties in accessing basic social services such as housing, employment, education and health care, regularly face prejudice, stereotyping and discrimination, and are subjected to disproportionately frequent checks of documents and arbitrary arrests by police and other law enforcement bodies.

The 2023<sup>462</sup> report of the EU Agency for Fundamental Rights (FRA) refers to a report published in 2022 by the Greek Ministry of Labour and Social Affairs, according to which in 2022 there were almost 117,500 Roma living in the country in more or less segregated settings with severe living conditions.

In its 2020 annual report, Athens Racist Violence Recording Network (RVRN) comprised of more than 51 NGOs noted an increase in ethnic and religiously motivated beatings, grievous bodily harm and killings.<sup>463</sup> Investigations into such acts often drag on for many months. A similar 2021 report, published by the RVRN on 26 May 2022, documented an increase in racist violence perpetrated by the police in recent years.<sup>464</sup>

In Greece, no cases of glorification of Nazism, distortion or rewriting of the history of World War II and its results by the official authorities have been reported.

The Greek society has a relatively high level of immunity to far-right rhetoric, more than 65 per cent of Greeks reject attempts to revise history and whitewash the Nazis and their proxies. The sentiment stems from the living memory of the

<sup>461</sup> <https://data.unhcr.org/en/documents/details/103789>

<sup>462</sup> EU Agency for fundamental human rights report 2023 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en.pdf)  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>463</sup> <https://www.unhcr.org/gr/en/19763-racist-violence-recording-network-annual-report-2020.html>

<sup>464</sup> <http://rvrn.org/en/press-conference-on-2021-annual-report>

occupation of Greece by the "Axis" powers in 1941-1944, which took many lives and caused enormous material damage, prompting Athens to keep raising the issue of compensations with Berlin.

A landmark event in the fight against the spread of hate ideology was the conclusion in October 2020 of the trial against the leadership of the "Golden Dawn" nationalist party and its activists (60 in total), charged with, inter alia, murder and illegal possession of weapons, which lasted since 2013. The organisation was found to be a criminal group operating under the guise of a political party and was effectively banned, and its top members were sentenced to long terms of imprisonment.

According to experts, the law enforcement agencies' successful action against the "Golden Dawn" contributed to a 17 per cent drop in antisemitism in the country<sup>465</sup>.

The desecration of a memorial to Thessaloniki Jews killed in WWII, which located in the territory of the Thessaloniki University built on the spot of an old Jewish cemetery destroyed by the Nazi occupational administration in 1942, sparked a great resonance within the Greek society.<sup>466</sup> The act of vandalism was condemned by the Greek Foreign Ministry<sup>467</sup>.

A long-term project to create a Holocaust Memorial Museum and Human Rights Education Centre is underway in Thessaloniki, which aim, inter alia, to help tackle racism and religious discrimination in Greece.<sup>468</sup>

There still exist a number of right-wing radical parties and organizations, which, with the collapse of the Golden Dawn, have been given a chance to gain a foothold on the Greek political scene. These include, among others:

The Popular Orthodox Rally (LAOS) – a nationalist party established in 2000. Its members advocate forced deportation of refugees who are not needed for the Greek economy;

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<sup>465</sup> Xenophobia, Radicalism, and Hate Crimes across the OSCE: 2018-2020. Moscow, 2021. - 188 p.

<sup>466</sup> [https://www.avgi.gr/koinonia/435149\\_sto-eleos-ton-fasiston-ta-ebraika-mnimeia](https://www.avgi.gr/koinonia/435149_sto-eleos-ton-fasiston-ta-ebraika-mnimeia)

<sup>467</sup> <https://www.mfa.gr/en/current-affairs/statements-speeches/statement-by-the-ministry-of-foreign-affairs-regarding-the-desecration-of-the-monument-dedicated-to-the-old-jewish-cemetery-of-thessaloniki-30122022.html>

<sup>468</sup> <http://www.holocausteducenter.gr/executive-summary/>

The Popular Greek Patriotic Union (LEPEN) – a party founded in 2016 by former Golden Dawn members. It actively promotes anti-migrant and anti-Islamic ideas going as far as organizing mass rallies against refugees;

The Patriotic Radical Union (PAT.R.I.E.) – an ultra-nationalist party founded in 2018. In 2019, they officially formed a union with the LAOS party.

The New Right – a far-right nationalist party. It also openly stands against Islam, immigrants and refugees. The party leader positions himself and his organization as fighters against the Islamic colonization of Greece and Europe.

The Greek Socialist Resistance (ESA) – a neo-Nazi organization. It adopted the emblem of Oswald Mosley's British Union of Fascists (BUF).<sup>469</sup>

The National Party – Greeks (formerly Greeks for the Fatherland) – a far-right party established in April 2020. It was founded by one of the main leaders of the Golden Dawn, former member of parliament Ilias P. Kasidiaris (was condemned in 2020 and is currently in prison).

The Spartans – a far-right nationalist party founded in 2017. The party calls for maximally tough migration legislation. The party made it through to the Parliament at the last parliamentary election on 25 June 2023, gaining 12 seats out of 300. Former Golden Dawn supporters accounted for more than a half of the party's votes.

In April 2023, the Hellenic Parliament adopted Law No. 5043/2023, which prohibits parties whose leaders were convicted of membership in criminal organizations from running in elections to the national legislature. The Law was adopted to prevent the National Party – Greeks, founded by convicted Golden Dawn MP Ilias P. Kasidiaris, from entering the Parliament. Nevertheless, despite the prohibition of the National Party – Greeks to participate in the parliamentary elections in May–June 2023, the far-right party Spartans, publicly supported by Ilias P. Kasidiaris, passed in the legislature. Most of its members came from the National Party – Greeks.

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<sup>469</sup> Xenophobia, Radicalism, and Hate Crimes across the OSCE: 2018-2020. Moscow, 2021. - 188 p.



Experts are also concerned about the introduction of a testing system for applicants for Greek citizenship from 1 April 2021, which includes, apart from a language test, a set of complex questions on Greek history, geography, culture and State structure.

According to a report published in 2019 by the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), conditions in prisons and pre-trial detention centres in Greece do not often meet international standards. Typical problems include overcrowding, poor hygiene, understaffing, lack of supplies and medical care, serious and frequent inter-prisoner violence, non-separation of people of different sexes, including minors and adults, as well as convicts and pretrial detainees. The Committee noted that the measures taken by the Greek government since 2015 to improve conditions of detention were insufficient.

There are no discriminatory prohibitions on the participation of national minorities in the political life and administration of the state; representatives of non-titular ethnic groups are freely admitted therein. The Parliament is represented by Muslim MPs from a number of the country's northern regions. In a number of local government structures, official positions are held by Russian compatriots from the former Soviet Union.

According to the 2023 report<sup>470</sup> of the EU Agency for Fundamental Rights, only a few EU countries, including Greece, have set up systemic reforms aimed at strengthening of the participation of Roma in structures of policy-making.<sup>471</sup>

European Parliament resolution of 7 February 2024 on the rule of law and media freedom in Greece points to a number of negative trends and systemic problems in the country's domestic policy that threaten the functioning of democracy and respect for the rule of law.

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<sup>470</sup> EU Agency for Fundamental Rights report 2023 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-fundamental-rights-report-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf)  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>471</sup> Information from Franet desktop research; and Roma Civil Monitor (n.d.), 'Roma Civil Monitor 2021-2025: Civil society monitoring reports on new national Roma strategies published'

A serious concern is the worsening situation with media freedom – Greece ranks 107th place, the last one among EU member states (out of 180 countries) in Reporters Without Borders' (RSF) 2023 World Press Freedom Index<sup>472</sup> (108th in 2022, 70th in 2021).

It is emphasized that journalists in this country receive threats of physical violence, are subjected to verbal attacks (including by high-ranking politicians), and become the objects of lawsuits.

The problem of media concentration in the hands of oligarchs and the lack of transparent criteria for the distribution of state subsidies to media companies were noted. The unlawful use by the authorities of the country of the concept of "threat to national security" as a pretext for wiretapping and surveillance of political opponents is condemned. Concerns are raised about pressure, intimidation and harassment of officials representing national supervisory authorities in the field of human rights protection, personal data protection and transparency.

There has also been a rapid increase in incidents of excessive use of force by police, sexism against female journalists, obstruction of coverage of migration stories and rallies in the capital.

In July 2022, a major domestic political scandal erupted in Greece involving the illegal "wiretapping" of a number of politicians, opposition, business, media, civil society, human rights activists, etc., carried out by the National Intelligence Service (EYP, intelligence/counterintelligence) both directly and with the use of Predator, Pegasus spyware programs, and others.

In November 2022, following a visit to Athens by representatives of the European Parliament's Committee of Inquiry to investigate the use of Pegasus and equivalent surveillance spyware (PEGA) led by Sophie Veld, Special Report No. 2022/2077 on wiretapping incidents in the EU was published, detailing the circumstances of the scandal in Greece. It says "Whereas spyware, possibly combined with legal interception, is used as a tool for political power and control in

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<sup>472</sup> <https://rsf.org/en/country/greece>

the hands of the highest political leadership of the country." It also states that "spying for political reasons is not new to Greece."

Despite the Law No. 4648/2019 adopted by the Greek Parliament in December 2019, which significantly facilitates the exercise of the right to vote by citizens living abroad (in particular, the law for the first time provides for the organization of polling stations on the basis of Greek foreign missions, and launches electronic registration for diaspora representatives wishing to exercise their right to vote), the parliamentary elections held in May-June 2023 showed a low turnout among Greeks abroad.

This, first of all, resulted from the selective opening of polling stations due to the lack of manpower to conduct elections in some Greek foreign missions. For example, Greek citizens living in Russia were unable to exercise their right to vote due to the lack of a polling station in the Russian Federation. As an alternative, they were asked to vote in Vilnius.

Steps are being taken in Greece to create a barrier-free environment for persons with disabilities: according to the approved unified construction regulations, the developer is obliged to guarantee full accessibility of buildings for persons with disabilities. However, due to lack of school infrastructure, special transportation, audio-visual materials, staff and funding, many children with disabilities continue to be denied full access to compulsory secondary education. Few institutions for children with psychosomatic and intellectual deviations are in a difficult situation here.

Greek law provides for broad powers of the Ombudsman, including the right to inspect the conditions of detention in penitentiary institutions and to monitor the work of the penitentiary services. The decisions of the Ombudsman on the reinstatement of the fired Greek citizens, including due to gender discrimination, are binding.

The austerity measures taken by the Greek government since 2010 as part of its commitments to international creditors have created an unhealthy socio-economic climate. Some reforms, experts admitted, violated the labour and pension rights

guaranteed by the European Social Charter, as well as the standards of the International Labor Organization. The underfunding of the health care system is a pressing issue, which has led to a shortage of medicines, wear and tear of medical equipment, ambulance fleet, etc. Mass layoffs of unvaccinated staff during the Covid-19 pandemic have led to a catastrophic shortage of staff in health facilities.

The crisis, despite the signs of economic recovery observed over the last five years, has led to a lack of demand for highly qualified personnel, partial violation of their right to work and, as a consequence, a large-scale brain drain. Since 2008, over half a million people have left the country; 86.3 per cent aged 15-64, 51.4 per cent of whom are adults of working age group (25-44). 67 per cent of Greeks who emigrated abroad do not intend to return.

Unemployment, which amounted to 11.2 per cent as of April 2023, including 27.4 per cent among young people, and the degradation of social and domestic indicators of life were at some point the cause of destructive social trends, including suicide and drug addiction. Human rights defenders call on the government to respect basic human rights, including the right to life, health, education and labour, during the implementation of the anti-crisis program.

No infringements on the freedom of assembly or belief have been reported in Greece. In June 2022, the Alevi House of Worship (2,800 members) was opened in Thrace with the support of the Ministry of Education and Religious Affairs, becoming the first such institution in Greece and third in Europe (after Austria and Germany).<sup>473</sup>

At the same time, in the north-eastern part of the country and on some islands of the Aegean Sea there are certain specifics with regard to ensuring the rights of non-titular Muslim ethnic groups (Turks, Pomaks, Roma, etc.). The number of its subscribers is more than 120 thousand people. Athens recognize them as a religious minority (there is no notion of "national minority" in the law), but formally restrict the possibility of including the ethnonym "Turkish"<sup>474</sup> in the name of any regional

<sup>473</sup> <https://www.protothema.gr/greece/article/1255976/egainiastike-to-PROTO-tzem-evi-stin-ellada-gia-tous-alevites/>

<sup>474</sup> <https://azinlikca1.net/eidiseis/item/44269-η-μειονοτητα-της-θρακης-ειναι-μονον-θρ>

associations and unions. The UN Committee on the Elimination of Racial Discrimination has repeatedly expressed concerns that Greek Muslims might be denied the right to ethnic and cultural linguistic self-identify.<sup>475</sup>

The right to freedom of religion of Russian compatriots in Greece is not violated. In Greece, there are several Russian-speaking Hellenic Orthodox Church (HOC) parishes. Meanwhile, after the Moscow Patriarchate severed full communion with several HOC dioceses, including the Archbishopric of Athens, in response to the recognition of Ukrainian schismatics by the HOC in October 2019, several local Russian-speaking diaspora believers have had some difficulties.

Some parishioners of the "Russian" Church of the Holy Trinity in Athens (the Archbishopric of Athens) moved to other parishes in protest against the legalization of the schism.

After Russia recognized the independence of the Donetsk and Lugansk People's Republics and the Armed Forces of the Russian Federation launched a special military operation on 24 February 2022 to denazify and demilitarize Ukraine and protect the civilians of Donbass, the Greek leadership actively supported the introduction of restrictive measures by the European Union against Russia and the Republic of Belarus and proclaimed a course to discontinue bilateral cooperation in all spheres, including the cultural and humanitarian area.

On 1 March 2022, the Greek Ministry of Culture and Sport announced the decision to "postpone all events involving Russian cultural organisations, cooperation with them and discussion of any joint plans". A number of cultural events were cancelled, including concerts of the Moscow Soloists chamber ensemble led by Yuri Bashmet in Athens and Thessaloniki in late March 2022.

Athens has joined the European Commission's discriminatory decision of 2 March 2022 to ban the broadcasting of Russia Today and the work of Sputnik and their subsidiaries in the EU territory. Sputnik Greece and Russia 24 web-resources are blocked in the country.

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<sup>475</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGRC%2fCO%2f20-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fGRC%2fCO%2f20-22&Lang=ru)

An unprecedented campaign to discredit Russia fuelled by anti-Russian statements of officials, was launched in the Greek media. The access of the Greek public to objective information about the events in Ukraine and Russia's approaches has been seriously impeded, and the media space is dominated by a fierce Russophobic way of information coverage. The outreach work of the Russian Embassy in Athens and the Consulate General in Thessaloniki is under attack.

In March 2022, acts of vandalism and desecration were recorded against monuments related to our country: the Monument to Soviet Soldiers who Fell Fighting for the Freedom and Independence of Greece in 1941-1945 in Athens,<sup>476</sup> the Memorial of Admiral Fyodor Ushakov on Corfu Island<sup>477</sup> and the Monument to the Squadron of Count Alexei Orlov on the island of Lemnos. In December 2022 and in February 2023, Ukrainian nationals tore the Russian flag off the building of the Honorary Consulate of the Russian Federation in Rethymno (Crete). There is still no official information on the outcome of the investigations into these offences.

Russian citizens residing permanently in Greece have had their accounts blocked by local banks under the Council Regulation (EU) 2022/328 of 25 February 2022, which frequently resulted in the loss of their only source of income.<sup>478</sup>

At the same time, no facts of persecution by the state of Russian compatriots residing in Greece were registered in 2023.

There have been incidents involving nationalist Ukrainians. In April 2022, for instance, a group of hooligans attacked participants in the rally "For Peace! For Russia! For Greece!"<sup>479</sup> leaving a seven-year-old girl injured. The Investigative Committee of the Russian Federation started a criminal investigation into case.

On 24 April 2022 on a beach in the Athens a woman of Russian nationality was beaten.<sup>480</sup>

In a Greek school a sixth-grade schoolgirl was beaten by her classmates and was hospitalized.<sup>481</sup>

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<sup>476</sup> <https://ria.ru/20220319/pamyatnik-1779066642.html>

<sup>477</sup> <https://ria.ru/20220326/pamyatnik-1780239271.html>

<sup>478</sup> <https://ria.ru/20220323/banki-1779646928.html>

<sup>479</sup> <https://vz.ru/news/2022/4/3/1151872.html>

<sup>480</sup> <https://tass.ru/proisshestiya/14480019>

Moreover, about 30 Russian sailors are kept in Greek penitentiary institutions, accused of smuggling migrants, a serious crime under local legislation, punishable with long prison terms and heavy fines. The Russian Embassy has not received any complaints from our citizens about the conditions of detention, state of health or improper treatment by the prison authorities. The Russian Embassy in Athens provides our citizens with the necessary assistance and regularly organizes consular visits to their places of detention.

In August 2022, Aleksander Vinnik, Russian citizen, arrested by Greek authorities in 2017, was extradited to the United States following more than five years of imprisonment and legal proceedings in Greece and France. In breach of article 36 of the 1963 Vienna Convention on Consular Relations and contrary to an official request by the Russian Embassy in Athens, the Russian citizen was not allowed to see the consular officials of the diplomatic mission, his lawyer and an interpreter. The Greek authorities have completely ignored the repeated (since 2017) requests by the Russian competent authorities to extradite Aleksander Vinnik to Russia, country of origin, as well as the requests by the Russian side to apply the 1983 Convention on the Transfer of Sentenced Persons, given the grave humanitarian situation in which our national finds himself.

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<sup>481</sup> Violations of the rights of Russians and compatriots abroad during the events in Ukraine in March-April 2022. Monitoring review of the Moscow Office for Human Rights.

## Denmark

Denmark has traditionally been at the top of the list of countries providing the most effective guarantees of human rights and freedoms.

Despite the declared flagship human rights positions, including by Copenhagen itself, the situation is far from easy, which is regularly pointed out to by Danish and international human rights organizations.

The Danish Institute for Human Rights (DIHR) annual report on the main human rights dossier of the Kingdom of Denmark, among other things, constantly highlights issues with combating racial discrimination.

International human rights organizations have regularly criticized the Danish authorities' harsh refugee and migrant stand, as well as the plans to establish a refugee reception centre outside Denmark.

According to the European Commission against Racism and Intolerance (ECRI) report on Denmark (sixth monitoring cycle) published in 2022, there were 617,770 registered immigrants living in Denmark as of 1 January 2021. 260,304 of them were from Europe, the United States, Canada, Australia and New Zealand ("western", predominantly white immigrants) and 357,466 from the remaining 157 countries ("non-western" immigrants, classified by the Danish Statistical Office as ethnic and religious minorities).<sup>482</sup>

This document draws attention to the fact that it has become ever more difficult for refugees and migrants to obtain permanent residence status in Denmark, which is usually only granted after eight years and hinged on a set of restrictive criteria. With the new policy, all categories of refugees shall have their residence permit reviewed annually or biannually.<sup>483</sup>

In 2019, the Danish Government began tightening up its legislation on refugee protection: mandatory regular review of cases, restrictions on family reunification and more stringent requirements for obtaining social benefits were introduced.

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<sup>482</sup> Report of the European Commission against Racism and Intolerance on Denmark (sixth monitoring cycle), adopted 29 March 2022, published 9 June 2022 <https://rm.coe.int/6th-ecri-report-on-denmark-/1680a6d5e4>.

<sup>483</sup> Report of the European Commission against Racism and Intolerance on Denmark (sixth monitoring cycle), adopted 29 March 2022, published 9 June 2022 <https://rm.coe.int/6th-ecri-report-on-denmark-/1680a6d5e4>



Different rules on family reunification are provided for refugees with different statuses: persons persecuted in their country of origin are entitled to apply for family reunification from the moment they are granted asylum, whereas refugees who have been granted temporary status on general grounds have to wait three years before they can apply.

On 9 July 2021, the European Court of Human Rights (ECtHR) pronounced its verdict in the case of a Syrian refugee who had brought an action against Denmark in 2017 for the years-long family reunification process. The Court found that the Kingdom had violated the right to family life and ruled that refugee status should not limit this right.<sup>484</sup>

In June 2022, the DIHR published a report noting that "the Danish interpretation of the right to privacy and family life is in some cases too narrow," resulting in refugee families risking being separated because "the authorities do not assess a family as a unit."<sup>485</sup>

In 2019, the Kingdom passed a law that guarantees refugees just temporary protection under the United Nations High Commissioner for Refugees (UNHCR) quotas, meaning that in case the authorities decide that the country of origin is safe for residence, the refugees' residence permit will not be extended.

In 2021, Copenhagen recognized as such certain areas of Syria, with their natives to be returned to their homeland.<sup>486</sup>

As a result, Denmark became the first European country to revoke the residence permits of refugees from the Syrian regions of Damascus and Rif Damascus, following the conclusion of the Danish Immigration Service about the improved security situation in these two provinces. In 2019-2022, 366 residence permits of Syrian refugees were revoked in Denmark.

Discriminatory attitudes towards migrants still persist in the country. This is evident from the fact that second and third-generation migrants have very limited

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<sup>484</sup> <https://amnesty.dk/menneskerettighedsdomstolen-syrisk-flygtning-vinder-retssag-mod-danmark-om-familiesammenfoering/>

<sup>485</sup> <https://menneskeret.dk/nyheder/brud-paa-menneskerettighederne-splitte-syriske-familier>

<sup>486</sup> <https://uim.dk/arbejdsomraader/vurdering-af-syreres-ophold-i-danmark/>

avenues for acquiring Danish citizenship by law. This category of persons, especially women, has little involvement in the labour market.<sup>487</sup>

Thus, according to the DIHR, about 45 per cent of immigrants of "non-Western" origin were exposed to racial discrimination in 2022 in Denmark. However, 20 per cent of workers belonging to ethnic minorities experienced discrimination in the workplace. 11 per cent of immigrants and 25 per cent of descendants of people of "non-Western" origin were denied public services, including bus transportation and taxis.

Human rights activists were dissatisfied with the negligible number of MPs who belong to ethnic minorities elected in 2022 – only 2 per cent, while this group makes up 9 per cent of the population.

The human rights NGOs particularly criticized the authorities' efforts to combat so-called "parallel societies", a social phenomenon where a large proportion of migrants from the Middle East and North Africa lead isolated lives, remaining outside the Danish linguistic, cultural and legal environment.

The programme in question put forward in 2018 by the Danish Government was named "One Denmark without Parallel Societies: No Ghettos in 2030." Its provisions were implemented in Kingdom's various sectoral regulations.

Since the ethnic ghetto eradication programme was launched, the Danish law enforcement authorities have been enabled to establish "areas of increased criminal liability" in ghettos. In case a crime is committed in these areas, court may impose twice the maximum penalty provided for this category of crimes in Danish Criminal Code. If a fine is the maximum penalty for the crime, it may be replaced by imprisonment. In addition, a mechanism has been approved to identify and subsequently expel repeat offenders and the most "influential" members of the criminal environment from the ghetto.

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<sup>487</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on 9th periodic report of Denmark. March 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/COC/DNK/44503&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/COC/DNK/44503&Lang=En)

In 2019, the Committee on Economic, Social and Cultural Rights (CESCR) took notice of the situation and expressed deep concern about provisions in the Government programme adopted "in contravention of Danish Constitution and its international obligations" that "impose differential treatment on grounds such as national origin, social status and residence." In particular, the CESCR regarded as discrimination the categorization of specific areas as ghettos based on the national origin of persons living there (areas are classified as "ghettos" by the proportion of residents from "non-Western" countries) and pointed out the violation of migrants' right to the freedom of residence and the liberty of parents to choose their children's schools. The combination of such measures, according to the Committee on Economic, Social and Cultural Rights, not just results in discrimination based on ethnic origin and nationality, but also further marginalizes residents of disadvantaged areas.<sup>488</sup>

In 2021, the authorities proposed a plan to reduce the number of urban areas with a predominant proportion of social and municipal housing, where the number of migrants from "non-western" countries and their descendants exceeds 30 per cent (so-called "ghetto" areas). It suggests a number of restrictive measures to adjust the ethnic composition of inhabitants.

In December 2021, the UN Committee on the Elimination of Racial Discrimination (CERD), established in accordance with the International Convention on the Elimination of All Forms of Racial Discrimination, also criticized Danish legislation in the field of combating "parallel societies", including the use of ethnicity as a criterion for arranging urban areas into various categories, as well as the possibility of forced eviction of migrants and their descendants from "ghetto" areas provided for by Danish legislation.

Despite recommendations from human rights organizations to amend Danish legislation, the issue remains unresolved.

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<sup>488</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Denmark. October 2019  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/DNK/CO/6&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/DNK/CO/6&Lang=En)

In June 2022, the Eastern Denmark Court of Appeal ruled that the tenants of the Nøjsomhed housing estate were not discriminated against when their contract was terminated. Since 2018, the complex has been on the list of areas with "parallel societies". The housing cooperative that owns Nøjsomhed terminated contracts with tenants on seven floors, which were predominantly occupied by people of non-Western origin.

In December 2021, 11 residents of the Mjølnerparken complex filed a lawsuit in the Eastern Denmark Court of Appeal against the Danish Ministry of the Interior and Housing, claiming that they were being discriminated against. The applicants relied on the urban development plan, which allegedly cited the number of migrants from "non-Western" countries and their descendants as one of the main complex resettlement factors.

In November 2022, the Eastern Denmark Court of Appeal asked the Court of Justice of the European Union to clarify whether the categorization of the districts "Mjølnerparken" and "Schackenborgvænge" on the basis of a "non-Western" origin of their residents constitutes discrimination.

The European Commission against Racism and Intolerance calls on the authorities to stop the practice of selling public housing and then resettling migrants and their descendants, using instead "positive incentives to create more mixed residential areas."

In 2022, human rights organizations continued to criticize Danish migration legislation and, in particular, Government's initiative to create a reception centre for refugees abroad (however, the initiative does not cover those arriving under UNHCR quotas) which would make it possible to expel asylum seekers to third countries while their cases are pending and thus reduce the influx of migrants into the country.

In June 2021, the Danish parliament passed a law allowing for similar agreements with third countries.<sup>489</sup>

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<sup>489</sup> <https://www.retsinformation.dk/eli/ft/202013L00226>

In September 2022, Denmark and Rwanda In September 2022, Denmark and Rwanda announced an agreement on enhanced cooperation in the field of migration, to include a mechanism for asylum seekers' transfer from Denmark to Rwanda.<sup>490</sup>

After the parliamentary elections in November 2022 were held and a new coalition government was formed, the work on creating the centre was suspended.

The initiative has been earlier criticized by the Office of the UN High Commissioner for Refugees, EU Commissioner for Migration and Home Affairs and a large number of human rights organizations.

Adalbert Jahnz, EUC spokesperson for home affairs, said that the right to asylum is a fundamental right in the EU and expressed concern over compatibility of the new law with Denmark's international obligations, as well as the risk of undermining the foundation of the international refugee protection system around the world.

The Office of the United Nations High Commissioner for Refugees has also opposed the Danish authorities' decision to transfer asylum and international protection obligations to a third country, as "it runs counter the spirit and letter of the 1951 Convention Relating to the Status of Refugees."

With regard to observe the right not to be subjected to inhuman and degrading treatment, the DIHR highlights the current practice in the country of detaining persons who have been refused asylum or stay in the Kingdom upon the expiry of their residence permit in case such measures, in the authorities' opinion, may encourage foreigners to return home.<sup>491</sup>

This mainly concerns natives of Syria, who cannot be deported forcibly, since Copenhagen maintains no official contact with Damascus.

Refugees who refuse to return home voluntarily, whether they have committed offences or not, may be administratively sent to a detention centre for up to six months (up to 18 months in particular cases). The centre conditions resemble

<sup>490</sup> <https://uim.dk/nyhedsarkiv/2022/september/danmark-og-rwanda-enige-om-faelles-erklaering/>

<sup>491</sup> <https://www.dr.dk/nyheder/indland/skarp-international-kritik-udlaendingecenter-er-vaerre-end-et-faengsel>

imprisonment in many ways,<sup>492</sup> which in most cases forces refugees to leave the Kingdom.

Thus, throughout 2022, 450 individuals were detained in the Ellebæk immigration center. At the same time, 23 cases of placement in isolation wards were recorded: 19 people – for a period of 1-14 days, 4 people – for 15 days or more.

The DIHR urges to reduce the duration of administrative detention of foreigners and use it only as a measure of last resort.

In April 2022, the Danish Ministry of Justice reached an agreement with Kosovo authorities to lease 300 local prison places for criminals to be deported from Denmark.<sup>493</sup>

As a follow up to this initiative, the Danish parliament adopted a number of bills on 9 June 2022, including those to amend the Criminal Code. Currently, renovation work is underway in the Gnjilane prison complex (Kosovo). It is expected to become operational by 2025.

Human rights activists criticize the agreement, pointing out that, among other things, the right of prisoners to see relatives and friends would be limited.

The UN Committee against Torture has expressed its concern about Denmark's plans to extraterritorially detain third-country nationals who have committed crimes until they are deported. According to Committee's experts, accommodating criminals in the Gnjilane prison may have adverse effects on prisoners' access to medical care.

Harboring over 33 thousand Ukrainian citizens in Denmark is rated by human rights activists among the positive aspects in the work of Danish authorities in 2022 (in accordance with a specially adopted law, they are entitled to a two year temporary residence permit under a simplified scheme), as well as a decrease of the term after which persons have the right to apply for family reunification from three down to two years from the date of receiving asylum in Denmark.

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<sup>492</sup> <https://amnesty.dk/wp-content/uploads/media/6261/torturkommitteens-rapport.pdf>

<sup>493</sup> <https://www.regeringen.dk/nyheder/2022/traktat-om-leje-af-faengselspladser-i-kosovo-nu-underskrevet/>

On 22 November 2023, the UN Committee against Torture completed its review of the report on Denmark and prepared concluding observations on the treatment of asylum seekers by authorities, conditions in prisons, and the use of coercive measures in psychiatric institutions.

The Committee is concerned, *inter alia*, over Denmark's decision to return asylum seekers to countries where they are at risk of torture or other cruel, inhuman or degrading treatment.

The Danish Institute for Human Rights draws attention to the fact that throughout 2022, UN human rights structures reviewed five cases of refusal by the Danish authorities to grant asylum and deportation to Somalia, India and Iran. In two cases, the UN Committee on the Rights of the Child criticized steps by the Danish authorities that, as noted, failed to take the interests of children into account to the necessary extent. As a result, the Danish competent authorities reconsidered the case, and the persons concerned were granted asylum in Denmark.

On 19 March 2022, the Danish Institute for Human Rights published a report titled "Ethnic Profiling",<sup>494</sup> which analyses how often Danish law enforcement officers, with no objective justification, use ethnic origin as a background for control, surveillance or investigation activities. The report is based on 2009-2019 data related to charges (2.5 million cases) and arrests (270,000 cases) of permanent residents older than 14 collected in Denmark.

The main conclusion of the report is that natives of "non-Western" countries, especially those from the Middle East and North Africa, raise more suspicions among the Kingdom's law enforcement agencies and are thus more likely to be wrongly detained and convicted and then pardoned than ethnic Danes. Distrust and antipathy towards the Danish police on the part of people from non-Western countries, as well as the feelings of insecurity and inequality are direct consequences of the practice of ethnic profiling in Denmark. The authors of this document compiled a "stereotypical profile of an immigrant male" (dark skin colour, sportswear, beard and short-cropped hair), the coincidence with which even in some

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<sup>494</sup> <https://menneskeret.dk/udgivelser/etnisk-profilering>

points makes a citizen "object of police attention." The DIHR recommended that authorities amend the law on police in order to put it all right.

Referring to the Danish Institute for Human Rights analysis of 2009-2019 official data<sup>495</sup>, the EU Agency for Fundamental Rights 2023 report<sup>496</sup> states that immigrants and their descendants are 45 per cent and 64 per cent more likely to be charged with criminal charges than ethnic Danes in cases that result in the prosecution being stopped or justification.

Human rights NGOs note shortcomings in how the Danish penitentiary system operates.

According to the Council of Europe annual prison statistics (SPACE I), the number of people in custody in Denmark is 41.3 per cent (the European average is 21.7 per cent) of the total number of prisoners in prisons. This is the third highest arrest rate in Europe, after Luxembourg and the Netherlands.

As follows from the concluding observations of the UN Committee against Torture following its consideration of the report on Denmark, prisons, return and deportation centres, and detention centres in that country are operating at maximum capacity or exceed it and are understaffed. The committee also noted that high occupancy and low staffing rates are directly related to the increased use of disciplinary action by employees.

According to the DIHR, Danish prisons were 99.6 per cent full in 2022. This indicator continues to grow, while the number of prison employees, on the contrary, has been consistently decreasing over recent years (in 2022 – by 0.45 per prisoner).

Human rights activists also make complaints about the conditions of detention in Danish prisons. In particular, attention is drawn to the increase in the overall duration of pre-trial detention and the introduction of a restrictive regime for detainees, who in some cases are kept in their cells for up to 23 hours a day, which effectively amounts to solitary confinement.

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<sup>495</sup> Denmark, Danish Institute for Human Rights (2022), *Ethnic profiling – Main results from three studies*, p. 7

<sup>496</sup> EU Agency for Fundamental Rights Report 2023

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)



The DIHR notes the significantly increased number of cases of prisoners being placed in solitary confinement for periods of more than 14 days as a punishment for violation of discipline in places of deprivation of liberty.

The number of long-term detentions in 2021 amounted to 1,837 cases, whereas 3,619 people were held in custody for an average of five months in 2022, i.e. the five-year high (compared to seven similar cases in 2015, while in 2019 there were 705 cases of people serving their sentences in insulators for over 14 days).

In early 2020, the CPT blew the whistle after a visit to Denmark in April 2019. The committee generally criticized Copenhagen for failing to implement CPT 2014 recommendations and pointed to the persisting problem of overcrowding in Danish prisons, where solitary cells often house two people each.<sup>497</sup>

Representatives of the Council of Europe noted similar shortcomings in relation to two Danish temporary detention centers for refugees, calling on the Danish authorities to either renovate or completely close these institutions due to their overcrowding and the lack of adequate conditions for the stay of persons denied asylum.

In 2019, the ECtHR added two "spots" to the Danish human rights dossier. The first one involved the Danish prison authorities' repeated refusals of an independent review of a 2015 medical report to a person in forced isolation<sup>498</sup> saying he was a danger to society and should stay incarcerated. The court concluded that Denmark violated the right to liberty and security of person guaranteed by the European Convention on Human Rights.

In the second instance, the ECtHR, referring to the 2016 Paposhvili vs. Georgia case, found the Kingdom to have violated the right not to be subjected to inhuman or degrading treatment in connection with the deportation of a Turkish citizen suffering from severe mental illness from Denmark to his homeland.

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<sup>497</sup> Report of the European Committee for the Prevention of Torture on its visit to Denmark 3-12 April 2019. Published 7 January 2020. <https://rm.coe.int/1680996859>

<sup>498</sup> A special type of forced social isolation in places of deprivation of liberty not related to forensic psychiatry for persons who have served a sentence for previously committed especially serious crimes, including as a repeat offender. Most often imposed on particularly aggressive criminals. Can be given for life.

The unjustified use of pepper spray in closed spaces by police and prison guards continues to be common throughout the country, body searches and searches of cells are systematically carried out. In 2021, there were 579 incidents of police use of pepper spray, and 11 people went to emergency room with injuries.

In 2022, the Danish Supreme Court ruled that the Penal Enforcement Act does not authorize regular and systematic body searches of prisoners (fully naked, with arms raised, squatting, etc.) without grounds for suspicion.

On 1 January 2020, amendments entered into force allowing the Danish police to search the home and seize personal belongings, including communications equipment, of persons convicted of sexual offenses without a court order.

A bill was also introduced into the Danish Parliament to provide law enforcement agencies with similar powers in relation to those convicted under anti-terrorism articles of criminal law. The possibility to judicially establish an indefinite ban on visiting certain places and contacts with certain persons is proposed as an additional measure of punishment for them. According to the DIHR, this is a violation of the right to the inviolability of home, as well as the right to respect for private life and the right to freedom of movement.

The UN Committee against Torture notes a tangible increase in the number of incidents of violence and threats among prisoners, which affects their safety and security in prisons. From January 2014 to May 2019, the Independent Police Compliance Authority reviewed 28 cases of death and six cases of death in police custody, as well as five complaints of torture. None of the cases resulted in criminal charges being filed against police officers after investigation.

The Committee also notes that the criminal codes of Denmark, Greenland and the Faroe Islands do not criminalize torture as a separate crime.

Persons deprived of their liberty are not always provided with prompt access to legal representation, including during police questioning. While some detainees meet with a lawyer just minutes before appearing in court for a pre-trial detention hearing, requests to see a lawyer and police responses are not systematically

recorded. Persons deprived of their liberty are not always adequately informed of their rights, in particular due to the lack of or inadequate interpretation or translation.

Convicted criminals awaiting deportation after serving their sentences are held together with persons under administrative detention, such as persons whose asylum claims have been rejected and persons awaiting asylum appeals.

The UN Committee against Torture expresses particular concern over the situation of children, who may also be subject to administrative detention, and women held administratively in the same center as convicted criminals, including those of the opposite sex.

In some cases, children under social care are placed in secure boarding schools together with children serving sentences of imprisonment.

The number of self-harm and suicide attempts among prisoners in prisons and pre-trial detention centres also continues to rise, peaking at 38 incidents in 2021 over an eight-year period.

In June 2022, the DIHR criticized Danish Security Intelligence Service and the Danish Military Intelligence Service national oversight mechanisms, noting that they are underregulated in a number of key parameters at the legislative level.

Attention is drawn to the facts revealed in 2020 of the three year uncontrolled use of surveillance data on individuals living in the Kingdom by the Danish Security and Intelligence Service (PET). Such information was transferred to PET without a court order, which is a direct violation of the provisions of national legislation on personal data.

The concluding observations of the UN Committee against Torture also point out to the low rate of investigations and convictions for crimes related to human trafficking. Thus, 73 people trafficked in 2022 came from 28 different countries.

In 2022, the Center for Combating Trafficking in Persons received 22 requests regarding suspected exploitation of Ukrainians. The investigation revealed that four women from Ukraine were trafficked, all of whom were exploited for the purposes of prostitution.

The use of coercive measures in mental health settings in Denmark has increased since 2015. According to a report from the country's Health Authority, there has been an increase in the number of children and young people subjected to one or more coercive measures during hospitalization in psychiatric institutions. The number of cases of forced use of restraints and emergency sedatives has increased by 50 per cent, and the widespread use of restraint belts continues.

In 2022, the Psychiatric Complaints Commission reviewed 145 cases involving coercion and concluded that coercion was unlawful in 68 of them. Over the past 10 years, the proportion of the so-called red paper forced hospitalization when a patient is placed in an institution because he is considered dangerous to himself and others, has increased even more (from 58 per cent to 68 per cent).

According to 2020 data published in 2021 by equality bodies, the number of complaints increased regarding cases of discrimination based on race or ethnicity in Denmark.<sup>499</sup>

As follows from the FRA 2022 report, the Danish Institute of Human Rights 2021 report<sup>500</sup> stated a simplified procedure for obtaining Danish citizenship for young people from Scandinavian countries, pointing out to the need to provide equal conditions for all persons without exception, wishing to acquire Danish citizenship.<sup>501</sup> The same document notes<sup>502</sup> that parents with Danish surnames (25 per cent)<sup>503</sup> are more likely to enroll their children in schools than those with Muslim-sounding surnames (15 per cent).<sup>504</sup>

In February 2020, the Danish Institute of Human Rights, in its report to the relevant UN Committee on the Elimination of Racial Discrimination, emphasized

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<sup>499</sup> Denmark, The Board of Equal Treatment (Ligebehandlingsnævnet) (2021), Annual report 2020 (Ligebehandlingsnævnets årsberetning 2020), pp. 3, 36 and 38.

<sup>500</sup> Danish Institute for Human Rights (2021), *Stranger in your own country? Access to citizenship for children and youth who were born and/or have grown up in Denmark* (Fremmed i eget land? Adgang til statsborgerskab for børn og unge, der er født og/eller opvokset i Danmark), February 2021.

<sup>501</sup> EU Agency for Fundamental Rights 2022 Report.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>502</sup> EU Agency for Fundamental Rights 2022 Report.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>503</sup> Olsen, A. L., Kyhse-Andersen, J. H. and Moynihan D. (2020), 'The unequal distribution of opportunity: A national audit study of bureaucratic discrimination in primary school access', 29 December 2020.

<sup>504</sup> EU Agency for Fundamental Rights 2022 Report.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf).

the lack of progress in incorporating provisions of the International Convention on the Elimination of All Forms of Racial Discrimination into national legislation.<sup>505</sup>

At the same time, according to the information contained in the FRA 2022 report,<sup>506</sup> Denmark has joined the EU countries that have incorporated the provisions of EU Council Framework Decision on combating racism and xenophobia into their domestic legislation.<sup>507</sup> In particular, the Danish Criminal Code was amended to provide protection for minorities who fell victim of hate crimes.<sup>508</sup>

According to the National Integration Barometer, more than half of minorities in Denmark experience discrimination in their daily life. The Danish authorities are particularly concerned over the situation in Muslim communities. In this regard, they are controlled quite thoroughly so that Islam be an integral and harmonious part of society, preventing religion from becoming an instrument of any kind of manipulation and pressure.

The DIHR records negative trends in the field of ensuring freedom of religion in Denmark, including the introduction of restrictions at the legislative level.

Since January 2022, an article of the Danish Criminal Code on the fight against radical Islamic preachers has been in effect on a permanent basis (the so-called law on imams, which also provides for the deprivation of Danish citizenship for expressing ideas that contradict the "core values" of Denmark). According to human rights activists, the Danish legislation does not clearly distinguish between "legal" and "illegal" utterances applying to statements made both in mosques and in private conversations.

As for Jews living in the country, according to the results of a study by the EU Agency for Fundamental Rights (FRA) published in December 2018, 80% of them are constantly (9%), often (32%) or sometimes (39%) forced to avoid wearing or displaying things and objects that identify them as representatives of Jewish

<sup>505</sup> [https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/DNK/INT\\_CERD\\_IFN\\_DNK\\_41240\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/DNK/INT_CERD_IFN_DNK_41240_E.pdf).

<sup>506</sup> EU Agency for Fundamental Rights 2022 Report.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf).

<sup>507</sup> Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, OJ 2008 L 328.

<sup>508</sup> Denmark, Government, Proposal on amending the Act on prohibition against differential treatment within the labour market (Forslag til lov om ændring af lov om ligestilling af kvinder og mænd, lov om forbud mod forskelsbehandling på arbejdsmarkedet m.v., straffeloven og forskellige andre love).

nationality. 85% of respondents consider anti-Semitism to be a very serious or a fairly serious problem (36% and 49%, respectively)<sup>509</sup>. At the same time, Denmark's largest Jewish association, the Danish Jewish Society, traditionally warns against public display of identifying accessories or clothing.

In the context of guaranteeing non-discrimination, the Kingdom has recorded a continued increase in religious and racial hate crimes. According to information published by Danish law enforcement agencies, only in the first quarter of 2022 there had been 263 hate crimes, an increase of 32% from the same period of 2021 (254 cases, although human rights activists believe that the actual number of such offences is much higher). According to the Danish Ministry of Justice, 8% of the victims of violence in Denmark believe that racism was the cause.

The annual report of the Danish police, published in January 2023, notes that religious hate crimes accounted for 31% of all hate crimes in 2021 (164 out of 521). The most vulnerable religious groups include Jews (57%) and Muslims (38%).

The ECRI report<sup>510</sup>, was published on 9 June 2022, documenting several "worrying trends" in recent years with regard to the treatment of people of "non-Western" origin. One trend is that Muslims in Denmark are increasingly depicted (including in political circles) as a threat to Danish values and culture. The Commission recommended that the Folketing develop a legal framework for cutting the State funding of and disbanding "racist organizations, including political parties" if their programmes are based to some extent on religious or racial hatred.

According to statistics from the report of the European Commission against Racism and Intolerance on Denmark (sixth monitoring cycle), in 2019 Danish police registered 51 anti-Semitic crimes. The number of such crimes increased compared to 2018 (26) and 2017 (38).<sup>511</sup>

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<sup>509</sup> European Union agency for fundamental rights. Experiences and perceptions of antisemitism – Second survey on discrimination and hate crime against Jews in the EU. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf).

<sup>510</sup> [https://ec.europa.eu/migrant-integration/news/ecri-country-monitoring-denmark-sixth-report\\_en](https://ec.europa.eu/migrant-integration/news/ecri-country-monitoring-denmark-sixth-report_en)

<sup>511</sup> ECRI Report on Denmark (6th monitoring cycle), adopted 29 March 2022, published 9 June 2022. <https://rm.coe.int/6th-ecri-report-on-denmark-/1680a6d5e4>.

Against the background of a significant increase in crimes against Jews and Hebrews, Denmark adopted an Action Plan to Combat Anti-Semitism on 25 January 2022, which includes the implementation of a number of specific initiatives. At the same time, however, the Kingdom still lacks a separate action plan to combat hate crimes, despite relevant recommendations, in particular from the UN.

According to the FRA for 2022<sup>512</sup>, in the first half of 2021 the number of registered hate crimes, many of which were relate to the COVID-19 pandemic, increased by 12% compared to the previous year.<sup>513</sup>

As follows from the information provided in the Denmark's Government reply to the 6th questionnaire (2021) of the European Commission against Racism and Intolerance (ECRI), in 2019 Danish national police reported 100 cases of hate speech (there were 68 such cases in 2018, 48 in 2017, and 56 in 2016).<sup>514</sup>

In 2022, the Danish government has allocated DKK 8.2 million (approximately USD 1.17 million) to combat hate crimes. Between 2023 and 2025, DKK 8.1 million (USD 1.15 million) is set aside annually for this purpose. It is expected that part of the funds will be used to implement the new national Action Plan against Racism, including research on the extent of the problem of racism in Denmark.

The Danish government's budget allocation to fund the work of law enforcement agencies in detecting and recording hate crimes and supporting victims<sup>515</sup> is also mentioned in the 2023 report of the EU Agency for Fundamental Human Rights (FRA).<sup>516</sup>

There are shortcomings in ensuring the rights of the inhabitants of Greenland in Denmark.

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<sup>512</sup> 2022 Report of the EU Agency for Fundamental Human Rights

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf).

<sup>513</sup> Denmark, National Police (Rigspolitiet) (2021), Report on hate crimes (Hadforbrydelser i 2020 – Rigspolitets årsrapport vedrørende hadforbrydelser).

<sup>514</sup> Denmark's Government reply to ECRI's 2021 6th questionnaire, page 11.

<sup>515</sup> Denmark, Department of Justice (2020), 'Aftale om politiets og anklagemyndighedens økonomi 2021–2023', 15 December 2020.

<sup>516</sup> 2023 Report of the EU Agency for Fundamental Human Rights

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

The Special Rapporteur of the UN Council on the Rights of Indigenous Peoples, Francisco Cali Tzay, following his visit to Greenland in February 2023, indicated in his report<sup>517</sup> that some 17,000 Inuit living in Denmark faced racism and discrimination, as well as various restrictions, including access to health care, education and housing despite having Danish citizenship. Persons with disabilities were among the most vulnerable groups. In addition, he drew attention to the lack of statistics on Inuit children living in Denmark and the denial of mother-tongue education.

The report also addressed the forced removal of children in Greenland and their placement in foster care in Denmark. A special study had found that Inuit children were seven times more likely to be removed from their families than Danish children.

Notably, Denmark apologised in 2022 for removing Inuit children and placing them with Danish families.

Concern was also expressed about the unresolved issue of compensation to Thule residents for their forced relocation in 1953 due to the construction of a US Air Force base in the area.

F. Kali Tsai drew particular attention to the practice of 4,500 Greenlandic women being fitted with intrauterine devices by the Danish authorities, mainly in the 1960s and 1970s, with the aim of reducing the Greenlandic birth rate.<sup>518</sup> The surgery was carried out without the consent of the patients or their parents. As a result, the birth rate on the island had more than halved by the mid-1970s.

The forced use of contraceptives for Greenlandic women and girls was also highlighted in the CPT report, which indicates that 67 women in 2023 applied to the court for compensation. In January 2024, the total number of Greenlandic women who filed a lawsuit against the Danish government reached 143. The lawsuit was initiated by N. Libert, who suffered from the actions of Danish doctors at the age of 14. She stated that the women did not believe that the Danish State would recognise

<sup>517</sup> <https://digitallibrary.un.org/record/4028857?ln=en>

<sup>518</sup> <https://www.berlingske.dk/danmark/institutter-kraenkende-spiralkampagne-i-groenland-boer-undersoeses>



the violations and compensate for the damage following the investigation. They do not expect the outcome of the investigation (due to be completed in 2025) and are demanding DKK 43 million (USD 6.2 million) in compensation for the violation of their right to family life.

The Human Rights Council of Greenland and the Danish Institute for Human Rights have jointly called on the Danish authorities to acknowledge its responsibility for this campaign, which has entailed serious violations of girls' and women's right to self-determination and subjected them to degrading treatment.<sup>519</sup> In June 2022, Mette Frederiksen, Danish Prime Minister, issued a formal apology to the victims.

In June 2022, work began on an expert report to create "conditions for reconciliation with Denmark's and Greenland's past".<sup>520</sup> Among other things, it will present the results of the investigation into the forced contraception campaign of Greenlandic women.

In May 2023, the Government of Greenland strongly criticised the passivity of the Danish authorities in establishing a special commission of investigation into the case. In this regard, on 30 May 2023, the Danish Ministry of Health announced the launch of a group of scientists who will study the effects of contraceptive practices among Greenlandic women.

Human rights defenders have noted progress in the area of equality between men and women.

Recommendations include closing the wage gap (women earn 14.4% less than men), stepping up efforts to combat sexual harassment, and ensuring equal access to psychological care for citizens.

The fact that women are more prone to poverty in Denmark was brought to the attention of the UN Committee on the Elimination of Discrimination against Women (CEDAW) in 2021. CEDAW was also concerned about the prevalence of violence against women. According to its experts, women from vulnerable social

<sup>519</sup> <https://menneskeret.dk/nyheder/spiralkampagne-groenland-udgoer-grov-kraenkelse-menneskerettighederne>

<sup>520</sup> <https://www.stm.dk/presse/pressemeddelelser/danmark-og-groenland-beslutter-historisk-udredning-af-de-to-landes-forhold/>

strata, especially migrants, who face various forms of discrimination, are the most affected.

CEDAW also referred to the persistence of gender segregation at all levels of the education system. In practice, this results in the majority of women and girls opting for a recognised "standard" specialisation and few pursuing studies and careers in fields not familiar to women.<sup>521</sup>

Denmark has long been a "pioneer" in promoting radically free views on gender identity issues, which is reflected in both government policy and regulation of the medical practice of gender reassignment.

According to information provided on the website of the national Health Agency, Danish citizens under the age of majority are eligible to apply for corrective hormone therapy. Children and parents who are willing to legally consent to gender "transition" are required to undergo a course of psychological counselling prior to therapy. There are also situations in which the guardians do not agree to the procedure: a minor aged 15 or older can sign the consent on his or her own, while children under the age of 15 must be "approved" by a medical commission.

There is no lower age limit for undergoing hormone therapy. According to media reports, the youngest Dane who decided to undergo gender reassignment was a 9-year-old child.

However, surgical intervention and legal gender reassignment is allowed in Denmark from the age of 18. This periodically becomes a cause of public outrage: human rights defenders and activists demand that the government lower the age limit to 10-12 years in order to "simplify the socialisation process" for adolescents undergoing hormone therapy. In particular, the state Ethics Council made such a proposal in March 2021, and in January 2023 the Danish Parliament reported on the ongoing debate.

There are no official statistics on gender reassignment among minors in Denmark, but experts point to the rapid annual growth of such cases and compare

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<sup>521</sup> CEDAW Concluding observations on the 9th periodic report of Denmark. March 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/COC/DNK/44503&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT/CEDAW/COC/DNK/44503&Lang=En)

the situation with the indicators among adult citizens. In 2020-2021, only legally 321 Danes changed their "gender" (in 2019-2020 – 281, in 2018-2019 – 186).

There are no public statements by people who regret having undergone hormone therapy as a minor (and there are certainly some) in Danish media space. However, the media actively promotes campaigns to support such "transitions", which is fully in line with the national narrative on so-called gender politics.

The UN Committee on Economic, Social and Cultural Rights pointed to the significantly increased number of homeless people in the country, and expressed concern about the criminalisation of begging and the criminalisation of homelessness.<sup>522</sup> According to experts, the Kingdom's shortage of affordable housing has been exacerbated by a growing trend of private investors buying homes, who have the right under the 1996 Interim Housing Regulation Act to raise rents up to the "cost of rented accommodation".

A number of legislative initiatives by the Danish government regarding foreign terrorist and militant fighters (FTFs) who are subjects of the Kingdom can be identified as a separate block. In particular, amendments adopted in 2019 by the Danish Parliament allow for the in absentia, administrative deprivation of Danish citizenship of persons who have caused "serious damage to the vital interests of Denmark" by their actions (adopted due to the reluctance of Danes to return home and try their ITBs on the territory of the Kingdom).

In addition, under these innovations, children of Danish FTFs are no longer entitled to automatic Danish citizenship based on their parents' citizenship. This discriminatory provision goes against Copenhagen's commitment to reduce statelessness. Finally, Danish FTF nationals remaining abroad may now be completely denied consular assistance in Danish foreign offices.

With regard to the realisation of the right to freedom of opinion and expression in Denmark, the report of the Danish Government Commission on Freedom of Expression, published in April 2020, deserves attention.

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<sup>522</sup> <https://menneskeret.dk/udgivelser/etnisk-profilering>

The Commission was greatly concerned about the intentions of the ruling Social Democratic Cabinet to continue the fight against fake news, in the spirit of a Western trend. For this purpose, it was proposed to strengthen control over social networks and to provide for the possibility of forcibly removing "fake" content from their platforms. It should be noted that such actions by the authorities are fully in line with the trend common to Western countries to bring the media and Internet sphere under their control and to "cleanse" the space of opinions alternative to those of the government.

In addition, human rights defenders criticised the increased punishment for threats and insults against Danish civil servants, including high-ranking officials. Such offences in Denmark now carry a fine of up to DKK 5,000 (about \$800) or imprisonment for up to one year. It is noted that the new legislative norms are vague and therefore risk penalising citizens who criticise the actions of the authorities within the framework of a normal democratic debate, which ultimately leads to self-censorship of the media and Internet platforms.

The right to peaceful assembly is also subject to restrictions in Denmark. Since the beginning of 2021, the country has witnessed waves of mass protests against the extension and intensification of restrictive measures due to the coronavirus infection. In particular, a digital vaccination certificate ("coronavirus passport" or COVID-19 Pas) was introduced and the Danish authorities approved additions to the Criminal Code that doubled the sentence for an offence based on or related to the coronavirus.

The authorities have taken harsh measures against individual protesters. For example, in mid-March 2021, a judgement was handed down on the basis of new additions to the Criminal Code: a participant in the January 2021 protests was sentenced to two years' imprisonment instead of one year's imprisonment.<sup>523</sup>

Since the beginning of a Special Military Operation by the Armed Forces of the Russian Federation to denazify and demilitarize Ukraine and protect the civilian population of Donbass, there has been a deterioration in the legal situation of

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<sup>523</sup> <https://www.ndtv.com/world-news/hundreds-protest-against-denmarks-coronavirus-law-corona-passports-2400348>

Russian compatriots in Denmark. The hostile policy pursued by official Copenhagen towards our country has contributed to the formation of an atmosphere of total Russophobia in Danish society.

For example, in the period from February 2022, the media reported on the use of the Kingdom's territory to carry out cyber attacks on Russian institutions, but the perpetrators of these offences have not yet been brought to justice.

The Danish authorities do not impede overt recruitment of Danish subjects and citizens of other countries by Ukrainian embassy in the Kingdom for participation in hostilities in Ukraine. At the same, the aggressive activities of the Ukrainian mission in Denmark, violating the dispositions of the 1961 Vienna Convention on Diplomatic Relations, is not limited to recruitment of mercenaries. Its information resources are also used to disseminate photos and videos of torture, abuse and brutal killings of Russian military personnel in Ukraine, insults against Russians and calls to kill them.

Though the Danish authorities did not undertake legislative steps leading to discrimination of Russians and representatives of Russian-speaking community, immigrants from Russia face infringement of their rights, psychological and other forms of pressure in daily life.

There have been cases of private clinics unlawfully refusing to provide timely medical assistance to Russian citizens. Organisations of Russian compatriots receive reports from them complaining about "unfavourable information background and psychological discomfort".

Some Russian citizens confirm that they periodically fall victim to the nationwide policy of "scrubbing" everything Russian, including the mention of this word in the names of non-profit organisations. At least two organisations of Russian compatriots were forced to change their names because of "warnings" they received about possible consequences in the form of denial of premises or withdrawal of funding from the local commune.

Law enforcement bodies of the Kingdom, while formally providing consular access to detained Russians, periodically delay the coordination of such visits.

In January 2024, the newspaper Jyllands-Posten published a series of articles<sup>524</sup> with groundless accusations against parishes of the Russian Orthodox Church of the Moscow Patriarchate in Denmark. These publications were a targeted campaign to discredit the activities of Orthodox parishes and incite hatred on the basis of religion or nationality.

The Danish government and parliament were urged to add the ROC to the "blacklist" of extremist organisations (which currently includes several extremist Islamic organisations) and to legitimize restrictions on parishes receiving funding from the Moscow Patriarchate.<sup>525</sup> This would make it impossible for them to continue their activities.

There have been no statements from the Danish Institute for Human Rights or other human rights organisations in the Kingdom regarding these provocative newspaper publications.

Cases of vandalism were recorded against the buildings of the Russian Embassy and the Russian Centre for Science and Culture, the St. A. Nevsky Church in Copenhagen, as well as memorials to Soviet soldiers in Copenhagen, Aarhus and Alling (Bornholm Island).

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<sup>524</sup> <https://jyllands-posten.dk/politik/ECE16761723/hemmeligt-dokument-afsloerer-loekke-brugte-hidtil-uset-greb-for-at-frede-putins-forlaengede-arm-i-hobro-koebenhavn-og-paa-baagoe/>

<sup>525</sup> <https://jyllands-posten.dk/politik/ECE16790502/afsloering-danskrussiske-kirker-samlede-penge-ind-til-kontroversiel-praest-nu-anklages-han-for-at-levere-vaaben-til-fronten/>

## **Ireland**

All in all, official Dublin's policy in human rights is based on the Western templates entailing maximum personal and civil freedoms, which reflects the neoliberal paradigm.

The Irish present themselves as "best performers" of the international community in the human rights cause, promoting relevant initiatives, often questionable (on gender equality, LGBT-agenda promotion, obsessive focus on the role of women, young people and minorities in political life, armed conflicts settlement and counteraction to new challenges and threats), on the international platforms, including in the UN.

Besides, Dublin tries to use multilateral human rights platforms, including the UN Human Rights Council, relevant structures of the Council of Europe and the OSCE, to criticize Russia, first of all, for the Special Military Operation to denazify and demilitarize Ukraine as well as to protect the civilian population of Donbass conducted by the Armed Forces of the Russian Federation.

The Irish government also provides targeted financial support to the Office of Prosecutor of the International Criminal Court in the Hague in order to prosecute the Russian side for the "crimes" in the zones of the military action that the West and the Kiev regime incriminated Russia.

The Commission on Human Rights and Equality, comprising of 15 members appointed by the President of the country, has been in place in Ireland since 2014. The Commission has offices in all Irish counties and major cities. It publishes detailed annual reports, which are subject to a mandatory consideration of the competent authorities in order to redress violations mentioned therein.

Moreover, Irish people have the right to appeal to an Ombudsman, who is designated by the President in consultation with both houses of Parliament. The Ombudsman is responsible for monitoring public authorities, health care, education and social welfare institutions to be in line with human rights standards.

As of 2022, the Commission registered 1,411 appeals (for comparison, in 2021 there were 1,811 appeals). 425 out of them involved human rights violations,

398 – non-observance of the equality principle, 233 – discrimination by employers. The majority of discrimination cases, registered by this body, including in hiring, concern people with disabilities (265), ethnic minorities (95), elderly citizens (71).

The rights and freedoms of the citizens are protected by the Constitution (articles 40-44), which stipulates that all citizens, regardless of age, religion, social status or mental or physical state, have equal rights, which the State protects through the courts.

In addition, due to Ireland's membership in the European Union and the Council of Europe, the provisions of the European Convention on Human Rights, the EU Charter of Fundamental Rights and many other relevant international agreements to which Dublin is a signatory have been fully incorporated into the national legal system.

However, the Irish judiciary authorities continue to rely primarily on domestic legislation rather than on international treaties while addressing individual cases of human rights violations. According to human rights defenders, this system makes it impossible for Ireland to be considered as a country fully compliant with the standards set by the international community in promotion and protection of human rights.

As a result, the national courts dismiss the claims of its citizens and thus make them regularly appeal to the European Court of Human Rights and other international judicial institutions. According to human rights defenders, the majority of complaints relate to violence against women, the denial of access to citizenship and employment to migrants.

In doing so, despite the fact that Ireland present itself as a world leader in compliance with human rights standards, the authorities of the country has not yet managed to achieve significant progress in the situation with human rights.

The following problems are regarded to be the most critical.

Although Ireland's democratic institutions are well-developed, the Irish citizens living outside the country are effectively deprived of suffrage.

Only diplomats and other civil servants and their family members who are on



assignment outside the country may vote abroad when electing representatives to all levels of government. This practice is accounted for concerns that compatriots who are disconnected from local realities (the size of the Irish diaspora abroad is comparable to the country's population) may have a highly unpredictable influence on local political life.

In 2014, the Irish Constitutional Convention recommended that the government organize a referendum on enshrining the right to housing into the Constitution, which is a matter of a critical public concern. The government pledged to implement the recommendation by 2020, however, the plebiscite is yet to take place. Amid the country's critical housing crisis, the dragging on of the referendum has drawn sharp criticism by the Irish public and human rights defenders.

Meanwhile, in 2023, the number of homeless people in Ireland exceeded 12.5 thousand people (it has grown by 20 per cent over the year).

According to the Commission's report, the Irish mass media and international human rights NGOs, the areas of greatest concern include the protection of the rights of national and religious minorities, migrants, Roma, as well as the situation in places of detention.

Since 2004, Ireland has been enforcing a new version of the Equality Act which declares equal rights to all citizens regardless of their nationality or religion. The Act prohibits all forms of racism and discrimination in all spheres of social and economic life. The responsibility to observe and implement its provisions lies with the Equality Authority, the Equality Tribunal and the Garda Racial, Intercultural and Diversity Office. The national Irish Network Against Racism NGO is active in the prevention of racism, racial discrimination, xenophobia and intolerance associated with them.

The Equality Act does not ban organizations and movements that promote racial discrimination, since the Irish law, which establishes the right to freedom of expression and freedom of assembly and association, requires evidence that the organization is one.

The 2023 EU Agency for Fundamental Human Rights Report<sup>526</sup> mentions Ireland in the list of countries that develop national anti-racism action plans.<sup>527</sup>

Under the Irish law, any case of racism, discrimination and xenophobia (Nazism and neo-Nazism are not mentioned due to their absence) is subject to the consideration in court which imposes the penalty.

In practice, while considering these few cases (graffiti on walls, verbal insults in schools and in the streets), the judgment of the court is limited to administrative penalties in the form of a fine, although the law stipulates imprisonment.

According to human rights defenders, despite existing legal framework to combat the spread of racism, xenophobia and other forms of intolerance, these phenomena occur more frequently, which fuels discrimination against national and religious minorities in the country.

An analysis of the situation in the country was prompted by anti-racist demonstrations in the United States in the summer of 2020.

A general assessment was given by Irish President Michael Higgins, who stressed that sentiments against migrants and people of different skin colour are gaining momentum in the country, and that nationalism is beginning to threaten Irish democratic foundations.

Political leaders and the public have begun to recognize that refugees, migrants, and other minority groups are increasingly seen in some parts of Irish society as a threat to "the rights of the majority." Under this pretext certain local extremist groups have turned to racist and anti-Semitic criminal activity.

Racism is also observed in education (despite new legislation banning the practice of discriminatory admission of children to schools on the basis of their parents' religion).

As follows from the report of the 2022 EU Agency for Fundamental Rights (FRA), the results of studies in the EU countries also attest to discrimination of

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<sup>526</sup> EU Agency for Fundamental Human Rights Report 2023 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-fundamental-rights-report-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf)  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>527</sup> FRA (2021), Fundamental rights report 2021, Luxembourg, Publications Office, Chapter 4.3. See also Government of Ireland, Anti-Racism Committee (2021), Interim report to the Minister for Children, Equality, Disability, Integration and Youth. The final report of the Anti-Racism Committee had not been published by the end of 2022.

ethnic minorities and migrants.<sup>528</sup>

Thus, according to the poll of the Higher Education Authority, more than one third (35 per cent) of employees belonging to ethnic minorities, on a total of 3,323 respondents, have experienced discrimination on racial and/or ethnic grounds during their work in educational institutions or remotely (online), compared to 16 per cent of "other white" respondents and 3 per cent of "white Irish."<sup>529</sup>

According to iReport.ie, an online racist incident reporting system launched by the Irish Network Against Racism (INAR), there have been 700 racist incidents in 2020 (530 in 2019), including 159 criminal offenses. There has been seen the largest increase in reports of racism on the Internet (334 cases against 174 cases in 2019), including in social networks and in the Facebook accounts of reputable radio and print media, with Facebook featuring the highest number of such publications (119 incidents). It was noted that all of this contributes to an increase in far-right-themed content.<sup>530</sup>

Moreover, in its 2021 report titled "Reports of Racism in Ireland," the INAR highlighted that it was Chinese, black Africans and Irishmen who most frequently became victims of crimes motivated by racism.<sup>531</sup>

Manifestations of racism in the Irish society were pointed out by the UN Committee on the Elimination of Racial Discrimination (CERD), which also noted a high number of cases of racial profiling in the Irish police (Garda) and increase in hate speech. They highlighted an increase in racist rhetoric and its frequent use by Irish politicians, particularly during election campaigns. In this context, the CERD mentioned that the 1989 Prohibition of Incitement to Hatred Act turned out to be ineffective in the fight against hate speech, especially published on the Internet.<sup>532</sup>

The Committee pointed out with concern a considerable number of racially

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<sup>528</sup> EU Agency for Fundamental Human Rights Report 2022 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-fundamental-rights-report-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf)

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>529</sup> Kempny, M. and Michael, L. (2021), Race equality in the higher education sector: Analysis commissioned by the Higher Education Authority, Dublin, Higher Education Authority, p.33.

<sup>530</sup> <https://inar.ie/inars-2020-ireport-ie-reports-of-racism-in-ireland-published/>

<sup>531</sup> <https://inar.ie/2021-reports-of-racism>

<sup>532</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=Ru)

motivated hate crimes against ethnic minorities, noting that other grounds of discrimination, such as gender and religious affiliation, were often also present in such cases. It also highlighted that existing Irish criminal law did not feature offence categories in which racial hatred was a primary motive, nor was it specified as an aggravating circumstance.

According to the CERD experts, this leads to the misreporting of such crimes, as racist motives are systematically disregarded in criminal proceedings. In the context of the increase in far-right rhetoric and hate crimes against ethnic minority groups motivated by racial hatred, the Committee also highlighted the absence of legal frameworks banning racist organizations in the country.<sup>533</sup>

The Irish authorities and local human rights defenders are concerned with a surge of far-right sentiment in the country.

On 23 November 2023, Dublin, with incitement and coordination of far-right groups, saw commodity riots, looting and arsons of cars, buses and trams, as well as clashes with the police, unprecedented for the city in their scale. The riots were sparked by the news about an attack on a private kindergarten in the centre of the Irish capital committed by an immigrant of ostensibly Algerian origin resulting in three young children and their carer stabbed and injured.

Human rights defenders still consider the situation with the steadily growing Muslim community in Ireland (numbering in more than 70 thousand people) to be alarming. According to the Equality and Human Rights Commission<sup>534</sup> and the Immigrant Council of Ireland,<sup>535</sup> the number of racist incidents against Muslims in general remains at the same, rather high, level. About 40 per cent of Muslims in Ireland officially stated that they had experienced violence (verbal or physical) at work, in educational institutions, in their daily lives because of their faith. However, experts from these human rights bodies note that the real figure is much higher and approximates 80 per cent.

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<sup>533</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=Ru)

<sup>534</sup> Report of the Commission on Human Rights and Equality, 2019.

<sup>535</sup> Report of the Immigrant Council of Ireland, 2019.

Shortly after the Russian Armed Forces started the special military operation, the Irish Government, guided by self-serving political motives, allowed all Ukrainian citizens unhindered (without prior notification or visa requirements) entry, organizing a large-scale effort to welcome them as refugees.

At the same time, Ireland's attitude towards people from other countries (mainly from the Middle East and Afghanistan) applying for asylum on humanitarian reasons remains much less favourable: it can take up to two years (1.5 years on average) for local competent authorities to consider their applications to enter Ireland.

The differential treatment of refugees has caused discontent and criticism among a number of local human rights organizations that described such policies as "racist."

After Ireland suspended the 1959 European Agreement on the Abolition of Visas for Refugees on 19 July 2022 and the government refused to receive yet another group of 350 migrants within the EU quota in June 2023, which led to a EUR 1.5 million payment to the EU budget as a fine, the situation exacerbated.

Thus, the Irish authorities are urgently trying to relieve the burden on the migration and social services by restricting the entry of refugees from other signatory countries, who could previously stay in Ireland for up to three months without a visa if they had the relevant documents.

As a result, Dublin de facto prioritized the Ukrainian refugees, whose total number exceeded 105 thousand people while significantly limiting the number of asylum seekers from other regions of the world.

At the same time, the Irish authorities categorically deny plans to introduce any limits for the entry of Ukrainians in the foreseeable future.

This situation is a vivid example of Dublin's double standard in the humanitarian matters.

That said, the Irish state is unable to manage that much Ukrainians: several hundreds of them are not housed. Various regions of the country set up tented camps to accommodate new families from Ukraine that are barely liveable due to sanitation

conditions.

All the way through July 2023 to January 2024, all over Ireland there was more protest activity among the locals against the liberal policy of the government to admit foreign refugees, including from Ukraine and, in particular, to house them in certain municipalities. It has gone as far as setting fire on buildings where the authorities plan to house migrants. From November 2022 to January 2024 the law enforcement registered at least nine such cases.

In general, the situation with asylum seekers in Ireland is described as critical in view of severe shortage of accommodation for them. Many of them have to live in poor sanitary conditions or even to stay in the streets (up to 500 people), including in freezing weather. The local human rights defenders and the opposition put the blame for these human rights violations on the government while demanding to take immediate action to rectify the situation.

The 2023 EU Agency for Fundamental Human Rights Report<sup>536</sup> lists Ireland as a country accommodating the displaced persons in empty private houses, having previously checked the houses to be safe for women and children.

Migrants and refugees from Asia and Africa are among the most vulnerable members of society. Ireland has made commitments to accept 4,000 people under the programmes of the Office of the UN High Commissioner for Refugees and of the European Union. Of these, the Irish Government has accommodated about 1,100 people, mainly from Syria.

In accordance with the Government's plan, the refugees are accommodated in temporary placement centres (as a rule, they are hotels leased by the Government) where the refugees are waiting for all the necessary documents to be processed for them to stay on the territory of Ireland. However, the unreasonably prolonged legalization process has resulted in the vast majority of refugees having to reside in these centres for extended periods of time, causing discontent among the local population as well.

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<sup>536</sup> EU Agency for Fundamental Human Rights Report 2023  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

Ireland's Minister for Children, Equality, Disability, Integration and Youth has pointed out lack of capacity at schools near the areas where the displaced persons are concentrated.<sup>537</sup>

In 2019-2020, several such institutions were set on fire, which led to victims among refugees in a number of cases. As a result, there has been a wave of protests across the country, demanding that the authorities change the existing refugee reception procedure.

Ireland's new coalition government formed in June 2020 has pledged to phase out the centres and develop a new model for the reception and accommodation of refugees.

Difficult situation of migrants in Ireland gained attention of the Committee on the Elimination of Racial Discrimination<sup>538</sup> and the European Commission against Racism and Intolerance,<sup>539</sup> who highlighted slow processing of applications for international protection, unnecessarily long waiting period to be eligible to work, lengthy stay, under inadequate living conditions, in reception centres, and lack of transparency regarding the deaths of persons residing in these centres. They also noted the spread of anti-migrant sentiments in media publications, including in those of the mainstream Irish media.

The ECRI noted with concern that 40 per cent of migrant crew members working in Ireland's fishing fleet had reported race-based verbal abuse and insults. It also cited the results of the EU MIDIS II survey, according to which Ireland had one of the highest rates of hate-motivated harassment experienced by immigrants and descendants of immigrants from Sub-Saharan Africa.<sup>540</sup>

The plight of a large (30,000 people) ethno-cultural group of people, the Irish Travellers, who have no fixed abode and prefer a "nomadic" lifestyle, remains a grave problem in Ireland. In that country, Roma are also included in this group.

Irish Travellers experience racial discrimination, including in recruitment.

<sup>537</sup> Houses of the Oireachtas (2022), "Ukrainian crisis: Discussion", Joint Committee on Children, Equality, Disability, Integration and Youth debate, 17 May 2022.

<sup>538</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=Ru)

<sup>539</sup> <https://rm.coe.int/fifth-report-on-ireland/168094c575>

<sup>540</sup> <https://rm.coe.int/fifth-report-on-ireland/168094c575>

However, it is difficult to assess the real extent of the problem since they rarely seek formal legal assistance.

Human rights advocates have repeatedly indicated that members of this group are much more likely to encounter abuses by local law enforcement authorities. As noted by the experts of the Office of the United Nations High Commissioner for Human Rights (OHCHR), this explains, in particular, the disproportionate number of Travellers in Irish prisons.

According to Irish human rights activists, the official recognition of such people as an ethnic minority in 2017 has not changed the general situation. Currently, more than 25,000 of these people still live in poverty. Members of this social group account for 30-50 per cent of inmates of both genders in Irish prisons.

The general public and human rights defenders of Ireland admit that effective solution to the Travellers issue is yet to be found, which is explained primarily by their culture, which is hardly compatible with the sedentary lifestyle and socially useful work.

This issue also came to the attention of international universal and regional human rights monitoring mechanisms, primarily the CERD and the ECRI. They mentioned in particular that Travellers and Roma, along with people of African descent, are disproportionately subjected to racial profiling by the police, and disproportionately represented in the prison system. Furthermore, racist hate speech, in particular in the Internet and on social networking platforms targets none but these vulnerable groups.

These ethnic minorities are poorly represented in the Irish public sector and political positions at all levels. They have limited access to social housing, face serious discrimination and inequality in renting in private sector and, as a consequence, are disproportionately more likely to become homeless.

It is noted that the 2002 Housing Act is used by the local authorities to justify forced evictions of Travellers. Besides, local authorities underspend available budgets on housing for such persons. The rate of unemployment among Travellers and Roma is extremely high, and their children are very rarely enrolled in school.



All members of these groups of population have very poor health.

Forced involvement of minor female refugees in pornography and prostitution is another problem. In 2019, the Irish law-enforcement authorities identified 27 cases, but human rights advocates believe that the real number of such episodes is three or four times higher.

The CERD indicated race-based abuse in mother and baby homes, including racial discrimination in the adoption process and physical, emotional and sexual abuse experienced by the mixed-race Irish children.<sup>541</sup>

Furthermore, there is an issue related to violence against women specific to Ireland, which is a history of ill-treatment of women and girls in the Magdalen laundries (or Magdalen asylums). Despite the adoption of the Redress for Women Resident in Certain Institutions Act 2015, the Irish authorities failed to conduct an independent, thorough and effective investigation that would meet international standards into all allegations of neglect of women and children in such asylums, which would make it possible to determine the role of the State and the Church in the alleged violations.

Concerns about the scale and systemic nature of forced labour practices under State patronage from 1922 to 1996 in the Magdalen laundries have been repeatedly expressed by virtually all UN human rights treaty bodies, which noted the need to investigate outrageous abuses.

The violations committed in the asylums were of particular concern to the Committee against Torture, which sent a request to the Irish authorities for information on investigation and redress (it should be noted that this request was sent by the Committee following receipt of Irish authorities' report on the implementation of the Committee's recommendations in this regard).<sup>542</sup>

The problem of torture or inhumane treatment in detention facilities still needs to be addressed. According to the 2019 Equality and Human Rights Commission report, about half of the penitentiary facilities of Ireland are overcrowded, and the

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<sup>541</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/IRL/CO/5-9&Lang=Ru).

<sup>542</sup>[https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT\\_CAT\\_FUL\\_IRL\\_34997\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/IRL/INT_CAT_FUL_IRL_34997_E.pdf)

calls of public activists demanding the authorities to provide a detailed report have been ignored since 2016, when the last analysis on this subject was submitted.

Human rights advocates report no serious violations of civil rights and freedoms in Ireland. In this regard, official Dublin has been criticized by local and international community for being overly liberal in its treatment of certain organizations and individuals who freely disseminate extremist and racist content in the electronic media under the guise of the right to freedom of opinion and expression, and take advantage of the complex and highly specific Irish legislation which enables an experienced lawyer to rebut relevant charges in court. The Government refuses to take tough measures against such entities (primary, ban or closure), giving priority to the freedom of expression on any issue, excluding direct incitement to violence.

However, the Irish authorities responded decisively to protests against COVID-19 quarantine restrictions, which in Ireland lasted longer than in other European countries.

The media reported extensive police presence at the protest in Dublin city centre in late February 2021, which ended in clashes. Security forces attacked protesters with batons after an object that looked as a lit firecracker was thrown at one of the police officers. 23 persons were arrested.<sup>543</sup>

On 6 March 2021, there were protests in different parts of the country involving a considerable number of participants. According to media reports, 400 – 500 people gathered in Cork, in the centre of the district of the same name. RTÉ TV reported detentions of four protesters in Cork, Kerry and Kildare districts for breaching COVID-19 restrictions, in particular for unreasonably moving outside the boundaries of their area.<sup>544</sup>

Ireland is commended most for its progress on the rights of people of diverse sexual orientation. In practice, this has led to aggressive imposition of neo-liberal values and approaches, especially among children and the youth.

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<sup>543</sup> <https://ria.ru/20210227/protest-1599268266.html>

<sup>544</sup> <https://rossaprimavera.ru/news/1aa1eaab>

The Gender Recognition Act makes it possible to officially register the change of name and gender on the basis of self-determination and without the need for medical intervention or assessment. In 2016, detailed Being LGBT in Schools guidelines were adopted under the pretext of preventing homophobic and transphobic bullying in schools and supporting LGBT students. The National LGBTI+ Youth Strategy 2018-2020, adopted by the Ministry of Children and Youth Affairs, serves the same purpose. In reality, these and similar documents are aimed at promoting among the younger generations respective "values" and lifestyles that are totally at odds with the traditions and fabric of Irish society.

In Ireland a trend persists towards the spread of anti-Russian attitudes in the public sphere. The Irish branches of international human rights NGOs, such as Amnesty International and Human Rights Frontline Defenders, work actively in this regard. At the same time, there were no cases of open discrimination against Russian journalists.

Generally stable legal situation of the Russian citizens in Ireland has notably deteriorated after February 2022. Many Russian-speaking residents of the country, including Russian citizens have experienced bullying at work, at school and in public organizations. An artificially fuelled Russophobic campaign in the Irish media has greatly contributed to this attitude. Vivid examples of this include the decision of Irish broadcaster Raidió Teilifís Éireann (RTÉ) to rename the popular weekly programme about Russian culture "Russian Hour" on Dublincity 103.2 FM to "Kaleidoscope".

After that the Coordinating Council of Russian Compatriots in Ireland started registering such cases and reporting them to the Russian Embassy in Dublin; it also helped the victims to draw up appeals to local law enforcement agencies and members of the Irish representative body. The Coordinating Council also drafted a petition to the Irish parliament demanding that measures be taken to protect Russian diaspora and the Russian language from discrimination. The document made special emphasis on preventing bullying of Russian-speaking pupils and students.

After February 2022, preparation and holding of the events related to Victory

Day provoked a hostile response of the Ukrainian diaspora and some members of the Irish society. Irish media extensively cited a number of Irish politicians who stated that it would be inappropriate to celebrate the Victory Day due to the developments in Ukraine.

The administration of the Phoenix Park in Dublin, where the most massive Immortal Regiment rally had traditionally taken place, refused to provide the venue for the event.

Russian diplomatic mission in Ireland also became target of the Russophobic sentiments. On 7 March 2022, an unknown person drove their truck through the gates of the Russian embassy in Dublin. The police watched it happen but did nothing to prevent it. The incident became a blatant violation of Article 22 of the 1961 Vienna Convention on Diplomatic Relations.

In addition, the staff of the Embassy has repeatedly drawn the attention of the Irish authorities to daily aggressive behaviour on the part of the protesters, who threw eggs and stones at Russian diplomats' cars, broke the Embassy's surveillance cameras, and poured red paint of the Russian coat of arms on the Embassy's gate and the fence of the Russian Ambassador's residence.

In pursuance of European Union's laws on anti-Russian sanctions, Ireland has blocked access to the signal of the RT (Russia Today) and Sputnik satellite channels. No other manifestations of censure against Russian-language mass media or attempts to restrict their activities were noted on the part of the Irish authorities.

In 2023, Russian citizens did not report any violations of their rights in prison or in custody.

After its sixth Universal Periodic Review in 2021, the UN Human Rights Council made over 250 recommendations to Ireland in the following thematic areas:

- ratification of relevant international agreements and accession to international legal instruments on the rights of the child, missing persons, persons deprived of their liberty and those serving a sentence, and persons with disabilities (33 recommendations);
- international human rights cooperation and assistance (one

recommendation);

- improving the constitution and legislation on reducing inequalities and building peace and justice (11 recommendations);

- development of national human rights institutions (five recommendations);

- ensuring equality and non-discrimination, reducing inequalities, as well as ensuring decent work and economic growth, access to education, gender equality, sustainable cities and communities development (47 recommendations);

- countering racial discrimination (seven recommendations);

- promoting human rights in business (two recommendations);

- ensuring the human right to a healthy environment (one recommendation);

- human rights aspects of combating climate change (two recommendations);

- prevention of torture and ill-treatment, including of prisoners in custody (three recommendations);

- prison conditions (nine recommendations);

- administration of justice and fair trial (four recommendations);

- combating human trafficking and contemporary forms of slavery (16 recommendations);

- the right to a decent life (one recommendation);

- the right to housing (nine recommendations);

- the right to health protection (five recommendations);

- ensuring the rights to marriage and a family (one recommendation);

- sexual and reproductive health and rights (eight recommendations);

- the right to education (five recommendations);

- countering discrimination against women (19 recommendations);

- protecting women from violence (four recommendations);

- protecting the rights of persons with disabilities (four recommendations);

- ensuring the integration of persons with disabilities and their independence (eight recommendations);
- ensuring the rights of the child (six recommendations);
- protecting children from exploitation (four recommendations);
- ensuring the rights relating to name, personal identity and nationality (one recommendation);
- ensuring the functioning of a national body for the prevention of human rights violations (one recommendation);
- the functioning of national complaints mechanisms for human rights violations (one recommendation);
- sexual and gender-based violence (11 recommendations);
- ensuring the freedom of conscience, belief and religion (one recommendation);
- ensuring the freedom of assembly (one recommendation);
- ensuring economic, social and cultural rights (one recommendation);
- promoting women's rights (two recommendations);
- juvenile justice (one recommendation);
- protecting minority rights (13 recommendations);
- protecting migrants' rights (6 recommendations);
- protecting refugees and asylum seekers (five recommendations).

In July 2022, the OHCHR published an interim report on Ireland's response to these recommendations.

It should be noted that among other comments, international experts pointed out the lack of an adequate complaints mechanism in Ireland to address the massive human rights violations in Ireland's system of so-called "mother and child homes" in the mid-20th century, where over 60,000 unmarried women with children were often forcibly placed, including by arbitrary decision of the Catholic Church.

In addition, the OHCHR criticized Dublin for the lack of access to abortion and lack of monitoring of human rights standards in places of detention by the State Commission, as well as for corruption issues and failure to ensure women's rights (a

relevant national strategy expired in 2020, after which the document has never been updated).

The experts also pointed out the inadequacy of measures taken by Ireland to increase women's representation in elected bodies, combat sexual and gender-based violence, ensure the labour rights of Irish Travellers, counter discrimination against people of African descent, and improve access to health care for migrants.

Moreover, there was an increase in complaints of racially biased attacks against people of Asian descent in Ireland during the COVID-19 pandemic.

## Iceland

Human rights issues are among the priorities of Iceland's foreign and domestic policy. The country has traditionally positioned itself as one of the most active human rights defenders in the international arena, and is seeking election to the UN Human Rights Council (HRC) for the period 2025-2027.<sup>545</sup>

The NGO Freedom House estimates that as of March 2024, Iceland ranks seventh in the world in terms of political and civil liberties (94 points out of 100).<sup>546</sup>

The Icelandic authorities, while pursuing a neoliberal agenda and taking an active stance in defence of the interests of the LGBT community, are purposefully destroying the traditional and cultural foundations of their society in favour of this discourse.

This was manifested, among other things, in the adoption of the Gender Autonomy Act by the Althingi (Parliament) in June 2019 on the initiative of Prime Minister K. Jakobsdottir, which allows a person to determine his or her own gender depending on personal preferences. Such a choice can be made once in a lifetime when a person reaches the age of 15. In addition, the right to the so-called neutral gender is recognised.<sup>547</sup>

This regulation also states that Icelandic names will no longer be gendered, meaning that anyone can take any name, irrespective of gender (previously, the naming laws stated that girls should be given female names and boys should be given male names).<sup>548</sup>

Iceland has also officially legalised same-sex marriage and the adoption of children by same-sex couples.<sup>549</sup> In Icelandic schools, including primary schools, "sex education" programmes are implemented, as part of which students are taught

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<sup>545</sup> Iceland became a member of the HRC for the first time in July 2018, receiving 172 votes in favour and taking the place of the United States of America. Reykjavik's priorities in the Council were stated to be gender equality, the rights of women and sexual minorities.

<sup>546</sup> <https://freedomhouse.org/country/iceland/freedom-world/2024#CL>;

<https://freedomhouse.org/explore-the-map?type=fiw&year=2024&country=ISL>.

<sup>547</sup> <https://www.equaldex.com/region/iceland>;

[https://www.government.is/library/04-Legislation/Act%20on%20Gender%20Autonomy%20No%2080\\_2019.pdf](https://www.government.is/library/04-Legislation/Act%20on%20Gender%20Autonomy%20No%2080_2019.pdf).

<sup>548</sup> <https://www.icelandreview.com/news/name-changes-in-a-week-or-less-once-law-goes-into-effect/>.

<sup>549</sup> <https://www.equaldex.com/region/iceland>;

[https://www.government.is/library/04-Legislation/Act%20on%20Gender%20Autonomy%20No%2080\\_2019.pdf](https://www.government.is/library/04-Legislation/Act%20on%20Gender%20Autonomy%20No%2080_2019.pdf).



the concepts of homosexuality, transgender, etc., and that same-sex marriages and being LGBT is "normal".<sup>550</sup>

Repressive measures against dissenters also work to promote this agenda. Activists who speak out against the State's neoliberal line are often persecuted under various pretexts. At the same time, attacks on representatives of non-traditional sexual orientation themselves have also been recorded, including the use of physical violence against them.<sup>551</sup>

Iceland experiences problems with refugees and migrants staying there.

The UN Committee on the Elimination of Racial Discrimination (CERD) established under the International Convention on the Elimination of All Forms of Racial Discrimination, in its August 2019 concluding observations on combined twenty-first to twenty-third periodic reports of Iceland, noted that the number of foreign nationals living in the State party has continued to increase substantially. The CERD welcomed the measures taken by the country to facilitate their integration, including the establishment of the Multicultural Information Centre in Reykjavik, which offers a full range of services in multiple languages and runs awareness-raising campaigns to celebrate diversity.<sup>552</sup>

At the same time, the Committee expressed its concern about the persistently high unemployment rate of 7.4 per cent among persons belonging to ethnic minorities or migrant backgrounds, which was more than twice as high as that of among the general population.<sup>553</sup>

Immigrants in Iceland often face labour rights violations, discrimination, financial and housing problems, difficulties in integrating into society and obtaining education, and racial prejudice. According to experts, this leads to their marginalisation, polarisation in society and increased social and economic disparities in the country.<sup>554</sup>

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<sup>550</sup> <https://www.barn.is/frettir/vegna-umraedu-um-hinsegin-og-kynfraedslu>.

<sup>551</sup> <https://www.ruv.is/frettir/innlent/2023-09-28-thingmadur-segir-logum-um-hatursordraedu-og-ofbeldi-varla-beitt-her-a-landi-392668>.

<sup>552</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/275/65/PDF/G1927565.pdf?OpenElement>.

<sup>553</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/275/65/PDF/G1927565.pdf?OpenElement>.

<sup>554</sup> <https://www.ruv.is/frettir/innlent/2024-03-05-fjorir-af-hverjum-tiu-na-ekki-endum-saman-406624>; <https://heimildin.is/grein/20623/eg-get-ekki-hent-hluta-af-menningu-minni-i-burtu/>.

The growing number of migrants and refugees has had an impact on the general mood. For instance, the media occasionally reported on public protests against the construction of a mosque in the suburbs of Reykjavik which were accompanied by acts of vandalism. According to experts, these unrests are related to Icelanders' fears that this religious facility will contribute to the spread of Islamic radicalism in the country.

According to research conducted at the University of Iceland, children of foreigners and children of mixed marriages in the country are often vulnerable to bullying. These children have a harder time bonding with their peers, even if they have grown up in this State and its language is their mother tongue.<sup>555</sup>

The Icelandic authorities are pursuing a tougher policy towards refugees arriving in its territory, which has been widely criticised by the public, Icelandic and international human rights bodies.

In March 2023, the local parliament adopted amendments to the Foreign Nationals Act 2016. The amendments, which came into force in July 2023, provide for the withdrawal of previously legislated rights to housing, social support and health services from asylum-seekers 30 days after they receive a final denial of international protection. As a result of the innovations, the relevant rights of more than 50 refugees have been cancelled (quite a lot for such a small country in terms of population), including victims of human trafficking, many of whom are now forced to live on the streets.<sup>556</sup>

In January 2024, the Icelandic government submitted a draft law on Temporary Detention Centres (TDCs) for refugees for public discussion. It provides that foreigners who are under consideration for deportation from the country due to rejection of asylum will be "as a last resort" placed in closed TDCs pending deportation (adults for up to eight weeks, children accompanied by parents or guardians for up to nine days). Placement in the centres implies restrictions on visits, searches, and the use of force "if necessary" by TDC staff. The draft law has been

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<sup>555</sup> <https://rus.is/bulling-ili-travlya-chto-eto-takoe/>.

<sup>556</sup> <https://heimildin.is/grein/18623/raunveruleiki-innflytjenda-a-islandi/>.

strongly criticised by human rights organisations, according to which the document contradicts Iceland's obligations under international human rights treaties, including the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), the Convention Relating to the Status of Refugees, and the Convention on the Rights of the Child.<sup>557</sup>

In February 2024, the Icelandic government submitted to Parliament draft amendments to the 2016 Foreign Nationals Act aimed at reducing the number of refugees arriving in the country. Among other things, the document provides for the abolition of the provision on the need to consider asylum applications from persons who have previously received international protection in another State if they have special ties to Iceland or in other special circumstances. It is also proposed to tighten the procedure for family reunification of refugees and to shorten the duration of residence permits for internationally protected persons.

Iceland regularly records violations of refugee rights, including unlawful deportations of asylum seekers, including children. In particular, in November 2019, a nine-month pregnant Albanian refugee and her two-year-old child<sup>558</sup> were deported from the country, and in November 2022, an Iraqi refugee, a wheelchair user, was deported by the police by force.<sup>559</sup> The deportation in 2023 of a large number of Venezuelans to Venezuela from Iceland, who were denied refugee status en masse (in 2019-2022, asylum seekers from the country were granted international protection under a simplified procedure), was a high-profile case.

Iceland has noted discriminatory treatment of asylum-seekers from countries other than Ukraine whose citizens, inter alia, are accepted under a simplified procedure and receive benefits unavailable to other refugees.<sup>560</sup>

According to the 2023 report of the EU Agency for Fundamental Human Rights (FRA)<sup>561</sup>, in June 2022, Iceland, along with EU member states, signed the

<sup>557</sup> <https://island.is/samradsgatt/mal/3649>;

<https://www.icelandreview.com/politics/bill-on-detention-centres-for-asylum-seekers-published/>.

<sup>558</sup> <https://www.icelandreview.com/politics/icelandic-state-pays-damages-to-pregnant-woman-who-was-deported/>.

<sup>559</sup> <https://www.icelandreview.com/news/refugee-man-and-family-previously-deported-now-back-in-iceland/>.

<sup>560</sup> <https://www.visir.is/g/20222264321d/flottamenn-fra-odrum-londum-en-ukrainu-upplifa-mismunun>;

<https://www.ruv.is/frettir/innlent/2023-12-17-stodumunur-milli-flottamanna-fra-ukrainu-og-palestinu-399772>.

<sup>561</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf).

Voluntary Solidarity Declaration, a resettlement scheme from Greece to other European countries<sup>562</sup>, and accepted several unaccompanied children and children with families as part of this initiative.

Iceland has faced an increase in the number of cases of human trafficking against persons of foreign origin.

The UN Committee on the Elimination of Discrimination against Women (CEDAW) noted that the victims of these crimes are mostly from East Asia and South America.<sup>563</sup>

In 2019-2022, 71 relevant cases were investigated by the Icelandic police. The majority involved forced labour of migrants and refugees, mainly in the construction, tourism and catering industries, as well as sexual exploitation. 38 per cent of the alleged victims in these cases were women under 40 years of age and 11 per cent were children. Only one of the cases resulted in a prosecution, but the defendant was acquitted.<sup>564</sup>

Most frequently, the organisers of the crimes came from African and Asian countries and had residence permits in Iceland.<sup>565</sup>

In June 2021, Althingi approved amendments to the Icelandic Penal Code initiated by the Ministry of Justice. The amendments are aimed at providing protection to victims of human trafficking, especially women and children.

In October 2023, the Council of Europe's Group of Experts on Action against Trafficking in Human Beings published the third evaluation report on Iceland, highlighting a number of challenges in the Icelandic authorities' work in this area, including the lack of adequate mechanisms for identifying victims of trafficking, insufficient training for those responsible, lack of financial and human resources.<sup>566</sup>

Recently, there has been an increase in racism and xenophobia in the country.

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<sup>562</sup> French Presidency of the Council of the European Union (2022), "First step in the gradual implementation of the European Pact on Migration and Asylum: Modus operandi of a voluntary solidarity mechanism", 22 June 2022.

<sup>563</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fISL%2fCO%2f7-8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fISL%2fCO%2f7-8&Lang=ru).

<sup>564</sup> <https://www.coe.int/en/web/anti-human-trafficking/-/iceland-should-improve-the-identification-of-victims-of-human-trafficking-step-up-investigations-and-prosecutions>.

<sup>565</sup> <https://www.visir.is/g/20212174384d>.

<sup>566</sup> <https://www.coe.int/en/web/anti-human-trafficking/-/iceland-should-improve-the-identification-of-victims-of-human-trafficking-step-up-investigations-and-prosecutions>.

Human rights bodies periodically express concern that the Icelandic authorities' efforts to combat racism turn out to be insufficient. In addition, penalties under national legislation are imposed only in cases of serious and repeated offences, which happens infrequently. As a result, the effective prosecution and punishment of perpetrators of hate speech and ideas is hampered.

In the above-mentioned concluding observations, CERD recommended that Iceland take measures to ensure the full implementation of the existing legal provisions prohibiting racial discrimination and take firm measures to combat hate speech, including by political and public figures. It also pointed out the need to ensure that all racist hate crimes are reported to the competent authorities and investigated, that those responsible are prosecuted and, if convicted, punished appropriately, and that remedies are provided to victims.

CERD also recommended that Iceland record racist hate crimes and provide the Committee with statistics on reported hate crimes, the outcome of investigations and the punishments imposed.<sup>567</sup>

The European Commission against Racism and Intolerance (ECRI), established by the Council of Europe, has regularly drawn attention to this problem and in its fifth report on Iceland emphasised that anti-Muslim rhetoric is widespread in political discourse. Accusations of Muslims (as well as migrants) of links to terrorists, aggression and violence have often been used in political debates.<sup>568</sup>

ECRI's sixth report on Iceland, submitted in September 2023, states that there are occurrences of hate speech against asylum seekers and immigrants, particular on the internet, as well as by the authorities, the dissemination of racial stereotypes about Muslims, and vandalism against religious property.<sup>569</sup>

There have been cases of complaints against Icelandic police officers accused of racism in connection with arrests of black citizens<sup>570</sup>. Against the backdrop of the

<sup>567</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/275/65/PDF/G1927565.pdf?OpenElement>.

<sup>568</sup> <https://rm.coe.int/fifth-report-on-iceland/16808b581c>.

<sup>569</sup> <https://rm.coe.int/sixth-ecri-report-on-iceland/1680ac8c43>.

<sup>570</sup> <https://heimildin.is/grein/20327/thrju-mal-tengd-kynthattamorkun-hja-nefnd-um-efirlit-med-logreglu/>.

escalating Israeli-Palestinian conflict, there has been an increase in rhetoric against non-European refugees<sup>571</sup> and anti-Semitism<sup>572</sup>.

On 31 March 2022, Sigurdur Ingi Johansson, the Minister of Infrastructure of Iceland and the head of the Progressive Party, made a racist remark (as assessed by the local media) about Vigdis Hasler, the executive director of the Farmers' Association of Iceland of the Indonesian origin, stating that "he will not be photographed with this black woman". Opposition parliamentarians initiated a hearing of the case before the Althingi Ethics Committee. In September 2022, the hearing against Johansson was closed, allegedly for "lack of credible facts" to support the racist statements. After the politician publicly apologised, the conflict was resolved.<sup>573</sup>

There are also cases of "positive racism" where companies and organisations invite people with migrant backgrounds to events. This is done in order to demonstrate the participation of non-Icelandic people in these events.<sup>574</sup>

In particular, racism in Iceland was the subject of an online conference organised by the NGO Amnesty International at the University of Iceland in February 2021. The event also involved students of non-European origin who had experienced first-hand everyday racism.<sup>575</sup>

Neo-Nazi activities have been recorded in Iceland. The Icelandic extremist group Norðuvígi, which aligns itself with the neo-Nazi Nordic Resistance Movement (NRM), remains active, propagating hateful ideology in public spaces and promoting anti-Muslim and anti-migrant narratives.<sup>576</sup>

In September 2022, Reykjavik police reported the arrest of two Icelanders in their early 30s who were planning to carry out a terrorist attack against Althingi MPs and law enforcement officers using 3D-printed weapons. The suspects were supporters of the views of far-right Norwegian nationalist Anders Breivik, and a

<sup>571</sup> <https://heimildin.is/grein/20622/ord-valdhafa-um-utlendinga-geti-leitt-til-aukinnar-hatursordraedu/>.

<sup>572</sup> [https://www.mbl.is/frettir/innlent/2024/02/03/gydingum\\_a\\_islandi\\_verid\\_hotad\\_liflati/](https://www.mbl.is/frettir/innlent/2024/02/03/gydingum_a_islandi_verid_hotad_liflati/).

<sup>573</sup> <https://www.visir.is/g/20222244322d>

<sup>574</sup> <https://www.ruv.is/frett/2021/02/04/open-online-meeting-about-racism-in-iceland>.

<sup>575</sup> [https://english.hi.is/events/the\\_reality\\_of\\_racism](https://english.hi.is/events/the_reality_of_racism).

<sup>576</sup> <https://rm.coe.int/sixth-ecri-report-on-iceland/1680ac8c43>.

search of their homes yielded swastika flags and books on Nazi ideology.<sup>577</sup> In March 2024, the Reykjavik District Court acquitted the defendants of terrorism charges.

In March 2024, Icelandic media reported that a Nazi flag had been placed on the window of an apartment block in Reykjavik (a photograph of the flag was published in the local press). After the police contacted the person who had hung the flag, it was removed. According to the information available, no prosecution has been initiated against the perpetrator, although the act in question is a violation of article 233 of the Icelandic Criminal Code on incitement of hatred.<sup>578</sup>

The use of the slogans "Iceland for Icelanders" and "Europe for Europeans" on the Icelandic social media has been recorded.<sup>579</sup>

The protection of women's rights is a priority in Iceland. In particular, according to the Platform for Action of the government formed in November 2021 following the parliamentary elections, the issue is under the personal control of the Prime Minister.

According to the March 2020 edition of Foreign Affairs magazine, Iceland is one of the top ten countries (and first among the Nordic countries) where women best succeed in the workforce.

The World Economic Forum's rankings, released in June 2023, ranked Iceland first in the world in terms of gender equality, based on indicators such as women's economic and political participation, as well as equal access to education and health care for both genders.

Iceland has become one of the leading countries of the Generation Equality Forum, established in 2020 under the auspices of UN Women at the initiative of UN Secretary-General Antonio Guterres.

At the same time, a significant difference between the statements by the authorities supported by the above-mentioned high foreign "ratings", and the real state of affairs in this area draws attention.

<sup>577</sup> [https://icelandmonitor.mbl.is/news/news/2022/12/15/talked\\_about\\_becoming\\_members\\_of\\_a\\_death\\_squad/](https://icelandmonitor.mbl.is/news/news/2022/12/15/talked_about_becoming_members_of_a_death_squad/).

<sup>578</sup> <https://heimildin.is/grein/21189/nasistafana-flaggad-i-arbaenum/>.

<sup>579</sup> <https://www.ruv.is/frettir/innlent/2024-03-11-othjodalydur-frekjur-hyski-og-afaetur-406756>.

For instance, there is a widening gender gap in terms of wages and representation of women in decision-making positions in the country.<sup>580</sup>

A number of persistent challenges to women's rights in Iceland are highlighted in the concluding observations of the UN Committee on the Elimination of Discrimination against Women of 31 May 2023.<sup>581</sup> This body has expressed concern, *inter alia*, about reports of sexist and misogynistic discourse, including on social media, directed against women involved in politics and women in difficult situations (women with disabilities, migrant and refugee women and asylum seekers).

The Criminal Code does not explicitly provide for liability for forced sterilisation, but it is implicit in the provisions on infliction of bodily harm (Article 218). Meanwhile, there is forced sterilisation of women with intellectual and psychosocial disabilities.<sup>582</sup>

There is also no comprehensive law explicitly criminalising all forms of violence, including domestic violence; women and girls facing various forms of discrimination are not adequately protected from violence.

Sexual violence remains an acute problem. According to surveys, at least 40 per cent of Icelandic women have experienced sexual violence in their lifetime, and 58 per cent of teenage girls have experienced sexual harassment on the Internet.<sup>583</sup> Violence against women with disabilities is widespread.<sup>584</sup>

According to the survey conducted by the University of Iceland in 2021, 40 per cent of the 32,811 women respondents had been victims of physical and/or sexual violence and almost 25 per cent had been victims of rape or attempted rape.

According to Iceland's Stigamot centre for survivors of violence, only about 12 per cent of victims actually press charges.<sup>585</sup>

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<sup>580</sup> [https://www3.weforum.org/docs/WEF\\_GGGR\\_2023.pdf](https://www3.weforum.org/docs/WEF_GGGR_2023.pdf).

<sup>581</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/TBSearch.aspx?Lang=en).

<sup>582</sup> <https://kvennafri.is/en/womens-strike-2023/>;

<https://www.nytimes.com/2023/11/25/world/europe/europe-disabled-women-sterilization.html>.

<sup>583</sup> <https://kvennafri.is/en/womens-strike-2023/>.

<sup>584</sup> <https://kvennafri.is/en/womens-strike-2023/>;

<https://www.nytimes.com/2023/11/25/world/europe/europe-disabled-women-sterilization.html>.

<sup>585</sup> <https://foreignpolicy.com/2020/07/15/the-misogynist-violence-of-icelands-feminist-paradise/>.



The number of sexual offences against children, particularly online, has increased in recent years. In 2023, 102 such offences were registered by the police (compared to 86 in 2019).<sup>586</sup>

Domestic violence remains an acute problem. During the COVID-19 pandemic, the number of documented cases of domestic violence increased in Iceland, as in many other European countries. However, a large percentage of cases are not reported for a variety of reasons, including fear of further harassment or lack of confidence in law enforcement.

In 2023, police received 2,415 reports of domestic violence, an eight per cent increase from the 2020-2022 average. In about 80 per cent of cases, the attacker was male.<sup>587</sup>

In 2022, 79 cases of violence against persons with disabilities were registered in Iceland.<sup>588</sup>

In December 2023, the Icelandic Disability Alliance (NGO) published a report stating that approximately 30 per cent of persons with disabilities in the country live in poverty, 20 per cent in extreme poverty, with many persons with disabilities experiencing significant social exclusion and discrimination, including in the labour market.<sup>589</sup>

There have been cases of violations of freedom of expression in Iceland. Local media face pressure from politicians and big companies, and women journalists are occasionally threatened.<sup>590</sup>

In February 2024, the Icelandic Association of Journalists filed a lawsuit against the State over police ban on the work of the media in the town of Grindavik in the south-west of the country evacuated due to the volcanic eruption<sup>591</sup>. The restrictions have been criticised by the NGO Reporters Without Borders which has

<sup>586</sup> <https://www.logreglan.is/tilkynningum-um-kynferdisbrot-til-logreglu-faekkar/>.

<sup>587</sup> <https://www.logreglan.is/wp-content/uploads/2024/02/Heimilisofbeldi-og-mannndrap-BI-skýrsla-fyrir-ytri-vef-2023-09.02.2024.pdf>.

<sup>588</sup> <https://www.ruv.is/frettir/innlent/2023-01-06-fatlad-folk-itrekad-beitt-ofbeldi-reynt-ad-thvinga-konu-i-legnam>.

<sup>589</sup> [https://www.rannvinn.is/\\_files/ugd/61b738\\_7fd8a5d39b6a4f658cb9c14cd87d2c82.pdf](https://www.rannvinn.is/_files/ugd/61b738_7fd8a5d39b6a4f658cb9c14cd87d2c82.pdf).

<sup>590</sup> <https://rsf.org/en/country/iceland>.

<sup>591</sup> <https://www.press.is/is/um-felagid/utgefid-efni/frettir/category/1/bladamenn-stefna-rikinu-vegna-takmorkunar-a-adgengi>.

called on the Icelandic authorities to ensure that they are proportionate and transparent and respect the right of access to information.<sup>592</sup>

When Iceland signed the International Covenant on Civil and Political Rights, it made five reservations, including not applying Article 20(1) on the prohibition of propaganda for war. Following the publication of the UN Human Rights Council's 2016 Universal Periodic Review, which highlighted this fact, Reykjavik pledged to consider ratifying the Article. Iceland's sixth periodic report on the implementation of the Covenant, published in January 2023, reported that the Icelandic authorities had nevertheless made the decision that this reservation would not be withdrawn because the prohibition of propaganda, in their opinion, "could limit the freedom of expression".<sup>593</sup>

In Iceland, there is an imbalanced proportionality in representation of different regions in parliament. According to the Althingi Act No. 55 of 1991, each of Iceland's six constituencies must be represented by at least six MPs following the elections. However, as the number of votes required to obtain a mandate varies considerably by region, 22 of Althingi's 63 MPs currently represent the metropolitan constituency, while each of the other five constituencies is represented by eight to ten MPs. In addition, there is no legal limit on the number of terms of office of the President of Iceland.

The September 2021 parliamentary elections were characterised by procedural irregularities related to failures in the vote counting process. A candidate who lost his parliamentary seat following the recount submitted a complaint with the European Court of Human Rights (ECtHR).<sup>594</sup>

Despite changes to the Icelandic legislation made in the late 1990s which abolished the obligation for foreigners to change their names to Icelandic when acquiring Icelandic citizenship, the country still has a government-approved list of about 2000 recommended names and forms of their spellings. The Icelandic

<sup>592</sup> [https://twitter.com/RSF\\_inter/status/1750828921933668449](https://twitter.com/RSF_inter/status/1750828921933668449).

<sup>593</sup> <https://www.government.is/library/01-Ministries/Prime-Ministers-Office/Iceland%206th%20periodic%20report%20under%20the%20International%20Covenant%20on%20Civil%20and%20Political%20Rights.pdf>.

<sup>594</sup> <https://freedomhouse.org/country/iceland/freedom-world/2023>.

National Registry (Registers Iceland) has its Naming Committee. If a citizen's name does not correspond to the approved form, or if he/she wishes to take a name that is not on the official list, these people face serious problems with civil registration and issuance of identity documents. It takes a long time for the Naming Committee to process such requests. Citizens have had to go to court, in some cases all the way to the European Court of Human Rights (ECtHR), to protect their rights.

There have been a number of problems in ensuring the rights of prisoners, cases of unjustified police brutality in detaining citizens, and the detention of juvenile offenders together with adult criminals.

In January 2023, the NGO Amnesty International published a report which found that the country's authorities had abused the practice of prolonged pre-trial solitary confinement in violation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. In 2012-2021, 825 individuals were subjected to it, including children and persons with physical and mental disabilities.<sup>595</sup>

In December 2023, the Icelandic National Audit Office released a report that found a number of failures in the Icelandic prison system, including poor prison conditions, especially for women, "gaps" in providing prisoners with adequate medical care, and poor training of prison guards. The paper found that due to years of underfunding of the prison service, and in particular the lack of sufficient prison facilities, 275 convictions that had expired between 2012 and 2022 were not executed in a timely manner. Of these, 31 convictions related to violent offences, four to sexual offences, including offences against children under 15 years of age.<sup>596</sup>

In May 2021, the Ombudsman's monitoring visit to Holmsheidi prison in Reykjavik revealed numerous "excesses" committed by prison warden during searches. Some experts believe that the search procedure should be relaxed. Suggestions, in particular, include conducting body searches only when absolutely

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<sup>595</sup> <https://wp.amnesty.is/media/waking-up-to-nothing-harmful-and-unjustified-use-of-pre-trial-solitary-confinement-in-iceland.pdf>.

<sup>596</sup> <https://rikisendurskodun.is/skyrslur/nanar?id=2037>;  
<https://heimildin.is/grein/21365/kynferdisbrot-hafa-fyrnst/>.

necessary, as well as minimising the use of humiliating intimate searches of prisoners.<sup>597</sup>

The principle of equality before the law, the right to a fair, independent and impartial trial and the presumption of innocence are generally respected in Iceland. At the same time, cases of selective justice have been recorded.

For example, in 2019, businessman Olafur Olafsson appealed to the ECtHR, accusing two judges of the Supreme Court of Iceland of bias when they sentenced him in a fraud case. Olafsson said that the son of one of the judges had worked for his company and had suffered financial losses during the 2008 crisis. The ECtHR accepted the complaint after first finding that the judges had abused their power. However, the case did not reach a decision as the parties reached a settlement agreement in December 2019.<sup>598</sup>

In December 2020, the ECtHR ruled that the right of the Icelandic citizen Gudmundur Andri Astradsson to a fair trial had been violated by the Icelandic Court of Appeal's failure to comply with the rules governing the appointment of judges.<sup>599</sup>

In 2021, Bragi Gudmundur Kristjansson won a case against Iceland in the ECtHR. The Court found that the applicant had been convicted twice for concealment of income and sentenced to fines and imprisonment, in violation of the principle that one cannot be tried twice for the same offence.<sup>600</sup>

The right to freedom of marriage and to found a family is generally not violated in Iceland. Since June 2022, only those who have reached the age of 18 can get married. The Minister of Justice is no longer authorised to grant individual permissions to younger people (including in cases of pregnancy).

Dissolution of marriage remains challenging. According to the Law in Respect of Marriage of 1993, the procedure takes at least six months if both spouses agree to divorce. If they have children together, the period is increased to two years. If one of the spouses does not agree to divorce, the case is considered by the

<sup>597</sup> <https://www.frettabladid.is/frettir/likamsleit-a-holmsheidi-brot-a-mannrettindum/>.

<sup>598</sup> <https://www.frettabladid.is/frettir/olafur-dregur-kaeruna-til-baka/>.

<sup>599</sup> <https://www.coe.int/en/web/cdcj/caselaw-26374-18>.

<sup>600</sup> <https://www.ruv.is/frett/2021/08/31/mde-telur-rikid-hafa-brotid-gegn-mannrettindasattmala>.

National Court. In this case, the party insisting on divorce must provide evidence of the substantiation thereof (e.g. domestic violence).

Local expert community has criticised the authorities for providing very low childcare allowances for children under the age of 18.

According to a report of the Organisation for Economic Cooperation and Development (OECD) published in December 2021, child allowance in Iceland is lower than in most of Europe. For example, a family with two children receives a monthly payment of 2.5 per cent of the parents' salary, or about 17,000 ISK (approximately 124 USD). For comparison, the allowance in Denmark reaches 290 USD. As noted by representatives of Icelandic trade unions, the payment should be at least doubled, taking into account inflation and the cost of living in Iceland.<sup>601</sup>

In addition, in the summer of 2021, a group of parents of children with physical disabilities approached lawyers in order to address poor conditions for the full education of persons with disabilities in schools in Reykjavik. In particular, it was noted that schools often lack psychologists and speech therapists.

The Icelandic Human Rights Centre has been active since 1994, collecting information and providing education and analysis on human rights issues. The Centre's partners are the Icelandic Red Cross, the field office of Amnesty International and other relevant NGOs, as well as the Universities of Reykjavik and Akureyri. According to their assessments, the right to life, liberty and integrity, the right to freedom of movement and residence, the right to privacy, the right to peaceful assembly and the right to association for the protection of one's interests are generally respected in Iceland.

The Government of Iceland pays great attention to the implementation of UN recommendations on human rights protection.

In November 2021, Iceland published its ninth periodic report on the country's implementation of the 1979 UN Convention on the Elimination of all Forms of Discrimination Against Women.<sup>602</sup> The document noted that between 2015 and 2021

<sup>601</sup> <https://www.ruv.is/frett/2021/12/06/barnabaetur-a-islandi-med-theim-laegstu-hja-rikjum-oecd>.

<sup>602</sup> <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2021/11/25/Niunda-skyrsla-Islands-um-Kvennasattmala-Sameinudu-thjodanna/>.

the Icelandic authorities had implemented a number of measures to protect women's rights. These included the entry into force of the Act on Equal Pay (2017) and the Act on Equal Status and Equal Rights Irrespective of Gender (2021), as well as amendments to the General Penal Code to stiffen the penalty for harassment, domestic violence and stalking. In addition, a five-year plan for 2019-2023 on gender equality was approved, funding for NGOs supporting victims of domestic violence was raised, and the proportion of female civil servants in Icelandic ministries was increased.

In January 2022, an intergovernmental working group of the UN Human Rights Council began preparing its next Universal Periodic Review (UPR) on human rights situation in Iceland. The Prime Minister, speaking at the first session of the Group<sup>603</sup>, noted that Reykjavik had worked hard to address the shortcomings identified in the previous review in 2016. Priority was given to children's rights to education, health services and psychological counselling. In particular, in the summer of 2021, the country launched a government plan to allocate additional funding for psychological support of children, to protect minors from violence and to ensure their participation in political life of Iceland.

In line with the recommendations of the 2016 Universal Periodic Review, Reykjavik ratified the 1960 UN Convention against Discrimination in Education, the 1961 UN Convention on the Reduction of Statelessness, the 2002 Optional Protocol to the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In September 2016, the Government of Iceland also ratified the UN Convention on the Rights of Persons with Disabilities. In March 2024, the Icelandic Parliament approved the government's national plan for the implementation of the Convention for 2024-2027.<sup>604</sup>

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<sup>603</sup> <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2022/01/25/Thridja-allsherjarutitekt-a-stodu-mannrettindamala-a-Islandi/>.

<sup>604</sup> <https://www.stjornarradid.is/efst-a-baugi/frettir/stok-frett/2024/03/20/Fyrsta-landsaaetlun-i-malefnum-fatlads-folks-samthykkt-a-Althingi-/>.

In April 2022, the UNHRC Working Group published its recommendations for Iceland, which include highlighted general thesis on the need to remain active on the human rights track. More specific recommendations include: the need to ratify a number of international conventions (including the 2019 International Labour Organization's Convention Concerning the Elimination of Violence and Harassment in the World of Work, the 2011 Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, the 2008 International Convention for the Protection of All Persons from Enforced Disappearance); to implement the Convention on the Rights of Persons with Disabilities into domestic law; to take effective legislative measures to combat racial discrimination; to incorporate provisions on racial hatred as an aggravating circumstance in the General Penal Code; reform the electoral system; to establish a national human rights institution in line with the Paris Principles; to meet the target of 0.7 per cent of gross national income for official development assistance.

According to the Russian-language news portal RUS.IS, since the start of the Russia's special military operation to denazify and demilitarize Ukraine and protect the peaceful population of Donbass, Icelandic society has seen an increase in Russophobia fuelled by the national press, statements by the country's authorities and limited access to unbiased information.<sup>605</sup>

On 27 February 2022, the Prime Minister of Iceland announced on TV the intention to cancel all visas issued to Russian citizens. Later, the Ministry of Foreign Affairs of Iceland corrected her words and informed that only visas of specified categories would be revoked.<sup>606</sup>

Since February 2022, a disinformation campaign has been under way in the Icelandic media to discredit Russia's policy in the context of the events around Ukraine. The central Icelandic press has published a significant number of publications of a blatantly anti-Russian nature without citing alternative sources of information or providing objective and neutral analyses of the situation.<sup>607</sup>

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<sup>605</sup> <https://rus.is/ot-redakcii/>.

<sup>606</sup> <https://rus.is/ot-redakcii/>.

<sup>607</sup> <https://rus.is/ot-redakcii/>.

Iceland has joined all EU sanctions against Russia, including restrictive measures against Russian media and journalists.

Since the beginning of the special military operation, several rallies were held in Iceland in front of the Consular Section of the Russian Embassy.<sup>608</sup> On 28 February 2022, the building of the Consular Section was attacked: one person with mental disorder broke down the gates and tried to knock down the camera.<sup>609</sup> The perpetrator was arrested and brought to the police. On the night of 14-15 April 2022, an unidentified man spent half an hour banging on the metal fence of the Consular Section of the Embassy with iron rebar and throwing various objects (children's toys, chairs, etc.) that had been left outside by the participants of the anti-Russian rally held the day before. The police patrol arrived only half an hour later. The (presumably Icelandic) citizen managed to move a considerable distance away from the Consular Section, but was subsequently detained and taken to the police station for questioning. Diplomats constantly receive insults and threats by e-mail and telephone.<sup>610</sup>

In 2022, there were recorded cases of denial of service to Russians living in Iceland by Icelandic service companies.<sup>611</sup>

According to the compatriots, since the beginning of the special military operation some members of the Russian diaspora have experienced insults and threats in social media from Icelanders, as well as from Balts and Poles. Russian compatriot N. Stefaunsson, in an interview for the documentary "West: Territory of Hate" on the RT television channel, reported threats of physical violence and calls to leave Iceland from locals.<sup>612</sup> Following the release of the film, threats of "proceedings" with the Icelandic authorities and calls to "return to the Motherland" continued.

<sup>608</sup> <https://russian.rt.com/world/news/969364-islandiya-napadenie-rossiya>.

<sup>609</sup> <https://russian.rt.com/world/news/969364-islandiya-napadenie-rossiya>.

<sup>610</sup> <https://russian.rt.com/world/news/969364-islandiya-napadenie-rossiya>.

<sup>611</sup> <https://frettatiminn.is/26/06/2022/russar-fa-ekki-tjonustu-a-islandi/>.

<sup>612</sup> <https://doc.rt.com/filmy/v-zone-otchuzhdeniya-diskriminaciya-rossiyan/>.



In March 2022, vandals desecrated the chapel at the construction site of the Russian orthodox church in Reykjavik, drawing two swastikas on it.<sup>613</sup>

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<sup>613</sup> <https://russian.rt.com/ussr/article/974510-russkie-emigranty-travlya-specoperaciya>.

## Spain

The Spanish government, whichever party is in power, views the protection of human rights as an indisputable priority in its domestic and foreign policy. The Spanish Ministry of Foreign Affairs regularly participates in international campaigns criticising the human rights situation in certain countries. It regularly provides technical assistance in the field of human rights to developing countries and countries in transition, with a view to strengthening democratic institutions. To this end, Spain actively uses the opportunities offered by the European Union, the United Nations, the OSCE, the CoE and numerous NGOs.

However, despite the postulated protection of human rights, not everything is perfect in this respect in Spain. Madrid's human rights challenges have been noted by many human rights monitoring mechanisms, including institutions of the UN Human Rights Council (HRC), mechanisms of the Council of Europe, European Union, OSCE and OECD mechanisms, as well as international and local human rights defenders (Médecins Sans Frontières, Amnesty International<sup>614</sup>, Human Rights Watch, SOS Racismo<sup>615</sup>, Movimiento contra la Intolerancia and others). Annual reports by international human rights organisations, including Amnesty International and HRW, often criticise Madrid on a wide range of issues. Within the country, there is an ongoing public debate about the most pressing human rights issues, led by the main national media.

Among the issues are racism and intolerance. For example, despite the Spanish Government's declarations of increased attention to the fight against neo-Nazism and contemporary forms of racism, xenophobia and intolerance, both domestically and internationally, when the resolution entitled Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance was considered by the UN General Assembly on 19 December 2023, Spain continued to act in line with the EU collective policy and voted against it.

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<sup>614</sup> Included by the Russian Ministry of Justice in the list of undesirable organisations.

<sup>615</sup> <https://sosracismo.eu/>

In Spain itself, incidents involving various forms of neo-Nazism are regularly recorded. Radicalised neo-Nazi groups have also been active in this country. According to the Movement Against Intolerance (Movimiento contra la Intolerancia)<sup>616</sup>, Spanish far-right groups with more than 10,000 members hold dozens of mass events every year, and there are around 1,000 websites promoting neo-Nazism, racism, and xenophobia on the Spanish internet.

On 11 February 2023, a march was held in Madrid to commemorate the fallen soldiers of the Spanish Blue Division, who fought as part of the German army on the territory of the USSR between 1941 and 1943. Far-right groups have organised such marches, often with anti-Semitic slogans and public displays of fascist symbols, every February since 2007. Notably, on 13 February 2022, unlike in the other years, such an event took place without the permission of the authorities. Many of those who organised and participated were fined under Spanish administrative law.<sup>617</sup> In 2023, around 200 people took part in the march. On the eve of the event, 150 people laid wreaths on the memorial at the vault of the Blue Division in La Almudena cemetery. On the same day, the extremists held a ceremony to commemorate Matías Montero, a member of the far-right Spanish Phalanx, who was killed in 1934 and is considered by the far-right to be the first "martyr" of the Falangist movement and, later, of the Franco dictatorship.<sup>618</sup>

On 4 February 2023, the annual closed meeting of the Spanish movement Becoming Europe (Devenir Europeo; registered with the Ministry of Interior as a cultural association), which openly espouses neo-Nazi views, was held in Madrid. Around 80 people attended the event, the main "guest star" being Simon Lindberg, a Swedish right-wing extremist, leader of the Nordic Resistance Movement. This fact once again confirms that there is a worrying trend in Europe towards the development of international links between such organisations and the internationalisation of their activities.

It should be noted that, in November and December 2023, protests against the

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<sup>616</sup> Movement Against Intolerance <http://www.movimientocontralaintolerancia.com/>.

<sup>617</sup> ABC. 5 March 2022.

<sup>618</sup> <https://democ.de/en/article/neo-nazis-commemorate-spanish-wehrmacht-blue-division-azul/>

amnesty of Catalan separatists, who were convicted of attempting to organise secession from Spain in 2017, were fuelled by far-right members of the government, as much as by the independent opposition. What is more, some of the demonstrators in Madrid were seen making the Nazi salute.<sup>619</sup>

Spanish far-right groups maintain stable relations with their counterparts from other European organizations, e.g. the Italian Casa Pound, the Greek Golden Dawn and others. Curiously, the members of far-right groups tend to be involved in criminal cases involving grievous bodily harm, hooliganism, drug trafficking and robbery.

Incidents of anti-Semitism are not common in Spain. According to official data, in 2020, only three offenses on the grounds of anti-Semitism were recorded, 11 in 2021, and 13 in 2022. The highest number of such incidents – 24 – was recorded in 2014. This was due to an update of the national crime recording system as part of the fight against hate crime.<sup>620</sup>

At the same time, representatives of the local Jewish community have often been victims of neo-Nazi actions in recent years. For example, in 2022, the Spanish Ministry of the Interior opened criminal proceedings for the desecration of Jewish graves and family burials in the cemeteries of La Almudena and Hoyo de Manzanares in Madrid, as well as the painting of anti-Semitic slogans on the buildings of the synagogue in Villanueva de Cañada and the Jewish cultural centre in Alcobendez.<sup>621</sup>

Spain saw a sharp rise in anti-Semitism following the outbreak of the Israeli-Palestinian conflict in October 2023. Demonstrations against Israel with the burning of Israeli flags took place in Melilla, Barcelona and Madrid, among other cities.<sup>622</sup>

Official crime data point to an increase in violent hate crimes. Statistics from the Spanish Ministry of the Interior, for example, show a growing number of hate

<sup>619</sup> In particular, the participation of neo-Nazi groups in the protests is mentioned in the article "Biggest protest in Spain against Catalan amnesty law draws 170,000", 19 November 2023.

<sup>620</sup> Antisemitism. Overview of Antisemitic Incidents Recorded in the EU in 2022. European Agency for Fundamental Rights. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

<sup>621</sup> El País. 8 October 2022.

<sup>622</sup> <https://www.euractiv.com/section/politics/news/spains-jewish-community-denounces-the-biggest-increase-in-anti-semitism/>

crimes. In 2022, a total of 1869 hate crimes were recorded (1802 in 2021), including 755 crimes on grounds of xenophobia and racism (678 in 2021), 459 on grounds of sexual orientation (477 in 2021) and 245 on grounds of ideology (336 in 2021).<sup>623</sup>

Only properly recorded cases are included in the statistics. The detection rate of such crimes is around 64 per cent. According to Spanish Interior Minister Fernando Grande-Marlaska, only 8 out of 10 hate offences are reported to the police. However, the minister noted that the increase in the number of such offences was not just a Spanish phenomenon, but a Europe-wide one.

The Spanish Movement against Intolerance (Movimiento contra la Intolerancia)<sup>624</sup>, for example, records an average of more than 5,000 such incidents a year, including attacks on Muslims in the street, online insults and the desecration of mosques. It is also noted that the vast majority of victims of racist behaviour (mainly Roma and migrants) do not report it to the police. There has also been an increase in racist behaviour at sporting events and among fans. According to the NGO, there are around 1,000 websites promoting neo-Nazism and xenophobia on the Spanish Internet.

Such disappointing conclusions are confirmed by the EU Agency for Fundamental Rights, which in its Report dated 8 June 2023 informs that in Spain, only one in ten victims (10 per cent) of hate crimes report the crime. Such a high level of mistrust of the police can be explained by a lack of confidence that reports will be properly investigated or by fear of revenge.<sup>625</sup>

According to a study by Queen Sofia FAD Youth Centre,<sup>626</sup> approximately 25 per cent of young Spanish citizens incline towards racist and xenophobic views, do not hide their intolerance of Roma, Moroccans and immigrants from Africa south

<sup>623</sup> Report by the Ministry of Interior of Spain. 2022.

[https://www.interior.gob.es/opencms/export/sites/default/\\_galleries/galeria-de-prensa/documentos-y-multimedia/balances-e-informes/2022/Informe\\_Evolucion\\_delitos\\_odio\\_2022.pdf](https://www.interior.gob.es/opencms/export/sites/default/_galleries/galeria-de-prensa/documentos-y-multimedia/balances-e-informes/2022/Informe_Evolucion_delitos_odio_2022.pdf)

<sup>624</sup> RAXEN Report in Defence of Coexistence, Tolerance and Concord Against Xenophobia and Violence. Movement against Intolerance, 2022. ([http://www.infomeraxen.es/wp-content/uploads/2023/02/RAX\\_ESP\\_2022-1.pdf](http://www.infomeraxen.es/wp-content/uploads/2023/02/RAX_ESP_2022-1.pdf)).

<sup>625</sup> EU Agency for Fundamental Human Rights Report 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf).

<sup>626</sup> Jóvenes y racismo. Estudio sobre percepciones y actitudes racistas y xenófobas entre la población joven de España. Centro Reina Sofía FAD Juventud. November 2022. <https://www.adolescenciayjuventud.org/publicacion/jovenes-y-racismo/>

of Sahara. The Special Representative of the UN Secretary-General on Violence against Children, N. Maalla M'jid, also points to the worsening of the problem.<sup>627</sup>

The Ministry of Inclusion, Social Security and Migration of Spain recognised the existence of a "structural problem of racism in social, financial and political organisms". To counter racism, the long-term Strategic Framework for Citizenship and Inclusion against Racism and Xenophobia was developed. The project includes, inter alia, the creation of an "anti-racist administrative brigade" that will monitor the media and online platforms for manifestations of intolerance.<sup>628</sup>

It should be noted that the Spanish Government considers Nazism, neo-Nazism, various forms of racial discrimination and intolerance within the general context of human rights. Victims of neo-Nazism are therefore placed in the same category as victims of other forms of discrimination.

Incidents of Russophobia in Spain continue to cause concern. Since the beginning of the special military operation of the Russian Armed Forces to denazify and demilitarise Ukraine and to protect peaceful inhabitants of Donbass, the local government's rhetoric has changed swiftly, affecting Russian citizens living in Spain. Russophobic propaganda in the media, the mass influx of refugees from Ukraine (in 2022-2023, the Spanish authorities granted temporary protection to approx. 196 thousand Ukrainians under the mechanism provided for by EU Decision 2022/382 of 4 March 2022) and the activities of a number of Ukrainian nationalist organisations, have aggravated the situation.

In 2022, the negative attitudes towards Russians in everyday life rose sharply, as did the spread of Russophobic rhetoric on social media. Russian-language chats in Spain received messages about fighting with "Russian World promoters". These messages included calls to collect information and personal data related to Russians on a specially designated website. There have also been cases of bank accounts and cards of Russian citizens being blocked without any reason being given, as well as

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<sup>627</sup> Interview to El País of 20.11.2022. <https://elpais.com/planeta-futuro/2022-11-20/la-representante-de-la-onu-para-la-infancia-en-espana-hay-un-creciente-problema-de-xenofobia-y-racismo.html>

<sup>628</sup> ABC, 26 September 2022. <https://www.abc.es/espana/gobierno-sopesa-crear-brigada-antirracismo-vigile-medios-20220926201650-nt.html>

separate cases of bullying of Russian children and young people in Spanish educational institutions and psychological pressure on Russians living in Spain. The Russian Embassy was made aware of such cases of discriminatory treatment, including by Russian compatriots. In 2023, however, the situation began to improve.

Nevertheless, various assets (bank accounts, movable and immovable property) belonging to Russian natural or legal persons allegedly on EU sanctions lists and worth more than €1 billion remain frozen.

An important factor is the presence of a large number of Ukrainians in Spain (over 285 thousand as of 31 December 2023). Russians and Russian-speaking citizens face harassment and bullying, mostly by nationalist natives of Ukraine.

The banning of Russian news media from the Ukrainian media scene (RT, RT en español and Sputnik have been banned from broadcasting since the first half of 2022) and the imposition of heavy censorship have raised serious concerns. As a result, there is a lack of alternative information about Russia's policies, which is particularly harmful under the propaganda pressure of the collective West according to Anglo-Saxon practices. Attempts have also been made to place the Russian Embassy under information isolation.

In addition, the Madrid authorities, having ignored numerous appeals from the Russian Embassy, continue to condone the holding of an aggressive anti-Russian picket on a daily basis in front of the main entrance to the diplomatic mission, whose participants use Ukrainian Nazi symbols, insults and threats of violence on ethnic grounds.

Nevertheless, in such unfavourable conditions, in May 2023, the associations of compatriots, with the support of friendly Spanish organisations, managed to hold a series of events to mark the Victory Day of the Great Patriotic War. The main events were the Immortal Regiment processions and St George's Ribbon actions, which took place with the permission of the local authorities in Madrid (over 1,000 people took part), Barcelona (around 120 people), Almeria (over 600 people) and Vigo (around 70 people). The events largely went smoothly, with the authorities

providing adequate security and law enforcement officials thwarting several attempts by Ukrainian activists to disrupt the marches.

Illegal migration remains is a major complex problem in Spain. According to the Ministry of the Interior 31,219 irregular migrants entered the country in 2022 (41,945 in 2021), 15,682 out of them via the Canary Islands. Over 1,750 irregular migrants were deported. The International Organisation for Migration has noted a high mortality rate among migrants, who have attempted to reach Spain with the help of organised criminal groups or smugglers.

The migration crisis generates humanitarian and legal problems. The government's harsh measures to curb attempts by migrants (including refugees) to enter the country illegally have raised serious concerns among special procedures (experts) of the Human Rights Council, the European Commission, the EU Agency for Fundamental Rights, the Council of Europe, as well as Spanish opposition parties, human rights defenders, independent lawyers and the general public. In particular, they point to the dangerous practice of immediately deporting migrants back to Morocco, even after they have physically crossed the Spanish border, without checking their documents, formalising a protocol or granting them the right to apply for asylum (these procedures are provided for by EU directives and international treaties signed by Spain). Cases of return of minor migrants immediately upon their arrival (without adults) on the Spanish territory were investigated by the juvenile bench of the Ceuta prosecutor's office.<sup>629</sup>

The following irregularities were noted in the administrative removal of illegal immigrants from Spain: failure to carry out a proper medical examination to confirm that they were fit to travel, unjustified use of handcuffs, and organisation of flights without prior warning to those being expelled. Experts draw attention to outdated and inaccurate methods of forced medical age verification of child migrants.

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<sup>629</sup> EU Agency for Fundamental Rights. Fundamental Rights Report 2022.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf).



For example, the tragic attempt by some 2,000 African migrants to break through the Melilla border crossing on 24 June, which, according to official figures, left 23 dead (some NGOs put the figure at 80) and hundreds injured (including Spanish and Moroccan police officers), provoked a loud public and political response in Spain and in Brussels. According to human rights defenders, the reason was the severe misconduct of Moroccan border guards "with the 'connivance of the Spanish citizens'". In this regard, IOM and UNHCR urged all authorities "to prioritize the safety of migrants and refugees, refrain from the excessive use of force and uphold their human rights".<sup>630</sup> The head of the Spanish Interior Ministry had to appear before the European Parliament, several internal investigations were launched, but in the end the authorities managed to soft-pedal the incident.

Human rights bodies are still concerned about the situation in overcrowded migrant accommodation centres. In particular, experts have pointed to inadequate living conditions in migrant centres in the Canary Islands.<sup>631</sup>

A serious problem is posed by the temporary accommodation centres in the semi-exclave Spanish cities of Ceuta and Melilla, located on Moroccan territory, where the number of migrants is often higher than allowed: more than 1,500 and 1,000 people respectively, with a calculated capacity of 500 in Ceuta and 780 in Melilla. For several years, documents from the Human Rights Council and the Council of Europe, opinions from the Spanish Supreme Court, studies by NGOs and Spanish universities have shown that living conditions in detention centres for migrants have not improved.

In particular, the Committee against Torture, an expert body established under the core Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, has noted with concern the overcrowding in such centres and the low level of health care provided, which is clearly inadequate for the families and vulnerable individuals detained there. Furthermore, it was noted that the

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<sup>630</sup> IOM and UNHCR Deplore Loss of Life at Nador-Melilla Crossing. 25 June 2022. <https://www.iom.int/news/iom-and-unhcr-deplore-loss-life-nador-melilla-crossing>

<sup>631</sup> EU Agency for Fundamental Human Rights. Fundamental Rights Report 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

authorities made excessive use of detention in holding centres through the application of interim measures (of 40 days on average) prior to expulsion, including in the case of persons with serious health problems and pregnant women. There were also reports of assaults and ill-treatment in these centres that were not being investigated, the Committee said.<sup>632</sup>

In 2022, the issue of the violent repression of illegal migration by Spain's law enforcement agencies was again at the centre of an international scandal: on 24 June more than 2,000 migrants from African countries attempted to cross the Spanish-Moroccan border at Melilla. According to the information received, at least 37 people died, more than 200 suffered various injuries and 77 remain unaccounted for following a deadly crush that occurred at the border during police interventions on both sides of the border. The incident received such a high profile, that the EU Agency for Fundamental Rights, paid special attention to it in its 2023 report. Among other things, the report mentioned that the investigation opened by the Attorney General's Office was closed, as there was no evidence that the Spanish officers had committed a criminal offence.

The Committee against torture also expressed its deep concern over the fact that the investigation had been closed as there had been no evidence of violations by the police.<sup>633</sup> The committee noted that "the disciplinary investigation opened by the Civil Guard was also closed, as it was not possible to identify any of the officers". The committee urged the Spanish government "to conduct a prompt and impartial investigation into any potential responsibility of security force members during the police intervention in the events [...], and to take all necessary measures to ensure that a similar situation does not occur again".

Human rights defenders pay particular attention to the problems of migrants. For example, the Committee on the Elimination of Discrimination against Women (an expert body established under the Convention on the Elimination of All Forms

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<sup>632</sup> Concluding observations of the Committee against Torture on the 7th periodic report of Spain. July 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FESP%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FESP%2FCO%2F7&Lang=en)

<sup>633</sup> Concluding observations of the Committee against Torture on the 7th periodic report of Spain. July 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FESP%2FCO%2F7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FESP%2FCO%2F7&Lang=ru)

of Discrimination against Women) noted in May 2023 that a significant number of migrant women were victims of trafficking, mainly for the purposes of forced labour, especially in the agricultural sector, and sexual exploitation.<sup>634</sup> Victims of trafficking were rarely detected by border officials, it was said. In addition, they often faced obstacles in accessing justice. Separately, the Committee noted the low level of education among women and girls from migrant and Roma communities and the problems faced by refugee women in accessing education.

In its 2023 report, the EU Agency for Fundamental Rights drew attention to the problems of migrants in Spain.<sup>635</sup> Inter alia, the European body noted that the legislation in Spain, like in Latvia, Lithuania and Estonia, allowed the authorities to redirect third-country nationals to the neighbouring country they came from, without any formal procedure. It was, however, stipulated that the provision only applied to the semi-exclave cities of Ceuta and Melilla. Furthermore, the Agency's report says that in September 2023, the European Commission opened an infringement procedure against Spain for failing to comply with the Return Directive (2008/115/EC).

Amnesty International and SOS Racismo have noted that refugees and migrants face ethnic discrimination as soon as they enter the holding centres, and later when the Spanish authorities consider their asylum applications. Immigrants from Africa and the Middle East face the most prejudice.

There are still a number of problems with health care in prisons. Treatment of hepatitis C patients remains a major problem. According to the Spanish Prison Health Association, 40 per cent of the 9,500 people infected do not receive the necessary medication, and the number of HIV-positive and mentally ill prisoners remains high (there is a shortage of medical specialists).

The Committee Against Torture is also concerned about the shortage of prison doctors, including the lack of doctors on duty, which leads to delays in the delivery

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<sup>634</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 9th periodic report of Spain. May 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FFIN%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FFIN%2FCO%2F5-6&Lang=en)

<sup>635</sup> Fundamental Rights Report 2023, EU Agency for Fundamental Rights.  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

of health-care services to the prison population, including specialized medical care.<sup>636</sup> In addition, Spanish prison staff complain about inadequate funding for maintenance and repairs (most detention centres in the Autonomous Community of Madrid are in disrepair), as well as understaffing, which has a negative impact on security – hundreds of attacks on prison guards are recorded each year.

The Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) had previously highlighted problems in this area, following a visit to selected Spanish prisons in September 2020. In particular, he mentioned a "large number of [...] allegations of recent physical ill-treatment [of prisoners] by staff". The widespread use of mechanical fixation in the country, including on juveniles, remains a regular subject of criticism by international experts.<sup>637</sup>

Spanish law enforcement agencies use disproportionate force against offenders during their arrest and mistreat them in custody. The CPT has drawn attention to the ill-treatment of detainees by members of the national police.<sup>638</sup>

The Committee Against Torture noted this issue in July 2023.<sup>639</sup> This specialised UN structure received many reports of serious injuries, including eye injuries, caused by the use of traumatic rubber and foam plastic bullets during the repression of mass protests. Migrants, who were being pushed back from the border by the guards, also sustained injuries. In this regard, CAT expressed concern that a significant number of cases of disproportionate use of force and ill-treatment of detainees, including minors, took place during their arrest and transportation, as well as in custody. CAT was also alarmed by the lack of independent procedures for examining complaints of torture and ill-treatment by law enforcement officials.

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<sup>636</sup> Concluding observations of the Committee against Torture on the 7th periodic report of Spain. July 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FESP%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FESP%2FCO%2F7&Lang=en)

<sup>637</sup> Report to the Government of Spain on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 28 September 2020. Published 9 November 2021. <https://rm.coe.int/1680a47a76>

<sup>638</sup> Report to the Government of Spain on the visit to Spain carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 14 to 28 September 2020. Published 9 November 2021. <https://rm.coe.int/>

<sup>639</sup> Concluding observations of the Committee against Torture on the 7th periodic report of Spain. July 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FESP%2FCO%2F7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FESP%2FCO%2F7&Lang=ru)

According to experts, existing internal investigation bodies lack the necessary independence, as they belong to the same law enforcement system as the alleged perpetrators of such offences. It was therefore recommended that the Spanish authorities take measures to prevent torture.

The 2022 and 2023 reports by Amnesty International Spain also register cases of abuse of power by local law enforcement officers.

Discriminatory attitudes towards migrants still persist in the country. The European Commission against Racism and Intolerance also noted the continuing problems of the Roma community in the country, in particular the low school attendance and completion rates of Roma children, although the Spanish authorities have taken steps in this regard.<sup>640</sup> In its conclusions on the implementation of its recommendations of 2018 the Commission called upon Spanish authorities to take additional measures to avoid segregation of Roma children at school and to prevent Roma dropping out of schools. It was found that no funding was provided to support them.<sup>641</sup>

ECRI's findings that many Roma children are discriminated against in education were also confirmed by the EU Agency for Fundamental Rights in its 2023 report. In particular, it noted that almost half of Romani children – 45 per cent – attend specialised schools. It should be noted that this problem has been observed not only in Spain, but also in other EU countries, including Bulgaria, Croatia, the Czech Republic, Hungary and Romania.<sup>642</sup>

The authorities are making efforts in this regard, but so far these have not produced any significant results. Among other things, official hate crime statistics relating to Roma have been published since 2021. Nevertheless, there have been examples of offenders being brought to justice. For example, the EU Agency for Fundamental Rights cites a case where three women were sentenced to three months

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<sup>640</sup> Conclusions of the European Commission against Racism and Intolerance on the implementation of recommendations in respect of Spain subject to interim follow-up. Adopted 1 December 2020. Published 23 February 2021. <https://rm.coe.int/interim-follow-up-conclusions-on-spain-5th-monitoring-cycle/1680a17dc5>

<sup>641</sup> EU Agency for Fundamental Rights. Fundamental Rights Report 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>642</sup> EU Agency for Fundamental Rights. Fundamental Rights Report 2023. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

in prison for repeatedly insulting a neighbouring Roma family.<sup>643</sup>

In May 2023, the Committee on the Elimination of Discrimination against Women noted with concern that the legislative measures adopted by the Spanish authorities for vulnerable groups were not effective in practice. In particular, the Committee, although mentioning the adoption of the National Strategy for Equality, Inclusion and Participation in Public Life for Roma in Spain (2021-2030), nevertheless expressed concern at the lack of specific legislation and the persistent gap in various areas of life (such as education, employment, health, social protection and participation in public life) between Roma and non-Roma women in all parts of the country.<sup>644</sup>

According to the FRA, at the height of the coronavirus pandemic in Spain, hate posts and statements on covid-related issues were mainly targeted at Roma.

In Spain, the problem of everyday sexual and other forms of domestic violence, especially against women and children, has long been systemic. According to the Spanish Ministry of the Interior, hotlines have seen a 65 per cent increase in the number of complaints of assault and harassment between 2020 and today. In this context, local authorities have developed special mobile applications to enable rapid contact with law enforcement agencies. Spanish law enforcement agencies are increasing their presence in cyberspace. They are actively running awareness campaigns on social media to prevent violence against women and children.

The Macro-survey on Violence against Women, a large-scale statistical operation to measure the prevalence of this type of violence, was a ground-breaking step in identifying and preventing violence against women.<sup>645</sup>

The Spanish authorities are making efforts to combat violence against women, including through legal means. In 2023, a Joint Multiannual Plan on Violence against Women (updated annually) was adopted, which includes amendments to national legislation in this field.

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<sup>643</sup> Ibid.

<sup>644</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 9th periodic report of Spain. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FESP%2FCO%2F9&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FESP%2FCO%2F9&Lang=ru)

<sup>645</sup> El País. 13 September 2022.



However, statistical data reflecting the dire situation in this area continue to cause concern. According to the Ministry of Equality of Spain, in 2022, 182,073 acts of violence against women were reported to law enforcement authorities (162,848 in 2021). Furthermore, 49 women were murdered in 2022 (43 in 2021), 35 children were orphaned. As of 28 July 2023, 27 women were reported dead (20 children were orphaned).

According to the Spanish National Statistics Institute, in 2021, 32,644 women were recognised as victims of gender-based violence (30,142 in 2021) and 4,949 women were recognised as victims of domestic violence (5,058 in 2021).

Surveys have shown that more than 13 per cent of women in Spain have experienced domestic violence at least once, and only 20 per cent of them have reported it to the police. 7,400 men are serving criminal sentences for domestic violence. Yet 21 per cent of Spaniards aged 15 to 29 years are convinced that the concept of "gender-based violence" is an artificial product of government propaganda.<sup>646</sup>

The gender pay gap remains a problem in Spain. According to the trade union Comisiones Obreras, women earn about 24 per cent less than men, despite being actively supported by trade unions and relevant NGOs. They are also often discriminated against in the workplace because of the need to take maternity leave. There remains the problem of harassment and abuse of women in the streets.

People with disabilities also face discrimination in employment. According to the Spanish Ministry of Labour and Social Economy, 65.7 per cent of them are unemployed. The discrimination is not limited to the job market. A study carried out by the Autonomous University of Madrid concluded that "although Spain has extensive legislation aimed at promoting inclusion in the labour market without discriminating against people with disabilities, the university system keeps its doors closed to teaching and research professionals with disabilities".<sup>647</sup>

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<sup>646</sup> El País. 5 October 2022.

<sup>647</sup> EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

The introduction of new security-oriented technologies in Spain has raised certain privacy issues. Notably, the legalisation of technologies relying on biometric data and CCTV footage for law enforcement purposes is cited. The validity of video surveillance images as evidence during court cases was challenged in the Supreme Court. The Supreme Court clarified that "the proof of reproduction of what was recorded by the video surveillance cameras was a justified, appropriate, necessary and proportionate measure to the aim pursued, and therefore satisfied the requirements of proportionality", and was therefore lawful. This decision has been mentioned in the Fundamental Rights Report 2023.<sup>648</sup>

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<sup>648</sup> EU Agency for Fundamental Rights. Fundamental Rights Report 2023.  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)



## Italy

In Italy, despite the fact that the national legislation provides significant guarantees for fundamental human rights and freedoms, and that the authorities declared their commitment to respect them, human rights activists report cases of their violation.

Discrimination on racial and ethnic grounds has worsened in recent years.

In early 2022, Russophobia manifested itself sharply in Italy amid the special military operation in Ukraine for denazification and demilitarisation and protection of civilians in Donbass conducted by the Armed Forces of the Russian Federation. This mass hysteria had a significant impact on Russian citizens and Russian speakers from the former Soviet republics living on the Apennines. From February to April 2022, the situation in Italy was characterised by a particularly strong escalation of anti-Russian sentiments. The Russian Embassy and consular offices received numerous messages from compatriots on threats against them. There were facts of rejection and even aggression towards representatives of Russia and the Russian-speaking diaspora, coming mainly from members of the large Ukrainian community.

Since the end of February, Russian citizens have been discriminated against by major banks refusing to service cards and open new accounts. There have also been problems related to limited access to healthcare for Russian citizens. This includes Russophobia towards Russian diplomatic missions. Students undertaking an education in Italy (as a rule, they have come here in the framework of exchange programmes), found themselves under serious pressure; as of the end of February 2022 they were about 350 in the Apennines. After blocking of Russian bank services and freezing of accounts they were virtually deprived of their means of subsistence and had either to prematurely terminate their studies and return to Russia or to seek other ways out of the situation.

The campaign against Russian culture and its representatives, launched in Italy, led to a number of ignominious incidents. Thus, on 28 February 2022, mayor of Milan Giuseppe Sala, also head of La Scala Theatre, demanded to the world

famous conductor Valery Gergiev to publicly condemn "Russia's actions in Ukraine" under the threat to end cooperation and, in particular, to ban him from participation in the performance of the opera "Queen of Spades" by Piotr Tchaikovsky.<sup>649</sup> Having received no response to the ultimatum, the Milanese authorities announced that the La Scala theatre "refuses further cooperation with the Russian conductor". In February 2023, the mayors of the Italian cities of Brescia and Bergamo (Lombardy region) banned Russian pianist D.L. Matsuev from performing at the 60th International Piano Festival.

A number of Italian banks refused to provide services to Russian citizens, including employees of Russian foreign institutions. In 2023, Russian consular offices continued to receive complaints from our citizens about the biased attitude towards them on the part of Italian financial institutions. It often came to the point of blocking their bank accounts in order to carry out unsubstantiated checks on the origin of the money deposited into them. The time taken to process applications from Russians to issue and open bank cards and accounts often exceeds reasonable limits. These discriminatory approaches have been noted also in relation to Russians who also have Italian citizenship. This differentiation calls into question the ability of the Italian State to fulfil its obligations arising from the possession by persons of a citizenship of that country acquired on grounds other than "blood" or "soil".

The manifestations of Russophobia in Italy are also connected with the problems in the field of media freedom, in particular, the persecution of Russian media. According to the decision of the EU Council, from 27 February 2022, a ban on the broadcasting of the Russian media outlets RT and Sputnik was introduced on the territory of the European Union, which has had an extremely negative impact on the ability of citizens of the Italian Republic to access reliable information. The latter is particularly significant in the context of propaganda pressure from the collective West and the blatant anti-Russian campaign in the Italian media. Information about events taking place in the world is presented solely on the basis of Western or Ukrainian sources and fake news.

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<sup>649</sup> <https://www.classicalmusicnews.ru/news/la-scala-removed-valery-gergiev-from-queen-of-spades/>

It should be mentioned that problems with the functioning of the media in Italy have also been noted by international human rights organisations. According to the 2023 report of the NGO Reporters Without Borders, which ranked Italy 41st out of 180 in its press freedom index, threats and attacks on journalists in connection with their professional activities by the mafia and neo-fascists are registered in the country. According to the NGO, some journalists are forced into police protection because of this.

In addition to Russophobia, other manifestations of discrimination and intolerance are also recorded in Italy. In February 2022, leading Italian newspapers published excerpts from the report of the Italian Council of Ministers' Office for Combating Racial Discrimination. According to the data provided by the National Office against Racial Discrimination, in 2021 in Italy, 1,379 episodes of discrimination were detected (913 in 2020), of which 709 (or 51 percent) were motivated by racial or ethnic intolerance. And these are only registered cases. The EU Agency for Fundamental Human Rights (FRA) also relies on the same statistics in its report for 2023.

Human rights organisations have also noted manifestations of intolerance in the country. The Italian Observatory of Rights, an NGO, has for several years been implementing the project "Map of Hate Speech", which compares the content of discriminatory publications on social networks and their geolocation data. According to the study, 19.6 percent of negative publications concerned Muslims, 7.6 percent Jews and 5.6 percent migrants. Geographically, the highest concentration of negative anti-Semitic and anti-Muslim publications was recorded in Northern Italy.<sup>650</sup>

The increase of xenophobia and racism in Italy was also emphasised by international bodies. Thus, the increase in racial discrimination, which is particularly manifested in incitement to racial hatred, was pointed out by the then UN High Commissioner for Human Rights, M. Bachelet, during her speech on

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<sup>650</sup> [https://www-voxdiritti-it.translate.goog/la-nuova-mappa-dellintolleranza-6/?\\_x\\_tr\\_sch=http&\\_x\\_tr\\_sl=auto&\\_x\\_tr\\_tl=en&\\_x\\_tr\\_hl=de](https://www-voxdiritti-it.translate.goog/la-nuova-mappa-dellintolleranza-6/?_x_tr_sch=http&_x_tr_sl=auto&_x_tr_tl=en&_x_tr_hl=de)

22 January 2022 at the meeting of the Extraordinary Commission of the Italian Senate on Combating Intolerance, Racism, Anti-Semitism and Incitement to Hatred and Violence.<sup>651</sup> It should be noted that, alongside the problems, the efforts made by the Italian authorities to combat manifestations of hatred were also highlighted. These include the establishment of the above-mentioned Commission in 2019,<sup>652</sup> as well as the launch by Italian civil society organizations of the Map of Tolerance project,<sup>653</sup> which aims to examine discriminatory publications on social networks and the Internet.

The UN Committee on the Elimination of Racial Discrimination in August 2023 indicated with concern that racist hate speech against certain ethnic groups is increasingly being used in Italian public space, the media and the Internet, and is in fact becoming the norm. Politicians, including members of the Government and other high-ranking public officials, have resorted to such remarks against ethnic minorities, especially Roma, people of African descent, as well as migrants, asylum-seekers and refugees. OHCHR considers that the use of such rhetoric in public discourse is responsible for the increase in racist incidents. This is evidenced by the increase in reports of racially motivated hate crimes, including insults and incidents of physical violence against members of ethnic minorities, in some cases with fatalities. The prevalence of negative stereotypes of Roma, people of African and Arab descent and migrants in Italy was also noted. In addition, the Committee raised the issue of the practice of racial profiling among Italian law enforcement officials. This was accompanied by a high number of cases of abuse of authority and ill-treatment, including excessive use of force against members of ethnic minorities, Roma, people of African descent, and migrants. OHCHR encouraged the Italian authorities to take measures to combat this negative practice, to amend the algorithms of police officials, and to establish an effective mechanism to monitor cases of racial profiling, racial discrimination and abuse of authority by law

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<sup>651</sup> <https://www.ohchr.org/ru/statements-and-speeches/2022/01/hearing-italian-senates-extraordinary-commission-against>

<sup>652</sup> <https://moked.it/international/2019/11/04/news-italian-senate-approves-committee-antisemitism-hatred/>

<sup>653</sup> The project is run by the NGO "VOX – Osservatorio italiano sui Diritti" (Human Rights Observatory) <http://www.voxdiritti.it>.

enforcement officials, including in the context of document checks, traffic stops, and inspections at the border.<sup>654</sup>

As practice shows, anti-Semitism has not gone away in the Apennines. According to the report published in January 2021 by the Institute for Social and Political Research "Eurispes", in 2020 in Italy there was an increase in the number of those who deny the mass extermination of Jews by the Nazis – 15.6 percent (for comparison, in 2005 there were only 2.7 percent of such people, i.e. an increase of more than five times in 15 years). 16.1 percent of respondents say that the persecution of Jews entailed "not so many victims". 61.7 percent of respondents believe that the cases of anti-Semitism in Italy "are isolated and do not indicate the existence of a problem". 19.8 percent believe that "B. Mussolini was a great leader who made some mistakes".

These data correlate with figures cited by the EU Agency for Fundamental Human Rights. In its research on anti-Semitism in European countries, the FRA cites statistics from the Italian Observatory for Security against Acts of Discrimination (Osservatorio per la Sicurezza Contro gli Atti Discriminatori – OSCAD), which records an increase in detected cases of anti-Semitism in Italy based on investigations conducted by either the National Police or the Carabinieri Corps: 91 incidents in 2019, 101 each in 2020 and 2021, and 94 in 2022. The most common offences of this kind were incitement to violence (79 cases in 2021 and 81 in 2022), acts of vandalism (22 in 2021, 9 in 2022), and defacing Jewish-owned properties (5 cases in 2021, 29 in 2022).<sup>655</sup>

Unofficial data show an even higher number of anti-Semitic incidents. The same Observatory for Security against Acts of Discrimination recorded

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<sup>654</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 21th periodic report of Italy. August 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FITA%2FCO%2F21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FITA%2FCO%2F21-22&Lang=ru)

<sup>655</sup> Antisemitism. Overview of antisemitic incidents recorded on the European Union, 2012-2022. European Union Agency for Human Rights. 2022. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

241 manifestations of anti-Semitism in 2022, 226 incidents in 2021, 230 incidents in 2020, and 251 incidents in 2019.<sup>656</sup>

It should also be noted that the marked differences in the number of such incidents between the periods 2010-2018 and 2019-2022 are attributed to differences in the recording methodologies applied. However, this shift does not affect the identification of a general trend in the manifestations of anti-Semitism in Italy: even in the first period, an increase in the number of documented anti-Semitic offences is recorded, from 16 in 2010 to 56 in 2018, with a maximum of 64 in 2014.<sup>657</sup>

The increase in manifestations of anti-Semitism is also indicated by the "Tolerance Map" study, which analyses publications on social networks.<sup>658</sup>

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM) indicated that hate speech in political discourse and the media is frequent in Italy. He also highlighted with concern that manifestations of hatred based on religious affiliation quite often coincided with hatred based on ethnicity. For example, it was noted that of the 224 anti-Semitic incidents reported in 2020, 117 were related to hate speech on social media or the Internet. Another part of the incidents were related to posters, graffiti and inscriptions of a derogatory nature. It has also reported hate speech and hate crimes directed against Muslim communities, including actions by right-wing radical forces and associated movements, as part of protests against temporary facilities to accommodate Muslim worshippers (usually migrants), or politicians making statements critical of Islam. A trend of underreporting of hate crimes against Muslims was also noted. In addition, the ACFCNM pointed out that in recent years, particularly in 2018-2019, there have been incidents of insults and physical attacks on migration centres fuelled by political statements targeting migrants and refugees.<sup>659</sup>

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<sup>656</sup> Ibid.

<sup>657</sup> Antisemitism. Overview of antisemitic incidents recorded on the European Union. 2012-2022. European Union Agency for Human Rights. 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-antisemitism-overview-2011-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf)

<sup>658</sup> <http://www.voxdiritti.it/nuovi-dati-della-mappa-dellintolleranza-in-4-mesi-cresce-lantisemitismo/>

<sup>659</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Italy. Adopted on 5 October 2022. Published on 13 February 2023. <https://rm.coe.int/5th-op-italy-en/1680aa21a7>

These manifestations are partly facilitated by the presence in the country of a number of far-right organisations with nationalist and neo-fascist views. The largest of these are the national far-right parties Casa Pound,<sup>660</sup> Forza Nuova<sup>661</sup> and Movimento Fascismo e Libertà – Partito Socialista Nazionale. In addition, there are a number of small radical organisations at regional and local levels.

Such structures regularly hold events at sacred places for Italian fascists (e.g. Milan's Maggiore cemetery, where fascist figures are buried) or organise, with varying degrees of success, public actions to mark important dates for the fascist movement. In many Italian cities, including the capital, monuments and plaques commemorating Italian fascists and participants in the colonial wars are still preserved. Most municipalities do not take measures to combat this "architectural heritage".

It should be noted that such organisations feel themselves quite freely in the country, because the Italian authorities, regardless of the political affiliation of the ruling cabinet, are quite lenient towards the ideological followers of B. Mussolini, not seeing – or not noticing – in these marginal political associations a real threat to public order and state security.

Moreover, Italian legislation still retains elements of the legacy of the Fascist period. According to the researchers S. Rizzo and A. Campi, authors of the book "The Long Shadow of Fascism" (2022), there are 249 legal norms (decrees, regulations, laws) in force in Italy today, the texts of which mention the concept of "race".<sup>662</sup>

Against the above background, it is not surprising that in December 2022, and then in December 2023, Italy, along with its former Nazi Axis allies (Germany, Japan and others) from the Second World War, voted against the draft annual United Nations General Assembly resolution on "Combating the glorification of Nazism, neo-Nazism and other practices that contribute to the escalation of contemporary

<sup>660</sup> This political movement, founded in 2003, owns its own publishing house, Altaforte.

<sup>661</sup> As a political party founded in 1997.

<sup>662</sup> Detailed information on the activities of right-wing radical structures in Italy, the peculiarities of Italian legislation and the historical policy of the country's current authorities is given in the relevant section of the Russian Foreign Ministry's report on manifestations of the glorification of Nazism in the world (available on the Ministry's website: [www.mid.ru](http://www.mid.ru)).

forms of racism, racial discrimination, xenophobia and related intolerance", submitted by Russia together with other co-sponsors. This tactic was the first case in history when former Axis member states during the Second World War had already twice openly opposed a document condemning the glorification of Nazism and various forms of racial discrimination. In previous years, the Italian delegation, also following the EU's collective line, abstained from voting.

At the same time, experts do not link a significant part of xenophobic manifestations in Italy to the activities of neo-fascists and point out that many such cases are of a domestic nature. Among the main reasons for the rise in xenophobic sentiments in recent years are also named the deterioration of the socio-economic situation of the population, the high level of unemployment among young people and the presence of a significant number of migrants from Africa and Asia, as the country has actually become one of the main "transit points" on the way from Africa to other European countries.

The increasing number of migrants in the country has contributed to the rise of migrantophobic rhetoric in Italian political discourse, a concern highlighted by the European Commission against Racism and Intolerance (ECRI) operating within the Council of Europe.<sup>663</sup> The experts noted the inefficiency and lack of financial, organisational and regulatory instruments in Italy to combat this negative phenomenon.

The UN Human Rights Treaty Bodies have a rather balanced approach to dealing with the migration situation in Italy. At the same time, the need is constantly pointed out to ensure the rights of migrants and asylum seekers, improve living conditions in migrant primarily registration centres, migrant reception centres, as well as specialized "crisis centres" and centres for unaccompanied children, and to stop the practice of holding migrants in detention for more than 48 hours. Recently, however, the problem has reached such proportions that international monitoring mechanisms have been forced to pay close attention to it. The UN Human Rights

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<sup>663</sup> Report of the European Commission against Racism and Intolerance on Italy (fifth monitoring cycle). Adopted on March 18, 2016, and published on June 17. <https://rm.coe.int/fifth-report-on-italy/16808b5837>



Committee,<sup>664</sup> the UN Committee on the Rights of the Child,<sup>665</sup> the UN Committee against Torture,<sup>666</sup> the UN Committee on the Elimination of Racial Discrimination (in 2016<sup>667</sup> and 2023<sup>668</sup>), as well as the UN Committee on Economic, Social and Cultural Rights (в 2015<sup>669</sup> и 2022<sup>670</sup>) have highlighted the situation with migrants. In particular, in its concluding observations of October 2022, the CESCR expressed concern that Act No. 132 of 1 December 2018, on immigration and citizenship, had contributed to a rise in the number of irregular migrants in the country, which in turn had increased their risk of exploitation. In addition, the Committee pointed out that there were attacks on journalists and human rights defenders advocating for or supporting migrants.

The problems faced by migrants in Italy were also highlighted by the EU Agency for Fundamental Rights in 2022.<sup>671</sup> Among other things, its experts noted the inadequate conditions in the initial-reception facilities for migrants (inter alia, on the island of Pantelleria), the lack of information on the possibility of lodging an

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<sup>664</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Italy. March 2017.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fITA%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fITA%2fCO%2f6&Lang=ru)

<sup>665</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Italy. February 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fITA%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fITA%2fCO%2f5-6&Lang=ru)

<sup>666</sup> Concluding observations of the Committee against Torture on the combined 5th and 6th periodic reports of Italy. November 2017.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fITA%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fITA%2fCO%2f5-6&Lang=ru)

<sup>667</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 19th and 20th periodic reports of Italy. December 2016.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fITA%2fCO%2f19-20&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fITA%2fCO%2f19-20&Lang=ru)

<sup>668</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 21th periodic report of Italy. August 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fITA%2fCO%2f21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fITA%2fCO%2f21-22&Lang=ru)

<sup>669</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Italy. September 2015.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fITA%2fCO%2f5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fITA%2fCO%2f5&Lang=ru)

<sup>670</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Italy. October 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en)

<sup>671</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2022.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

asylum application, the use of immigration detention, as well as cases of push-backs in violation of the principle of non-refoulement.<sup>672</sup>

In 2023, the UN Committee on the Elimination of Racial Discrimination expressed concern about Law 132/2018 of 1 December 2018 on immigration and security and the recently adopted Law 50/2023 of 6 May 2023 (Cutro Law), which in its view made it difficult for migrants and refugees to obtain the necessary protection from the Italian authorities. These included the difficulties faced by migrants and asylum-seekers in the refugee status determination procedure, and abuses by the Italian police and border control authorities. CERD also noted the deplorable conditions of stay in migrant reception centers and the continuing reduction in the provision of psychological, legal and counselling services to migrants. The sharp decline in the granting of "special protection status" to migrants by authorized bodies and cases of collective expulsions of migrants were highlighted. Particular attention was also paid to the widespread practice of detaining migrants in special centers for prolonged periods, including prohibiting migrants from leaving the centers. In addition, CERD expressed concern about the legal restrictions imposed by the Italian authorities on search and rescue operations at sea and the pressure, including criminal prosecution, exerted on human rights defenders and civil society organizations for assisting migrants at sea.<sup>673</sup>

It is indicative that in its follow-up letter to the examination of the information sent by the Italian authorities on this issue after the penultimate round of the Italian dossier in 2018, CERD specifically requested that Italy's next periodic report include information on measures to protect the rights of migrants, as well as on the situation of Roma.<sup>674</sup>

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<sup>672</sup> This term refers to a situation where a person is apprehended after crossing the border illegally and is expeditiously returned to a neighboring country without taking into account their motives for crossing the border.

<sup>673</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 21th periodic report of Italy. August 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FITA%2FCO%2F21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FITA%2FCO%2F21-22&Lang=ru)

<sup>674</sup> Follow-up letter from the Committee on the Elimination of Racial Discrimination on the results of Italy's follow-up report, dated 17 May 2018. CERD/95thsession/FU/AR/ks  
[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT\\_CERD\\_FUL\\_ITA\\_31253\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_31253_E.pdf)

The EU Agency for Fundamental Human Rights also highlighted the limitations of NGOs' work in assisting migrants in its 2023 report, noting that only 16 percent of all migrants are brought to the country's ports as a result of rescue activities at sea. At the end of 2022, only three NGO-owned vessels and one aircraft were carrying out search and rescue operations, while five vessels were blocked pending legal proceedings and several others were temporarily in port for maintenance. An example is also given of two ships, the *Ocean Viking* and *Humanity 1*, which in October 2022 were refused permission by the Italian authorities to disembark migrants rescued at sea in Italian ports for an extended period of time. After a three-week wait, the *Ocean Viking* was diverted to the French port of Toulon, where it disembarked the people on board, while the *Humanity 1* was allowed to dock at the port of Catania after a two-week wait. As of January 2023, a new decree by the Italian authorities introduced additional restrictive provisions relating to maritime rescue operations.<sup>675</sup>

Concerns were raised in February 2023 by the UN High Commissioner for Human Rights Volker Türk during the consideration of draft legislative amendments that aim to restrict search and rescue operations in the Mediterranean Sea. The proposed amendments include mandatory ports of disembarkation for people rescued at sea, which can sometimes be days away from the original rescue site. Humanitarian rescue vessels will also be required to return to port immediately after each rescue, forgoing additional rescue operations. Türk called the proposed document a "fatal disaster at sea". "He stated that the document could potentially impose penalties on both migrants and those who offer them assistance. Moreover, the document may result in a rise in fatalities in maritime disaster incidents."<sup>676</sup>

The European Court of Human Rights ruled for the first time in 2022 on a complaint concerning an incorrect assessment by the Italian authorities of the age of migrants (the case *Darboe and Camara v. Italy*, which concerned a minor Gambian national and a minor Guinean national who were placed in a reception center

<sup>675</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>676</sup> <https://www.ohchr.org/en/press-releases/2023/02/italy-proposed-new-sea-rescue-law-puts-more-lives-risk-turk>

together with adult migrants. These persons had applied for asylum as unaccompanied children).<sup>677</sup>

Experts from the UN Human Rights Council Working Group on Business and Human Rights highlighted the challenges faced by migrants from African and Asian countries working in Italy's commercial sector. Agriculture, clothing, and logistics are among the problematic industries. In this context, numerous migrant workers were reported to be experiencing brutal working and living conditions, alongside grave health and safety issues.<sup>678</sup> The UN Committee on Economic, Social and Cultural Rights highlighted the same issue in October 2022. They noted that the migration problem is worsened by the significant informal economy, which hires numerous workers without labor and social security entitlements. Italian authorities adopt a punitive stance towards these workers. The UN Committee on the Elimination of Racial Discrimination highlighted this issue in August 2023. It was reported that a considerable amount of migrants, primarily seasonal workers in the agricultural sector, are victims of violence and exploitation in Italy.<sup>679</sup>

In September 2023, the migration situation was sharply exacerbated by the arrival of thousands of irregular migrants on Italian territory, particularly on the island of Lampedusa off the coast of Tunisia. The number of illegal migrants there outnumbered the local population. Massive clashes broke out between the migrants over the distribution of food. There are reports of casualties among those who arrived on the island. The head of the Italian government, Giorgia Meloni, appealed to the EU to help stem the flow of illegal migrants arriving by sea. She noted that since the beginning of the year Italy has been faced with a significant increase in migratory flows. Stressing that neither Italy nor Europe could absorb such a large number of migrants, the Prime Minister announced that Italy would take "extraordinary measures" to combat illegal migration. According to her, "the help of

<sup>677</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>678</sup> <https://www.ohchr.org/en/statements/2021/10/statement-end-visit-italy-united-nations-working-group-business-and-human-rights?LangID=E&NewsID=27607>

<sup>679</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 21th periodic report of Italy. August 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FITA%2FCO%2F21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FITA%2FCO%2F21-22&Lang=ru)

an EU mission is needed to prevent boats with illegal migrants from reaching Europe".<sup>680</sup>

Italy is a party to the Convention for the Protection of Human Rights and Fundamental Freedoms; ratified the Framework Convention for the Protection of National Minorities in 1997; signed the European Charter for Regional or Minority Languages in 2010. Article 6 of the Italian Constitution state that "The Republic safeguards linguistic minorities by means of appropriate measures". Constitutional lawyers explain the absence of the term "national minorities" in the basic law by the fact that "language, and not nationality or ethnicity, is the defining instrument for identifying foreign and multilingual communities in need of protection". Common rules governing language policy in the country are contained in the 1999 Law concerning the Provisions on the protection of the historical linguistic minorities. Twelve linguistic minorities (2.5 million people living in 14 regions of the country), which have developed as ethnic communities within their linguistic areas, are recognized at the state level. However, the law only mentions those ethnic groups that have historically lived in the territories of present-day Italy. In this regard, the rights of numerous Roma groups living in Italy (this group includes the Roma and Sinti communities, as well as the Camminanti, an ethnic group living mainly in the south of Sicily) are effectively ignored, which has repeatedly led to criticism of Rome by multilateral universal and regional human rights monitoring bodies.

Italy highlights the full range of problems that Roma generally face. Much of it is related to the fact that existing Roma settlements in the country are generally illegal buildings on the outskirts of towns and cities. These areas are criminalized, and drug trafficking often flourishes there. Law enforcement agencies regularly raid places where Roma live, and illegal buildings are periodically demolished. Italy recorded one of the highest numbers of Roma displaced from their homes in the EU (15 percent).<sup>681</sup>

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<sup>680</sup> <https://www.interfax.ru/world/921194>, <https://ria.ru/20230916/italiya-1896649724.html>

<https://news.ru/europe/bsporyadki-i-zhertvy-sredi-detej-kadry-migracionnogo-krizisa-na-lampeduze/>

<sup>681</sup> The European Union Agency for Fundamental Rights. Roma in 10 European countries. Mail results 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-roma-survey-2021-main-results\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results_en.pdf)

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In addition, research by the European Union Agency for Fundamental Rights on the situation of Roma in EU countries shows that Italy has a relatively high level of anti-Roma sentiment: 40 percent of survey participants had experienced hate-motivated aggression in the previous year, and one in ten members of the Roma community had been physically attacked on the same grounds. No significant gender based differences were observed, however, differences based on age were recorded: the highest rate of incidents was found among Roma aged 25-44 (17 percent), followed by respondents aged 45-64 (6 percent) and 16-24 (4 percent).<sup>683</sup>

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Torture in penitentiary institutions is a widespread practice. Violations in this area only come to the public's attention when they are of a particularly large scale and when the authorities have reacted to them by writing about them in the media. For example, on 11 October 2023, it was reported that 23 employees of the prison of Cuneo (Calabria region) were arrested on suspicion of bullying inmates.

The situation in the Italian penitentiary system is generally criticized by the human rights community. It is particularly concerned about prison overcrowding. According to the Ministry of Justice of Italy, as of 31 December 2023, 60,166 people were detained in local prisons, with a nominal capacity of 51,179 people.

At the same time, human rights defenders express concern about the number

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<sup>685</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

of suicides among prisoners and the lack of effective measures to prevent them. In 2023, 68 prisoners committed suicide in places of detention (85 prisoners in 2022). There is often no investigation into these cases. On 4 July 2020, Russian citizen A. Nosenko committed suicide in the Sergio Cosmai prison in Cosenza (Calabria region).

The living conditions of prisoners in Italian prisons, which often pose a threat to their health and life, raise serious concerns. On 9 May 2023, Russian citizen V. Pereshchako died of cardiac arrest in the penitentiary institution of Augusta (Sicily). He had been on hunger strike due to the Italian authorities' failure to fulfill his request to transfer him to the Russian Federation to further serve his sentence.

Russian citizen A. Volkov, who was detained in the Italian capital in August 2023 on an extradition request to the United States, was literally held in inhumane conditions in a Roman prison.<sup>686</sup> Due to the lack of a table in his cell, he and two cellmates had to use a chair to eat for three months, sitting on the floor. The temperature in the room dropped to 12 degrees Celsius at night because the prison authorities did not turn on the heating. Medical examinations and treatment were superficial, and most chronic diseases of Russians went unrecorded. Following persistent requests from the Russian Embassy, the Ombudsman for Prisoners' Rights in Italy conducted an inspection of the A. Volkov's cell, confirming all the reported facts, as well as the concerning mental and general state of health of the Russian citizen.

In October 2022, the UN Committee on Economic, Social and Cultural Rights noted in its concluding observations on Italy that corruption continued to be pervasive within the country, including in the judiciary. At the same time, international experts are concerned about the inadequate and under-resourced institutions empowered to curb this destructive phenomenon. The Italian authorities have been given corresponding recommendations to address the shortcomings in this

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<sup>686</sup> See the relevant section of the report for a review of the deplorable state of affairs in the U.S. prison system.



regard. The attention has also been drawn to the need to ensure the effective protection of victims of corruption, whistle-blowers and their lawyers.<sup>687</sup>

The Committee on Economic, Social and Cultural Rights drew attention to the difficult situation in the country with regard to the realization of social and economic rights. For example, the Italian economy had been adversely impacted by the austerity measures adopted by the authorities to reduce public debt following the financial crisis and the coronavirus disease pandemic, including the resulting budget cuts to the health-care sector. The impact of the COVID-19 pandemic has exacerbated the situation. The CESCR considered that those effort to control the budget deficit and public debt might lead to the adoption of further austerity measures. The Committee also noted the persistent disparities between the northern and southern regions of the country, including in access to social and health-care services. These disparities are also reflected in the low and varying levels of financial and administrative capacity of local governments, and the lack of coordination between the national and local governments.

Compounding the unfavourable economic situation, poverty levels remain high and vary from region to region, having increased in some of them in recent years as a result of the COVID-19 pandemic. The rising cost on food has the greatest impact on the most disadvantaged and marginalized groups, including migrants, individuals and families with low income, and persons living in the southern regions. At the same time, there is a high level of absolute poverty among non-nationals, a significant proportion of who are migrants.<sup>688</sup>

According to the National Institute of Statistics (ISTAT), at the end of 2022, 11.8 million people (20.1 percent) in Italy were on the threshold of poverty and 2.61 million people (4.5 percent) were living in "extremely difficult material and social conditions". In such conditions, the practice of child labour is quite common.

<sup>687</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Italy. October 2022

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en)

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According to the NGO Save the Children, about 58 thousand Italian children aged 14-15 (27.8 percent) have already had such experience, despite the fact that local legislation only allows official employment at the age of 16.

Human rights mechanisms identify a number of negative aspects in the protection of children's rights. According to the Committee on Economic, Social and Cultural Rights, the school dropout rate in Italy remains among the highest in the European Union. Taking into account regional disparities, children in the southern regions are most affected, as well as migrant children (sometimes referred to as "foreign-born children") and Roma children. The Committee has also raised the issue of child obesity due to the prevalence of junk food.<sup>689</sup>

There are problems with the promotion and protection of women's rights. According to the Committee on Economic, Social and Cultural Rights, gender stereotypes persist in Italy, resulting in lower labour market participation rate of women, much lower wages and higher unemployment rates for women than for men. Furthermore, the persistence of stereotypes is cited as the reason for the concentration of women in traditionally female-dominated professions.<sup>690</sup>

The level of domestic and other forms of violence against women remains high, despite the law criminalizing this offence, which entered into force in 2014. According to ISTAT, in 2023, the hotline for people who have been abused or stalked received 16,823 calls (14,455 calls from women). In most cases, however, women prefer not to contact law enforcement agencies or support centers. In this context, the reality is significantly different from the official reports.

According to the Italian Criminal Police Central Directorate, the number of murders of women has gradually increased in recent years, with 73 murders recorded in 2019, 117 in 2020, 118 in 2021, 120 in 2022, and 120 more in 2023. Notably, between 2015 and 2019, there was a decrease in the number of cases. Thus,

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120 cases were reported in 2015, 115 in 2016, 113 in 2017, 86 in 2018 and 73 in 2019.

In its 2023 report on this issue, the FRA indicated that violations of law enforcement orders requiring the offender to live apart from family and orders prohibiting offenders from approaching places frequented by victims of violence were widespread.<sup>691</sup>

The problems faced by migrants in Italy were also highlighted by the EU Agency for Fundamental Rights in 2022.<sup>692</sup> Among other things, its experts noted the inadequate conditions in the initial-reception facilities for migrants (inter alia, on the island of Pantelleria), the lack of information on the possibility of lodging an asylum application, the use of immigration detention, as well as cases of push-backs in violation of the principle of non-refoulement.<sup>693</sup>

In 2023, the UN Committee on the Elimination of Racial Discrimination expressed concern about Law 132/2018 of 1 December 2018 on immigration and security and the recently adopted Law 50/2023 of 6 May 2023 (Cutro Law), which in its view made it difficult for migrants and refugees to obtain the necessary protection from the Italian authorities. These included the difficulties faced by migrants and asylum-seekers in the refugee status determination procedure, and abuses by the Italian police and border control authorities. CERD also noted the deplorable conditions of stay in migrant reception centers and the continuing reduction in the provision of psychological, legal and counselling services to migrants. The sharp decline in the granting of "special protection status" to migrants by authorized bodies and cases of collective expulsions of migrants were highlighted. Particular attention was also paid to the widespread practice of detaining migrants in special centers for prolonged periods, including prohibiting migrants from leaving the centers. In addition, CERD expressed concern about the legal restrictions imposed by the Italian authorities on search and rescue operations

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<sup>691</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

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<sup>692</sup> The European Union Agency for Fundamental Rights 2022 Report.

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<sup>693</sup> This term refers to a situation where a person is apprehended after crossing the border illegally and is expeditiously returned to a neighboring country without taking into account their motives for crossing the border.

at sea and the pressure, including criminal prosecution, exerted on human rights defenders and civil society organizations for assisting migrants at sea.<sup>694</sup>

It is indicative that in its follow-up letter to the examination of the information sent by the Italian authorities on this issue after the penultimate round of the Italian dossier in 2018, CERD specifically requested that Italy's next periodic report include information on measures to protect the rights of migrants, as well as on the situation of Roma.<sup>695</sup>

The EU Agency for Fundamental Human Rights also highlighted the limitations of NGOs' work in assisting migrants in its 2023 report, noting that only 16 percent of all migrants are brought to the country's ports as a result of rescue activities at sea. At the end of 2022, only three NGO-owned vessels and one aircraft were carrying out search and rescue operations, while five vessels were blocked pending legal proceedings and several others were temporarily in port for maintenance. An example is also given of two ships, the *Ocean Viking* and *Humanity 1*, which in October 2022 were refused permission by the Italian authorities to disembark migrants rescued at sea in Italian ports for an extended period of time. After a three-week wait, the *Ocean Viking* was diverted to the French port of Toulon, where it disembarked the people on board, while the *Humanity 1* was allowed to dock at the port of Catania after a two-week wait. As of January 2023, a new decree by the Italian authorities introduced additional restrictive provisions relating to maritime rescue operations.<sup>696</sup>

Concerns were raised in February 2023 by the UN High Commissioner for Human Rights Volker Türk during the consideration of draft legislative amendments that aim to restrict search and rescue operations in the Mediterranean Sea. The proposed amendments include mandatory ports of disembarkation for people

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<sup>694</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 21th periodic report of Italy. August 2023.

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<sup>695</sup> Follow-up letter from the Committee on the Elimination of Racial Discrimination on the results of Italy's follow-up report, dated 17 May 2018. CERD/95thsession/FU/AR/ks

[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT\\_CERD\\_FUL\\_ITA\\_31253\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/ITA/INT_CERD_FUL_ITA_31253_E.pdf)

<sup>696</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

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rescued at sea, which can sometimes be days away from the original rescue site. Humanitarian rescue vessels will also be required to return to port immediately after each rescue, forgoing additional rescue operations. Türk called the proposed document a "fatal disaster at sea". "He stated that the document could potentially impose penalties on both migrants and those who offer them assistance. Moreover, the document may result in a rise in fatalities in maritime disaster incidents."<sup>697</sup>

The European Court of Human Rights ruled for the first time in 2022 on a complaint concerning an incorrect assessment by the Italian authorities of the age of migrants (the case *Darboe and Camara v. Italy*, which concerned a minor Gambian national and a minor Guinean national who were placed in a reception center together with adult migrants. These persons had applied for asylum as unaccompanied children).<sup>698</sup>

Experts from the UN Human Rights Council Working Group on Business and Human Rights highlighted the challenges faced by migrants from African and Asian countries working in Italy's commercial sector. Agriculture, clothing, and logistics are among the problematic industries. In this context, numerous migrant workers were reported to be experiencing brutal working and living conditions, alongside grave health and safety issues.<sup>699</sup> The UN Committee on Economic, Social and Cultural Rights highlighted the same issue in October 2022. They noted that the migration problem is worsened by the significant informal economy, which hires numerous workers without labour and social security entitlements. Italian authorities adopt a punitive stance towards these workers. The UN Committee on the Elimination of Racial Discrimination highlighted this issue in August 2023. It was reported that a considerable amount of migrants, primarily seasonal workers in the agricultural sector, are victims of violence and exploitation in Italy.<sup>700</sup>

<sup>697</sup> <https://www.ohchr.org/en/press-releases/2023/02/italy-proposed-new-sea-rescue-law-puts-more-lives-risk-turk>

<sup>698</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>699</sup> <https://www.ohchr.org/en/statements/2021/10/statement-end-visit-italy-united-nations-working-group-business-and-human-rights?LangID=E&NewsID=27607>

<sup>700</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 21th periodic report of Italy. August 2023.

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In September 2023, the migration situation was sharply exacerbated by the arrival of thousands of irregular migrants on Italian territory, particularly on the island of Lampedusa off the coast of Tunisia. The number of illegal migrants there outnumbered the local population. Massive clashes broke out between the migrants over the distribution of food. There are reports of casualties among those who arrived on the island. The head of the Italian government, Giorgia Meloni, appealed to the EU to help stem the flow of illegal migrants arriving by sea. She noted that since the beginning of the year Italy has been faced with a significant increase in migratory flows. Stressing that neither Italy nor Europe could absorb such a large number of migrants, the Prime Minister announced that Italy would take "extraordinary measures" to combat illegal migration. According to her, "the help of an EU mission is needed to prevent boats with illegal migrants from reaching Europe".<sup>701</sup>

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Russian citizen A. Volkov, who was detained in the Italian capital in August 2023 on an extradition request to the United States, was literally held in inhumane conditions in a Roman prison.<sup>707</sup> Due to the lack of a table in his cell, he and two cellmates had to use a chair to eat for three months, sitting on the floor. The temperature in the room dropped to 12 degrees Celsius at night because the prison authorities did not turn on the heating. Medical examinations and treatment were superficial, and most chronic diseases of Russians went unrecorded. Following persistent requests from the Russian Embassy, the Ombudsman for Prisoners' Rights in Italy conducted an inspection of the A. Volkov's cell, confirming all the reported

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<sup>707</sup> See the relevant section of the report for a review of the deplorable state of affairs in the U.S. prison system.

facts, as well as the concerning mental and general state of health of the Russian citizen.

In October 2022, the UN Committee on Economic, Social and Cultural Rights noted in its concluding observations on Italy that corruption continued to be pervasive within the country, including in the judiciary. At the same time, international experts are concerned about the inadequate and under-resourced institutions empowered to curb this destructive phenomenon. The Italian authorities have been given corresponding recommendations to address the shortcomings in this regard. The attention has also been drawn to the need to ensure the effective protection of victims of corruption, whistle-blowers and their lawyers.<sup>708</sup>

The Committee on Economic, Social and Cultural Rights drew attention to the difficult situation in the country with regard to the realization of social and economic rights. For example, the Italian economy had been adversely impacted by the austerity measures adopted by the authorities to reduce public debt following the financial crisis and the coronavirus disease pandemic, including the resulting budget cuts to the health-care sector. The impact of the COVID-19 pandemic has exacerbated the situation. The CESCR considered that those effort to control the budget deficit and public debt might lead to the adoption of further austerity measures. The Committee also noted the persistent disparities between the northern and southern regions of the country, including in access to social and health-care services. These disparities are also reflected in the low and varying levels of financial and administrative capacity of local governments, and the lack of coordination between the national and local governments.

Compounding the unfavorable economic situation, poverty levels remain high and vary from region to region, having increased in some of them in recent years as a result of the COVID-19 pandemic. The rising cost on food has the greatest impact on the most disadvantaged and marginalized groups, including migrants, individuals

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<sup>708</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Italy. October 2022  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en)

and families with low income, and persons living in the southern regions. At the same time, there is a high level of absolute poverty among non-nationals, a significant proportion of who are migrants.<sup>709</sup>

According to the National Institute of Statistics (ISTAT), at the end of 2022, 11.8 million people (20.1 percent) in Italy were on the threshold of poverty and 2.61 million people (4.5 percent) were living in "extremely difficult material and social conditions". In such conditions, the practice of child labour is quite common. According to the NGO Save the Children, about 58 thousand Italian children aged 14-15 (27.8 percent) have already had such experience, despite the fact that local legislation only allows official employment at the age of 16.

Human rights mechanisms identify a number of negative aspects in the protection of children's rights. According to the Committee on Economic, Social and Cultural Rights, the school dropout rate in Italy remains among the highest in the European Union. Taking into account regional disparities, children in the southern regions are most affected, as well as migrant children (sometimes referred to as "foreign-born children") and Roma children. The Committee has also raised the issue of child obesity due to the prevalence of junk food.<sup>710</sup>

There are problems with the promotion and protection of women's rights. According to the Committee on Economic, Social and Cultural Rights, gender stereotypes persist in Italy, resulting in lower labour market participation rate of women, much lower wages and higher unemployment rates for women than for men. Furthermore, the persistence of stereotypes is cited as the reason for the concentration of women in traditionally female-dominated professions.<sup>711</sup>

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<sup>709</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Italy. October 2022

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en)

<sup>710</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Italy. October 2022

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en)

<sup>711</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Italy. October 2022

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCOC%2fITA%2f50522&Lang=en)

The level of domestic and other forms of violence against women remains high, despite the law criminalizing this offence, which entered into force in 2014. According to ISTAT, in 2023, the hotline for people who have been abused or stalked received 16,823 calls (14,455 calls from women). In most cases, however, women prefer not to contact law enforcement agencies or support centers. In this context, the reality is significantly different from the official reports.

According to the Italian Criminal Police Central Directorate, the number of murders of women has gradually increased in recent years, with 73 murders recorded in 2019, 117 in 2020, 118 in 2021, 120 in 2022, and 120 more in 2023. Notably, between 2015 and 2019, there was a decrease in the number of cases. Thus, 120 cases were reported in 2015, 115 in 2016, 113 in 2017, 86 in 2018 and 73 in 2019.

In its 2023 report on this issue, the FRA indicated that violations of law enforcement orders requiring the offender to live apart from family and orders prohibiting offenders from approaching places frequented by victims of violence were widespread.<sup>712</sup>

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<sup>712</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

## Canada

Despite claiming its commitment to justice, equality and democratic values, the "Maple Leaf Country" has failed to turn the shameful pages of its history and prevent its impact on today's human rights situation.

Canada's indigenous peoples remain one of the most oppressed and marginalized groups in the country's history, facing constant discrimination and living below the poverty line.<sup>713</sup> Report of the Special Rapporteur to the UN Human Rights Council on the rights of Indigenous Peoples following a visit to Canada, which was conducted from 1 to 10 March 2023 states that the situation related to economic, social and cultural rights of indigenous peoples in the country has not improved since his previous visit in 2013. Poor living conditions, violence against women and children, and high rates of incarceration are identified as the main problems among indigenous peoples. The Special Rapporteur has also called on Canada to compensate First Nations people who lost their Indian status as a result of the Indian Act of 1876.<sup>714</sup> Furthermore, it is emphasized that the provisions of the Act continue to discriminate against indigenous women, despite several amendments in 1985, 2010 and 2017.<sup>715</sup>

The greatest damage to this group of population was done by residential schools for Indian children between 1883 and 1996. Official Canadian statistics paint a grim and horrifying picture: More than 150,000 children passed through the so-called "domestication" and "introduction to civilization". More than 6,000 children died from starvation, sexual and other forms of violence, as well as unsanitary conditions in residential schools, and the survivors of these horrors broke down. They told stories of children constantly disappearing and of new-borns being burned in incinerators. They said there were cases of children being forced to dig

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<sup>713</sup> According to the 2021 census, about 1,800,000 million people belong to Canada's indigenous peoples, which is about 5 per cent of the country's population.

<sup>714</sup> Under the Indian Act of 1876, Indian status was passed only through the paternal line.

The Act required women who married British (or other Europeans) to live off the reservation. Children born of mixed marriages did not inherit Indian status.

The Act underwent several amendments in 1985, 2010, and 2017.

<sup>715</sup> Report of the Special Rapporteur on the rights of Indigenous Peoples following a visit to Canada, which was conducted from 1 to 10 March 2023. Published on 24 July 2023.

<https://documents.un.org/doc/undoc/gen/g23/139/14/pdf/g2313914.pdf?token=uL0mo6ufmzz5kjHrG6&fe=true>

graves for their dead classmates.<sup>716</sup> In the event of a child's death, neither the cause of death nor the child's name and surname were recorded. It is therefore impossible to determine the exact number of dead and missing.

The aim of the Indian Residential School System established by the Canadian government was to assimilate indigenous children by denying them the opportunity to adopt the traditions, customs, values and languages of their people. "Deliberate and often brutal strategies were used to destroy family and community bonds" under this system.<sup>717</sup>

Following the discovery of 215 unmarked graves in May 2021 on the grounds in Kamloops (British Columbia), indigenous communities started to search for new burials and continue their activities to this day. More than 1,900 remains were found between 2021 and 2023.

In June 2022, Kimberly Murray was appointed to the position of Special Coordinator for the Search for Unmarked Graves of Indian Children.<sup>718</sup> In her interim reports (November 2022, June 2023) she complained about the lack of sufficient government funding for searches, problems with getting access to records, and an increase in cases where violence against children of the First Nations was denied.<sup>719</sup>

In March 2023, the Jesuit Order of Canada released a list with names of 27 priests who were found to have abused minors in the mid-twentieth century.<sup>720</sup> After admitting guilt in 2008 for violence in former schools for indigenous communities, the federal government supported Indian leaders' demands that the

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<sup>716</sup> Report of the Special Rapporteur on the rights of Indigenous Peoples following a visit to Canada, which was conducted from 1 to 10 March 2023. Published on 24 July 2023.

<https://documents.un.org/doc/undoc/gen/g23/139/14/pdf/g2313914.pdf?token=uL0mo6ufmzz5kjHrG6&fe=true>

<sup>717</sup> Report of the Special Rapporteur to the UN Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and racial intolerance prepared pursuant to General Assembly resolution 73/262 in relation to reparations for racial discrimination rooted in slavery and colonialism A/74/321.

<https://undocs.org/ru/A/74/321>

<sup>718</sup> Mandate until 2024.

<sup>719</sup> Independent report details 48 findings about challenges of searches for unmarked graves. CBC News. 16 June 2023.

<https://www.cbc.ca/news/canada/saskatchewan/canada-interim-report-special-interlocutor-residential-school-unmarked-graves-1.6879187>

<sup>720</sup> Jesuits of Canada release names of priests credibly accused of sexually abusing minors. CBC News. 13 March 2022.

<https://www.cbc.ca/news/canada/jesuits-canada-sex-abuse-list-clerics-priests-1.6776913>

Catholic Church (which ran up to 60 per cent of the schools) apologize for crimes committed in the 19th and 20th centuries. In his reaction to these demands, the Pope apologized to the First Nations twice, the first time on 1 April 2022, at the Vatican during a meeting with a group of Native Americans, Métis, and Inuit, and the second time on 25 July 2022, in Edmonton during an apostolic tour to Canada, officially called a "Pilgrimage of Penance". The Pope recognized the policy of forced assimilation and the destruction of the cultural identity of the Indigenous people in the residential schools as genocide. Previously, a 2015 Truth and Reconciliation Commission report had used the term "cultural genocide" in reference to Canada's colonial past.

Despite some Canada's efforts to help establish accurate casualty figures and compensation payments, Canadian authorities have in some cases sought to challenge court decisions ordering significant monetary payments to victims of violence. For example, in March 2022, the Trudeau government asked the Federal Court of Appeal to overturn a ruling that satisfied an Indigenous class-action lawsuit seeking CA\$600,000,000 in compensation for material and moral damages caused by members of the Royal Canadian Mounted Police.<sup>721</sup>

The inhumane methods of assimilation through residential schools have affected not only the descendants of the indigenous population, but also members of the Russian Dukhobors religious minority who immigrated to Canada in the early twentieth century. Between 1953 and 1959, at least 200 children were forcibly separated from their families and placed in a former tuberculosis sanitarium in New Denver at the behest of the British Columbia government.

Being aware of the practice of child abduction, some families tried to hide their children, but to no avail – the police broke into Dukhobor homes, trashed them, beat whole families, and forcibly seized and took away the children. Parents were allowed to visit their children twice a month for one hour, but these visits took place

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<sup>721</sup> Ottawa appeals certification of class action lawsuit alleging RCMP excessive use of force in North. CBC News. 21 March 2022.  
<https://www.cbc.ca/news/canada/north/ottawa-appeals-certification-of-class-action-lawsuit-alleging-rcmp-excessive-use-of-force-in-north-1.6390669>

through a three-meter-high chain-link fence (which the children were forced to build) and under the supervision of the facility staff. In residential schools, children who spoke only Russian were severely punished for using their mother tongue. Dukhobor survivors told harrowing stories of beatings and sexual abuse by teachers. As a result, most were unable to cope with the trauma inflicted on them – many committed suicide, some turned away from their community, began to lead marginalized lifestyles, and used drugs.<sup>722</sup>

These facts came to light in 1999 with the publication of a report by the Canadian Ombudsman calling on the Canadian government to apologize and compensate the victims,<sup>723</sup> something the Canadian authorities had been reluctant to do for many years. It was not until 70 years later that the B.C. Attorney General apologized to the victims, many of whom had already died. The apology was accompanied by a pledge of CA\$10,000,000 for public and educational programs to ensure "lasting recognition of the historical wrongs" committed against the Dukhobors.<sup>724</sup>

Of particular concern are the negative environmental impacts of economic activities on indigenous peoples' ancestral lands. Indigenous communities in Ontario are trying to stop the Ring of Fire mining and transportation project under the Doug Ford government. In early 2023, a delegation of Native Americans visited Toronto with the intention of protesting and meeting the premier in person. However, the protest was cut short and the participants were removed from the local legislative assembly building.<sup>725</sup>

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<sup>722</sup> Canada's apology came too late for my grandfather, stolen and abused aged eight. The Guardian. 2 February 2024.

<https://www.theguardian.com/world/2024/feb/02/sons-of-freedom-canada-apology-violence-trauma>

<sup>723</sup> Righting the Wrong: The Confinement of the Sons of Freedom Dukhobor Children. Report of Ombudsman Province of British Columbia 1999.

<https://bcombudsperson.ca/assets/media/Public-Report-No-38-Righting-the-Wrong-The-Confinement-of-the-Sons-of-Freedom-Dukhobor-Children.pdf>

<sup>724</sup> B.C. attorney general apologizes to Dukhobors, offers \$10M compensation package. CTV News Vancouver. 1 February 2024.

<https://bc.ctvnews.ca/b-c-attorney-general-apologizes-to-dukhobors-offers-10m-compensation-package-1.6752475>

<sup>725</sup> Two first Nation leaders escorted out of legislature after protesting Ontario's accelerated mining development plans. The Globe and Mail. 29 March 2023.

<https://www.theglobeandmail.com/business/industry-news/energy-and-resources/article-ontario-first-nations-doug-ford-mining/>



Decades of open-pit mining in south-eastern British Columbia have contaminated waterways with selenium, an element toxic to fish. In 1985, it was estimated that just two tons of selenium flowed down the Elk River into Lake Koocanusa. In the last year, that figure had risen to nearly 11 tons. Indigenous representatives have repeatedly brought the problem to the attention of the authorities and demanded that the water contamination be investigated. In March 2024, it was reported that Canadian and American authorities had launched a joint investigation into the matter.<sup>726</sup>

An accident at the Kearn oil field in Alberta in February 2023 resulted in the release of 5,300,000 liters of industrial wastewater. Tribal elders in the area accused Imperial Oil and the provincial energy regulator of hiding information about the disaster.<sup>727</sup>

Twenty-eight long-term drinking water advisories remained in effect on 26 Indian reservations as of January 2024.<sup>728</sup> In July 2021, the Government of Canada reached a CA\$8,000,000,000 court settlement with First Nations to compensate 142,000 people, having previously acknowledged its inability to fully resolve the water access issue by a target date of March 2021.<sup>729</sup>

In June 2019, water supplies in two tribal communities (Attawapiskat and Eabametung) were found to contain excessive levels of toxic chemicals that can cause cancer.

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<sup>726</sup> U.S., Canada agree to work on reducing B.C. coal mine pollution. CBC News. 11 March 2024.  
<https://www.cbc.ca/news/canada/british-columbia/coal-mine-pollution-teck-1.7140296>

<sup>727</sup> First Nations call on Ottawa to oversee investigation on Imperial Oil industrial leak. The Globe and Mail. 17 April 2023.  
<https://www.theglobeandmail.com/business/article-first-nations-call-on-ottawa-to-oversee-investigation-on-imperial-oil/>

<sup>728</sup> Ending long-term drinking water advisories. Indigenous Services Canada. January 2024.  
<https://www.sac-isc.gc.ca/eng/1506514143353/1533317130660>

<sup>729</sup> First Nations and Ottawa agree to \$8 billion settlement on drinking water advisories. CBC News. 30 July 2021.  
<https://www.cbc.ca/news/politics/drinking-water-class-action-proposed-settlement-1.6123251>

In February 2021, an inspection by Canada's Auditor General found that federal funding for the maintenance of wastewater treatment systems in some remote communities had remained unchanged for 30 years.<sup>730</sup>

In June 2022, the Committee on the Rights of the Child (CRC) raised serious concerns about the plight of Anishinaabe Indian children in north-western Ontario. The water in the area is contaminated with mercury, which has had an extremely negative impact on the health of local residents. In particular, the Committee noted that children suffer from speech disorder and learning disabilities and are prone to seizures.<sup>731</sup>

Human rights activist Marie-Josée Houle has published a report on her visit to Inuit settlements. The Canadian criticized the federal government for the unacceptable housing conditions in which members of the small northern peoples are forced to live. In particular, some Inuit families do not have access to water, sewage and fuel to heat their homes.<sup>732</sup>

In February 2016, the Committee on Economic, Social and Cultural Rights (CESCR) stressed the weakening of environmental regulations, including for extractive industries.<sup>733</sup> This has exacerbated the already adverse situation surrounding indigenous lands. Environmentally harmful decisions on resource development that affect the lives and territories of indigenous peoples continue to be made without their free, prior and informed consent. Costly, time-consuming and ineffective litigation is often the only way to resolve problems.<sup>734</sup> In this context, the

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<sup>730</sup> Too many First Nations lack clean drinking water and it's Ottawa's fault, says auditor general. CBC News. 25 February 2021.

<https://www.cbc.ca/news/politics/auditor-general-reports-2021-1.5927572>

<sup>731</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Canada. June 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en)

<sup>732</sup> Federal advocate calls Inuit housing conditions a "staggering failure" of government. CBC News. 27 November 2023.

<https://www.cbc.ca/news/canada/north/inuit-housing-crisis-houle-report-1.7041217>

<sup>733</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Canada. February 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru)

<sup>734</sup> For details see Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada in August 2017, Concluding observations of the Committee on

CESCR has expressed concern about the limited access to remedy for victims and about the fact that existing alternative remedy mechanisms (such as the Office of the Extractive Sector Corporate Social Responsibility (CSR) Counsellor) do not always achieve a fair resolution of the dispute.<sup>735</sup>

Despite the steps Ottawa has taken in recent years to legally recognize the importance of consultations with indigenous peoples on major economic projects, in reality the federal authorities often side with business and neglect the rights and interests of indigenous peoples. As a result, conflicts arise, sometimes leading to lawsuits or confrontations with the police.

The situation around construction of the second pipeline of the Trans Mountain Pipeline in western Canada is evidence of the continuing mistrust of indigenous peoples towards the Canadian authorities regarding the realization of their rights. The project was launched in 2013, from its very start, the First Nations on whose territories the pipeline was to be built began regular protests demanding that the work be stopped.

On 30 August 2018, in response to public unrest, the Trudeau government bought the project from the U.S. company Kinder Morgan. On the same day, Canada's Federal Court of Appeal (FCA) revoked the Trans Mountain permit, citing a lack of consultation with First Nations and a failure to assess the environmental impact of an oil spill in the event of such an accident. Following the Court's recommendations, Natural Resources Canada organized consultations with 117 indigenous communities affected by the project. A positive Environmental Impact Assessment was also prepared. On 18 June 2019, the Trudeau government reapproved the project. On 4 February 2020, the FCA dismissed a complaint against the government's decision, also ruling that the consultation requirement did not give Indian organizations the right to block the project by delaying negotiations. In July 2020, the Supreme Court of Canada upheld the FCA's decision.

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Economic, Social and Cultural Rights on the 6th periodic report of Canada in February 2016, Concluding observations of the Human Rights Committee on the 6th periodic report of Canada in July 2015.

<sup>735</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Canada. February 2016.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=ru)

In May 2022, the Committee on the Elimination of Racial Discrimination (CERD) sent a letter to the Permanent Representative of Canada in Geneva criticizing Canadian law enforcement in British Columbia in February 2020, calling on them to stop using force to disperse Indians protesting the construction of the Coastal Gaslink and Trans Mountain pipelines and to suspend the projects. Despite appeals from international organizations, the construction was not stopped. The Coastal Gaslink Pipeline was completed in October 2023.

The CERD cited the example of the Site C dam. Indigenous peoples opposed the project since their territories, including sacred lands and burial sites, were affected by it. Despite a joint review by the Canadian federal and provincial governments of the project's harmful environmental impacts and irreversible impacts on First Nations, work on the project has continued.

In 2023, Indian tribes again accused officials of violating their rights and causing environmental damage by building part of the second leg of the Trans Mountain pipeline in their traditional territory. They were particularly concerned about construction work near Lake Jaco, a sacred lake for indigenous people.<sup>736</sup>

Another example is the Mount Polley field development project, which was approved without an environmental assessment or consultations with First Nations. The CERD noted with concern that the launch of the mine has resulted in the deterioration of water quality, fishing resources, and traditional medicines used by the indigenous peoples living in the area.<sup>737</sup>

Residents of Canada's far north have been victims of experiments of dubious purpose. In May 2019, the media reported on a mysterious study conducted in Igloolik, Nunavut, in the early 1970s. According to witnesses, within the International Biological Programme, DNA samples from 30 local residents were taken, allegedly to study the effects of vaccinations on the health of isolated communities (for this purpose, a thin layer of skin was removed from the subject's

<sup>736</sup> Indigenous rights collide with \$35B Western Canada pipeline expansion. Global News. 22 November 2023. <https://globalnews.ca/news/10103531/indigenous-rights-collide-with-35b-western-canada-pipeline-expansion/>

<sup>737</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. August 2017. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=ru)

palm). Both the author of the study (Professor John Dossetor) and the official authorities, represented by the Ministry of Indigenous Affairs and Health Canada, refused to inform the public.

In February 2024, indigenous representatives filed a class-action lawsuit with information about an alleged secret medical experiment. For example, at least 60 people (indigenous people) were subjected to additional research during the MRI procedure, without their knowledge and consent.<sup>738</sup>

These cases are not new to Canadian society. In the 1940s, nearly 1,300 indigenous children were pushed to the point of malnutrition as part of a government study on the effects of malnutrition.

Access to health care remains a problem. Indian tribal leaders in remote parts of Manitoba and Ontario demanded in April 2023 that officials take swift action to fill staffing gaps in health care facilities, accusing them of negligence and racism. They said that two people had died in recent months, including a mother of five children, after they had not received professional medical care.<sup>739</sup>

In 2021, the Baby Law (officially known as Bill-79) was passed to combat the phenomenon of Quebec's "ghost babies," who went missing or died under suspicious circumstances while hospitalized away from their communities. Bill-79 gives the government the right to require hospitals or churches to hand over confidential documents and records, and to facilitate the exhumation of bodies for a full investigation. According to an expert panel, more than 130 infants have gone missing or died in Quebec hospitals since the 1950s.<sup>740</sup>

According to official data, Canada has one of the lowest Tuberculosis (TB) rates in the world. In 2021, the rate of active TB in Canada was 4.8 per 100,000 people. Indigenous people have the highest rates: Inuit at 135.1 per

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<sup>738</sup> Indigenous people sue over alleged Canadian secret medical experiment. The Guardian. 26 February 2024. <https://www.theguardian.com/world/2024/feb/26/medical-experiment-indigenous-canadians-lawsuit>

<sup>739</sup> First Nations leaders demand an end to short-staffing at nursing stations in remote communities. The Globe and Mail. 3 April 2023.

<https://www.theglobeandmail.com/politics/article-first-nations-leaders-demand-an-end-to-short-staffing-at-nursing/#:~:text=First%20Nations%20leaders%20in%20Manitoba,of%20government%20neglect%20and%20racism.>

<sup>740</sup> It's horrible: Quebec now searching for over 130 missing Indigenous children. APTN National News. 28 April 2023.

<https://www.aptnnews.ca/national-news/ghost-babies-report-quebec-indigenous-children-missing/>

100,000, First Nations at 16.1, and people born outside Canada at 12.3. To date, the federal government has failed to meet its commitment to eradicate tuberculosis in Inuit villages by 2030. According to the Nunavut Department of Health, a total of 206 cases were identified in the community between January 2021 and February 2023 and the number is gradually increasing.<sup>741</sup> The main reasons for the high prevalence of the disease among indigenous peoples are high levels of poverty, overcrowded settlements and limited access to health care.

Suicide is another acute problem among the peoples of the Canadian North. In October 2022, Garth Eggenberger, the chief investigator for the Northwest Territories, reported that the region had experienced its first recorded increase in suicides in a decade. In 9 months of 2022, 18 people committed suicide (11 people in 2021); 45 per cent of them were men between the ages of 20 and 29.<sup>742</sup>

More Canadians are voluntarily taking their own lives through euthanasia, which was legalized in the country in 2016. In 2022, 13,241 people died under Canada's Medical Assistance for the Dying (MAID) program, a 31.2 per cent increase from 2021, and the annual increase in this number has remained stable since 2019.<sup>743</sup> A total of 44,958 people have ended their lives through euthanasia since 2016.<sup>744</sup>

Another "benefit" of euthanasia is what its proponents call budgetary savings. The example of Nazi Germany can be cited in this regard: Documents from the Hartheim euthanasia centre (one of many opened by the Nazis as part of the Tiergartenstrasse-4 program) indicate that 70,273 people were killed between 1940 and 1944, bringing 885,439,800 Reichsmarks into the Third Reich's coffers. For comparison: The amount of medical spending per Canadian citizen in 2022 was

<sup>741</sup> Spread of tuberculosis in Baffin Island hamlet the largest reported in Nunavut since 2018. The Globe and Mail. 27 February 2023.

<https://www.theglobeandmail.com/canada/article-spread-of-tuberculosis-in-baffin-island-hamlet-the-largest-reported-in/#:~:text=The%20continued%20spread%20of%20TB,are%20really%20a%20big%20concern.>

<sup>742</sup> Decade-high suicide statistics in N.W.T. "devastating": health minister. The Globe and Mail. 4 October 2022.

<https://www.theglobeandmail.com/canada/article-decade-high-suicide-statistics-in-nwt-devastating-health-minister/>

<sup>743</sup> More than 13,200 Canadians died by assisted suicide in 2022 – 30% more than previous year.

The National Post. 25 October 2023.

<https://nationalpost.com/news/maid-assisted-suicide-in-canada>

<sup>744</sup> Fourth annual report on Medical Assistance in Dying in Canada 2022. October 2023.

<https://www.canada.ca/en/health-canada/services/publications/health-system-services/annual-report-medical-assistance-dying-2022.html>

CA\$8,653. The fixed cost of the euthanasia procedure in the country is CA\$2,237. In the explanatory note to Bill C-7, it was emphasized that the implementation of the MAID program would save the Canadian budget up to CA\$87,000,000.<sup>745</sup>

There is a general "tolerant" attitude among Canadian leaders toward Nazi ideology and, more tellingly, toward Nazi war criminals. For example, since 1948, the Canadian government has deliberately allowed fleeing Nazis and their collaborators to enter the country and subsequently become citizens. Canadian authorities shielded them from justice and prevented their extradition to other countries for prosecution.

A clear example of this is the honouring of the 98-year-old Banderite Jaroslav Gunko, who was a member of the 14th SS Grenadier Division Galicia,<sup>746</sup> in the Canadian Parliament in September 2023, which caused a wide international public outcry. Under public pressure, Prime Minister Justin Trudeau was forced to apologize and Speaker of the House of Commons Anthony Rota resigned. The University of Alberta returned CA\$30,000 donated to the university by the Gunko family and closed the endowment fund named in honour of the SS member.

On 20 October 2023, the Main Investigative Directorate of the Investigative Committee of Russia charged Yvaroslav Gunko in absentia with genocide of civilians on the territory of the Ukrainian SSR during the Great Patriotic War (Article 357 of the Criminal Code of the Russian Federation). The investigation also sent requests for legal assistance to Canada, Poland and Belarus.<sup>747</sup> In December 2023, the Russian Prosecutor General's Office sent an official request for the extradition of Yaroslav Gunko from Canada.<sup>748</sup> However, in February 2024, the Canadian Department of Justice refused to extradite the criminal, cynically stating

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<sup>745</sup> It is a scary thing to live: Canada's euthanasia surges. *Izvestia*. 19 June 2023.

<https://iz.ru/1529987/andrei-kuzmak/strashno-zhit-v-kanade-rezko-vyroslo-kolichestvo-operacii-po-evtanazii>

<sup>746</sup> The 14th SS Volunteer Division Galicia was formed in 1943 from among the Ukrainian ultranationalists of the UPA, engaged in the extermination of civilians, mainly Russian, Polish and Jewish. The division is notoriously known for its punitive actions against the partisans who fought the Nazi occupation in Ukraine.

<sup>747</sup> The Russia's Investigative Committee has accused a 98-year-old SS veteran living in Canada of genocide in Ukraine. *Interfax*. 20 October 2023.

<https://www.interfax.ru/russia/926886>

<sup>748</sup> The Russia's Prosecutor General's Office has asked Canada to extradite former SS member Gunko. *Interfax*. 7 December 2023. <https://www.interfax.ru/world/935254>

that membership in the SS Division allegedly did not indicate his involvement in the crimes.

However, other numerous facts of Nazi harbouring within Canada are not as widely reported. In particular, during a journalistic investigation conducted in November 2023, it was found that the former director of an art gallery in Winnipeg (province of Manitoba), the famous Austrian-Canadian art historian Ferdinand Eckhardt (emigrated to Canada in 1953, died in 1995), was an ardent supporter of the Hitler regime, directly involved in the process of the "Nazification of culture". He served in the German Wehrmacht, after taking an oath of "loyalty to the Führer", and also worked for the criminal concern I.G. Farbenindustrie, which had a contract to produce the poison "Cyclone-B" for Auschwitz for the purpose of mass extermination of prisoners.

At first, the management of the gallery, with the tacit approval of the federal authorities, tried to play down the unpleasant details of Eckhardt's biography. It even stated that the allegations were unsubstantiated and lacked credible "references" to evidence. Only under the pressure of the facts revealed by the results of the internal audit, and fearing the public reaction, did the administration of the institution admit that it had made a mistake and hastily publicly disassociate itself from the former director and remove his name from the list of honorary figures.<sup>749</sup>

In 1987, Peter Savaryn, who served during the World War II in the 14th Waffen Grenadier Division of the SS (1st Galician), was awarded the Order of Canada, the highest civilian honour (he was stripped of the title of a member of the Order of Canada in 2017 due to his death, as membership in the Order is only valid during the laureate's lifetime). Peter Savaryn was a lawyer, a member of the Progressive Conservative Party of Alberta, a former Chancellor of the Canadian University of Alberta and, more significantly, a leader of the Ukrainian World Congress headquartered in Toronto (in 2019, the Prosecutor General's Office of the Russian Federation declared the organization undesirable). It was not until October

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<sup>749</sup> Winnipeg Art Gallery dropping Nazi-linked Ferdinand Eckhardt name. CBC News. 9 January 2024. <https://www.cbc.ca/news/canada/manitoba/ferdinand-eckhardt-winnipeg-art-gallery-nazi-connection-1.7077339>



2023 that Mary Simon, Governor General of Canada, apologised for the fact that a high state honour had been awarded to a Nazi accomplice. It should be highlighted that this very "belated" apology was preceded by a wide public resonance caused by the honouring of his "colleague" Yaroslav Hunka in the Parliament.

Illustrative is an example of Vladimir Katriuk, a former member of the punitive Schutzmannschaft Battalion 118 of the SS (who fled to Canada in 1951), involved, inter alia, in the punitive operation in the village of Khatyn (Belorussian SSR), as a result of which 149 civilians were killed. In 2007, the Cabinet of Canada refused to revoke the citizenship of this Nazi criminal, despite judicial confirmation that he had provided false information about himself upon entering the country (he died on 22 May 2015 at his honeybee farm in the Quebec province).<sup>750</sup>

Helmut Oberlander, who served in the Sonderkommando 10a and was directly involved in the 1942 mass murder of 214 Soviet children at the Yeysk orphanage, as well as other civilians in the Krasnodar Territory and Rostov Oblast, was never brought to justice because of his death in September 2021. The Nazi criminal was not extradited even though he was stripped of his Canadian citizenship by a decision of the Supreme Court of Canada in December 2019, and thus nothing prevented his extradition.

In 1946, Yaroslav Kunitsky, a Sturmscharführer of the 14th Waffen Grenadier Division of the SS (1st Galician), emigrated to the country. Until 1948, Alfred Valdmanis was the Director General of Justice in the Latvian Government controlled by Nazi Germany, and already in 1950 received the position of Director of Economic Development in the Provincial Government of Newfoundland. In the same 1948, Haralds Puntulis, ex-Nazi auxiliary police officer in Latvia, who was involved in the mass murder of civilians in Nazi-occupied territories, fled to Canada. In 1965, the Canadian side refused his extradition to the USSR and did not carry out any measures to prosecute him in the host country.

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<sup>750</sup> Vladimir Katriuk, alleged Nazi war criminal, dies in Quebec. CBC News. 29 May 2015. <https://www.cbc.ca/news/canada/montreal/vladimir-katriuk-alleged-nazi-war-criminal-dies-in-quebec-1.3091770>

In 1948, Ulas Samchuk, a fighter of the Nazi organizations, namely Carpathian Sich and the Organization of Ukrainian Nationalists (OUN), and Aleksander Laak, an Estonian collaborator and commandant of the Jägala concentration camp, also arrived in the Maple Leaf country.

Since 1949, Oleksa Hai-Holovko, former Minister of Information and Propaganda in the so-called "Ukrainian national government"<sup>751</sup>, and Semen Pidhainy, a member of the Nazi occupation "administration" of Kharkov, have been living in Canada. Since 1954, Leonid Perfetsky, a member of the 14th Waffen Grenadier Division of the SS (1st Galician), took part in the battles against the Soviet Army as a war correspondent and an artist. After moving to Canada, he settled in Montreal and continued making art; he even had a solo exhibition in Edmonton in 1962.

An active role in justifying the Nazis in Canada is played by the Ukrainian Canadian Congress (a subsidiary of the Ukrainian World Congress) and the numerous Bandera structures operating under it, promoting the ideas of aggressive nationalism, anti-Semitism and the glorification of collaborators who fought for "independent Ukraine." At the same time, the obvious facts of direct participation of Banderites in the extermination of civilians, the organization of mass pogroms of the Jewish population, in particular in Lvov in June 1941, and the Massacres of Poles in Volhynia are denied.

Canadian politicians openly demonstrate their support for Nazi ideology and make no secret of their close kinship with Nazi collaborators. Thus, it is not surprising that the Deputy Prime Minister Chrystia Freeland's grandfather is Mykhailo Khomiak, who collaborated with the Nazis. During the Nazi occupation of Poland, he was editor of a local Nazi newspaper.

On 27 February 2022, Chrystia Freeland posted a photo on her social media account in which she holds a black and red scarf with the UPA "Glory to Ukraine"

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<sup>751</sup> Administrative structure created by the OUN led by Stepan Bandera to administer the territories of the Ukrainian SSR occupied by Nazi Germany.

slogan. A few hours after social media users started actively commenting on the post, Chrystia Freeland replaced the photo with a new one, without the slogan.

In October 2021, the Friends of the Simon Wiesenthal Centre called for an investigation by Canada's Department of National Defence after far-right extremists within the Ukrainian military posted on social media that they had been trained by Canadian servicemen as part of the Operation UNIFIER training mission. The relevant information was published in a report prepared by the Institute for European, Russian and Eurasian Studies at George Washington University in Washington, DC. Experts have documented that Ukrainian military personnel claiming ties to the Canadian armed forces are members of Centuria, Azov, and Right Sector extremist groups.

The Canadian side has responded to the allegations by saying it does not investigate the backgrounds of foreign members they train and that it is the responsibility of Ukraine to ensure its soldiers are not connected to extremist movements.<sup>752</sup>

Forced sterilisation is a manifestation of Canada's ongoing "colonial violence" against indigenous people. On 14 July 2022, the Canadian Senate Human Rights Committee released the second part of the report on the outcome of the 2019 inquiry into forced sterilisation<sup>753</sup> (the first was released a year earlier on 3 June 2021).<sup>754</sup> All the affected women complained to the parliamentarians that their consent to the surgery was not free, prior and informed. Medical staff threatened patients and misinformed them about the necessity, or the effects, of sterilization. In some facilities, tubal ligation is done without consent at all.

In November 2022, researchers at a Quebec university published a report saying that at least 22 indigenous women were forcibly sterilised in Quebec between

<sup>752</sup> FSWC Calls for Investigation After Ukrainian Neo-Nazis Brag About Receiving Training from Canada's Military. FSWC. 18 October 2021.

<https://www.friendsofsimonwiesenthalcenter.com/news/fswc-calls-for-investigation-after-ukrainian-neo-nazis-brag-about-receiving-training-from-canadas-military>

<sup>753</sup> Senate Committee on Human Rights The Scars that We Carry: Forced and Coerced Sterilization of Persons in Canada Part II. Report. July 2022.

[https://sencanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14\\_ForcedSterilization\\_E.pdf](https://sencanada.ca/content/sen/committee/441/RIDR/reports/2022-07-14_ForcedSterilization_E.pdf)

<sup>754</sup> Senate Committee on Human Rights. Forced and Coerced Sterilization of Persons in Canada Part I. Report. June 2021.

[https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-03\\_ForcedSterilization\\_E.pdf](https://sencanada.ca/content/sen/committee/432/RIDR/reports/2021-06-03_ForcedSterilization_E.pdf)

1980 and 2019 (the youngest victim was 17). More tellingly, Quebec is the only province to have declined to participate in a federal government initiative to examine the practice of forced sterilization.<sup>755</sup>

Moreover, there was a case where a similar surgery was performed on a 14-year-old girl, without her knowledge or consent. The fact of sterilisation did not find out until several years later.<sup>756</sup>

In the light of the human rights violations identified, the senators called on the Canadian authorities to introduce a separate article in the Criminal Code to penalise forced sterilisation. A corresponding bill (Bill S-250) was introduced into the Parliament in June 2022.<sup>757</sup> However, the amendments have not yet been adopted.

International human rights monitoring bodies have paid considerable attention to disappearances and killings of First Nations, particularly women. The importance of investigating such cases and the need to establish a national body in this regard was touched upon in the concluding observations by the CEDAW<sup>758</sup>, HRCtee<sup>759</sup>, CESCR<sup>760</sup>, CERD<sup>761</sup>, and CAT<sup>762</sup>. It should be noted that disappearances and

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<sup>755</sup> At least 22 Indigenous women underwent forced sterilization in Quebec from 1980–2019: report. CBC News. 25 November 2022.

<https://www.cbc.ca/news/canada/montreal/report-uncovers-forced-sterilization-in-quebec-1.6663340>

<sup>756</sup> She was sterilized without her consent at 14. Now she wants the practice made a crime. CBC News. 13 September 2023.

<https://www.cbc.ca/radio/whitecoat/she-was-sterilized-without-her-consent-at-14-now-she-wants-the-practice-made-a-crime-1.6450647>

<sup>757</sup> S-250. An Act to amend the Criminal Code (sterilization procedures).

<https://www.parl.ca/legisinfo/en/bill/44-1/s-250>

<sup>758</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined 8th and 9th periodic reports of Canada. November 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCAN%2FCO%2F8-9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCAN%2FCO%2F8-9&Lang=en)

<sup>759</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Canada. July 2015.

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<sup>760</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Canada. February 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=en)

<sup>761</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. September 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en)

<sup>762</sup> Concluding observations of the Committee against Torture on the 7th periodic report of Canada. November 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=en)

killings of First Nations women were the subject of a CEDAW investigation in 2013, with a separate report published in March 2015.<sup>763</sup>

Pressured by international human rights mechanisms, the Canadian authorities established a National Inquiry into Missing and Murdered Indigenous Women and Girls (later referred to as the "National Inquiry"), which completed its work in early June 2019.<sup>764</sup> The main conclusion of the experts was that for centuries the Canadian authorities had subjected indigenous people to systematic socio-economic, cultural and linguistic discrimination based on colonial, ethnocentric, racist beliefs embedded in local society. In this regard, the Government was recommended to urgently forge new social fabric without colonial ideology.

According to the National Inquiry's report, girls of Indian descent were six times more likely to be killed than white girls. Following a series of murders and disappearances of women in 2022, leaders of Indian organizations demanded that the authorities take steps to better protect the rights of this population. On 2 May 2023, the House of Commons approved a resolution calling on the government to declare the continuing killings and disappearances a national emergency. However, this initiative did not continue.

The National Inquiry also came to disappointing conclusions when considering the issue of access to health care for First Nations women: when complaining to health centres, Indigenous women receive less quality care than their white compatriots. At the same time, shelters and rehabilitation facilities established by Indian NGOs are poorly funded.

The National Inquiry also called for further scrutiny of Ottawa's international crimes, including crimes against humanity, describing Canada's policies toward its indigenous peoples as colonial genocide.

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<sup>763</sup> Report of the inquiry concerning Canada of the Committee on the Elimination of Discrimination against Women under article 8 of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. CEDAW/C/OP.8/CAN/1. 30 March 2015. <https://undocs.org/CEDAW/C/OP.8/CAN/1>

<sup>764</sup> National Inquiry into Missing and Murdered Indigenous Women and Girls. Reclaiming power and place. Volume 1. [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report\\_Genocide.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Supplementary-Report_Genocide.pdf)  
National Inquiry into Missing and Murdered Indigenous Women and Girls. Reclaiming power and place. Volume 2. [https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final\\_Report\\_Vol\\_2\\_Quebec\\_Report-1.pdf](https://www.mmiwg-ffada.ca/wp-content/uploads/2019/06/Final_Report_Vol_2_Quebec_Report-1.pdf)

The importance of conducting such an analysis, uncovering the truth, and allowing victims to be heard was noted by Michelle Bachelet, the then-UN High Commissioner for Human Rights, following her visit to Canada in June 2019.<sup>765</sup> She also called on the authorities to make an immediate effort to address the inequalities that currently exists.

It is noteworthy that, under public pressure, Canadian Prime Minister Justin Trudeau publicly referred to the government's policy toward indigenous Canadians as "Canadian genocide",<sup>766</sup> but later the Head of Cabinet and some of his ministers, concerned about the international legal consequences of such a hasty "honest confession," chose to use more muted language in public, describing the events in question as a "sociocultural oppression."

CEDAW was concerned about the high number of girls who suffer from discrimination and sexual harassment in schools and the disproportionate number of migrant, refugee, asylum-seeking and indigenous girls who continue to face difficulties in gaining access to quality education.<sup>767</sup>

In turn, CRC noted the difficulty for indigenous parents in accessing the birth registration.<sup>768</sup> Thus, one in six indigenous children born in Queensland in 2018 had no birth certificate, leaving them "invisible" to the State, an investigation by the State's ombudsman has found.<sup>769</sup>

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<sup>765</sup> Canada "a welcome ally" in advancing human rights around the world – Bachelet. June 2019.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24714&LangID=E>

<sup>766</sup> Trudeau accepts Indigenous inquiry's finding of genocide. The Globe and Mail. 4 June 2019.

<https://www.theglobeandmail.com/canada/british-columbia/article-trudeau-accepts-indigenous-inquirys-finding-of-genocide>

Trudeau says deaths and disappearances of Indigenous women and girls amount to genocide. CBC News.

4 June 2019. <https://www.cbc.ca/news/politics/trudeau-mmiwg-genocide-1.5161681>

<sup>767</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the combined 8th and 9th periodic reports of Canada. November 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCAN%2FCO%2F8-9&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCAN%2FCO%2F8-9&Lang=en)

<sup>768</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Canada. June 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCAN%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCAN%2FCO%2F5-6&Lang=en)

<sup>769</sup> Alarm raised over huge number of Indigenous children without birth certificates. The Guardian. 18 June 2018.

<https://www.theguardian.com/australia-news/2018/jun/19/queensland-indigenous-children-no-birth-certificate>

A structural nature of discrimination against indigenous children and children of African descent was also criticized by the CRC. Experts noted that the areas of greatest concern remained education, health and adequate standards of living.<sup>770</sup>

The issue of infringement of the linguistic rights of indigenous peoples is serious. For instance, in Nunavut, Inuit are virtually denied the opportunity to be educated in their native Inuktitut language. Most of schools teach in English, while 94 per cent of students are Inuit. Inuktitut is studied optionally up to grade 3 in only 10 out of 43 schools. In 2016, local authorities published statistics that the number of Inuktitut speakers had fallen by 12 per cent over the past decade. According to experts' estimations, with such dynamics the share of citizens speaking this language in the region will decrease to 4 per cent by 2050.

CERD was concerned at the reported disparity in resource allocation for education and the lack of sufficient funding of mother tongue education programmes. As a result, some groups of children, especially African-Canadian and indigenous children, do not have equal access to quality education, which contributes to future socio-economic disparities among these groups.<sup>771</sup>

In addition, the CERD has highlighted that black students are disciplined more harshly than other students, which forces them out of learning environments and contributes to the "school-to-prison pipeline".<sup>772</sup> This problem was also highlighted by the CESC in February 2016, emphasizing that African-Canadian and indigenous children have lower educational and academic achievements, resulting in higher dropout rates among this group at all school levels.<sup>773</sup>

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<sup>770</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Canada. June 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCAN%2fCO%2f5-6&Lang=en)

<sup>771</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. September 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en)

<sup>772</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. August 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en)

<sup>773</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Canada. February 2016.

Adolescent poverty and vagrancy among indigenous peoples has become widespread in Canada. According to a report by the Assembly of First Nations NGO, the percentage of low-income indigenous children is several times higher than among the white population in Canada. The highest rates – 47 per cent – are found among Indian tribes (up to 65 per cent in the Manitoba and Saskatchewan provinces).

Over the past decade, the situation in British Columbia, one of the most economically developed provinces, has deteriorated dramatically. There is a poor situation in Kamloops and its suburbs (population about 300,000 people, including 84,000 Indians), where poverty among persons under 18 years of age reaches 30 per cent. According to experts, there are 7.7 socially disadvantaged children per 1,000 people (twice the national rate), 78 per cent of whom are indigenous children.<sup>774</sup> The lack of money due to parents' inability to support their families makes caregivers four times more likely to investigate them and 12 times more likely to remove children from their families. The HRCtee and CERD indicated that First Nations children are more likely to be isolated from their families, communities and culture and placed in child care institutions.<sup>775</sup>

According to CRC experts, indigenous children and children of African descent are currently still dominant in terms of numbers in the alternative care system, realized including in the form of foster care. Moreover, they are often disconnected from other people of their ethnicity. These children are more likely than others to be victims of violence and abuse, and to suffer from a lack of attention from their carers.<sup>776</sup>

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<sup>774</sup> The province of Manitoba topped the list, where, as of January 2019, of the 11,143 children receiving subsidies, 90 per cent are Indigenous children.

<sup>775</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Canada. July 2015.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en);

Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. August 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en)

<sup>776</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Canada. June 2022.



According to the Assembly of First Nations NGO, at least 200,000 people have fallen victim to Canada's social welfare system. In February 2023, the Newfoundland and Labrador provinces established a commission of enquiry into the causes of juvenile deaths in the welfare system at the request of an Innu chief who advocated for an end to the forced removal of juveniles from their families. The investigation is currently underway (the final report will be published in October 2024). During the hearing, one of the victims testified that as a 13-year-old in 2005, she was placed in a foster home in Ontario (1,600 kilometres away from her hometown) where her foster parents forbade her to talk in her native language to her grandmother over the phone.<sup>777</sup>

In May 2023, Karen Hogan, Canada's Auditor General, called on the Nunavut authorities for immediate action to protect children in foster care. The check revealed gross violations by the controlling authorities.<sup>778</sup>

The National Aboriginal Circle Against Family Violence indicated that in most communities in Canada, social services were funded through the provincial or territorial governments. However, in First Nations reserves, these services were normally funded through the federal government, which in many areas provided significantly less money per person for programmes and services when compared to what was provided by the provincial and territorial governments.<sup>779</sup>

In January 2019, a state of emergency was declared on the Cat Lake First Nation reserve in Ontario due to the emergency condition of the housing stock. The crumbling cardboard houses of the locals without basic amenities were unable to retain heat for long, even when heated by potbelly stoves. As a result, there were outbreaks of diseases among indigenous people, including lung infection. The

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<sup>777</sup> Foster-care system maintains brutality of residential schools, Natuashish woman tells inquiry. CBC News. 5 December 2023.

<https://www.cbc.ca/news/canada/newfoundland-labrador/inquiry-natuashish-1.7048340>

<sup>778</sup> Auditor general calls for immediate action to protect children and youth in Nunavut. The Globe and Mail. 30 May 2023.

<https://www.theglobeandmail.com/canada/article-auditor-general-calls-for-immediate-action-to-protect-children-and/>

<sup>779</sup> Report of the Office of the United Nations High Commissioner for Human Rights (Summary of Stakeholders' submissions on Canada), prepared as part of the 3rd cycle of the Universal Periodic Review. March 2018. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/059/71/PDF/G1805971.pdf?OpenElement>

Municipal Council urgently asked the provincial and federal authorities to intervene and consider evacuation (the allocation of CAD 200,000 for the inspection of 110 houses was approved in December 2018).

The over-representation of indigenous persons in Canada's penitentiaries remains a problem. Indigenous people are over-represented in federal prisons: the proportion of indigenous people has increased from 23 per cent to 32 per cent in the last 10 years (4,200 people in total), and indigenous women now account for half of all women.<sup>780</sup> Indigenous people are mostly placed in maximum-security institutions, held longer and often placed in solitary confinement. In the western provinces, recidivism among indigenous people is as high as 70 per cent.<sup>781</sup>

In February 2023, a B.C. auditor's audit of the province's correctional facilities criticised the system for providing health services for indigenous inmates with mental health and addictions diagnoses.<sup>782</sup>

On 1 November 2023, Ivan Zinger, Correctional Investigator of Canada, and Charlotte-Anne Malischewski, Interim Chief Commissioner, issued a joint letter calling on the federal government to fulfil its May 2016 commitment to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>783</sup>

The overrepresentation of indigenous people and African-Canadians at all stages of the justice system, from arrest to incarceration, was noted by CERD in September 2017.<sup>784</sup> The fact that indigenous peoples and people of African descent

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<sup>780</sup> Correctional Investigator Releases Updated Findings on the State of Indigenous Corrections in Canada: National Indigenous Organizations Issue Statements of Support. Office of the Correctional Investigator. 2 November 2023. <https://oci-bec.gc.ca/en/content/correctional-investigator-releases-updated-findings-state-indigenous-corrections-canada>

<sup>781</sup> Indigenous People in Federal Custody Surpasses 30%. Office of the Correctional Investigator. 21 January 2020. <https://www.oci-bec.gc.ca/cnt/comm/press/press20200121-eng.aspx>

<sup>782</sup> Gap in services for Indigenous people in B.C. correctional centres: audit. CTV News Vancouver. 9 February 2023. <https://bc.ctvnews.ca/gap-in-services-for-indigenous-people-in-b-c-correctional-centres-audit-1.6267383>

<sup>783</sup> Correctional Investigator and Canadian Human Rights Commission issue joint open letter urging Canada's ratification of OPCAT. Office of the Correctional Investigator. 1 November 2023. <https://oci-bec.gc.ca/en/content/correctional-investigator-and-canadian-human-rights-commission-issue-joint-open-letter>

<sup>784</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. September 2017.

in Canada face disproportionate levels of poverty than the rest of the population was also criticized by the CERD.<sup>785</sup>

In 2019, researchers at the University of Toronto analysed the results of a social survey involving 491,000 Canadians and found that black people are more affected by food insecurity. Only 10 per cent of white households are food insecure, while the figure is twice as high among Black households, at 28.4 per cent.<sup>786</sup>

At the same time, the CESCR in its concluding observations noted with concern the decrease in the already insufficient funding allocated to indigenous peoples living both on and off reserves. The experts also noted that this situation is further exacerbated by the jurisdictional disputes between federal and provincial governments on funding to indigenous peoples.<sup>787</sup>

In May 2022, the Karen Hogan, Canada's Auditor General, discovered as a result of a check of the Correctional Service of Canada that officers of this agency, guided by long-outdated instructions, disproportionately placed people of colour and Indigenous people in maximum security units. Consequently, inmates were forced to stay in the penitentiary institution longer than the court sentence required. Karen Hogan described the practice as clear evidence of systemic racism. However, investigators have already drawn attention to this problem in previous years (2015, 2016, and 2017).

Compared to other ethnic groups, the percentage of Blacks and Indians in maximum security cells is 51 per cent. The situation is even worse for convicted First Nations women: 70 per cent of them are in such cells. The statistics do not favour minorities of colour either: 53 per cent of women of colour, 46 per cent of

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<sup>785</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Canada. June 2022.

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<sup>786</sup> Race and food insecurity. Foodshare. November 2019.

[https://foodshare.net/custom/uploads/2019/11/PROOF\\_factsheet\\_press\\_FINAL.6.pdf](https://foodshare.net/custom/uploads/2019/11/PROOF_factsheet_press_FINAL.6.pdf)

<sup>787</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Canada. February 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCAN%2fCO%2f6&Lang=en)

men of colour, and only 33 per cent of white citizens are transferred to maximum security cells.<sup>788</sup>

For Canadian law enforcement officers, racial profiling is a common practice. It has a particularly detrimental effect on Aboriginal peoples, as well as Muslims, Afro-Canadians and other ethnic minority groups.<sup>789</sup>

Racial prejudices are widespread within government agencies. The report of the Standing Senate Committee on Human Rights of the Canadian Parliament on the results of the investigation into the facts of systematic discrimination of Blacks and people of colour in the Canadian Human Rights Commission (CHRC) confirms the previously published media information that racial minorities are excluded from career advancement and training opportunities, isolated from communication within the community. Federal public servants have repeatedly appealed to the Commission. However, employees of the CHRC have usually dismissed the complaints related to violation of rights on the basis of ethnicity and race. For example, in 2018, only six per cent of all claims were accepted.<sup>790</sup>

Against this background, federal authorities pursue their attempts to dismiss a class-action lawsuit (submitted in 2020) seeking \$2.5 billion in compensation for 30,000 civil servants who have been discriminated since 1970. According to the media, in three years the federal government of Justin Trudeau has already spent \$7.8 million in its challenge of a proposed class-action lawsuit.<sup>791</sup>

The UN Working Group of Experts on People of African Descent reported the frequency of racial profiling in Canada. In particular, in its report to the 74th session

<sup>788</sup> A "sobering, disturbing crisis within our prisons": audit questions CSC security assessment that continues to mark Indigenous, Black inmates as higher risk. The Hill Times. 31 May 2022.

<https://www.hilltimes.com/story/2022/05/31/a-sobering-disturbing-crisis-within-our-prisons-audit-questions-csc-security-assessment-that-continues-to-mark-indigenous-black-inmates-as-higher-risk/230224/>

<sup>789</sup> Concluding observations of the Committee against Torture on the 7th periodic report of Canada. November 2018.

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Report of the Working Group of Experts on People of African Descent on its mission to Canada. August 2017. <https://undocs.org/ru/A/HRC/36/60/Add.1>

<sup>790</sup> Anti-Black Racism, Sexism and Systemic Discrimination in the Canadian Human Rights Commission. The Standing Senate Committee on Human Rights. December 2023.

[https://sencanada.ca/content/sen/committee/441/RIDR/Reports/Report\\_SS-1\\_CHRC\\_e.pdf](https://sencanada.ca/content/sen/committee/441/RIDR/Reports/Report_SS-1_CHRC_e.pdf)

<sup>791</sup> Feds have spent more than \$7.8M fighting class-action filed by Black civil servants. CBC News. 10 November 2023. <https://www.cbc.ca/news/canada/ottawa/proposed-lawsuit-costs-so-far-1.7025338>

of the UN General Assembly with reference to the report prepared by the Ontario Human Rights Commission "Under suspicion: research and consultation report on racial profiling in Ontario", the experts noted that some 1,500 people living in Ontario province reported experiences of being racially profiled by the police, at their workplaces, schools, hospitals, shopping malls, and the airport.<sup>792</sup>

According to another report, people of African ancestry face curfews and are five times more likely to be stopped on the street for identity checks than other ethnic groups. In the 12 years preceding the research (March 2019), about one third (28 per cent) of the black-skinned population in Halifax, Nova Scotia's provincial capital, was subjected to unlawful and unmotivated police interrogations and detentions per week (around four per cent among whites). The situation is complicated by the fact that decisions to initiate cases of abuse of power are made by the law enforcement agencies themselves, which reduces the victims' hopes for an objective investigation.<sup>793</sup>

Blackskinned and Middle Eastern drivers were stopped more frequently than other drivers, regardless of their gender or age, according to a York University research team from Canada that investigated traffic stops by Ottawa police by race. Despite representing less than 4 per cent of drivers in Ottawa, people of African origin were stopped 7,238 times over the course of two years, accounting for 8.8 per cent of all motorists stopped during that time.<sup>794</sup>

A Canadian Broadcasting Corporation survey found that a black person is three times more likely than a white Canadian to be killed by a police officer. Nearly half of all reported homicide victims are of the Caucasian ethnicity, which is the largest racial group in Canada. However, when one examines the country's overall

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<sup>792</sup> Report of the Working Group of Experts on People of African Descent to the 74th session of the UN General Assembly. A/74/274. <https://undocs.org/en/A/74/274>

<sup>793</sup> Halifax, Nova Scotia: Street Checks Report. [https://humanrights.novascotia.ca/sites/default/files/editor-uploads/halifax\\_street\\_checks\\_report\\_march\\_2019\\_0.pdf](https://humanrights.novascotia.ca/sites/default/files/editor-uploads/halifax_street_checks_report_march_2019_0.pdf)

<sup>794</sup> Report of the Working Group of Experts on People of African Descent to the 74th session of the UN General Assembly. A/74/274. <https://undocs.org/en/A/74/274>

racial and ethnic diversity, the numbers are biased toward Afro-Canadians and Indigenous people.<sup>795</sup>

In the debate about systemic discrimination that took place in May and June 2020, the Canadian media extensively covered incidents in which police killed or brutalized Aboriginal people and people of colour. At the same time, there is the issue of law enforcement personnel's formal attitude against indigenous people and their unwillingness to investigate crimes committed against this community. The facts of the questionable quality of law enforcement officers' work on Indian reservations were confirmed in the pages of the report prepared by the Council of Canadian Academies, an NGO, at the request of Public Safety Canada. The research cited police officers' basic ignorance of local laws and tribal customs as the primary source of difficulties. Furthermore, the authors contend that a lack of conversation between government officials and local residents leads to misunderstanding and outright hatred by the white majority against members of other racial and ethnic groups.<sup>796</sup>

The rule of law system in Indian reservations functions inefficiently. According to the Canadian Public Safety Ministry, crime in these areas increased from 2004 to 2018 by 31.9 per cent, while nationwide it decreased by 15.5 per cent. In September 2022, the RCMP employees did not prevent the massacre of 11 persons. (18 persons were injured) in a small community of Saskatchewan. Indian tribes ensuring security by their own forces receive assistance from the federal centre for grants and short-term contracts, however they complain about quick loss of resources. Quebec's 22 Indigenous police forces have filed a complaint with the Canadian Human Rights Commission, accusing the federal government of chronic underfunding.<sup>797</sup>

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<sup>795</sup> Report of the Working Group of Experts on People of African Descent to the 74th session of the UN General Assembly. A/74/274.

<https://undocs.org/en/A/74/274>

<sup>796</sup> Council of Canadian Academies. *Toward Peace, Harmony, and Well-Being: Policing in Indigenous Communities*. <https://www.scienceadvice.ca/wp-content/uploads/2019/04/FullReport-Toward-Peace-Harmony-and-WellBeing.pdf>

<sup>797</sup> 22 Quebec Indigenous police forces file complaint with human rights commission. CBC News.

2 November 2023.

<https://www.cbc.ca/news/canada/montreal/22-quebec-police-forces-file-complaint-human-rights-commission-chronic-underfunding-1.7014300>

Experts have documented the excessive use of force by law enforcement officers, including during protests. The HRCtee noted that such incidents occurred during the actions organized by indigenous peoples, students, social policy events, and the G20 summit in Toronto. Complaints of police misconduct were not always promptly investigated, and if perpetrators were prosecuted, the sanctions imposed were of a lenient nature.<sup>798</sup>

It has been reported that in the territories where indigenous peoples live, they have no representatives in Canadian local authorities. For example, the UN Human Rights Council Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, pointed out in a report to the 74th session of the UN General Assembly that the Inuit are underrepresented in the Nunavut administration, preventing this body from adequately considering and implementing their traditional knowledge.<sup>799</sup>

Human rights activists frequently point out other issues that are not directly related to First Nations rights. It specifically highlights the disproportionate impact of austerity measures implemented in certain areas of the country on marginalized groups and disadvantaged persons. Furthermore, as a result of tougher restrictions, the number of unemployed people who are eligible for unemployment insurance has been reduced. There is also an increase in the number of homeless people, a shortage of temporary housing centres designated for them, and existing legal provisions aimed at punishing such persons, yet containing no solution to the problem itself. This was brought, *inter alia*, to the CESCR's attention in 2016. The Committee also pointed to the insufficient funding for housing, including the shortage of social housing units, the inadequate housing subsidy within the social assistance benefit, and increased evictions related to rental arrears.<sup>800</sup>

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<sup>798</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Canada. July 2015. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en)

<sup>799</sup> Report of the UN Human Rights Council Special Rapporteur on the Rights of Indigenous Peoples, Victoria Tauli-Corpuz, in accordance with the HRC resolution 33/12. A/74/149. <https://undocs.org/en/A/74/149>

<sup>800</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 6th periodic report of Canada. February 2016.

The HRC Special Rapporteur on contemporary forms of slavery Tomoya Obokata also indicates the poor situation of migrants in the country. In his report, published on the results of the visit to Canada in 2023, the Special Rapporteur has criticized Canada's temporary foreign worker programs, describing them as "a breeding ground for contemporary forms of slavery". In particular, he drew attention to the fact that the employer-specific work permit regimes, including certain Temporary Foreign Worker Programs, make migrant workers vulnerable to contemporary forms of slavery. Moreover, they cannot report abuses without permanent fear of deportation.

The majority of the migrants interviewed pointed to hard working conditions, being denied access to healthcare and unsanitary living conditions. It is underlined that the work of labour protection commissions is not effective in addressing current adverse circumstances as it is carried out online.

The expert also stresses the exploitation of persons with disabilities. In so-called "sheltered workshops", persons with intellectual disabilities are asked to produce certain goods and services for private businesses, but are reportedly paid less than minimum wage and exempt from certain labour standards.

The CERD specialists drew attention to the deteriorating state of immigrant rights in Canada. In particular, the practice of mandatory detention of stateless persons who "enter the country in violation of the established procedure" continues. At the same time, the legislation does not establish any limits on the duration of such a conclusion. In addition, there are no effective mechanisms for reviewing its legality.<sup>801</sup> Migrant children are also detained and are often held with adults. The same problem was brought to the attention of the HRCtee<sup>802</sup> and CAT.<sup>803</sup>

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<sup>801</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. August 2017.

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<sup>802</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Canada. July 2015.

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<sup>803</sup> Concluding observations of the Committee against Torture on the 7th periodic report of Canada. November 2018.



Despite the fact that since 2022 the Criminal Code of the country provides an imprisonment for a term not exceeding two years for public denial of the Holocaust or downplaying the role of the Nazi regime in the mass murder of Jews, antisemitism is a systemic problem in the country.

According to the report on anti-Semitism in Canada published in 2022 by the human rights organization B'nai Brith (Sons of the Covenant), a total of 2,769 such incidents were recorded, 73.3 per cent of which in the online space. The leaders in statistics are Ontario (1,353), Quebec (722) and British Columbia (242). A spike of 64.8 per cent in antisemitic incidents was reported in Ontario compared with 2021.<sup>804</sup>

With the escalation of the Palestinian-Israeli conflict, in the second half of 2023, manifestations of anti-Semitism and Islamophobia have dramatically increased. Only during the period from October to December 2023 Montreal's police has recorded 125 cases of manifestation of antisemitism and 37 of Islamophobia (for comparison, in 2022, there were only 72 incidents based on intolerance).<sup>805</sup> Montreal Commissioner on Racism and Systemic Discrimination Bochra Manaï was criticized by Jewish non-profit institutions because of her inaction to the acts of antisemitism.<sup>806</sup> In Toronto, for the same period 56 cases of manifestation of antisemitism and 20 of Islamophobia were recorded. In 2023, there were 338 hate crimes, an increase by 41 per cent in comparison with 2022.<sup>807</sup>

It is to note that high rate of intolerance faced by followers of Islam has been reported earlier as well. The research by Canadian scientists published in February 2023 confirmed the hypothesis that the Canadian Security Intelligence Service

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<sup>804</sup> Annual Audit of Antisemitic Incidents 2022. B'nai Brith Canada. 2023.

<https://drive.google.com/file/d/1yH2kfi672WVvmpHpUIYS9IOyC-F5M-PJ/view>

<sup>805</sup> Hate crimes, incidents against Montreal's Arab-Muslim, Jewish communities continue to increase. City News. 13 December 2023.

<https://montreal.citynews.ca/2023/12/13/hate-crimes-jewish-arab-muslim-montreal/>

<sup>806</sup> Jewish group demands resignation of Montreal anti-racism commissioner. Montreal Gazette. 14 November 2023.

<https://montrealgazette.com/news/local-news/jewish-group-demands-resignation-of-montreal-anti-racism-commissioner>

<sup>807</sup> Toronto hate crimes spiked 41% in 2023 compared to a year ago: police. City News. 19 December 2023. <https://globalnews.ca/news/10180237/toronto-hate-crimes-up-41-per-cent-2023/>

(CSIS) pursued an Islamophobic policy. Having interviewed 95 Muslim community leaders living in five major Canadian cities, the scientists found that CSIS was carrying out total surveillance of adherents of Islam. Mosques are treated as incubators of extremism and terrorism, and priests are forced to give information about parishioners. Such control extends even to minors – there were cases of interrogation of pupils by CSIS without their parents' permission. Particular attention is paid to those who criticize Canada's policy in the Middle East.<sup>808</sup>

According to the sociological survey by Angus Reid Institute carried out in March 2023, 39 per cent of Canadians feel unfavourable about Islam (the second place occupies Christianity – 30 per cent). In Quebec this number reaches 52 per cent.<sup>809</sup>

On 2 November 2023, the Standing Senate Committee on Human Rights of Canada's Parliament published a report "Combating Hate: Islamophobia and its Impact on Muslims in Canada".<sup>810</sup> According to the document, incidents of discrimination are a daily reality for the Muslims living there. Moreover, Canada leads the G7 in terms of targeted killings of Muslims. At this background, Islam adherents in Canada constantly feel unprotected. Islamophobia is systemic in government agencies, intolerance towards Muslims is especially common in the security services and federal correctional facilities.

In general, crimes motivated by racial intolerance are common in the country and are still on the rise. According to the report of the Statistics Service published in March 2023, 3,360 hate crimes were reported in 2021, a 27 per cent increase in comparison with 2020. Since 2019, the number of crimes has risen by 72 per cent.

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<sup>808</sup> CSIS targeting of Canadian Muslims reveals the importance of addressing institutional Islamophobia. The Conversation. 22 February 2023.

<https://theconversation.com/csis-targeting-of-canadian-muslims-reveals-the-importance-of-addressing-institutional-islamophobia-199559>

<sup>809</sup> Islamophobia in Canada: Four mindsets indicate negativity in nationwide, most intense in Quebec. Angus Reid Institute. 13 March 2023.

<https://angusreid.org/islamophobia-canada-quebec/>

<sup>810</sup> Combatting Hate: Islamophobia and its impact on Muslims in Canada. Standing Senate Committee on Human Rights. November 2023. [https://sencanada.ca/content/sen/committee/441/RIDR/reports/Islamophobia\\_FINAL\\_e.pdf](https://sencanada.ca/content/sen/committee/441/RIDR/reports/Islamophobia_FINAL_e.pdf)

The number of violent hate crimes also rose from 1,150 to 1,478. Persons of African, Asian and Indian origin more often faced discrimination.<sup>811</sup>

Asian Canadians are reporting increased discrimination in Canada, polls show (20 per cent say harassment has happened "repeatedly").<sup>812</sup>

In July 2022, "only" 106 years later, Canadian Prime Minister Justin Trudeau formally apologized for "blatant racism" to descendants and relatives of members of the Construction Battalion No. 2 who had served in France during World War I. The unit was formed in 1916 in Nova Scotia. Black Canadians in the union faced discrimination: were forced to live in segregated camps and not provided with proper medical care, rations or equipment.<sup>813</sup>

Canadian politicians also indulge in fomenting nationalist sentiment. Former Ontario Senator Lynn Beyak was twice suspended for refusing to remove from her official page letters from citizens supporting her positive statements about the colonial system of boarding schools for Indian children. It was not until her third attempt (after finishing another course on anti-racism) in June 2020 that the Senate Upper House Ethics Committee recommended her reinstatement.<sup>814</sup>

For more than six years, Ottawa has done nothing to put the recommendations in the 2017 report of the UN Working Group of Experts on People of African Descent on its mission to Canada into effect. The document's writers urged authorities to apologize to people of colour for slavery and compensate their representatives.<sup>815</sup>

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<sup>811</sup> Police-reported hate crime in Canada 2021. Statistics Canada. 2023.

<https://www150.statcan.gc.ca/n1/en/daily-quotidien/230322/dq230322a-eng.pdf?st=4H87O3Uq>

<sup>812</sup> Anti-Asian hate on the rise in Canada: survey. CTV News. 13 July 2023.

<https://www.ctvnews.ca/canada/political-tensions-sustain-hate-racism-towards-asian-canadians-after-surge-of-discrimination-from-covid-19-1.6478278>

<sup>813</sup> Prime minister apologizes for anti-Black racism experienced by No. 2 Construction Battalion. CBC News. 9 July 2022.

<https://www.cbc.ca/news/canada/nova-scotia/canadian-government-apologizes-to-relatives-of-no-2-construction-battalion-1.6513861>

<sup>814</sup> Independent senators push to suspend Beyak again, despite apology. National Post. 26 February 2020.

<https://nationalpost.com/pmnl/news-pmn/canada-news-pmn/independent-senators-push-to-suspend-beyak-again-despite-apology>

<sup>815</sup> Report of the Working Group of Experts on People of African Descent on its mission to Canada. 16 August 2017.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/239/62/PDF/G1723962.pdf>

Extremist ideas, especially neo-Nazi and right-wing extremist ideas, are becoming more and more entrenched in Canadian society.

On 19 June 2020, the Institute for Strategic Dialog in the United Kingdom released a report commissioned by the Canadian Department of Public Safety titled "Monitoring the Right-Wing Extremism Online Environment in Canada". Researchers uncovered 6,660 right-wing Internet resources, including 6,352 Twitter profiles and 32 YouTube video channels. Experts estimate that the number of local users on these virtual sites is in the millions, second only to the United States and the United Kingdom.

In April 2022, a report on systemic racism and discrimination in the Canadian military, commissioned by the Department of National Defense, was released. The study's experts determined that the number of supporters of extreme ideologies in the military department is increasing. A growing number of Canadian military members are secretly joining groups that advocate white supremacy and ultra-nationalist views. Technological improvements that have created potential for recruiting new members via the darknet and encrypted chat rooms have hampered timely identification of radicalized components. The ministry's various counter-action mechanisms were determined to be ineffective.<sup>816</sup>

The House of Commons Committee on Public and National Security published a report on the emergence of violent extremism driven by ideology in Canada in June 2022. According to interviewed experts, there has been a sharp increase in the number of radical groups in the country. At least 300 such organizations have appeared since 2015. They are primarily based in Ontario, Quebec, Alberta, and British Columbia. The radical agenda includes Islamophobia, intolerance towards immigrants, hatred of women, and power-grabbing upheaval. To some extent, tight limitations on persons who have not been immunized against COVID-19 have contributed to an upsurge in societal radicalism. To spread their

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<sup>816</sup> Canadian military not doing enough to detect, prevent extremism in the ranks: report. CBC News. 25 April 2022.  
<https://www.cbc.ca/news/politics/military-report-racism-1.6429794>

ideas, extremists use little-known social networks that do not have the technology to filter illegal online content.<sup>817</sup>

The CERD noted that anti-racism framework law did not exist in all Canadian provinces and territories.<sup>818</sup> Another barrier to resolving racial prejudice is that Canada does not routinely gather statistics "by skin colour" to measure socioeconomic disparities in society.

At the same time, there are a number of highly controversial laws in the country. For example, Bill 21 which bans religious symbols for civil servants was adopted by the National Assembly of Quebec on 16 June 2019. The document invokes a constitutional clause<sup>819</sup>, which allows the province introducing a moratorium on appeals to the court within five years against a legislative act affecting fundamental rights, including the right to freedom of conscience and religion.

The Quebec bill was sharply criticized by the representatives of various confessions who have conceived the authorities' measure as discrimination of believers and deprivation of an opportunity to work in public service. Angus Reid survey showed that 57 per cent of Quebec citizens supported Bill 21, while in other Canadian provinces the majority (65 per cent) of citizens have a negative attitude to this bill.

In April 2021, Quebec Superior Court Justice Marc-André Blanchard, having considered a number of appeals, ruled that Bill 21 violated the basic rights of religious minorities in the province but was legal because of Section 33 of the 1982 Constitution Act. In November 2022, the case was brought before the Quebec Court of Appeal<sup>820</sup>, and only in February 2024, the Appeal Court upheld Quebec law.<sup>821</sup>

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<sup>817</sup> The Rise of Ideologically Motivated Violent Extremism in Canada. Standing Committee on Public Safety and National Security. June 2022.

<https://www.ourcommons.ca/Content/Committee/441/SECU/Reports/RP11868343/securp06/securp06-e.pdf>

<sup>818</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st to 23rd periodic reports of Canada. August 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCAN%2fCO%2f21-23&Lang=en)

<sup>819</sup> "Notwithstanding clause", article 33 of the 1982 Canadian Charter of Rights and Freedoms.

<sup>820</sup> Hearings on constitutionality of Quebec's secularism law underway in Court of Appeal. CBC News. 7 November 2023.

<https://www.cbc.ca/news/canada/montreal/bill-21-appeal-begins-1.6640434>

In keeping with the policy to promote non-traditional values, on 7 January 2022, Bill C-4, a federal bill on criminal liability for conversion therapy (changing a person's sexual orientation to heterosexual), came into effect. According to the amendments to Canada's Criminal Code, such actions as causing another person to undergo conversion therapy; removing a child from Canada to undergo conversion therapy abroad; or promoting or advertising conversion therapy would inflict criminal liability. Violations of these provisions are punishable with imprisonment for a term which may extend from two to five years.

Another form of xenophobia – Russophobia – is becoming increasingly commonplace in Canadian society. In 2023, there were no signs of weakening of the Russophobic policy by the official authorities of Canada, which had deeply rooted long before the start of Russia's special military operation to demilitarize and denazify Ukraine and protect civilians in Donbass. Russian Embassy in Ottawa still records violations of the rights of Russian citizens and compatriots permanently living abroad. Such high level of Russophobia may be connected to the domination of descendants of Nazi criminals in the country, as well as the large Ukrainian community consisting, among others, of descendants of followers of S. Bandera and R. Shukhevich.

On 26 February 2023, Slavic holiday – Maslenitsa was to be celebrated in Ottawa. However, a few weeks before the festival, representatives of the Canadian Ukrainian Congress (CUC) started a massive harassment of the organizers and their families, at the same time sending communications to the city administration and police requesting to ban the event. As a result, the celebration was cancelled.

Preparation and holding of the events related to the Victory Day in 2023 were again accompanied with persecutions motivated by racial hatred. Organizers of the patriotic motor rally in Toronto received daily death threats. Windshield of the car of the motorist, who was supposed to lead the column, was hit during the night. Police did not find the intruders.

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<sup>821</sup> Appeal Court upholds Quebec law that bars teachers, police from wearing religious symbols.  
29 February 2024.  
<https://www.cbc.ca/amp/1.7128447>

On Russia Day in 2023, organizers of the holiday picnic in Toronto received an anonymous letter of warning that in case of a gathering of guests in nature on this occasion they will be beaten up. A day before the event, a request was submitted to the police department of the city, to which the response was that the police would not take any preventive measures for protection and was only prepared to respond in case of an attack.

In Canada, there are problems in the penitentiary system. The HRCttee and CAT have drawn attention to overcrowding in a number of prisons and the lack of medical care for prisoners with serious mental illnesses, a problem particularly acute in women's prisons.<sup>822</sup> The CAT has also expressed concern about the deplorable conditions of detention of prisoners in places of detention. He pointed to the use of ill-treatment of detainees, including prolonged interrogations, sleep deprivation, and abusive strip searches.<sup>823</sup>

Only in 2023, at least 69 inmates died in Canadian prisons. This was the highest number of deaths since 2020. Ontario had the highest number of inmate deaths, at a total of 20, followed by Quebec at 16, and British Columbia at 14. It is of particular concern that the majority of the deaths didn't have a cause listed.<sup>824</sup>

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<sup>822</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of Canada. July 2015.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCAN%2fCO%2f6&Lang=en);

Concluding observations of the Committee against Torture on the 7th periodic report of Canada.  
 November 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=en)

<sup>823</sup> Concluding observations of the Committee against Torture on the 7th periodic report of Canada.  
 November 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCAN%2fCO%2f7&Lang=en)

<sup>824</sup> 69 inmates died in Canadian prisons during 2023. Alberta Worker. 5 January 2024.  
<https://albertaworker.ca/news/69-inmates-died-in-canadian-prisons-during-2023/>

## Cyprus

The situation in the Republic of Cyprus with regard to the protection and enforcement of the fundamental human rights and freedoms guaranteed by its Constitution is characterized as generally acceptable.

Among the national human rights monitoring bodies on the island are the Commissioner for Administrative Affairs and Human Rights, the Commissioner for Children's Rights, the Office for Combating Racism and Discrimination and the Office for Equal Treatment.

The main and persistent obstacle to the full implementation of international human rights standards in Cyprus remains the de facto division of the island into the Republic of Cyprus and a non-officially controlled, unrecognized by the international community, the so-called Turkish Republic of Northern Cyprus (TRNC). The continuing contradictions between the Greek Cypriot and Turkish Cypriot communities on the island negatively affect the realization of rights such as the right to freedom of movement, right to use private property, right to asylum etc.

Many Cypriots remain internally displaced persons. Still they formally have the right to freely cross the buffer zone, the so-called "green line" (area of the UN Peacekeepers deployment) in order to get from one part of the island to another through nine official crossing points. In reality, the authorities of both communities often impose restrictions on the free movement of the population, which also affects the situation of foreigners. There have been repeated cases of citizens of other countries, including Russians, being denied entry to the Republic of Cyprus through international checkpoints (Larnaca and Paphos airports) for the reason that they intended to enter the territory of the TRNC.

Among other established problems related to the partition of the island is the unresolved issue of the protection of Greek Cypriot and Turkish Cypriot property rights. The issue of Greek Cypriot property in the closed Varosha district of Famagusta is the most acute. It is aggravated by the unilateral decision of the Turkish Cypriot authorities to open part of the area and commercialize the property in violation of UNSC Resolutions 550 (1984) and 789 (1992).



Despite the fact that, according to official statistics for 2023, the number of new asylum applications decreased by 50 per cent and the number of repatriations increased by 60 per cent (compared to 2022), Cyprus continues to be the country with the highest share of irregular migrants in the EU with a result of 5.5 per cent of the total population of the country, which is four times higher than the EU average. Moreover, the process of processing and examination of documents by the competent authorities takes a long time and, according to local NGOs, is characterized by bureaucratization.

A report by the EU Agency for Fundamental Rights (FRA) also emphasizes that the difficult situation of reception and temporary accommodation of asylum seekers and irregular migrants on the island remains.<sup>825</sup> Back in May 2017, the UN Committee on the Elimination of Racial Discrimination (CERD) noted the limited number of reception centres for refugees.<sup>826</sup> The temporary detention centres available on the island are overcrowded, with residents, including children, living in harsh conditions. In an attempt to solve the problem, the authorities create compact accommodations for certain groups of migrants in small settlements, which causes discontent among the local population and often still results in the impairment of rights of persons seeking international protection.

As the situation in the Middle East escalates yet again, the flow of illegal migrants from Syria and Lebanon is growing rapidly, arriving by sea in virtually unusable watercraft. In January 2024 alone, 350 Syrians managed to reach the island in this way, while several drowned or died as a result of lack of food and drinking water.

In late August 2023, the Cypriot government faced an unprecedented wave of anti-migrant actions. Violent ethnic clashes between right-wing forces and Syrian migrants erupted into devastation in Limassol – the largest city in the republic. A protest march pre-arranged by local authorities turned chaotic, with more than

<sup>825</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>826</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd and 24th periodic reports of Cyprus. May 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru)

200 nationalist radicals attacking migrants and throwing Molotov cocktails at migrant-owned retail shops.

In contrast to the dire situation of migrants from the Middle East, attention here is drawn to the simplified reception of Ukrainian refugees in the Republic of Cyprus in accordance with the EU-approved directive. According to the data published by Eurostat in January 2024, Cyprus has one of the highest rates of granting protection status to Ukrainian refugees in the EU: about 21 persons per one thousand people (EU average – 9.5 persons). As of the end of November 2023, a total of 19,080 Ukrainians, including 3,585 men, 10,425 women and 5,070 children, have been granted this status on the island. It allows them to reside legally in Cyprus for a year, claim adequate accommodation, access to the labour market, medical care, social benefits, education for minor children, as well as entitles its holders to reunification with their families. Initially, the temporary protection status was valid until 4 March 2023; in February 2023, the Cypriot authorities extended it for another year with the prospect of a possible renewal until 4 March 2025).<sup>827</sup>

Decisions on the applications from migrants from other countries take more than several months for the Cypriot authorities to adopt, while they wait in overcrowded detention centres.

The shortage of places in detention centres has a negative impact on the rights of refugee minors, who, according to the Cypriot Commissioner for Children's Rights, live in inhumane conditions. For example, the Pournara Centre, located in the village of Kokkinotrimithia and intended for the temporary stay of migrants, hosts about 300 children, with two toilets and one shower at their disposal. The rooms are occupied by 15 people each, as a result of which children have to share single beds or sleep on the floor.

The problem with respect for the rights of refugee and migrant children is of concern to experts of the UN Committee on the Rights of the Child (CRC). In June 2022, the CRC once again pointed out to the Cypriot authorities that this category of

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<sup>827</sup> Cyprus has renewed temporary protection status for Ukrainian citizens for another year. TASS. 14 February 2023.  
<https://tass.ru/mezhdunarodnaya-panorama/17050329>

minors is deprived of access to health and social services due to their nationality, place of residence and the legal status of their parents. Problems with access to non-segregated education also persist.<sup>828</sup>

As for unaccompanied children, they do not have access to legal representation throughout the entire asylum procedure in Cyprus.<sup>829</sup>

Another matter of concern of international experts is the excessive use of medical methods of age determination, while there are no mechanisms to challenge the results of the relevant studies.<sup>830</sup>

According to FRA, in 2021, there were regular reports of forced removal of migrants from Cyprus, including to countries where their lives and health are at risk, often in a violent manner.<sup>831</sup> As noted by CRC, border officials' resorting to such practices often ends in the separation of families. Appeals for their reunification, as well as any appeals for international protection, are processed with significant delays. This approach rarely takes into account the State's obligation to act in the best interests of the child.<sup>832</sup>

The criminalization and routine detention of irregular migrants has drawn the attention of the Committee against Torture (CAT).<sup>833</sup> In December 2019, experts from this monitoring body welcomed information that asylum seekers are no longer detained under the Aliens and Immigration Act. However, the CAT noted with concern that they continue to be detained for long periods of time during refugee

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<sup>828</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Cyprus. June 2022 .

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en)

<sup>829</sup> Ibid

<sup>830</sup> Ibid

<sup>831</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>832</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Cyprus. June 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en)

<sup>833</sup> Concluding observations of the Committee against Torture on the 5th periodic report of Cyprus. December 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCYP%2fCO%2f5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCYP%2fCO%2f5&Lang=ru)

status determination, including during the judicial review of their cases, which reportedly can take up to two years.<sup>834</sup>

The UN Committee on the Elimination of Discrimination against Women (CEDAW) has pointed out with concern the difficulty in accessing justice for foreign domestic workers due to their possible detention and subsequent deportation pending the outcome of legal proceedings.<sup>835</sup>

From 7 to 9 November 2022, a delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), operating within the Council of Europe, paid an ad hoc visit to Cyprus. In the report on the visit, the experts noted that the behaviour of Cypriot law enforcement officials towards migrants returning to their countries of origin was generally assessed as respectful. However, it is suggested that the procedures for preparing refugees for flight and boarding them should be made clearer in order to avoid a repetition of previous incidents of escape and use of force by law enforcers.<sup>836</sup>

Serious challenges remain in the protection of the rights of women and girls. According to the Commissioner for Gender Equality in the Republic of Cyprus, Iosifina Antoniou, every third female member of this category of citizens is subjected to physical or sexual violence. Between January and November 2022, the police investigated 165 cases of ill-treatment and 2,104 cases of domestic violence. Local statistics show that only every tenth victim is ready to seek help from the competent authorities. According to the country's leadership, the eradication of this type of crime remains a priority. The UN Human Rights Committee (HRCttee) commends the establishment of a national coordinating body for the prevention and combating of violence against women, which prepared the first National Strategy and National Action Plan (2023-2028) for the prevention and combating of violence

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<sup>834</sup> Ibid

<sup>835</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of Cyprus. July 2018.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCYP%2fCO%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCYP%2fCO%2f8&Lang=ru)

<sup>836</sup> Report to the Government of Cyprus on the visit to Cyprus carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 9 November 2022. 13 July 2023.  
<https://rm.coe.int/1680abeddb>

against women, approved by the Council of Ministers in February 2023. However, the HRCtee remains concerned that cases of violence against women are under-reported, particularly among ethnic minorities.<sup>837</sup>

The situation in the field of protection of children's rights is no less complicated. In the first 8 months of 2022, 264 cases of child abuse were registered and investigated, 297 children were recognized as victims. At the same time, the amount of disaggregated data on such cases remains insufficient. The reasons for this are, *inter alia*, underreporting and lack of coordination between the competent authorities. At the same time, the number of investigations and convictions in such cases is low.

CRC also mentioned, among other factors that make it difficult to improve the situation in this area, the lack of professional training for persons working with affected minors, the inability to take into account the specificities of interaction with children, and the legal requirement for parents to give their children consent to undergo a medical examination and to receive psychological and psychiatric assistance.<sup>838</sup>

The situation with respect for the rights of prisoners in the reporting period has not undergone significant changes. Human rights defenders continue to draw attention to the overcrowding of the only prison in the Republic of Cyprus in Nicosia. This is mentioned in particular in the Council of Europe Annual Penal Statistics report for 2022, published in June 2023, according to which Cyprus has more than 118 prisoners per 100 places (second highest among the member states of the Council of Europe; while the first is Romania, with 124 prisoners per 100 places; the third is France and Belgium, with 115 each).<sup>839</sup> Prison overcrowding leads to systematic violations of the rights of accused and convicted persons. Thus, on

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<sup>837</sup> Concluding observations of the Human Rights Committee on the 5th periodic report of Cyprus. July 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F5%2FCYP%2FCO%2F5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F5%2FCYP%2FCO%2F5&Lang=ru)

<sup>838</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Cyprus. June 2022. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2F5-6&Lang=en)

<sup>839</sup> The Council of Europe's Penal Statistics Report (SPACE I). June 2023. [https://wp.unil.ch/space/files/2023/06/230626\\_Key-Findings-SPACE-I\\_Prisons-and-Prisoners-in-Europe-2022.pdf](https://wp.unil.ch/space/files/2023/06/230626_Key-Findings-SPACE-I_Prisons-and-Prisoners-in-Europe-2022.pdf)

October 28, 2022, the Cypriot police launched an investigation into the death under unspecified circumstances of a Turkish Cypriot prisoner, T. Jidan. Among the identified violations in the work of the Cyprus Department of Prisons are also noted the joint presence of awaiting trial and already convicted in the women's block, the impossibility of privacy in the use of restrooms, the lack of separate rooms for canteens and laundry in some blocks. In her turn, the Commissioner for Administrative Affairs and Human Rights in Cyprus Maria Stylianou-Lottidis stated that the prison administration did not react quickly enough to the appeals of prisoners or did not react at all.

According to the European Commission's recommendations to EU Member States on the rights of persons subject to pre-trial detention, which entered into force on 8 December 2022, there are no time limits on the period of preliminary investigation and, consequently, on the detention of persons suspected or accused of committing crimes in Cyprus.

In the concluding observations on the examination of the fifth periodic report of Cyprus, adopted on 20 July 2023, the HRCtee expressed concern at the unjustified obstruction of the right to freedom of religion and belief, in particular by Muslims and Jews. Access to places of worship, including the Hala Sultan Tekke Mosque, has been restricted. Furthermore, the Cypriot authorities continue to perform autopsies on deceased members of the Jewish community in non-suspicious deaths, and repeated requests for authorization to the Chief Rabbinate of Cyprus to issue marriage, death and divorce certificates remain unanswered. Furthermore, the Committee remains concerned that Article 2 of the Constitution, according to which only those religious groups with more than 1,000 members at the date of entry into force of the Constitution in 1960 are recognized (members of the Greek Cypriot community include three religious groups whose status is enshrined at the constitutional level: Armenians, Maronites and Latins), has not been revised. This means that equal recognition is not granted to all religious communities.<sup>840</sup>

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<sup>840</sup> Concluding observations of the Human Rights Committee on the 5th periodic report of Cyprus. July 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCY%2FCO%2F5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCY%2FCO%2F5&Lang=ru)

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM), which functions within the Council of Europe, has also noted the lack of interaction between the state and religious and ethnic communities whose status is not enshrined in the basic law. For example, Roma residing in Cyprus, according to the official position of the authorities, are considered part of the Turkish-Cypriot community. That made it difficult for them to maintain access to and exercise certain rights, while the Roma community remained economically and socially marginalized.<sup>841</sup>

The prevalence in society of racially motivated verbal and physical attacks by far-right extremist and neo-Nazi groups against people of foreign origin, including descendants from Africa, as well as against human rights defenders and Turkish Cypriots, was pointed out with concern in May 2017 by CERD. The Committee was also concerned about the prevalence of racist stereotypes and hate speech against members of certain ethnic minority groups, as well as against Roma who are Muslims, were promoted in the society, often by the media. Experts pointed to the lack of legislative provisions to prosecute such acts, as well as to the insufficient efforts of law enforcement bodies in the said area.<sup>842</sup>

Although the overwhelming majority of the population of the Republic of Cyprus is committed to traditional political ideas, against the background of the crisis in the negotiations on the settlement of the Cyprus problem, the growing number of migrants on the island and the unresolved socio-economic issues, nationalist ideas find a certain feedback in society. The National Popular Front, a right-wing radical party, acts as a promoter of these ideas. It opposes the presence of migrant workers from developing countries in the country, considering them to be the cause of unemployment in Cyprus and increasing the tax burden on its native

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<sup>841</sup> Fifth opinion on Cyprus of the Advisory Committee on the Framework Convention for the Protection of National Minorities. Adopted on 7 November 2019.

<https://rm.coe.int/5th-op-cyprus-en/16809f932e>

<sup>842</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd and 24th periodic reports of Cyprus. May 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru)

citizens, advocates deportation of all illegal migrants, as well as the establishment of quotas for migrants from EU member states.

In February 2022, the Commissioner for Administrative Affairs and Human Rights in the Republic of Cyprus, Maria Stylianou-Lottidis, raised concerns about the increase in attacks on migrant food delivery drivers since the beginning of this year. The Ombudsman sees signs of xenophobia in these and calls on the various agencies to take joint coordinated and decisive steps within the framework of a responsible policy of the state to combat racism and discrimination. According to her, Cyprus has a sufficient legal framework to do so, yet individual hate crimes are still commonplace in Cypriot society and require a collective response. For its part, the European Commission against Racism and Intolerance (ECRI), which operates within the Council of Europe, draws attention to a number of gaps in the application of criminal legislation against incitement to hatred and hate-motivated violence. The Commission points to the need to review criminal legislation on incitement to hatred and hate-motivated violence and to provide appropriate training for police, prosecutors and judges.<sup>843</sup>

After Russia launched the special military operation in 2022 to demilitarize and denazify Ukraine and protect the civilians in Donbas, Cyprus recorded an increase in discriminatory manifestations towards Russian citizens.

The Cypriot authorities refused from full bilateral cooperation with our country, joined the illegal anti-Russian restrictive measures, supported the creation of the so-called "register of damage" allegedly caused to Ukraine by the "Russian aggression" and the corresponding "tribunal". Given the confrontational line being pursued, the Republic of Cyprus has been included in the list of foreign States and territories committing unfriendly acts against the Russian Federation, Russian legal entities and individuals.

In the first months of the special military operation, starting from February 2022, there was an increase in discriminatory manifestations towards Russian

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<sup>843</sup> Report of the European Commission against Racism and Intolerance on Cyprus (6th monitoring cycle). Adopted on 6 December 2022. Published on 7 March 2023.  
<https://rm.coe.int/ecri-6th-report-on-cyprus/1680aa6876>



citizens in Cyprus. There were anti-Russian actions involving members of the House of Representatives (Parliament) of Cyprus. In March 2022, the state flag of the Russian Federation was torn down from the flagpole at the office of the Honorary Consul General of Russia in Limassol.

There have been cases of psychological pressure in educational institutions, particularly schools, by classmates of Russian-speaking children, including those from mixed families. Nationalist representatives of the Ukrainian diaspora attempted to use moral and physical pressure on Russians living on the island in order to force them to publicly renounce their patriotic position. Personal data of participants in pro-Russian events were made public with calls for violence.

As a shocking incident came the attack by a Ukrainian national, Irina Krivous, armed with a knife, on a Russian woman, Lyudmila Chuikova, in Larnaca in August 2022. After the Embassy appealed to the country's leadership and local law enforcement authorities, the authorities strengthened control to prevent such incidents. The said Ukrainian woman was found guilty (including incitement to racial hostility and hatred) and sentenced to six months' imprisonment in March 2023; she was released early by the Cyprus Court of Appeal at the end of July 2023.

Nicosia's adherence to unlawful anti-Russian restrictions imposed by the EU, as well as the UK and the US, has resulted in financial difficulties. Their expansive interpretation by Cypriot executors has repeatedly led to the blocking of transfers even from those Russian banks that are not on the "sanctions" lists.

Official Nicosia continues to follow the policy of the collective West to suppress sources of alternative information. On 5 October 2023, a correspondent of the Rossiyskaya Gazeta newspaper, Alexander Gasyuk, was detained under spurious pretexts and subsequently expelled from the country. As a result of the use of brute force by Cypriot government officials, he and a member of the Russian diplomatic mission who was at the scene of the incident were injured. All official requests sent in a timely manner by the Russian Side to the Ministry of Foreign Affairs and the Ministry of the Interior of Cyprus were ignored. A criminal case has been opened by the Investigative Committee of the Russian Federation. The Ministry of Foreign

Affairs of the Russian Federation has taken stop-list retaliatory measures against the officers of the Migration Service of the Ministry of Internal Affairs of Cyprus who participated in the provocation against the representatives of Russia.

The fate of Russian citizen Artur Petrov, who was detained in August 2023 at the request of the United States authorities in connection with charges for allegedly circumventing anti-Russian sanctions (including the export to our country of American-made microelectronics – a total of seven charge counts), is a cause for concern. On 26 January 2024, the District Court of Larnaca issued a decision to refuse to extradite the Russian citizen to the United States. Artur Petrov will remain in custody until the state prosecutor's appeal is heard, for which he has 42 days to file.

The social rights of Cypriots and residents of the island are guaranteed by a fairly effective system of social security and support for poor citizens. It is worth noting that from 1 January 2023 in the Republic legislatively established the minimum wage of 940 euros. According to this indicator, Cyprus ranks 22nd among the 27 EU member states. At the same time, there are still cases of abuse of the labour of illegal foreign nationals, who work in violation of the legal working hours and for low wages. CERD noted that migrants are employed in jobs requiring mostly unskilled physical labour, particularly in agriculture, animal husbandry and fisheries.<sup>844</sup> In addition, foreign domestic workers, especially women, remain at risk of exploitation and abuse. This has been pointed out by CERD and CEDAW.<sup>845</sup>

Cypriot legislation prohibits discrimination against persons with disabilities in employment, education, political participation, access to health care and other public services. However, this is not fully implemented in practice. In July 2023, the European Commission sent a "reasoned opinion" to the Government of the Republic of Cyprus criticizing the policy of the Cypriot authorities towards persons with

<sup>844</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd and 24th periodic reports of Cyprus. May 2017.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCYP%2fCO%2f23-24&Lang=ru)

<sup>845</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of Cyprus. July 2018.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCYP%2fCO%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fCYP%2fCO%2f8&Lang=ru)

disabilities. In particular, the lack of sufficient specialized goods (telephones, computers, e-books) and daily use services for persons with disabilities (banking services and electronic communications) were criticized. The Nicosia City Hall has been criticized many times for the lack of facilities for visually impaired and blind people in most public spaces. Also in Cyprus there are still no special institutions for people with mental disabilities who need permanent care.

The Republic of Cyprus has a fairly democratic electoral system. Since 2005, in addition to members of the Greek Cypriot community, Turkish Cypriots permanently residing in the territory controlled by the official authorities have participated in the electoral process. In the elections to the European Parliament, all citizens of the Republic of Cyprus, as well as citizens of EU member states residing in Cyprus and Turkish Cypriots have the right to elect and be elected (polling stations are deployed only in the territory controlled by the Republic of Cyprus).

At the same time, human rights activists draw attention to a number of shortcomings. In particular, there is no national independent electoral body in Cyprus (these functions are performed here by the Ministry of Interior). Also, the local legislation does not contain provisions on national and international observers, which complicates the process of sending them to the island. Among other things, small political parties have less information opportunities during election campaigns compared to large parties and, in fact, are in unequal conditions, as the amount of information coverage is correlated with the number of votes received in the previous elections. The sources of financing of election activities remain non-transparent.

The right of citizens to free and accessible education is generally respected. The exceptions in this respect, according to CRC experts, are children with disabilities, children of national minorities, children from families experiencing socio-economic hardship, and children in alternative care.<sup>846</sup> There are still certain restrictions on joint educational programs at universities in both parts of the island.

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<sup>846</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Cyprus. June 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FCYP%2FCO%2F5-6&Lang=en)

Despite the fact that civil society continues to develop in Cyprus, playing an increasingly active and prominent role in public debate, the European Commission's regular report on the rule of law in the EU states that Cyprus has an unfavourable situation in the field of pluralism of opinion and freedom of expression. Thus, Cyprus is listed as a country at "serious risk" in terms of this indicator.<sup>847</sup> Problems in the area of freedom of expression are also pointed out by the HRCttee. The Committee is concerned that the Law on the Standardization of Geographical Names of the Republic, which criminalizes publications using unofficial geographical names, has not been amended and repealed. It is emphasized that this law can be used to restrict freedom of expression. For example, in 2019, the Comptroller General, citing this law, threatened to withdraw subsidies from the newspaper Cyprus Mail after the newspaper used the Turkish name of a village in northern Cyprus.<sup>848</sup>

According to a report published in November 2022 by a special committee of the European Parliament, the leadership of a number of EU countries actively used spyware (Pegasus, Predator, etc.) for political purposes to spy on representatives of the opposition, civil society, business circles, human rights activists and journalists. In many cases, these software products were purchased by the European authorities through specialized companies registered in Cyprus. According to them, the country has become a haven for the re-export of spyware due to the inadequacy of its national legislation and mechanisms of oversight of IT-economic operators. In its resolution of 18 January 2024, the European Parliament reiterated its concern about the illegal use of Pegasus software and others.<sup>849</sup>

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<sup>847</sup> The European Commission. The rule of law situation in the European Union. 2023.

[https://ec.europa.eu/info/publications/2023-rule-law-report-communication-and-country-chapters\\_en](https://ec.europa.eu/info/publications/2023-rule-law-report-communication-and-country-chapters_en)

<sup>848</sup> Concluding observations of the Human Rights Committee on the 5th periodic report of Cyprus. July 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCY%2FCYP%2FCO%2F5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FCY%2FCYP%2FCO%2F5&Lang=ru)

<sup>849</sup> P9\_TA(2024)0050

## Latvia

The human rights situation in the Republic of Latvia remains unfavourable. The nationally-oriented ruling coalition, formed following the parliamentary elections in October 2022, continues to pursue a course of building a mono-ethnic model of the state, while constructing a parallel reality both in everyday life and in the country's historical past. Moreover, Latvia, along with Canada, Lithuania and Estonia, is among the few countries in the world where SS criminals continue to be openly honoured, contrary to the verdict of the Nuremberg Tribunal, as well as numerous international acts, including the annual resolution adopted by the UN General Assembly on combating the glorification of Nazism.

Thus, the Latvian authorities deliberately distort facts and interpret history in order to justify their own disreputable actions. This approach is used everywhere to justify Latvia's blasphemous glorification of Latvian SS legionnaires, Nazi collaborators, and to justify the open struggle against the memory of the Red Army soldiers who liberated Latvia from Nazism. A significant part of the country's Russian-speaking population is in a disadvantaged position and is regarded by the authorities solely as an alien and destabilizing element.

After the beginning of the special military operation of the Russian Federation to denazify and demilitarize Ukraine and protect the civilian population of Donbass, Latvia took the most anti-Russian position among all of the Baltic States. There was a sharp upsurge of Russophobia in the country, and violations of the rights of national minorities became more frequent. In general, for Latvian politicians, the Ukrainian crisis became a convenient occasion to realize their Russophobic aspirations. Under the pretext of fighting the symbols of "Russian aggression", the authorities are carrying out another stage of struggle against historical memory and Russian-speaking residents, thus trying to divert attention from the rapid deterioration of the socio-economic situation.

Official Riga presents this state of affairs as an unwavering intention to continue supporting the Kiev regime. This approach is convincingly illustrated by the words of Latvian Prime Minister K. Kariņš about how the Baltic States have

shown by their own example that "it is more important to support Ukraine rather than to think about short-term good, leaving some ties with the Russian Federation open".<sup>850</sup>

Meanwhile, the residents of Latvia, as well as neighbouring Lithuania and Estonia, felt the full effect of the anti-Russian policy of their own authorities almost immediately after its introduction. The economic situation was also affected by inflation, an increase in utility tariffs, and a drop in GDP and industrial production. In October 2022, the Latvian authorities noted an annualized increase in consumer prices by 22.2 per cent.<sup>851</sup> Food in general went up by 27.5 per cent, sugar – by 63.5 per cent, flour – by 62.2 per cent, butter – by almost 52 per cent, milk – by 43.7 per cent. Utility tariffs jumped by 51.6 per cent over the year.<sup>852</sup>

The deteriorating situation is also recognized in Latvia's National Security Concept adopted in 2023. The document identifies depressing population decline, growing poverty and poor quality of education as the main problems. It also recognizes that depopulation and aging of the population are inevitable in the foreseeable future, which will increasingly affect public administration, weakening its ability to perform the functions of the state. Among other things, the defence, internal affairs and justice sectors will experience problems with personnel. According to the Latvian Statistics Office, the birth rate in the country decreased by 5.8 per cent in the first half of 2022. According to the rating of countries with the most rapidly decreasing population, along with Bulgaria (which is the absolute champion in this respect), Latvia and other Baltic countries will disappear the fastest in the world (Estonia recorded a 9.5 per cent decrease in birth rate and Lithuania – 10.8 per cent).<sup>853</sup>

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<sup>850</sup> <https://www.rubaltic.ru/news/10122022-premer-latvii-rasskazal-kakie-strany-bolshe-vsekh-postradali-ot-antirossiyskikh-sanktsiy/>

<sup>851</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221214-takogo-ne-bylo-nikogda-pribaltika-platit-za-rusofobiyu-nebyvalym-rostom-tsen/>

<sup>852</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221209-pogruzhenie-prodolzhaetsya-sanktsii-protiv-rossii-uvlekayut-strany-pribaltiki-na-dno/>

<sup>853</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20231006-byut-i-po-pasportu-i-po-litsu-rusofobiya-v-pribaltike-ushla-v-narod/>

Latvia is carrying out a deliberate falsification of history and justification of former Waffen-SS legionnaires and Nazi collaborators, who are elevated to the rank of participants in "national liberation movements". The authorities are making deliberate efforts to forcibly revise historical events and glorify Latvian legionnaires under false pretexts of their alleged participation in the "national liberation movement". Along with this, a course has been taken to exclude all Russians from public life and to defeat the rights of the Russian-speaking inhabitants of this Baltic country.

In practice, this is realized in efforts to cultivate nationalistic and Russophobic sentiments among the general public. One of the foundations of this course was the declaration "On Latvian Legionnaires in World War II" adopted by the Latvian Saeima on 29 October 1998. Contrary to the facts is stated that "the purpose of the conscripted and voluntary soldiers was to defend Latvia against the restoration of the Stalinist regime" and that they "never participated in Hitler's punitive actions against civilians". In 2000, a memorial complex was opened in the village of Lestene with the support of the state and donations from the organization "Daugava Hawks", created by the veterans of the Latvian Legion, dedicated to the memory of the participants of that very formation.<sup>854</sup>

In accordance with these attitudes, public efforts to distort and falsify history and justify collaborators are undertaken not only by representatives of right-wing radical forces, but also by representatives of Latvian authorities, including the country's leadership.

In 2022 and 2023, in line with this approach, Latvia openly opposed the fight against glorification of Nazism by voting against the adoption of the annual UN General Assembly resolution "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial

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<sup>854</sup> Accomplices of Nazi crimes. 96 veterans of the Latvian SS Legion who are still alive. A joint report by the Historical Memory Foundation and the Foundation for the Support and Development of Jewish Culture, Traditions, Education and Science. Moscow, 2020. [http://historyfoundation.ru/wp-content/uploads/2020/03/Легиионеры\\_4\\_light.pdf](http://historyfoundation.ru/wp-content/uploads/2020/03/Легиионеры_4_light.pdf)

discrimination, xenophobia and related intolerance" which is repeatedly submitted by Russia and a large number of co-sponsors.

Efforts to whitewash Latvian Nazi collaborators are also being made in the legal sphere. In this regard, it is worth mentioning the decision of the Latvian Prosecutor General in February 2019 to close the criminal proceedings regarding the possible involvement of the Latvian pilot H. Cukurs (who was part of the Arajs Commando – a unit of the Latvian SD auxiliary police and got himself a nickname "Butcher of Riga") in slaughtering the Jewish population of Latvia during WWII. The investigation was conducted since 2006 under Article 71 ("genocide") of the Latvian Criminal Law. The closure of the case was motivated by the fact that the Latvian prosecutor's office found no body of a crime under this Article. The decision was reconsidered and the investigation was reopened only under pressure from the public, Latvian and international Jewish organizations, including after the Council of Jewish Communities of Latvia addressed the Prosecutor General on this issue in May 2019.

The practice of publishing various pseudo-scientific works on "occupation" is used to promote the attitudes of the adherents of the "occupation doctrine" (for example, J. Riekstiņš' "Crimes of the USSR occupation army in Latvia. 1940-1991"). In addition, books aimed at forming a positive image of the Nazis and their accomplices are used as auxiliary literature on history in schools.

Every year on 2 March a commemorative event in honour of the "Forest Brothers" is held in the area of the Stompaku bogs in the Viljaka region, with the participation of the country's officials. During the Great Patriotic War, battles took place in this area between the Soviet state security agencies and the "Forest Brothers". That gang of about three hundred Nazi guerrillas was headed by Peteris Supe, who disembarked in Latvia on 2 October 1944 as a member of the German reconnaissance group "Lapland", and had previously been trained in East Prussia in the Abwehr's 212th Front Reconnaissance Group. In the ranks of the "Laplanders", which had been assembled specifically for this purpose, Peteris Supe was working to unite the scattered anti-Soviet groups and detachments in the vicinity of Abrene,



Viljaka, Balvi, Aluksne, Gulbene, Valka, Cesis and Madona. In addition, the date of 2 March is declared "Day of Remembrance of the Armed Resistance of National Partisans".

On 2 March 2023, a traditional gathering in honour of the "Forest Brothers" was held in Stompaku. The President of the Republic E. Levits made another revisionist speech during his visit to the bunker church and burial grounds of Latvian collaborators, calling to honour the memory of the Latgalians who in March 1945 "won the biggest battle in the history of Latvian national partisans" and "did not submit to the Soviet occupation regime".

Popularization of the "Forest Brothers" is carried out in Latvia, in particular, by means of equipping tourist routes to the places of "military glory" of the "Forest Brothers". Thus, in the area of Stompaku bogs a special trail has been equipped, along which excursions are organized "with various tasks and narration of historical facts". In general, the Baltic States are taking a number of measures to include places associated with the "Forest Brothers" in the network of tourist sites. In May 2021, Latvia and Estonia created a map and brochure of military-historical tourist sites related to the "Forest Brothers" (a total of more than 150 well-maintained "former military sites" with expositions, as well as "natural sites" – battlefields, trenches and bunkers).

Moreover, the "Forest Brothers", many of whom are former Waffen-SS legionnaires, are in a more privileged position, especially when compared to veterans of the Great Patriotic War who fought against the Nazis. Thus, anti-fascist veterans in Latvia cannot claim pension supplements and social security packages. And back in January 2018, through the efforts of the then president of the country, the law "On the Status of a Participant of World War II" was adopted, which effectively equalized Soviet soldiers and "national partisans" who fought on the side of the Nazis.

In February 2023, the Latvian Ministry of Culture announced the transfer of 300 thousand euros to the State Cultural Capital Fund for the filming of the movie

"Invisible Fortress" about the collaborator E. Laumanis, who as a member of the 21st Liepaja Police Battalion took part in the siege of Leningrad.

On 17 March 2023, the "Museum of the Occupation" of Latvia announced the collection of funds in the amount of 75 thousand euros for the construction of a monument "Against Alien Rules" to commemorate the "Forest Brothers".

On the same day, employees of the country's defence industry took part in an event to commemorate the 74th anniversary of the last battle of the "national partisans" in the Ile bunker in the Dobela district.

In 2021-2022, the efforts of the Latvian authorities to glorify Nazism and justify the crimes of Nazi collaborators took unprecedented, unprecedented – by the standards of this country – forms and scales. Latvia has cynically chosen the fight against monuments to soldiers who liberated them from Nazism and the prohibition of the celebration of 9 May as the main focus of its policy.

The pinnacle of many years of revanchist aspirations of the Latvian leadership and the result of many years of efforts by Riga to rewrite history was the legislative enshrinement of bans on celebrating 9 May (in fact, outlawing Victory Day), public display of symbols of victory over Nazism and holding public events near Soviet war memorials.

On 11 November 2021, the Latvian Saeima adopted a number of amendments to the laws "On Safety at Public Entertainment and Festive Events" and "On Festive and Commemorative Days", which prohibited the use of the St. George Ribbon.<sup>855</sup>

On 31 March 2022, the Latvian Saeima passed a package of amendments to the Law on Safety of Public Events, which introduced a ban on holding events within 200 meters of any monument "glorifying the victory and memory of the Soviet Army or its servicemen in Latvia".<sup>856</sup>

On 7 April 2022, the Saeima adopted the Law "on Establishing the Day of Remembrance of the Victims in Ukraine", which declared 9 May a day of mourning

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<sup>855</sup> Latvian Saeima's website: <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/30326-aizliedz-georga-lensu-izmantosanu-publiskos-pasakumos>

<sup>856</sup> Latvian Saeima's website: <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/30860-publiskos-pasakumos-aizliedz-izmantot-militaru-agresiju-un-kara-noziegumus-identificesojuma-stilistika-izmantotus-simbolus>

with a ban on mass and festive events. The law had a "one-time effect" and expired on 11 May 2022.<sup>857</sup>

On 20 April 2023 ("coincidentally" – on Hitler's birthday), the Latvian Saeima passed the Law "On Prohibition of Certain Public Events on 9 May", according to which restrictions are imposed on mass gatherings (marches, meetings, pickets) and the use of pyrotechnic products on that day. The only exceptions are those events dedicated to Europe Day. On 26 April, the law was approved by the Latvian President.

An overwhelming majority of MPs were in favour of the adoption of the bill proposed by the head of the Saeima Commission for Human Rights and Public Affairs, I. Brante (United List party). At the same time, none of the political forces represented in the parliament dared to challenge the approval of this legislation, including representatives of the Russian-speaking electorate from the "For Stability!" party, who cowardly withdrew from the vote, citing the fact that they allegedly did not have "time and opportunity" to familiarize themselves with the text of the bill.

Despite the imposed legislative prohibitions, the local authorities also made practical attempts to prevent the mass laying of flowers at the Monument to the Liberators in Riga's Victory Park on 9 May 2022: on the night of 8 May 2022, the state police, without warning, erected fences around the perimeter of the Monument and closed the nearest public transport stops, blocking access to it for ordinary residents of the capital. Nevertheless, thousands of concerned citizens came to honour the memory of the fallen Soviet heroes.

On 9 May 2022, law enforcement agencies detained 35 people and initiated 49 administrative cases, most of them for "use of symbols glorifying military aggression and war crimes"<sup>858</sup>, meaning the St. George Ribbon, which was understood to be the George Ribbon. On the morning of 10 May 2022, the

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<sup>857</sup> Latvian Saeima's website: <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/30909-sogad-9-maija-latvija-piemines-krievijas-agresijas-ukraina-upurus>

<sup>858</sup> <https://lv.sputniknews.ru/20220510/v-latvii-9-maya-byli-zaderzhany-35-chelovek-i-nachato-49-ugolovnykh-protsessov-21757072.html>

authorities savagely cleared the flower-strewn square near the Monument with the help of an excavator.

The sacrilegious actions of the authorities against the memory of the fallen liberators caused a just outburst of indignation among many Riga residents, who continued to bring flowers to the Monument on 10 May 2022. On the evening of the same day, Latvian nationalist patriots, with the help of the state police, forcibly cleared Victory Park of visitors and cordoned off access to the Monument until 31 August 2022.

In light of these events, the most resonant case was the arrest of Latvian citizen A. Dubjago, who came to the Monument with a Russian flag to honour the memory of Soviet soldiers. Despite the fact that the young man did not proclaim or promote political slogans, law enforcers charged him without any grounds under Paragraph 1, Article 74 of the Criminal Code – "Justification of genocide and war crimes", which provides for punishment of up to five years in prison.

He was held in the same cell with HIV patients until June 2023, when he was finally released on his own recognizance. On 30 December 2022, due to the absence of body of a crime, the trial was terminated and the proceedings were transferred to those administrative under Article 13 of the Law on Administrative Offenses (in the sphere of public order and use of the state language). The reason for the "favour" was mainly the student's appeal to the ECHR (a separate closed session of the Latvian Cabinet of Ministers in April 2022 was dedicated to this issue).

The attempts of local residents to celebrate 9 May online were not left without a reaction from the law enforcement agencies of the republic. Thus, on 19 July 2023, referring to Articles 13 and 131 of the Law "On Administrative Penalties for Offenses in the Sphere of Administration, Public Order and Use of the State Language", the Latvian State Police began to impose fines on a massive scale on residents of the republic who published congratulations on Victory Day in their social media accounts.

In a "preventive" manner, the Latvian authorities also took measures in 2023 to prevent the Russian Embassy from organizing public events on the occasion of the 78th anniversary of the Victory in the Great Patriotic War.

Thus, on 24 April 2023, the Latvian Foreign Ministry, in response to a note from the Embassy about the planned laying of flowers and wreaths on the occasion of Victory Day at fraternal war graves, cynically informed the Russian diplomatic mission that "in the Republic of Latvia the Day of the Defeat of Nazism and Remembrance of the Victims of WWII is celebrated on 8 May" and, referring to the law adopted by the Parliament, pointed to the ban on holding festive events on 9 and 10 May.

In response to a request from the Russian Embassy for further clarification on the possibility of laying flowers at Soviet war memorials on Victory Day, representatives of the Latvian Foreign Ministry invited the Russian Charge d'Affaires "for a conversation", during which they handed another note warning that "collective public events" of the diplomatic mission would be considered contrary to the Law "On Prohibition of Certain Public Events on 9 May" and calling "to comply with Latvian legislation".

The Latvian authorities did not stop at these anti-Russian steps, continuing to "level" the risks of mass gatherings of Russian compatriots as the memorable date approached. On 26 April 2023, the Latvian State Security Service published a statement calling on people to report "provocations" planned for 9 May, meaning by those the attempts by local residents to organize the laying of flowers at the dismantled memorials.

In addition to the restrictions imposed, Latvian authorities took steps to prevent mass 9 May celebrations and flower laying at the site of destroyed Soviet memorials, including the Victory Park area. On the night of 8-9 May, Latvian police officers erected fences around the perimeter of the Monument, blocking access to the site for residents of the capital. On 10 May, Latvian police officers covered a wreath in the colours of the Russian flag laid by employees of the Russian Embassy with wilted flowers at the Pokrovsky Cemetery in Riga. The police threatened the

representative of the Embassy, who tried to return the flower arrangement to its former appearance, that this action would entail administrative liability.

In addition, the Latvian authorities prevented the celebration of 9 May in any form by all means available to them. For example, on Victory Day, law enforcement officers on duty outside the Russian Embassy detained a veteran of the Great Patriotic War who was leaving the diplomatic mission after attending a Victory Day reception "for displaying Soviet symbols".

Latvian law enforcers also persecuted local residents for trying to celebrate 9 May online. On 19 July 2023, the Latvian police, referring to Articles 13 and 131 of the Law "On Administrative Penalties for Offenses in the Field of Administration, Public Order and Use of the State language", massively started administrative proceedings against Latvian residents who had published Victory Day greetings in their social media accounts.

Since 2022, the Latvian authorities, in the heat of ultra-nationalist upheaval, have intensified their efforts to destroy Soviet memorial heritage and falsify history. On 12 May 2022, Latvian Saeima deputies urgently legitimized the "dismantling" of the Monument to the Liberators in Victory Park, suspending Article 13 of the 1994 Russian-Latvian Intergovernmental Agreement on Social Protection of Military Pensioners, under which Latvia was obliged to protect Soviet memorials on its territory.<sup>859</sup> The members of the Saeima Foreign Affairs Commission, who authored the amendments, in justifying this cynical action, explicitly stated that "Latvia's obligations under Article 13 of the Agreement no longer apply to such a structure as the Monument".

In order to implement the aforementioned decision, on 13 May 2022, Riga City Council deputies at an extraordinary meeting voted by a majority of votes (39 against 13) for the demolition of the Monument to the Liberator Warriors.<sup>860</sup>

Having prepared the necessary legislative ground, local radicals launched a massive campaign to demolish Soviet memorials, focusing their efforts on the main

<sup>859</sup> <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/31022-saeima-aptur-latvijas-un-krievijas-divpuseja-liguma-darbibu-attieciba-uz-memorialajam-buvem-un-pieminekliem>

<sup>860</sup> <https://www.riga.lv/lv/jaunums/rigas-dome-uzdod-demontet-padomju-pieminekli-uzvaras-parka>

symbol of victory over Nazism – the Monument to the Liberators of Riga from Nazi invaders.

The dismantling of the monument was accompanied by insulting statements of the first persons of the republic. In particular, Latvian President E. Levits publicly called the memorial a "thorn in the soul of Latvians".<sup>861</sup> Former president Vīķe-Freiberga, whose family together with her fled from Latvia in 1944 away from the advancing Red Army to Nazi Germany and later settled in Canada for many decades, called the monument "a pillar of shame from the feudal times".<sup>862</sup> Latvian Prime Minister K. Karins, for his part, said that "thanks to the demolition of the monument, Latvia has finally freed itself from the consequences of the occupation, as well as from the feeling that it is not in control of its land".<sup>863</sup>

E. Rinkevich, then Minister of Foreign Affairs, warned against participation in protests in connection with the forthcoming demolition of the Monument, directly threatening all foreigners, regardless of citizenship and nationality, who would be found guilty of "illegal and unauthorized actions" during its dismantling, with expulsion from the country.<sup>864</sup>

Latvian authorities started demolishing the Monument on 23 August 2022, the 33rd anniversary of the Baltic Way, and on 25 August 2022, the last element of the memorial, a 79-meter stele, was dismantled.

Numerous appeals from the Russian side to the Riga authorities to assist in evacuating the Monument to the territory of Russia and to prevent its destruction were uncompromisingly rejected.

It is also indicative that the Latvian authorities, in the nationalist frenzy of the campaign to demolish the Monument to the Liberators of Riga, completely ignored

<sup>861</sup> <https://mixnews.lv/latviya/2022/05/03/eto-zanoza-v-dushe-latyshey-levits-vyskazalsya-za-snos-pamyatnika-v-pardugave/>

<sup>862</sup> <https://rus.tvnet.lv/7591608/vike-feyberga-tak-nazyvaemyy-pamyatnik-pobedy-vsegda-byl-pozornym-stolbom>

<sup>863</sup> <https://rus.delfi.lv/news/daily/latvia/karinsh-demontazh-pamyatnika-sovetskoj-armii-zasluga-vseh-zhitelej.d?id=54676918>

<sup>864</sup> Latvian Foreign Minister Edgars Rinkevics' X account:

[https://twitter.com/edgarsrinkevics/status/1561758450819932162?ref\\_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1561758450819932162%7Ctwgr%5Ed4ee205f51e54b8cf1869317465444b78207c4cl%7Ctwcon%5Esl\\_&ref\\_url=https%3A%2F%2Fbb.lv%2Fstatja%2Fpolitika%2F2022%2F08%2F22%2Fsos-pamyatnika-osvoboditelyam-glava-mid-latvii-predupredil-inostrancev](https://twitter.com/edgarsrinkevics/status/1561758450819932162?ref_src=twsrc%5Etfw%7Ctwcamp%5Etweetembed%7Ctwterm%5E1561758450819932162%7Ctwgr%5Ed4ee205f51e54b8cf1869317465444b78207c4cl%7Ctwcon%5Esl_&ref_url=https%3A%2F%2Fbb.lv%2Fstatja%2Fpolitika%2F2022%2F08%2F22%2Fsos-pamyatnika-osvoboditelyam-glava-mid-latvii-predupredil-inostrancev)

the opinion of international human rights mechanisms and their obligations under international treaties. On 26 August 2022, the UN Human Rights Committee (HRCttee) addressed the Latvian Ministry of Foreign Affairs in connection with complaints received regarding violations of the International Covenant on Civil and Political Rights (attempt of public activists to suspend the dismantling of the Monument to the Liberators of Riga and Latvia). The Committee's appeal did not prevent the demolition of the monument, but the Latvian government was ordered to provide the HRC experts with an explanation of the situation by 26 February 2023. Latvian Foreign Ministry spokeswoman D. Eglite, commenting on the appeal of the HRCttee received by the Latvian authorities, said the following: "The Committee is not a court, and its conclusions are not legally binding on the country".

The Liberators Monument in Riga has been an irritant for right-wing nationalists before. Options have been proposed to rename or transform the memorial to reflect its alleged "true meaning". The initiative to demolish it was discussed within the framework of a working group formed in the Latvian Saeima. The possibilities of the Internet were used. An incorrect "translation" into Latvian as "Okupācijas piemineklis" ("Monument to the Occupation") was placed opposite the Russian-language name of the monument "Victory Monument" in the Google Maps service. The administrators of the American resource did not respond to the complaints.

The Monument to the Liberators of Riga was one of the first to fall victim to vandalism of monuments to Red Army soldiers who liberated the country from Nazism during WWII, which spread across Latvia after the start of a special military operation to demilitarize and denazify Ukraine. On 24 February 2022, vandals poured paint over the monument. Later, a hooligan tried to smash the monument with a hammer. The police detained the intruder. Against this background, Latvian Justice Minister J. Bordans called for the monument to be dismantled, describing it as a threat to national security and urging the Latvian authorities to find loopholes to circumvent the provisions of the agreement with Russia protecting the memorial.



In 2022, the Latvian authorities intensified their efforts to destroy memorials in honour of the Red Army soldiers, providing a legislative basis for their actions. On 16 June 2022, the Saeima passed the Law "On the Prohibition of Exhibiting and Displaying Objects Glorifying the Soviet and Nazi Occupation Regimes in the Territory of the Republic of Latvia" on an accelerated basis<sup>865</sup>, which enforces an obligation on local authorities to demolish the Soviet memorials before 15 November 2022. About 300 Soviet memorials dedicated to the Red Army soldiers who liberated Latvia from Nazism fall under the scope of this law.

President Levits, who lived most of his conscious life in Germany until 1991, publicly supported this act, noting that it was dictated by the desire to prevent "any glorification of Russia's imperial ideology in the public space".

On 14 July 2022, the Latvian government approved a list of 69 Soviet monuments subject to mandatory liquidation by 15 November.<sup>866</sup>

In 2022, the number of cases of desecration of Soviet war memorial sites in Latvia increased dramatically.

If for the whole year 2021 the Russian Embassy in Latvia noted four acts of vandalism against Soviet monuments on the territory of the Republic of Latvia, then as of 1 July 2023, 22 Soviet monuments and 5 fraternal war graves (FWG) were desecrated, more than 120 monuments and 4 FWGs were illegally dismantled.

In a number of cases such blasphemous acts were approved by local legislative bodies. In particular, it is known about the approval of such acts by the regional councils of Ogre and Jelgava.

The attitude of Latvian local authorities and their specific leaders is also demonstrated by the fact that a number of local governments took the initiative in the demolition of Soviet memorials without waiting for the legislative amendments to come into force. Thus, on 31 May 2022, Sigulda authorities announced plans to dismantle three monuments: a memorial to the Panfilov's Division in Malnīls, a

<sup>865</sup> <https://www.saeima.lv/lv/aktaalitates/saeimas-zinas/31190-saeima-pienem-likumu-padomju-un-nacistisko-rezimu-slavinosu-objektu-demontazai>

<sup>866</sup> The list of the sites glorifying Soviet and Nazi regimes that are subject to demolishing in the territory of the Latvian Republic: <https://likumi.lv/ta.id/334177-latvijas-republikas-teritorija-esoso-demontejamo-padomju-un-nacistisko-rezimu-slavinoso-objektu-saraksts>

memorial to the Communist Youth Union conference and a memorial stone in Sigulda dedicated to Soviet prisoners of war.

On 14 June 2022, in violation of Latvia's international legal obligations, the authorities of the city of Jekabpils started the practical implementation of the unlawful decision of the regional council to liquidate the fraternal war grave located at 205 Rigas Street, in close proximity to the memorial complex. Heavy machinery was used to destroy the pedestal of the monument to Soviet artillerymen and exhume the remains of three Soviet officers buried under it. On the same day, the memorial complex adjacent to the burial site was demolished in memory of the heroes of the Soviet Union who died during the Krustpils operation. The head of the Jekabpils Regional Council R. Ragainis allowed himself to publicly call the dismantled memorial stones "concrete pieces that have no historical value".

The monument in Jekabpils has been attacked by vandals before. On 24 February 2021, a 76-mm gun was stolen from the monument's pedestal. Despite the fact that Latvian law enforcement authorities initiated a criminal case on this fact, the perpetrators were not prosecuted.

On 25 October 2022, the Liepaja authorities demolished the monument to the defenders of the city, erected on the embankment of the Liepaja Canal at the Parade Square in 1960 to commemorate the events of 22-29 June 1941, when the city was defended from the Nazi troops.<sup>867</sup>

At the end of October 2022 in Latvia, heavy machinery damaged a part of the memorial "Friendship Mound", which is located near the border of Latvia, Russia and Belarus.<sup>868</sup> The memorial complex was built in 1959. It is a symbol of the heroic struggle of Russian, Belarusian and Latvian partisans during the Great Patriotic War. A month later, at the end of November, Latvian authorities destroyed the pedestrian bridge over the Siniukha River near the monument.<sup>869</sup>

<sup>867</sup> <https://www.rubaltic.ru/news/25102022-v-liepae-snosyat-pamyatnik-zashchitnikam-goroda/>

<sup>868</sup> <https://www.rubaltic.ru/news/29102022-v-latvii-razrushili-chast-memoriala-kurgan-druzhby-na-granitse-s-rossiey-i-belarusyu-video/>

<sup>869</sup> <https://www.rubaltic.ru/news/24112022-latviya-razrushila-peshekhodnyy-most-u-kurgana-druzhby-na-styke-granits-rossii-i-belarusi/>

On 31 October in Daugavpils two monuments dedicated to Soviet soldiers were demolished – a stele in the Glory Square and a memorial on 18 November Street, opposite the Fraternal cemeteries. At the same time, the mayor of the city and local residents opposed the dismantling of the monuments. On the day of the demolition, the police cordoned off the monument and eventually detained 37 people and drew up reports on them, including for singing songs allegedly glorifying the hostilities.<sup>870</sup>

On 4 November 2022 in Ludza, the memorial dedicated to the soldiers of the Second Baltic Front who liberated Latvia from the Nazis in July 1944 was demolished with the permission of the city administration.<sup>871</sup>

On 6 November 2022, a monument to Soviet partisans, memorial plates and tombstone with the names of buried Red Army soldiers (about 30 people) were demolished in the village of Shkiaun, Dagda region. The monument was levelled with the ground by heavy construction machinery. The remains were not exhumed.

On 9 November 2022, the last of the large monuments to Soviet soldiers on the territory of the country – the monument in Rēzekne known as "Alesha" – was demolished. The mayor of the city A. Bartashevich stated that the demolition of "Alyosha" was a desecration of memorials and an act of vandalism. But the central authorities did not hear him.<sup>872</sup> In an address to the citizens on 8 November the mayor said that the options he had proposed, which would have involved moving the monument to one of the city's cemeteries, had been rejected by Riga. Latvia also ignored the opinion of the UN Human Rights Committee, which urged that the monument be preserved.

In the evening of 19 November 2022 in the city of Jurmala, unknown persons stole 16 memorial slabs that stood in the military fraternal cemetery in the Bulduri district, where Soviet soldiers are buried.<sup>873</sup>

<sup>870</sup> <https://www.rubaltic.ru/news/31102022-v-latvii-snesli-dva-pamyatnika-sovetskim-voinam-vopreki-protestam-zhiteley/>

<sup>871</sup> <https://www.ntv.ru/novosti/2731241/?ysclid=lm4gka9hk843892631>

<sup>872</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221125-potomki-kollaborantov-prodolzhayut-perepisyvat-istoriyu-pribaltiki/>

<sup>873</sup> <https://www.rubaltic.ru/news/20112022-v-latvii-oskvernili-bratskoe-zakhoronienie-sovetskikh-soldat-/>

Of serious concern are the increasing cases of reburial of Soviet servicemen's remains in circumvention of the current Russian-Latvian agreement "On the Status of Burial Sites" of 2007, under which the parties undertook to ensure "the arrangement, maintenance and protection of burial sites on the territory of the States" and to rebury remains from burial sites where the original burial took place "only with the consent of the other party".

Thus, in addition to the unauthorized exhumation of the remains of Soviet soldiers in Jekabpils, similar illegal actions took place with regard to mass graves in Rudbarji settlement and Jaunsatu parish, as well as in Shkiaune settlement, where the grave was simply destroyed. In July 2023, the Balva Regional Council announced the decision to exhume the remains of Soviet partisans buried in Viljaka. The monument of the same name, erected at the burial site, was supposed to be destroyed.

Even monuments erected in honour of Latvian Red Army soldiers are demolished. For example, on 9 May 2022 in Tome village, Ogre region, a monument to the famous Latvian scout A.Roza and the reconnaissance group "Baikal" led by him was demolished. During the Great Patriotic War A. Roze and his group sent important information to the headquarters of the 1st Baltic Front about the movement of Hitler's troops and the enemy's construction of fortifications near Riga.<sup>874</sup>

Latvian authorities have gone so far as to periodically publish official statistics on their efforts to destroy monuments to those who fought against Nazism. As of 14 November 2022, 124 monuments to Red Army soldiers were dismantled in Latvia. This was announced by the head of the public relations department of the Ministry of Culture, L. Kokale. According to her, the local governments of the Baltic republic reported on the demolition of 69 objects, which were to be dismantled by the Cabinet of Ministers by 15 November. Another 55 objects were demolished by the municipalities on their own initiative.<sup>875</sup>

<sup>874</sup> <https://lv.sputniknews.ru/20220511/v-poslke-tome-snesli-pamyatnik-legendarnomu-latyshskomu-razvedchiku-21766017.html>

<sup>875</sup> <https://www.rubaltic.ru/news/14112022-v-minkultury-latvii-nazvali-chislo-snesennykh-sovetskikh-pamyatnikov/>

In 2023, on the eve of Victory Day, numerous cases of desecration of the remaining memorials to Soviet soldiers were also recorded. Acts of vandalism were committed against war graves in Riga's Bergi neighbourhood, Jaunpiebalgi settlement, and city of Valmiera.

It is also indicative in this respect that official Riga widely applies repression to those who oppose their course of destruction of memorials. Latvian security services initiate investigations and disciplinary inspections against those city governors who try to oppose or "sabotage" (delay) the demolition of memorials to Red Army soldiers. In particular, on 9 November 2022, the mayor of Daugavpils A. Elksnins was summoned to the Latvian State Security Service for explanations because of his interview with a local TV channel, in which he condemned the dismantling of Soviet memorials in Latvia and called Crimea part of Russia.

By 2023, most of the memorials to Red Army soldiers had been demolished. Some of the surviving memorials were temporarily forgotten because they were located in low-traffic areas, but they are gradually being "found" as well. For example, in November 2023 in Riga's Aģenskalns district, the monument to Z. Ozole, a nursing instructor of the 43rd Guards Latvian Rifle Division, who died in the battles near Staraya Russa, was destroyed. The memorial stone was erected in Soviet times near the school where Z. Ozole studied<sup>876</sup>.

Latvian MPs from nationalist parties, dissatisfied that the 2022 campaign of mass demolition of Soviet monuments did not lead to the complete disappearance of monuments to Soviet soldiers in Latvia, put forward a new initiative in 2023.

At the end of October 2023, several committees of the Latvian Parliament received proposals from members of the National Bloc faction (A. Kiršteins, E. Shnors, N. Puntulis, I. Indriksone, A. Butans, J. Vitenbergs and J. Dombrava) to liquidate all remaining monuments and memorials of Soviet soldiers located in crowded places in the country. The remains buried under these monuments are

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<sup>876</sup> <https://iz.ru/1597381/viktor-nedelin/nechestivoe-plemia-v-latvii-khotiat-raskopat-mogily-sovetskikh-soldat>

proposed to be transferred to fraternal cemeteries in hard-to-reach places, similar to what happened in Estonia in 2022.<sup>877</sup>

In 2023, another trend regarding monuments appeared in Latvia, namely the fight against Russian historical memory. A vivid proof of this was the demolition in Riga of the monument to the great Russian poet Alexander Pushkin in May 2023 and the monument to Academician M.V. Keldysh, one of the authors of the Soviet outer space program, who was born in Riga, in October 2023.<sup>878</sup> It is indicative that the vice-mayor of Riga L. Ozola described the demolition of the Pushkin monument as its "removal" from Kronvalda Park and its delivery for storage to be later handed over to the Museum of the Latvian Union of Artists.<sup>879</sup>

It is regrettable to note that a negative trend has been firmly established in Latvia as a whole. Numerous notes from the Embassy of the Russian Federation addressed to the Latvian Ministry of Foreign Affairs demanding that international obligations in the war memorial field be fulfilled in good faith and that unilateral unlawful actions by local governments be stopped are invariably left unheeded by the Latvian authorities. Until recently, the consequences of acts of vandalism have been eliminated only thanks to the initiative of local residents, despite the fact that local governments are responsible for the maintenance and preservation of memorial sites. Now the authorities intend to prevent such initiatives of local residents.

It is noteworthy that representatives of Latvian authorities of various levels not only justify the destruction of monuments in honour of the Red Army soldiers who liberated Latvia from the Nazis, but also allow blasphemous statements about these monuments, comparing them to garbage and promising to destroy them accordingly. For example, the head of the Jekabpils Regional Council R. Ragainis, as mentioned above, allowed himself to publicly call the dismantled monuments from the fraternal war grave and the adjacent memorial "concrete pieces that have no historical value". The head of the Ogre Regional Council, E. Helmanis, who actively supported the demolition of four monuments in honour of Soviet soldiers

<sup>877</sup> <https://iz.ru/1597381/viktor-nedelin/nechestivoe-plemia-v-latvii-khotiat-raskopat-mogily-sovetskikh-soldat>

<sup>878</sup> <https://iz.ru/1597381/viktor-nedelin/nechestivoe-plemia-v-latvii-khotiat-raskopat-mogily-sovetskikh-soldat>

<sup>879</sup> <https://iz.ru/1520664/2023-05-30/v-rige-zaiavili-o-perevozke-pamiatnika-pushkinu-iz-kronvaldskogo-parka>

and officers who fell during the liberation of Latvia from the Nazis and the monument to the diplomatic courier Teodor Netta, cynically stated that the monument demolished in Madliene would be used for road construction work.<sup>880</sup>

Mayor of Riga, Mārtiņš Staķis, also "rose to the occasion" by declaring that no parts of the Liberators' Monument would be preserved after its demolition and promising to recycle the monument completely, claiming it had no artistic value.<sup>881</sup> As the media pointed out, the Riga City Council turned its press conference on the demolition of the monument into a TV series to satisfy the vindictive urges of Russophobes.<sup>882</sup>

Moreover, the Latvian authorities are deliberately distorting the facts and interpreting history in order to justify their own dishonourable actions. Now a similar approach is being used to justify Latvia's apparent glorification of Latvian SS legionnaires, Nazi accomplices, and an open struggle against the memory of the Red Army soldiers who liberated Latvia from Nazism.

On 14 October 2022, a month and a half after the demolition of the monument to the Liberators of Riga, the Latvian Foreign Ministry responded to Russia's protests sent as early as 24 August. Parallels were drawn between modern Russia and the USSR which had "occupied" Latvia after Molotov-Ribbentrop Pact. It was then concluded that the exploits of the Soviet army were cultivated by Russia to justify its own "aggressive geopolitical ambitions". On these grounds, the Foreign Ministry rejected Russia's note of protest and allegations of violation of Article 13 of the bilateral agreement, pointing out that Latvia had been "honestly" fulfilling the said agreement for 30 years.

This was then followed by a conclusion that with the start of the "Russian aggression in Ukraine", the Liberators of Riga Monument turned into a "symbol of violence and threat", standing no chance to exist in a "democratic Latvia". Then

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<sup>880</sup> <https://lv.sputniknews.ru/20220511/v-poslke-tome-snesli-pamyatnik-legendarnomu-latyshskomu-razvedchiku-21766017.html>

<sup>881</sup> <https://lenta.ru/news/2022/08/03/monument/>

<sup>882</sup> <https://lv.sputniknews.ru/20220804/ne-razbirat-po-chastyam-no-i-ne-vzryvat-kak-budut-snosit-pamyatnik-osvoboditelyam-22415313.html>

came the conclusion that the "aggression" compelled the world community to reconsider its attitude to symbols associated with the Soviet Army.

In February 2024, the Russian Ministry of Internal Affairs put some 60 Latvian politicians on a wanted list in the case of the destruction of graves (Article 243.3 of the Criminal Code of the Russian Federation). The wanted list includes 15 out of 38 Riga City Council members who have decided to demolish monuments to Soviet soldiers, including current mayor of Riga, Vilnis Kirsis, and his predecessor, Mārtiņš Staķis, as well as 59 out of 68 Saeima members who have voted in favour of terminating the Russian-Latvian agreement on preserving Soviet monuments. Also wanted are some cabinet members – Latvia's Agriculture Minister Armands Krauze, Finance Minister Arvils Ašeradens and Justice Minister Inese Lībiņa-Egnere – and Marija Golubeva, who held the post of the Interior Minister until May 2022.<sup>883</sup>

Such steps are monitored by the Latvian authorities. On 6 December 2022, for example, the Ministry of Foreign Affairs of the Republic of Latvia, taking into account the criminal investigations conducted by the Investigative Committee of the Russian Federation regarding the dismantling of Soviet monuments in the Baltic States, published recommendations to Latvian civil servants on how to travel abroad. In its recommendations, the Ministry warned them against visiting countries with which Russia "maintained close legal cooperation"<sup>884</sup> (in September 2022, the Russian Investigative Committee reported that officers were working on 16 investigations into 143 cases of desecration or destruction of or damage to war graves, monuments and memorials to Soviet soldiers; 173 foreign nationals from Latvia, Lithuania, Estonia, Poland and Ukraine were indicted in absentia for the said offences<sup>885</sup>).

<sup>883</sup> <https://nashrezekne.lv/snos-pamyatnikov-rossiya-obyavila-v-rozysk-bolee-60-deputatov-sejma-latvii/>

<sup>884</sup> On recommendations to officials on travelling outside Latvia in connection with activities initiated by the Investigative Committee of the Russian Federation: <https://www.mfa.gov.lv/lv/jaunums/par-rekomendacijam-amatpersonam-celosanai-arpus-latvijas-saistiba-ar-krievijas-izmeklesanas-komisijas-uzsaktajam-darbibam>

<sup>885</sup> <https://www.rubaltic.ru/news/12092023-sk-rossii-zaochno-obvinil-grazhdan-stran-baltii-i-polshi-v-oskvernenii-sovetskikh-pamyatnikov/>



While waging a fierce battle against Soviet monuments and historical heritage, the Latvian authorities continued their efforts to glorify the Latvian Waffen-SS legionnaires and shelter surviving collaborators from the court.

In September 2021, the competent authorities of the country refused Belarus legal assistance in the criminal case of genocide during the Great Patriotic War and did not allow the interrogation of 22 members of the Latvian SS Legion, citing possible "damage to the sovereignty of the Republic of Latvia".

The Prosecutor General's Office of Belarus made the request in June 2021,<sup>886</sup> after the Historical Memory Foundation and the Foundation for the Support and Development of Jewish Culture, Traditions, Education, and Science published a report titled "Accomplices of Nazi crimes. 96 veterans of the SS Latvian Legion who are still alive". It contained information on almost a quarter of the approximately 400 former Latvian SS legionnaires living in Latvia and abroad, at least some of whom may have been involved in serious crimes during WWII. It identified 22 former members of the SS Legion in Latvia, as well as 19 in Australia, 2 in Argentina, 3 in Brazil, 4 in the United Kingdom, 16 in Canada, and 33 in the United States.<sup>887</sup>

As noted in the report, between 1991 and 2020, not a single Nazi collaborator from the Latvian SD Auxiliary Security Police, Latvian police battalions or other units of the Latvian SS Legion was convicted of war crimes or crimes against humanity. The only exception was the case of Konrāds Kalējs, the commander of the Salaspils camp guard who had been involved in mass murder of Jews. After revealing the details of Konrāds Kalējs's World War II biography and the stripping of his US citizenship in 1994, the Latvian authorities belatedly sent a request to Australia for his extradition as late as 2000, a year before his death. Due to bureaucratic delays on the part of the authorities of the United States, Canada, the

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<sup>886</sup> The General Prosecutor's Office of Belarus to summon the living veterans of the Latvian SS Legion for questioning. History Foundation 24 June 2021. <http://historyfoundation.ru/2021/06/24/genprokuratura-belarusi-vyzovet-na-dopros-nyne-zhivyh-veteranov-latyshskogo-legiona-ss/>

<sup>887</sup> Accomplices of Nazi crimes. 96 veterans of the SS Latvian Legion who are still alive. Joint Report of the Historical Memory Foundation and the Foundation for the support and development of Jewish culture, traditions, education and science. Moscow, 2020. [http://historyfoundation.ru/wp-content/uploads/2020/03/Легиионеры\\_4\\_light.pdf](http://historyfoundation.ru/wp-content/uploads/2020/03/Легиионеры_4_light.pdf)

United Kingdom and Australia, as well as delay with the request from Latvia, the war criminal, who had left many obvious traces, was never brought to justice.<sup>888</sup>

Continuing its work to identify Nazi collaborators, in 2021 the Historical Memory Foundation published a report titled "Retired Butchers. Latvian Nazi Criminals Serving in the CIA". The study establishes the identities of 23 Latvian nationals who collaborated with American intelligence in the late 1940s to 1960s. The report clearly shows that most Latvian CIA agents served the Nazis during WWII, and many of them were directly involved in crimes against humanity, including the Holocaust, punitive operations against civilians in Soviet republics, and the blockade of Leningrad. Among these criminals is Jānis Cīrulis who, as a member of a special unit of the Security Police and the SD, was involved in the mass murders of civilians in Latvia and the USSR, including those at the village of Zhestyanaya Gorka (Novgorod Region).

The violent reaction of Latvian ultra-patriots to the Belgian authorities' decision to demolish the monument to Latvian Waffen-SS legionnaires in Zedelgem, erected in 2018 (dismantled on 31 May 2022), is also noteworthy.

In addition, in December 2021, Latvian Minister of Culture Nauris Puntulis (from the "National Alliance" party) spoke in defence of the monument, urging "to respect the memorial", and the official representative of the above-mentioned political party Laima Melkina stated that "attempts to accuse Latvian legionnaires of Nazi war crimes and the Holocaust clearly contradict the decisions of the Nuremberg Tribunal". The Latvian Embassy in Belgium sent a note on this matter to the Belgian Foreign Ministry, and Latvian Foreign Minister Edgars Rinkēvičs addressed a letter to the leadership of Flanders.

Latvia regularly holds events to honour former Waffen-SS legionnaires.

On 16 November 2021, the Saeima of the Republic of Latvia officially approved the establishment of the National Partisans Armed Resistance

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<sup>888</sup> Accomplices of Nazi crimes. 96 veterans of the SS Latvian Legion who are still alive. Joint Report of the Historical Memory Foundation and the Foundation for the support and development of Jewish culture, traditions, education and science. Moscow, 2020. [http://historyfoundation.ru/wp-content/uploads/2020/03/Легиионеры\\_4\\_light.pdf](http://historyfoundation.ru/wp-content/uploads/2020/03/Легиионеры_4_light.pdf)

Remembrance Day on 2 March to commemorate the fight of the Forest Brothers near the Stompaku bog in the Viljaka region.<sup>889</sup>

Events dedicated to this day were held in 2022 for the first time, under the auspices of the official State Day of Remembrance, during which President of Latvia, Egils Levits, opened a memorial to "national partisans" – in fact, open Nazi collaborators – buried in Stompaku.

On 16 March 2022, on the day of remembrance of Latvian Waffen-SS legionnaires, traditional procession of sympathizers of "national heroes" was held, attended by members of nationalist organization, "Daugava Hawks, " dressed in uniforms with Nazi chevrons. As before, "National Alliance" members – Imants Parādnieks and Jānis Iesalnieks, advisors to the Prime Minister of Latvia; Raivis Dzintars, leader of the party; and Saeima member Jānis Dombrava – took part in the procession to the songs of the Waffen-SS Legion. Igor Shishkin, a well-known Latvian extremist and a former member of the banned Pērkonkrusts movement (an antisemitic nationalist group), was also present there.

However, the Riga City Council rejected the Latvian Anti-Nazi Committee's application to hold a parallel event against the justification of Latvian punitive division's crimes. On the same day, Saeima Speaker Ināra Mūrniece "honoured" the legionnaires' cemetery in the village of Lestene with her presence, where she laid flowers and gave another revisionist speech. In particular, she said she was honouring "the memory of the fallen, missing and forgotten legionnaires destined to fight in World War II with German insignia on their uniforms".<sup>890</sup>

Before 16 March 2023, the Latvian Ministry of Foreign Affairs published a brochure on the "significance" of this day "for the history of the Republic", claiming that the events taking place on this occasion were dedicated to the memory of those who had been "forcibly" and "against their will" mobilized into Wehrmacht units and had become "martyrs" being caught between the millstones of two totalitarian

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<sup>889</sup> The Saeima introduces several new days of remembrance: <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/29929-saeima-nosaka-vairakas-jaunas-atceres-dienas>

<sup>890</sup> <https://www.saeima.lv/lv/aktualitates/saeimas-zinas/30762-inara-murniece-lestene-godinam-un-pieminam-ikvienu-latviesu-karaviru-kurs-cinijies-par-brivu-latviju>

regimes. At the same time, the Latvian Foreign Ministry lied in a press release that the procession did not "involve top state officials and members of the government" and did not "use symbols of Nazi Germany, which are banned in Latvia". Years of practice show exactly the opposite.

And on the very day of 16 March 2023, under the auspices of "Daugava Hawks", the traditional procession in memory of the Latvian SS legionnaires took place once again. The procession was led by priest Guntis Kalme, mayor of Ogre municipality Egils Helmanis, chairman of the national-conservative "National Alliance" party Raivis Dzintars and some members of the party: chairman of the Saeima's National Security Commission Jānis Dombrava, advisor to the Minister of Communications Jānis Iesalnieks, Imants Parādnieks and Edvīns Šnore. Some marchers were wearing uniforms with Nazi chevrons, and the Waffen-SS anthem was played during the demonstration.

The Latvian Foreign Ministry's attempt to conceal the participation of high-ranking members of the government in the Waffen-SS commemoration did not prevent Deputy Prime Minister and Defence Minister Ināra Mūrniece from once again visiting the legionnaires' cemetery in Lestene. In particular, in her new revisionist speech, the politician called the Latvian Nazis "part of the nation's history" and promised "to cherish the memory thereof".

The meeting of "national patriots" in Riga was not without incidents: Andrei Pagor, a member of the Jelgava City Council and co-chairman of the Latvian Anti-Nazi Committee, was arrested for displaying a poster commemorating the crimes of Latvian collaborators.

The Latvian Anti-Nazi Committee, which in previous years had organized its own events to demonstrate the true nature of Latvian SS legionnaires, did not apply for a permit to hold a counter-demonstration in 2023, apparently understanding that such a permit would not be facilitated by the Riga City Council (in 2022, the application to hold a demonstration against the justification of Waffen-SS crimes was rejected on the basis of the "law enforcement opinion that it could pose a threat to public safety").

On 16 March 2024, Riga saw yet another traditional procession in honour of SS legionnaires. As usual, Nazi decorations and symbols were publicly displayed during the procession, although these symbols are officially banned in Latvia. According to media reports, the event itself went off without conflicts, but under increased police surveillance.<sup>891</sup> The level of support for neo-Nazi marches among the Latvian population is also noteworthy. For example, the Russian Embassy in Riga has noted that in recent years there has been a steady downward trend in the number of participants in such marches, and as a rule we are talking about no more than 100-150 people.<sup>892</sup> However, it has to be stated that such pro-Nazi events have, at the instigation of the authorities, become essentially routine and have in fact become a "trademark" of the Latvian capital.

The marches of Waffen-SS veterans are heavily criticized by the international community. The European Commission against Racism and Intolerance (ECRI), which operates within the Council of Europe, has repeatedly expressed concern in its reports about the annual commemoration of Latvian legionnaires of the Waffen-SS on 16 March. ECRI has pointed to the fact that parliamentarians from the "National Alliance" party, which is part of the ruling coalition, has been seen attending the ceremonies. The Commission has repeatedly recommended that the Latvian authorities condemn all attempts to commemorate persons who fought in the Waffen-SS and collaborated with the Nazis, and that they call on MPs to abstain from attending such commemorations.<sup>893</sup>

The Latvian authorities look after the graves of former SS men. On 13 October 2022, a draft law (on funds allocation) on the Lesten Lutheran Church, in whose cemetery Latvian Waffen-SS legionnaires are buried, was adopted in the first reading. This memorial is a kind of mecca for nationalists from the Latvian political establishment. Speaker of the Saeima, Ināra Mūrniece, is a regular visitor to the annual events held there in honour of the SS.

<sup>891</sup> <https://lv.sputniknews.ru/20240316/v-rige-sostoyalos-traditsionnoe-shestvie-v-chest-legionerov-ss-27498884.html>

<sup>892</sup> <https://iz.ru/1666115/2024-03-16/v-posolstve-rf-zaiavili-o-snizhenii-podderzhki-marsha-ss-v-latvii>

<sup>893</sup> Report of the European Commission against Racism and Intolerance on Latvia (fifth monitoring cycle). Adopted on 4 December 2018. Published on 5 March 2019. <https://rm.coe.int/fifth-report-on-latvia/1680934a9f>

Nazi symbols are also used in everyday life. The town of Lielvārde in Latvia attracted attention from social media after images and video of its Christmas tree – decorated with swastikas – were posted online in late November 2022.<sup>894</sup> Basically, such incidents are not new in Latvia. Back in 2017, one of the buildings in Saldus was decorated for the holiday with a Nazi swastika, dubbed the "fiery cross" by local authorities.<sup>895</sup>

By contrast, any attempt to paint over the Nazi symbol is prosecuted by the authorities. For example, in April 2022, Latvian police arrested three Russian sailors who tried to paint over the swastika drawn on the Russian state flag in downtown Riga.<sup>896</sup>

Meanwhile, Latvia continues its practice of holding mass events aimed at denying the Soviet Union's contribution to the country's liberation from Nazi invaders.

On 20 May 2022, nationalists marched from Freedom Square to Victory Park in Riga under the slogan "For liberation from the Soviet legacy!". The organizers of the event, along with their demands to demolish Soviet monuments in Latvia, called for the change of all place names bearing the names of Soviet functionaries and the expulsion of people who were "disloyal" to the state. Symptomatically, the police did not prevent the presence among the demonstrators of people wearing symbols of the Ukrainian Nazi battalion Azov (recognized as a terrorist organization in the Russian Federation).

On 23 September 2022, the Salaspils City Council banned the Latvian Society of Prisoners of the National Socialist regime "Remembrance for the Future" from holding its annual commemoration at the Salaspils concentration camp memorial, citing the unacceptability of glorifying the "Soviet occupation regime".

The efforts of the Russian-speaking community to preserve the memory of the heroic deeds of the Red Army that liberated Latvia from Nazism have been met with

<sup>894</sup> <https://www.rubaltic.ru/news/29112022-v-latvii-gorodskuyu-novogodnyuyu-yelku-ukrasili-svastikami/>

<sup>895</sup> <https://www.rubaltic.ru/news/14122017-zhiteli-latvii-v-preddverii-prazdnikov-pozhalovalis-na-svastiki/>

<sup>896</sup> <https://www.rubaltic.ru/news/18042022-v-rige-arestovali-russkikh-moryakov-za-popytku-zakrasit-svastiku-na-flage-rf/>

a harsh reaction from the Latvian authorities who are already constantly persecuting community activists by putting pressure on them and conducting demonstrative "punitive actions". As a rule, they are accused of "anti-state activities", "assistance to a foreign state in its activities against Latvia", "organization of mass disturbances" and "espionage".

On 17 December 2020, a Latvian court found Aleksandr Gaponenko, a well-known human rights defender and public figure, co-chairman of the United Congress of Russian Communities and head of the NGO "Non-Citizens' Congress", guilty of "incitement to national, ethnic or religious hatred or enmity". He was given one-year suspended sentence for his statements that in the 1930s and 1940s many Latvians had voluntarily cooperated with Nazi Germany. On 8 February 2022, Aleksandr Gaponenko was sentenced to 18 month of suspended imprisonment on similar charges. The court's verdict was appealed by the defence.

Criminal proceedings have been initiated against Alexander Filey, Russian language and literature teacher and member of the Board of the Russian Union of Latvia and permanent author of the Russian analytical portal Rubaltic.ru (for glorification of the "Soviet occupation"). The reason for that was a post he published on social media on 17 June 2019 congratulating Latvia on its accession to the USSR in the summer of 1940. On 6 November 2023, the Riga District Court delivered a guilty verdict under Article 74 of Criminal Law ("denial of genocide, crimes against humanity and peace, war crimes"), sentencing him to 10 months' suspended imprisonment, with a ban on leaving the country and police supervision.<sup>897</sup>

EMP Tatyana Zhdanok (in Latvian transcription Ždanoka), a well-known human rights activist, has been subject to serious pressure by the government (proceedings initiated in August 2020 against her and a number of other Russian community activists in connection with the organization in 2018 of the All-Latvian Parents' Meeting were terminated; later on, the trial against Vladimir Linderman, a

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<sup>897</sup> <https://www.pravfond.ru/press-tsentr/sud-v-latvii-priorioril-k-uslovnomu-sroku-za-post-v-sotsseti-uchitelya-russkogo-yazyka-i-literatury-a/>

well-known public figure in Latvia, was resumed – from 21 June to October 2022 he was in custody and was released on bail of EUR 6,000).

There is no progress in the case of Oleg Burak. His complaints and appeals to all kinds of authorities over his torture in prison remain unaddressed. It is still unknown what exactly the Latvian Interior Ministry veteran was charged with and what evidence was collected against him. After exhausting all possible legal avenues and means of defence in Latvia, Oleg Burak and his lawyers began to prepare an application to the ECtHR. However, he immediately faced serious opposition and sabotage from the prison authorities, who tried to prevent him from filing a complaint with the court within the prescribed time limit.<sup>898</sup>

On 29 October 2021, Yuriy Alekseev, Latvian publicist and public figure, was sentenced to 14 months of imprisonment based on falsified charges of inciting ethnic hatred. On 30 January 2023, the Latvian Court of Appeal dropped one of the charges (possession of cartridges) following an appeal against the verdict, but the sentence was reduced by only one month.<sup>899</sup>

In connection with this biased court verdict, the Russian community in Latvia issued a statement saying that the verdict, as well as the Latvian Constitutional Court's decision justifying the abolition of education in the Russian language, which is historically traditional in Latvia, the whipped-up hysteria about "Russian spies" and the prosecution of Russian-speaking journalists, point to the Latvian government's intention to take political reprisals against the Russian-speaking community. It was stated that the Latvian judicial system had long ago lost the trust of Russian-speaking Latvian residents.

Among the defendants were public figures and journalists who openly promote alternative opinions contrary to Riga's Russophobic policy, such as Alexander Yakovlev, Ruslan Pankratov, Vladimir Dorofeev, Lyudmila Pribylskaya, Sergei Melkonov, Alexander Malnach, Andrei Solopenko, Alla Berezovskaya and others. As is known, Ruslan Pankratov and a few others, who have been persecuted

<sup>898</sup> <https://baltija.eu/2023/09/14/alla-berezovskaya-proshlo-pyat-let-so-dnya-aresta-pensionera-eks-polkovnika-mvd-latvii-olega-buraka/?ysclid=lmt468e4bl916931588>

<sup>899</sup> <https://www.rubaltic.ru/news/30012023-apellyatsionnyy-sud-latvii-vynes-prigovor-zhurnalistu-yuriyu-alekseevu/>



for essentially political reasons, have had their social security numbers cancelled by the Latvian Ministry of the Interior, making it impossible for them to have a bank account, to register at their place of residence and to receive medical care, including emergency one.<sup>900</sup>

The largest organization of military retirees in the country, the Republican Association of Veterans in Latvia, had been facing strong pressure from the authorities and was closed down by a court decision under a formal pretext (the reason named was violations of accounting rules). On 6 October 2020, the chairman of the organization, Russian retired military serviceman Vladimir Norvind, was separated from his family and forcibly expelled from Latvia, in spite of the fact that he had suffered a heart attack. His residence permit was cancelled by the Latvian authorities.

The special military operation to denazify and demilitarize Ukraine and protect civilians in Donbass, started by the Armed Forces of the Russian Federation, has given extra impetus to the persecution of Russian-speaking activists in Latvia.

Since the end of February 2022, the State Security Service and the State Police have actually started "hunting" dissenters inside the country. There was an outbreak of summoning activists for "preventive conversations" to these agencies all over Latvia. For example, Yuriy Alekseev, former member of the Riga City Council, who was threatened with a new criminal case by Latvia's special services for active citizenship, reported on such summoning on his social network page. Information is available that Latvia's special services summoned contributors from practically all Russian-language media of the country to such "conversations", including such large ones as "Segodnya" (Today) newspaper, "Telegraph" magazine, "Latvian News weekly", "Saturday", "Seven Super Secrets", "Baltcom radio" as well as mixnews.lv, pross.lv, bb.lv websites.

In 2024, the persecution of Tatyana Zhdanok intensified. On 22 February, VDD launched criminal proceedings against her, under the pretext that, according to

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<sup>900</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230911-rusofoby-sdali-nazad-popytka-vydavit-grazhdan-rossii-iz-latvii-provalilas/>

media reports of late January, Tatyana Zhdanok allegedly cooperated with Russian special services.<sup>901</sup>

Over the past two years, Latvian national legislation has been adapted to criminalize any show of support for Russia and its special operation. For example, there is an Article in Criminal Law of Latvia stipulating responsibility "for the justification and glorification of crimes" committed by Russia in the territory of Ukraine.

On 31 March 2022, the Saeima adopted a law on amending the criminal legislation to criminalize the use of letters "Z" and "V" in public space, effected "with the aim to support the aggressor". The St. George Ribbon, that has also been banned in Latvia, is deemed to be such symbol, too. All such acts are punishable by up to 5 years in prison.

Since February 2022, VDD has initiated dozens of criminal proceedings related to "glorification of genocide and war crimes", "incitement of national discord", etc., mostly for comments or other online activities. The charges are mainly based on the notorious Article of Latvian Criminal Law on "justification of genocide, crimes against humanity, crimes against peace and war crimes" (meaning support in any form for Russia's special military operation). Between February 2022 and February 2023 alone, VDD initiated over 40 criminal cases on these charges. A pre-trial detention measure was applied to several citizens of the Republic of Latvia. In July 2023, following the results of social media monitoring conducted by the special services, hundreds of Latvians received notices of administrative proceedings against them for posting about Victory Day celebrations and even for liking such posts.

As practice has shown, in order to obtain the status of a "suspect" in Latvia under a criminal or administrative article, it is enough to demonstrate Russian or Soviet symbols, including the letters "Z" and "V", in public space or online. In addition, in September 2023, the Latvian State Police announced that inscriptions on

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<sup>901</sup> <https://www.rubaltic.ru/news/16032024-sluzhba-gosbezopasnosti-latvii-nachala-ugolovnyy-protsess-protiv-evrodeputata-zhdanok/>

cars reading: "I am Russian", i.e. demonstrating ethnic self-identification, would be treated as "glorification of military aggression" and constitute an administrative offence.<sup>902</sup>

Symptomatically, Latvian law enforcement agencies and courts try not to publicize politicized criminal cases and cover up procedural violations and evidence of torture of victims of these repressions. Nevertheless, the following cases have been highly publicized.

The unlawful arrest in May 2022 of student Alexander Dubyago for his public expression of opposition to the destruction of the monument to the Liberators of Riga has been mentioned above.

In March 2022, blogger Kirill Fedorov (Latvian citizen), who in his videos spoke favourably about Russia's special military operation, was detained by VDD in Riga with the use of electric shock torture. He was charged under Article 74.1 – "justification of genocide, crimes against humanity, crimes against peace and war crimes", and Article 78 – "incitement to national, ethnic or religious hatred or enmity" of Criminal Law (he faced up to five years in prison).<sup>903</sup> Prior to being released on bail (in the amount of EUR 55,000) in June 2022, the activist was held in a detention centre by the special services, where he was tortured and beaten. He was subsequently forced to pay a hefty fine of over EUR 27,000.

On 8 May 2022, Igor Kuzmuk,<sup>904</sup> former member of the Riga City Council, public figure and teacher of Riga Gymnastics School, was brutally detained and beaten by armed special operations forces. The reason was that he had made "pro-Russian" posts on his Telegram channel, featuring a bank account number to support the author. He was charged under Article 77.2 of Criminal Law of the Republic of Latvia – "indirectly aiding terrorists", which provides for up to 10 years' imprisonment. In October 2023, under pressure from VDD, he was suspended from work for 3 months without pay. January 2024 saw the first court hearing in the case,

<sup>902</sup> <https://tass.ru/obschestvo/18838935>

<sup>903</sup> <https://lv.sputniknews.ru/20220322/vrag-gosbezopasnosti-v-rige-arestovan-russkiy-voenny-blogger-kirill-fedorov-21030768.html>

<sup>904</sup> <https://eadaily.com/ru/news/2022/06/03/byvshego-deputata-municipaliteta-rigi-zaderzhali-za-prorossiyskie-posty-v-socseti>

where the prosecutor requested that Igor Kuzmuk be sentenced to two years' imprisonment.

From August 2022 to January 2023 (released on bail), another former Riga City Council member Ruslan Pankratov, detained by VDD, was held in custody as part of criminal proceedings under Article 74.1 of Criminal Law, which was later replaced by Article 78 by the defence. He was accused of spreading "groundless" publications on the situation with Russians in Latvia and statements "inciting hatred and distrust towards Ukrainians and refugees from Ukraine" through information resources that are used for the "purposes of aggressive Russian propaganda". Besides, in January 2023 another criminal investigation was launched against the politician under Article 80 – "undermining of the democratic order and attempted violent overthrow of power" and Article 81 of Criminal Law – "working for a foreign state". As noted above, in April 2023, the Latvian Minister of the Interior, on the basis of a certain classified report of VDD, decided to cancel all of Ruslan Pankratov's identity documents. The criminal proceedings are ongoing.<sup>905</sup> Facing arrest, the politician was forced to seek asylum in Russia.

Public activist and journalist Yuriy Alekseev, who speaks in defence of the Russian-speaking population of Latvia, continues to be subjected to politically motivated persecution. On 30 January 2023, under a far-fetched pretext, he was sentenced to one year and one month in prison for "incitement of hatred" and "trafficking in child pornography".

In early January 2023, Latvian special services detained Marat Kasem, editor of "Sputnik Lithuania". After several months in custody, the journalist was released on bail, and later agreed to cooperate with the investigation and paid a fine. Media's reports that, while in prison, the journalist was pressured by the Latvian authorities to cooperate with them, have been by and large confirmed by his post-release behaviour.

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<sup>905</sup> <https://lv.sputniknews.ru/20231110/v-latvii-osmelivshiesya-prodemonstirovat-simpatiyu-rf-popadayut-v-ruki-sgb-delo-pankratova-26506309.html>

According to the available public data, at least 6 people have been accused of "carrying out anti-state activities in support of the interests of Russia as an aggressor state" as part of a high-profile criminal case regarding the establishment of a criminal group, which has been fabricated by VDD since the beginning of 2023.

The first victim in this Russophobic campaign was Tatiana Andriets, a member of the Russian-speaking diaspora and student of St. Petersburg State University. She was arrested on 6 February 2023, on charges brought by VDD of involvement in moderating Telegram channel "Baltic Anti-Fascists", which, according to the special services, glorified the "aggression".<sup>906</sup>

Initially, the public activist was charged under two Articles of Criminal Law: 81.1 – "assistance to a foreign state in activities directed against the Republic of Latvia" and 84 – "violation of sanctions established by international organizations and the Republic of Latvia". In June 2023, the prosecution replaced Article 81.1 with a more severe one – 89.1 (part 1) – which provided for a penalty of 8 to 17 years, with possible confiscation of property and probation for up to three years, for "establishing a criminal organization of at least five persons for the purpose of committing particularly grave crimes against humanity or peace, war crimes, genocide or particularly grave crimes against the state, as well as for participation in such an organization".

In the same month, it became known however that VDD had again reclassified the charges against Tatiana Andriets and other defendants – from Part 1 to Part 2 of Article 89.1 of Criminal Law – which provided for life imprisonment or a prison term of 10 to 20 years, with probationary supervision for up to three years and possible confiscation of property, for "masterminding a criminal organization and participation in crimes committed by such an organization". On 4 October 2023, the Riga City Court released Tatiana Andriets from custody on her own recognizance.

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<sup>906</sup> <https://rg.ru/2023/02/10/grazhdanku-latvii-tatianu-andriec-arestovali-za-prorossijskie-vzgliady.html>

The Latvian authorities used physical and psychological methods against Tatiana Andriets during her detention. Her health deteriorated due to the terrible conditions in a Latvian detention centre.<sup>907</sup>

Local public activist Alexander Zhgun, who used to (same as Tatiana Andriets) actively protect the monument to the Liberators of Riga and Latvia from vandals until its demolition, was also unofficially mentioned among the defendants in this trial. He had been held in custody from April to August 2023, when he was released on bail.

In August 2023, Sergey Sidorov, a Russian-speaking taxi driver, was arrested by VDD under Article 85, Part 1 of Criminal Law ("illegal collection and transfer of information to foreign intelligence service") which provides for up to 10 years of imprisonment. He is charged with activities "against the interests of Latvia's national security". Specifically, what is meant here is the transfer of information to the administrators of Telegram channel "Baltic Anti-Fascists".<sup>908</sup>

On 20 October 2023, the Prosecutor's Office of the Republic of Latvia charged six residents of the Republic (Tatiana Andriets, Alexander Zhgun, Stanislav Bukayn, Sergey Vasiliev, Victoria Matule and Roman Samul) under Article of Criminal Law of the Republic of Latvia entitled "masterminding a criminal organization and participation in its crimes". They face a penalty of life or 10 to 20 years' imprisonment.<sup>909</sup>

Since 2019, VDD has been prosecuting Benes Ayo, a Russian citizen (he enjoyed the citizenship of the Republic of Latvia until February 2021), who has been involved in the armed conflict in South-Eastern Ukraine, and since February 2022 in the SMO, under Article 77.1 of Criminal Law – "participation in an armed conflict directed against the territorial integrity and inviolability of a foreign state".

2024 witnesses ongoing criminal proceedings against Jeļena Kreile, a resident of Riga, who in March 2023 hung a Russian flag and posters in favour of our

<sup>907</sup> <https://www.rubaltic.ru/news/04082023-sud-v-rige-prodlil-srok-soderzhaniya-pod-strazhey-aktivistke-tatyane-andriets/>, <https://www.rubaltic.ru/news/05062023-arestovannyj-v-latvii-aktivistke-andriets-uzhestochili-obvinenie/>

<sup>908</sup> <https://russkiymir.ru/news/316817/>

<sup>909</sup> <https://www.pravfond.ru/press-tsentr/latviyskaya-prokuratura-predyavila-obvinenie-avtoram-telegram-kanala-antifashistam-pribaltiki/>

country from the window of her flat and repeatedly held pro-Russian solitary pickets. Over 30 administrative cases were brought against our fellow citizen in total, mainly for "public use of symbols glorifying military aggression and war crimes", and 4 criminal cases, later merged into one, under Article 74.1 of Criminal Law, for which she faces up to five years' imprisonment, community service and a fine. The activist was repeatedly detained and searched. From March to May 2023, she remained under arrest. On 2 November 2023, the Riga District Court sentenced her to one year of suspended imprisonment.<sup>910</sup>

On 7 January 2024, Jeļena Kreile's flat was attacked by vandals – unknown intruders threw bricks at her windows, and she herself was injured. Despite her filing a report to the Latvian State Police, they refused to initiate a criminal investigation into an attempted murder.

In addition, while Jeļena Kreile was on trial for supporting Russia, several other cases were brought against her. One of them made it to court. On 4 April 2024, a Latvian court arrested the activist for two months. According to media reports, the Latvian authorities are trying to prove Jeļena Kreile's guilt in "publicly glorifying and justifying aggression and war crimes" on the basis of the discovery of boxes and stationery folders in the colours of the Russian flag during a search of the activist's flat.<sup>911</sup>

In addition, Riga unleashed a campaign to prosecute 16 Russian-speaking journalists (Andrey Yakovlev, Vladimir Dorofeev, Lyudmila Pribylskaya, Sergey Melkonov, Alexander Malnach, Andrey Solopenko, Alla Berezovskaya, etc.) who are charged with "violation of the EU sanctions regime" (Article 84 of Criminal Law) for cooperating with Russian news outlets.

In 2023, Yuriy Mikhailov, administrator of the Russian-language information resource "Criminal Latvia" on Facebook, being convicted under the mentioned "political" Article 74.1 of Criminal Law, spent more than two months in prison. The

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<sup>910</sup> <https://www.pravfond.ru/press-tsentr/rizhskiy-sud-prigovoril-antifashistku-elenu-kreyle-k-1-godu-lisheniya-svobody-uslovno/>

<sup>911</sup> <https://russkiymir.ru/news/324058/>

authorities of the Republic of Latvia interpreted the information he posted as "glorification of the Russian aggression against Ukraine".<sup>912</sup>

In September 2023, VDD fabricated a criminal case against former MEP and journalist Andrejs Mamikins on charges of "glorifying and justifying Russia's crimes in Ukraine".<sup>913</sup> The public activist was forced to resettle in Russia

Facing politicized criminal prosecution, the family of Russian-speaking historian Igor Gusev was forced to flee to Russia.

In August and December 2023, VDD detained four Latvian citizens and two Russians on trumped-up charges of "espionage" in favour of Moscow. At the same time, on 30 December 2023, amendments to Criminal Law, introduced on the initiative of Latvian President Edgars Rinkēvičs, came into force, providing for stiffer penalties under "espionage" articles, up to life imprisonment.

In addition to criminal prosecution, Russian population in Latvia has been facing massive intimidation, insults and threats at the domestic level. In fact, social networks are bullying "unreliable citizens" who declare their support for Russia in whatever form or simply hold balanced views.

Since autumn 2021, <https://myrotvorets.team>, a website similar to the notorious Ukrainian "Myrotvorets" website, has been active in the country. The website publishes personal data of people who have supported Russia's special military operation to denazify and demilitarize Ukraine and protect civilians in Donbass. These include the staff of the Russian Embassy in Latvia, local journalists, activists of the Russian-speaking community (including members of the Latvian Russian Union party), and other "unreliable" citizens who have posted the relevant statements on their social networks.

It is indicative that the Latvian authorities did not consider the operation of this site to be illegal, including in terms of Riga's international obligations, e.g. the Vienna Convention on Diplomatic Relations. The State Data Inspection of Latvia

<sup>912</sup> <https://lv.sputniknews.ru/20230925/admin-gruppy-v-sotssetyakh-poluchil-v-latvii-realnyy-srok-za-post-v-opravdanie-svo-na-ukraine-26091756.html>

<sup>913</sup> <https://www.pravfond.ru/press-tsentr/sluzhba-gosbezopasnosti-latvii-nachala-ugolovnyy-protsess-protiv-byvshego-evrodeputata-andreya-mamyk/>



did not find any violations and made a cynical remark that the data presented on the website had been processed in line with the right to freedom of expression.

It is well known that pupils from families of Russian compatriots in Latvian pre-school and general education institutions are subjected to ethnic and linguistic harassment. Parents of the affected children are forced to transfer them to home schooling. One of the most high-profile manifestations of bullying of Russian-speaking children was a case in a kindergarten in the Jelgava region of Latvia, where pupils were forced to squat for every word spoken in their native language.<sup>914</sup> The names of those who forced them to do such "exercises" are known.

Latvian law enforcement agencies are exerting brutal pressure on Russian citizens crossing the border. To enter Latvia, they are required to sign a statement of disagreement with the policy of the Russian Federation. In case of refusal, the Russians are denied entry under the pretext that they allegedly pose a threat to country's public order and internal security.

In December 2022 the State Security Service of Latvia, trying to intimidate citizens with false threats, addressed the residents of the republic with a "request" not to travel to Russia and Belarus during the Christmas and New Year holidays, recalling that special services of Russia and Belarus were "recruiting" Latvian residents in the territories of their countries.<sup>915</sup>

Russophobic hysteria consumed the Latvian authorities so deeply that in August 2022 the Latvian parliament declared Russia a "terrorist supporter state."

Under the contrived pretext of fighting "Russian propaganda", any dissent is being wiped out of Latvian media; as a result, representatives of Russian-language media are under serious systemic pressure. The persecution intensified since late February 2022, when rebroadcasting of all Russian and Belorussian channels gradually began to be banned in Latvia. On 24 February 2022 broadcasting of the channels "Russia RTR", "Russia 24" and "TVC International" was terminated. Starting from 2 March 2022 broadcasting of "RBC TV" channel was banned,

<sup>914</sup> <https://ria.ru/20230928/latviay-1899265469.html>

<sup>915</sup> <https://www.rubaltic.ru/news/22122022-sluzhba-gosbezopasnosti-latvii-prizvala-zhiteley-vozderzhatsya-ot-poezdok-v-rossiyu-i-belarus/>

"Belarus 24" was suspended, and rebroadcasting licenses were withdrawn from "First Baltic Channel Estonia" and "First Baltic Channel Lithuania". On 7 March 2022, the Latvian National Council on Electronic Media decided to switch off 18 more Russian channels in the country: "TNT – Comedy", "TNT 4", "TNT 4 International", "TNT", "TNT Music", "FRIDAY International", "KHL TV", "Kinopremiera", "Kinosvidanie", "Men's Cinema", "La-Minor TV", "Auto Plus – Auto-Plus TV Channel", "Nostalgia", "Live! ", "Who is Who", "Baby TV", "Russian Night", "Zee TV". In June 2022, the broadcasting of the remaining 80 TV channels was restricted. Today, Latvia bans a number of Belorussian and all Russian TV channels and blocks hundreds of online news sources (including those of government agencies).

The ban didn't affect the popularity of the prohibited TV channels, and Latvian citizens continue to watch them through "illegal" means. The Latvian authorities have introduced administrative liability and a fine of up to 700 euros for watching Russian TV programs through "illegal decoders" and satellite dishes. Criminal liability may also be imposed for the distribution of such equipment.

In early December 2022 it became known about the detention of a man in Riga by the state police on suspicion of installing "illegal television" in houses. He was accused of organizing unlicensed rebroadcasting of illegal television. It was also established that "the detainee has been providing television connection and service for almost 100 households in the Riga region for a long time".<sup>916</sup> Another such detention was reported in March 2024: a television master who helped at least 181 Latvian residents tune in Russian channels blocked in the country has been arrested. Police searched the suspect's residence and seized equipment to receive and transmit television signals.<sup>917</sup>

Under the pretext of implementing European Union sanctions, the Latvian regime has taken steps that grossly violate the property rights of Russian citizens.

<sup>916</sup> <https://www.rubaltic.ru/news/10122022-v-latvii-muzhchinu-zaderzhali-za-ustanovku-rossiyskikh-telekanalov/>

<sup>917</sup> <https://www.rbc.ru/rbcfreeneews/65ec9ac59a794738c5039ef5?ysclid=luig63gvs7733257209>

On 12 September 2023 Latvia closed the entry of passenger cars registered in Russia. On 15 November 2023 amendments to the law adopted by the Saeima came into force, blatantly violating the rights of Russian citizens.<sup>918</sup> The essence of the innovations is that vehicles imported into Latvian territory, registered in Russia and not re-registered in the local Road Traffic Safety Directorate by 14 February 2024, will be confiscated by the state police. It follows from the law that a decision to expropriate a vehicle may be taken regardless of the location of its owner. A notice to the person using the vehicle is enough. The guards are authorized not only to identify "violators", but also to impose fines from 150 to 400 euros, as well as to use wheel blockers to detain and further evacuate Russian vehicles.

Exceptions are provided only for vehicles used by diplomatic missions and their employees, as well as for single transit trips, subject to the condition that their duration does not exceed 24 hours and that information about the vehicle and its owner is submitted to the competent Latvian authorities in advance.

In February 2024, Latvia made numerous attempts to exert pressure on Russian citizens residing in the country in order to prevent them from voting in the presidential election of the Russian Federation in March 2024. This demonstrates the Latvian side's complete unwillingness to fulfil its international obligations and follow generally accepted international practice to ensure adequate security conditions around the perimeter of polling stations in Riga. The Russian Embassy's advance requests in this regard have been ignored by the Latvian side for several months, as have the Embassy's requests to prohibit the holding of anti-Russian demonstrations in front of the diplomatic mission building on election day, which have recently become commonplace with the connivance of the local authorities.

These persecutions took a particularly cynical form on the day of the presidential election of the Russian Federation on 17 March 2024 against Russian citizens who came to vote at the Russian Embassy in Riga. The Latvian authorities conducted an all-out document check of citizens who came to the diplomatic mission. The streets adjacent to the embassy were cordoned off by Latvian security

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<sup>918</sup> <https://titania.saeima.lv/LIVS14/saeimalivs14.nsf/webSasaiste?OpenView&restricttcategory=389/Lp14>

forces. There were multiple cases of seizure of Latvian identity documents (id-cards with residence permits) from Russian voters. In return, Russians with expired residence permits were asked to report to the Migration Service to receive an exit order. With these actions, the Latvian authorities disavowed earlier statements made, in particular, by Justice Minister Inese Lībiņa-Egnere, who claimed on 14 March that the authorities of the Baltic republic would not prosecute Russians for participation in the Russian presidential election.<sup>919</sup>

The authorities made another cynical gesture towards Russians when they banned bringing flowers in solidarity with Russians to the Russian embassy in Riga after the horrific terrorist attack at the Crocus City Hall concert hall in Krasnogorsk near Moscow. The victims of the terrorist attack were 144 people, 551 people have been injured. The spontaneous memorial was organized on the opposite side of the street where the Russian diplomatic mission is located.<sup>920</sup>

The entire Russian-speaking population of Latvia faces pressure from the Latvian authorities. Russian residents of Latvia are viewed by the Latvian leadership as an alien and destabilizing element. As a consequence, the nationally oriented policy of the official authorities is aimed at stripping this part of society of its rights. In practice, this takes the form of numerous violations of the rights of Russian residents of Latvia. Among other things, they face a number of problems when receiving pension accruals from Russia. Meanwhile, the level of pension coverage in Latvia is one of the lowest in the EU. According to the latest available information from the State Data Agency (SDA), in 2021, 40.5 percent of people over 65 and 22.5 per cent of the total population were at the poverty line. According to Eurostat data, one in four Latvians was at risk of poverty and social exclusion in 2022 (26 per cent). The media quotes even more shocking data: while the average old-age pension is 337 euros, 15 per cent of Latvian pensioners receive only 183 euros a month.<sup>921</sup>

<sup>919</sup> <https://www.rubaltic.ru/news/17032024-posolstvo-rasskazalo-o-pogolovnoy-proverke-golosuyushchikh-rossiyan-vlastyami-latvii/>

<sup>920</sup> <https://www.rubaltic.ru/news/25032024-ombudsmen-otreagirovala-na-zapret-prinosit-tsvety-k-posolstvu-rf-v-latvii/>

<sup>921</sup> <https://www.rubaltic.ru/news/19092023-v-latvii-zaderzhivayut-vyplatu-rossiyskikh-pensiy/>;  
<https://www.rubaltic.ru/article/politika-i-obshchestvo/20230911-rusofoby-sdali-nazad-popytka-vydavit-grazhdan-rossii-iz-latvii-provalilas/>

The main remaining problem is the fact that this significant part of the Latvian population does not have Latvian citizenship. According to the SDA data as of January 2023, there are 175,400 "non-citizens" (9.3 per cent) in the country; according to OCMA information, they are 187,400.

As of today, "non-citizens" constitute about 200,000 residents of the country (11 percent of the population), 65 percent of them are ethnic Russians. The Latvian authorities do not recognize "non-citizens" as belonging to the ethnic minorities and, consequently, have excluded them from the scope of application of the Framework Convention for the Protection of National Minorities, ratified by Latvia in 2005 with significant reservations.

The rate of obtained citizenship declines every year: 725 people "naturalized" in 2020, 419 in 2021, and 518 in 2022. Since the "naturalization" process began on 1 February 1995, the citizenship of the Republic of Latvia has been granted to 148,478 people, while the peak was in 2004-2006 in connection with the country's accession to the EU (51,600 people). At the same time, the term "naturalization", its legal side apart, is largely artificial in nature, since people who are meant here in most cases are not migrants, but have always lived in this territory. The reduction in the number of "non-citizens" is already taking place only due to the natural loss of this category of population and its migration outflow, rather than active actions of local competent authorities to eradicate a phenomenon disgraceful for the European Union.

Eliminating mass statelessness is not currently on the Latvian authorities' agenda.

On 5 November 2019 Latvia adopted the law on automatic assignment of citizenship to children born in families of non-citizens. However, it concerns only a few dozens of new-born babies per year (in 2020, the "non-citizen" status was assigned to thirty-one babies in Latvia).

"Non-citizens" residing in the country are in a discriminatory position. They continue to be deprived of a range of social, economic and political rights. Currently, independent Latvian human rights activists count about 80 differences between

citizens and "non-citizens". The latter, in particular, do not have the right to elect and be elected, hold positions in the civil and military service, be judges, etc. In this regard, the elections to the Saeima of Latvia took place on 1 October 2022 in the absence of a universal suffrage right and with the continued "long-term deficit of democracy" (as noted in PACE and OSCE reports back in 2002 and 2006 respectively).

The topic of "non-citizenship" in Latvia is given considerable attention by Latvian Russian-speaking NGOs, primarily the "Latvian Human Rights Committee" (LHRC). It works systematically with human rights institutions and other interested structures, prepares alternative reports on the human rights situation to relevant international organizations. This activity is traditionally criticized by local authorities and reflected in the Latvian security services' annual reports.

The Latvian authorities promote discriminatory initiatives against the citizens of the Russian Federation along with the denial of the rights of "non-citizens". According to the amendments to the Immigration Law adopted by the Saeima in 2022-2023, residents of the Republic of Latvia from among former "non-citizens" and Latvian citizens who received Russian citizenship after 2003, (about 25,000 Russians – former "non-citizens" and Latvian citizens – fall under this category) in order to retain permanent residence permits are required to undergo a test of knowledge of the state language within a short period of time (the majority of the certificates of knowledge issued by state authorities have been revoked), to prove that they have a monthly income of at least 600 euros, and to fill out questionnaires with provocative content, proposing to recognize the "annexation" of Crimea, to condemn Russia's "military invasion" of Ukraine, and to approve the dismantling of Soviet monuments in Latvia. In addition, the fee for taking the exam and submitting the commission's opinion was raised to 70 euros. This is five times higher than the usual fee for such actions. Given that many of those who were forced to reconfirm their residence permits are elderly, usually receive small pensions, have no property, and have relatives in Russia, their future fate raises the most serious concerns. These serious shocks cannot but affect the emotional, psychological and physical health of

Russian pensioners. There are several cases of elderly applicants for Latvian residence permits who died before their "legalization" in Latvia.

In September 2023, the VDD reported the identification of 80 "politically unreliable" Russians who, despite passing the test, were deemed by the agency to be "a threat to national security" in Latvia. These "politically unreliable" individuals were denied permanent residency status by the Office of Citizenship and Migration Affairs (OCMA) of the Latvian Ministry of Interior.

In addition, the Russian Embassy in Latvia reported that in recent months there has been a multiple increase in the number of applications to the diplomatic mission from Russians who have fallen under the flywheel of repression launched by the Latvian ruling elite, as a result of which many of them have lost their permanent residence permits in the republic. These kinds of letters are often stories of personal tragedies and the further they go, the more they resemble a collective cry of despair. At times egregious situations are described when infirm, bedridden sick, even deaf-mute and blind Russians, who due to insurmountable circumstances, including limited physical abilities and artificially created bureaucratic obstacles, were unable to pass the Latvian language exam in a short period of time or to obtain exemption from testing on medical grounds, are threatened with deportation.<sup>922</sup>

Of particular concern is the threat of deportation announced by the OCMA of those who have not passed all the "filtration" procedures (at the same time, restricted deadlines for passing them have been set, according to which those who failed to enrol in the exams from 2 December 2023, and those who failed them after two attempts from 28 March 2024, are subject to expulsion). From 2 September 2023 the OCMA has already started sending notices to several thousand Russians to "leave the country within three months", despite the authorities' rhetoric about their intention to "soften the regime".<sup>923</sup>

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<sup>922</sup> [https://latvia.mid.ru/ru/press-centre/news/kommentarij\\_vremennogo\\_poverennogo\\_v\\_delakh\\_rossii\\_v\\_latvii\\_o\\_o\\_zykova\\_informatsionnomu\\_agenstvu\\_ta/](https://latvia.mid.ru/ru/press-centre/news/kommentarij_vremennogo_poverennogo_v_delakh_rossii_v_latvii_o_o_zykova_informatsionnomu_agenstvu_ta/)

<sup>923</sup> <https://www.rubaltic.ru/news/19092023-posolstvo-rossii-nablyudaet-za-situatsiey-s-deportatsiey-rossiyan-iz-latvii/>

According to human rights activist Elizaveta Krivtsova ("Soglasie"), more than 300 people have joined the class action suit initiated by her to the Constitutional Court of the Republic of Latvia to invalidate these odious amendments, and the active phase of the trial will take place between September 2023 and March 2024. According to her forecasts, the probability of a decision in favour of the Russians exists, however, the Russian citizens who refuse to pass the language test, whose permanent residence permit will be revoked, risk being left without means of subsistence, minimum social package and access to free medical care.

In January 2023, LRU members Yulia Sokhina and Vladimir Buzayev sent letters to several international organizations (OSCE, Council of Europe, and UN) and major international NGOs, including Amnesty International, about the threatened expulsion of thousands of Russian citizens.

All these measures have brought some results. In early September 2023, the Latvian Ministry of the Interior suggested postponing the implementation of the discriminatory immigration law for several years, allowing Russians to obtain a "temporary" residence permit until the necessary procedures were completed. On 14 September 2023 the Saeima approved the proposed amendments easing the requirements for persons with Russian citizenship. According to the document, Russian citizens who failed to pass the exam, as well as those who did not register for the exam "for a valid reason", can apply for a temporary residence permit for a period of two years, while retaining access to the same social package and public services. During this time, they will be required to pass the Latvian language test.<sup>924</sup>

The Advisory Committee of the Framework Convention for the Protection of National Minorities (ACFCNM) has expressed concern about this measure by the Latvian authorities. It pointed out that the temporary residence permit that Russians can receive for the period of the exam does not provide access to the same social and medical protection that they had before, and also entails additional costs for

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<sup>924</sup> <https://www.rubaltic.ru/news/14092023-seym-latvii-vvel-dvukhletnyuyu-otsrochku-dlya-ne-sdavshikh-yazykovoy-ekzamen-rossiyan/>



each renewal. The ACFCNM also expressed concern about possible negative consequences in realizing the right to privacy and family life for the families of Russians taking the exams. Of particular concern was the risk of deportation of those who fail to pass the exams, including due to the lack of testing facilities, resulting in the separation of families. In the Advisory Committee's view, all these requirements create legal uncertainty and would impose an insurmountable or disproportionate burden on persons belonging to national minorities and their families, without taking into account the circumstances of all persons affected by these restrictive measures.<sup>925</sup>

The Latvian authorities appear to be lacking sufficient resources and officials to implement the discriminatory law, which has had a significant impact on the decision. Maira Roze, head of the Office of Citizenship and Migration Affairs, admitted that the office only counts 46 employees. In order to individually consider the cases of Russians permanently residing in Latvia, who have not submitted documents to confirm residence permit (and as of September 2023 there are about six thousands of such people), giving each at least four working days (studying documents, collecting information from databases, etc.), all employees must set aside other duties and deal only with this two full working years.<sup>926</sup>

Nevertheless, the Latvian authorities have not given up their intention to organize mass deportations of Russian-speaking residents of the country. Until September 2023, more than half of the attempts of Russian-speaking residents of Latvia to pass language tests have failed. According to the OCMA, as of January 2024, more than 5,000 Russian citizens had their residence permits revoked as a result of failure to fulfil the above requirements. To date, deportation proceedings directly threaten 1,167 Russian citizens, about 800 of whom are over 60 years of age.

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<sup>925</sup> Fourth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Latvia. Adopted on 9 October 2023. Published on 22 February 2024. <https://rm.coe.int/4th-op-latvia-en/1680ae98f6>

<sup>926</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230911-rusofoby-sdali-nazad-popytka-vydavit-grazhdan-rossii-iz-latvii-provalilas/>

The mentioned category of Russians has already found itself in the status of "illegal immigrants" – the Latvian authorities have deprived them of the right to free medical care, access to public services, social benefits and pensions.

Moreover, there are blatant facts when deaf-mute and even blind citizens with appropriate disability groups and duly issued medical documentation had to take the examination (which includes written and oral parts, as well as listening). All of them, for obvious reasons, could not overcome the language requirement and were deprived of the status of permanent resident of Latvia.

In addition, even passing the exams does not become a guarantee against persecution of Russian-speaking residents by the Latvian authorities. There have been cases when Russians who had successfully passed the language exam and submitted their documents for a residence permit in time, allegedly due to a "technical error" received notices of impending expulsion.

On 15 February 2024 the Latvian Constitutional Court ruled that immigration amendments requiring Russian citizens who were previously citizens or non-citizens of Latvia to pass a Latvian language exam and indicate their source of income within the timeframe specified by law in order to obtain permanent resident status in the EU were in compliance with the law. In fact, this decision, declared final and not subject to appeal, was the beginning of a gradual deportation based on nationality: Latvia's highest court authorized the eviction of people under a retroactive law (previously issued residence permits were indefinite). Even elderly people who have children and grandchildren living in Latvia who are citizens of the Republic of Latvia are subject to this law. The Latvian court found that the immigration law did not contradict the rights to privacy and equality of persons before the law, as enshrined in the Latvian Constitution, and was in accordance with Article 4 of the Fourth Protocol of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The thesis of the court verdict that there will be no mass deportation, as law enforcers will assess the "danger" of each deportee individually, looks especially strange, for during the consideration of this issue in court it was repeatedly stated that more than 3 thousand people will be subjected to repression.

At the same time, the announcement that the process of expulsion of the first 985 Russian citizens, who did not apply for the next Latvian language exam, had been launched was circulated even before the court hearings.<sup>927</sup>

As of March 2024, the provisions for deporting Russians have begun to be implemented. Latvia's Interior Ministry says two Russian citizens who failed to comply with new immigration law requirements and were issued a departure order have left the country. In addition, by that time, nine exit orders had been issued to Russian citizens who had not applied for any residence permit in Latvia. Seven departure orders are still pending, and it was announced that if they are not appealed, the State Border Guard will forcibly remove these people.<sup>928</sup>

There are also absolutely odious cases of expulsion of Russians from Latvia. On 12 January 2024, the Latvian Border Guard Service forcibly deported to Russia an 82-year-old military pensioner, long-time Chairman of the Board of the Latvian-Russian Cooperation Association, and representative of the Kant Baltic Federal University Boris Katkov under the pretext of recognizing him as a "threat to national security". That said, he was given virtually no time for preparations. This unlawful decision of the Latvian authorities (and the initiative to expel Boris Katkov belongs personally to the Minister of Internal Affairs of the Republic of Latvia) grossly violates the norms of international law, first of all – the provisions of the bilateral intergovernmental agreement on social protection of military pensioners and members of their families of 1994, as well as the principle of "non-division" of the family – the elderly Russian had all his close relatives in Latvia.

International universal and regional human rights mechanisms have published more than 50 recommendations on this serious problem, including those related to a simplified naturalization procedure, granting voting rights to "non-citizens", and the entire package of language rights of national minorities. However, the official Riga continues to ignore all these numerous recommendations.

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<sup>927</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240305-latviya-nachala-izgonyat-zhiteley-po-natsionalnomu-priznaku/>

<sup>928</sup> <https://lv.sputniknews.ru/20240315/pervye-rossiyane-kotorye-ostalis-bez-vnzh-pokinuli-latviyu-po-predpisanuyu-27490489.html>

Latvia has never signed the European Charter for Regional or Minority Languages of 5 November 1992; it only ratified the Council of Europe Framework Convention for the Protection of National Minorities (FCNM) in 2005 with two reservations that significantly limit the effect of Conventional provisions. First, national minorities in their habitats in Latvia are given no chance of communicating in their native language with authorities, as well as using it for topographical names. Besides, an additional declaration adopted by the Latvian parliament on the ratified FCNM, separately stipulates that "non-citizens" are not subjects of the said Convention, meaning that only Latvian citizens can be recognized as representatives of national minorities.

The UN human rights treaty bodies have also been made aware of the issues of "non-citizens" in Latvia. Thus, the Committee against Torture, even though in December 2019 it welcomed in general the progress Latvia achieved in addressing the issue of statelessness, at the same time expressed its concern about the fact that the law granting automatic citizenship to children of non-citizens does not cover all minor "non-citizens".<sup>929</sup> In 2018, The Committee on the Elimination of Racial Discrimination also expressed its concerns over the education reform and the remaining problem of non-citizens. Experts recommended that Latvian authorities take the necessary measures to ensure that its language policy and laws do not create direct or indirect discrimination of the population.<sup>930</sup> The Committee on Economic, Social and Cultural Rights has noted that in 2021 discrimination against "non-citizens" persisted in the country; according to its data, that year, their number was about 209,000.<sup>931</sup>

The Advisory Committee of the Framework Convention for the Protection of National Minorities in November 2023 also indicated that statelessness remains

<sup>929</sup> Concluding observations of the Committee against Torture on the sixth periodic report of Latvia. December 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLVA%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fLVA%2fCO%2f6&Lang=ru)

<sup>930</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 6th to 12th periodic reports of Latvia. September 2018. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLVA%2fCO%2f6-12&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLVA%2fCO%2f6-12&Lang=ru)

<sup>931</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 2nd periodic report of Latvia. March 2021. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/LVA/CO/2&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/LVA/CO/2&Lang=Ru)

significant: still every tenth permanent resident of Latvia is a "non-citizen", which entails limitation of their rights to participate in political life.<sup>932</sup>

In the context of the compulsory derussification policy, it is becoming more notable that the authorities are actively narrowing the sphere of application of non-official languages. The Latvian language is being strenuously promoted as the only language allowed for communication with authorities, topographical signs and other inscriptions, as well as identity documents.

It should be noted that Russian is the second most common and used for communication language in Latvia after the state one. According to the latest population census (2011), Russian is the native language for 37.7 per cent of Latvia's population. According to the Central Statistical Bureau latest data (2017), about 78 per cent of Latvians speak Russian as a foreign language. At the same time, according to the results of surveys conducted in 2019 as part of the preparation of the report "Language Situation in Latvia 2016-2020", 96 per cent of Latvian respondents confirmed that they know Russian.

Despite all the efforts by the Latvian authorities, the share of Russian-speaking residents is declining just slowly: over the recent twenty years, it has decreased by only 1.5 per cent. This trend is typical for all regions, except for Latgale (Latvia's south-eastern region with the highest proportion of Russian-speaking population), where Russian is native to 54.5 per cent of the population. The concentration of Russian speakers in Riga also remains significant – about 56 per cent of the inhabitants.

The 2012 referendum on giving the Russian language the status of a second state language can be considered the most recent attempt to legitimize it in the country. 273,347 people (24.88 per cent of the participants) voted "in favour". The opinion of the 15 per cent of (then) "non-citizens" who were deprived of the right to vote even on such a significant issue for them still remained "outside the scope" of the survey. The Russian language expectedly received significant support in

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<sup>932</sup> Fourth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Latvia. Adopted on 9 October 2023. Published on 22 February 2024. <https://rm.coe.int/4th-op-latvia-en/1680ae98f6>

Latgale – 55.6 per cent (85.2 per cent in Daugavpils, region's capital, 90.3 per cent in the Zilupe region bordering on Russia). Thus, Russian still has the legal status of a foreign language in the country.

The discriminatory language policy of the official Riga is built around the exclusive need to preserve the Latvian language and culture as the basis of the Latvian nation. The use of the Latvian language is handled by the State Language Center (SLC), whose inspections were dubbed the "language inquisition" in the Russian-speaking environment. According to the latest SLC report, 2,255 inspections were carried out in 2021 (2061 inspections in 2020), 531 proceedings were initiated on administrative offenses (530 proceedings in 2020), 517 people were fined. More than 60 per cent of all cases on this issue are related to the insufficient, in the opinion of "inquisitors", use of the state language in the performance of professional and official duties. Through the Friend of the Language app, in operation since 2018 and actively promoted by the local authorities, only 58 reports of language violations were submitted (136 reports in 2020).

The Latvian authorities position the Russian language as the main threat to the development and even the very existence of the state language. The State Language Policy Guidelines for 2021-2027 approved on 25 August 2021 cites addressing the consequences of the "Soviet occupation" in the societal linguistic behaviour, including the allegedly unreasonable demand for knowledge of the Russian language on the labour market, among the main tasks. In addition, it is noted that children must be given an opportunity to study one of the EU official languages as a second foreign language at school (English is the first, as a rule). It is noteworthy that due to a lack of teachers, some educational institutions may offer only Russian to study as a foreign language, and there is still sufficient demand for such lessons among the youth.

Since the launch of the Russian special military operation to denazify and demilitarize Ukraine, abandoning the use of the Russian language within Latvia has occupied a central place in the rhetoric of the country's leadership. It has been repeatedly emphasized that "Latvian core value – the state language – needs to be

fostered more than ever" in the current geopolitical conditions. It is no surprise that this is supposed to be done at the expense of the oppressed Russian language. In fact, the country has launched an open propaganda of discrimination on the basis of linguistic principle, which, in fact, translates into persecution on the basis of ethnicity.

On this basis, the Latvian government is systematically working to force the Russian language out of all spheres of public life in the country. In June 2023, the Saeima adopted amendments to the law on election campaigns conducted only in the state language. At the same time, the draft law on restricting bilingualism announced by the Minister of Justice of the Republic of Latvia Jānis Bordāns (The Conservatives party) in August 2022, which provided for restrictions on the use of the Russian language at work and in public places, was perceived by the public as a populist step and remained at the approval stage. This was followed by another initiative from the same party in October 2022, proposing to completely opt out of the Russian language, including in the private sector (the bill ensuring status of Latvian as only state language in Latvia).

The Latvian state apparatus began to massively reject the use of the Russian language. Thus, Minister of Welfare Gatis Eglītis and Minister of Economy Ilze Indriksone prescribed that interactions in the institutions of the ministries should be conducted only in the state language. And so it was done: from 1 September 2022, the Ministry of Economy and from 1 October 2022, the Ministry of Welfare switched to communicating only in the state language. This concerns information on websites and in social networks, messages for clients and interviews with the Latvian media. That said, since 24 August 2022 the Russian-language version of the website of President of Latvia Egils Levits has been blocked, the official portal [president.lv](http://president.lv) is now available only in Latvian and English (the Russian-language version has been blocked in August 2022). In addition, a number of ministries (Culture, Agriculture, Economics, Justice, Environmental Protection and Regional Development, Education and Science, and Welfare) also refused to communicate with the public in Russian.

Parallel to the efforts of the local officialdom to stop the use of the Russian language, "initiatives" of Latvian NGOs are also noticeable. In May 2022, the public association "For Latvian Language" launched the campaign "Derusify Latvia", headed by the chairwoman of the organization's board, poet Liāna Langa. In July 2023, she reported on its performance: all Latvian regional self-governments and municipalities of cities of state importance have eliminated Russian-language versions of their websites.

The Latvian authorities actually eliminated the Russian-speaking educational space through a comprehensive education reform (transfer of schools and kindergartens to the Latvian language of instruction, development and implementation of new educational content, streamlined school network, a ban on teaching in Russian in private universities).

In 2021, another language reform was carried out in Latvia. At the same time, the transition period of the school reform ended on 1 September 2021, according to which already from the 2021/2022 school year, teaching in all basic and secondary schools is almost entirely in the state language: grades 10-12 were studying only in Latvian, in grades 7-9 a new language proportion of 80 percent by 20 percent was introduced.

The discriminatory actions of the Latvian authorities for the "derusification" of the educational space have the support of the judiciary. Thus, in 2019 and 2020 the Constitutional Court of Latvia recognized the provisions on the derusification of education and introduction of compulsory education in the Latvian language at various levels of education as constitutional.

As a result, Russian-speaking residents were forced to turn to international bodies, as they had no way of defending their interests within the country. Lawsuits by parents of national minority schoolchildren regarding this reform are currently being adjudged by the European Court of Human Rights. In total, with the assistance of the Latvian Russian Union, about 350 individual complaints from parents of schoolchildren and pre-schoolers about linguistic discrimination of children within the framework of the above-mentioned reform were sent to this body. A collective



complaint filed by compatriots about the threatened abolition of education in minority languages has also been submitted to the Human Rights Committee. According to human rights defenders, the above-mentioned complaints were already in the final stage of consideration in May 2023.

As for the ECtHR, it has fully confirmed its biased approach to considering complaints from parents of pupils about the elimination of Russian-language education in the country. In September 2023, the Court sided with the Latvian state when considering complaints by parents of pupils against legislative innovations to restrict Russian-language education in public schools. In November 2023, the Court issued a negative decision for plaintiffs challenging Latvia's education reform, which involved a significant reduction in the amount of Russian-language instruction in private schools. In fact, in both cases – on the language of instruction in public schools and in private schools – the ECtHR examined only one of the three Articles which the applicants alleged to have been violated, namely Article 14 of the Convention (on the prohibition of discrimination). The Court held that the measures taken by the Latvian government to "increase the use of the state language" in schools were "proportionate and necessary", in particular to ensure the unity of the education system. At the same time, in analysing the complaint for violation of the prohibition of discrimination, the ECtHR indicated that it relied on the interpretation of the Latvian Constitutional Court that even before the 2018 reform the state regulated the language of education in private schools. So, according to the court, there are legitimate reasons not to separate private schools from public schools.<sup>933</sup>

According to parents and lawyers, there is still an opportunity to fight for Russian-language education in Latvia, as the reform's version of significantly restricting Russian-language education has been challenged in the ECtHR. However, this reform is outdated, as a complete conversion of education to Latvian has already been initiated.

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<sup>933</sup> <https://lv.sputniknews.ru/20231117/novaya-reforma---novyy-sud-v-espch-udastsya-li-otstoyat-russkiy-yazyk-v-shkolakh-latvii-26572350.html>

In September 2022, the United Nations Human Rights Council Special Rapporteur on minority issues Fernand de Warenne, Special Rapporteur on the right to education Farida Shaheed and Special Rapporteur in the field of cultural rights Alexandra Xanthaki sent a request to the Latvian government criticizing the conversion of all schools to Latvian and requesting comments on the process of discussing this decision and plans for its implementation. According to the Special Rapporteurs, the amendments adopted in Latvia "severely restrict education in minority languages" (the appeal lists Russian, Ukrainian, Belorussian, Hebrew, Lithuanian and Estonian) and "contradict international human rights standards, including the prohibition of discrimination on the basis of language and the Convention on the Rights of the Child". The experts also criticized the Latvian authorities for the way the process of reviewing and discussing the draft law on switching school education to Latvian was conducted. In particular, they were concerned that discussion of the initiative "lacked effective and meaningful participation of affected minorities". Calls to wait for the consideration of complaints against the draft law by the European Court of Human Rights and the Committee on Human Rights were also ignored.<sup>934</sup>

The initiatives to finally eliminate Russian-language education were promoted at an accelerated pace: under the pretext of the Ukrainian crisis, Latvian ruling circles decided to force the conversion of educational institutions into the state language. Amendments to the Education Law providing for a full transition to teaching in Latvian in kindergartens from 1 September 2023 and in schools from 1 September 2025 were approved in the final reading on 29 September 2022. Grades 1, 4 and 7 will also begin to study in the state language exclusively from 1 September 2023. The language and culture of national minorities will be only available as interest education programs subsidized by the government or a specific local government.

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<sup>934</sup> Press release from the Office of the UN High Commissioner for Human Rights on the request of the Special Rapporteurs on minority issues, on the right to education and on cultural rights. 8 February 2023 <https://web.dev.ohchr.un-icc.cloud/en/press-releases/2023/02/latvia-un-experts-concerned-about-severe-curtailed-minority-language>

In addition, in July 2023, Latvian Minister for Education Anda Čakša called on Latvian law enforcement authorities to thoroughly look into the actions of public activists spreading information about Russian distance school programs in the Internet space, citing that this could pose a threat to national security.

The situation with obtaining education in Russian as a whole is extremely unfavourable. The proportion of the Latvian language in kindergartens has been increased since 1 September 2019 already, for children of five years and older it is the main means of communication. The regulation obliging Russian-speaking municipal kindergartens to open groups with instruction in the Latvian language on request is still there (on 14 May 2020, the Saeima of Latvia adopted amendments to the Education Law, according to which all municipal preschool educational institutions are required to provide educational programs in the Latvian language).

Higher education in the Russian language is currently unavailable in Latvia's public universities as well. Russian Philology programs at the Latvian and Daugavpils universities where certain disciplines are taught in Russian, is the only exception. Russian-language streams in private universities have been stopped since 1 January 2019, studying is only possible in the EU official languages.

On 28 June 2023 the Constitutional Court of Latvia declared amendments to the Higher Education law that prohibit teaching in foreign languages in private educational institutions with the exception of certain programs in EU languages, to be inconsistent with country's basic law, and ordered the Saeima to review them by 1 July 2024; however, the 1 January 2019 ban on admitting students to Russian-language programs in private universities, continues to apply.

On 21 November 2022, the Ministry of Education and Science, in order to achieve the goal of "fostering Latvian core value – the national language – and a strong Latvia in the EU common family", unveiled plans to require a EU language only to be studied as the second foreign language in all educational institutions starting from the 2026/2027 academic year. It would be impossible to study Russian

as a second foreign language.<sup>935</sup> This initiative was formalized in September 2023, when the Latvian Ministry of Education and Science submitted for public discussion amendments to government rules providing for the gradual abolition of teaching Russian as a second foreign language in schools. The amendments will expectedly oblige schools to offer students one of the European Union or European Economic Area official languages as a second foreign language starting from academic year 2026/2027. Russian language is not entered on this list.<sup>936</sup>

Meanwhile, according to the same ministry, Russian is taught as a second foreign language in almost half of Latvian schools.<sup>937</sup> However, these formal data fail to represent the facts. When the entire education system was transferred to the Latvian language from 1 September 2023, Russian children were refused to attend additional classes in their native language in many previously bilingual Latvian schools and preschool institutions, with reference to the lack of appropriate funding and other bureaucratic difficulties.<sup>938</sup> It is also noteworthy that in many educational institutions where state-guaranteed language clubs were organized, such lessons are held once a week only (instead of the recommended three times a week) and beyond the academic schedule's permissible limits (times are early in the morning or late in the evening).

Russian-speaking teachers found themselves in dire straits. Subject teachers of national minority schools have to undergo constant checks for compliance with the top level of Latvian language proficiency which became more stringent after the start of the Ukrainian crisis and decision to eliminate Russian-language education. In 2018-2022 the SLC identified 396 teachers (114 for the period from January to April 2022 only) without a proper command of the state language.

According to the State Service of Education Quality as of March 2024, 45 teachers have been suspended from work since the current school year began due

<sup>935</sup> <https://www.rubaltic.ru/news/21112022-v-ministerstve-obrazovaniya-latvii-nazvali-sroki-otkaza-ot-izucheniya-russkogo-yazyka/>

<sup>936</sup> <https://www.rubaltic.ru/news/14092023-v-latvii-predlozhili-zapretit-russkiy-yazyk-v-shkolakh/>

<sup>937</sup> Ibid.

<sup>938</sup> <https://ruskiymir.ru/news/317655/>

to insufficient knowledge of the Latvian language. According to director of the Riga Rinuži Secondary School Denis Klyukin, teachers are not always fired just because of their poor knowledge of Latvian – most often it is that they are too nervous during the test. The 2024 one is special, since as per amended legislation, if certain teachers fail at the test, a mark is immediately made against them in the State Educational Information System, so they cannot engage in teaching activities until this mark is removed (that is, until they successfully pass the language test). By the way, teachers of the Latvian language are not subject to this test.<sup>939</sup>

The Latvian authorities are carrying out the "derussification" of educational institutions and their switchover into the Latvian language, despite the shortage of Latvian-speaking teachers. In May 2023, head of the Riga education department Ivars Balamovskis said that the shortage of teachers jeopardized the transition to the Latvian language of instruction in Latvian schools. In this regard, the example of Riga is indicative, where educational institutions brought their schedules and staff in compliance with the innovations adopted in 2022, which require teaching in the Latvian language from 1 September 2023 on. 12 national minority schools in the capital indicated the need to recruit a Latvian language teacher, and 14 more – a maths teacher. In addition, there was a shortage of music teachers. However, only 68 per cent of the capital's schools said they had found teachers for the first grades. In Riga, there are 51 schools with education programs provided for national minorities and 17 schools with only basic education programs for minorities.<sup>940</sup>

By the start of the 2023/2024 school year, schools across the country were short of more than 300 teachers. The situation was especially bad with teachers of the Latvian language, literature and mathematics. Language tests, heavy workload, low salaries and constant stress are the main reasons for personnel shortage.<sup>941</sup>

Problems with the transition of education into the Latvian language were also noted by the Latvian Union of Education and Science Workers in August 2023.

<sup>939</sup> <https://lv.sputniknews.ru/20240314/sumasshedshiy-udar-proverki-gosyazyka-lishili-shkoly-desyatkov-uchiteley-27474032.html>

<sup>940</sup> <https://www.rubaltic.ru/news/25052023-defitsit-uchiteley-postavil-pod-ugrozu-perekhod-obucheniya-na-gosyazyk-v-shkolakh-latvii/>

<sup>941</sup> <https://lv.sputniknews.ru/20240401/pedagog-bez-vyshki-kak-v-latvii-boryutsya-s-nekhvatkoy-uchiteley-27607898.html>

According to Inga Vanaga, the head of the trade union, transition to the state language and a shortage of teachers is a big issue in Latvia. Almost 1.5 thousand teacher positions still remain vacant. She noted: "This problem is a consequence of many years of failure to address other issues: teacher rights, salaries, teaching materials, workplace violence. All this affected the prestige of the profession." Inga Vanaga also pointed out that national minorities should have the opportunity to preserve their language and their culture. This also applies to the Russian-speaking part of the population. "We cannot ignore the people for whom this is valuable. Let's see how this is going to be implemented in practice. A war nearby is absolutely unacceptable, but we must respect people whose native language is Russian or any other".<sup>942</sup>

On 31 August 2023, a picket was held in front of the Saeima building against the transition to the Latvian language-only teaching and discontinuation of general education programs for national minorities. The Latvian Association for the Support of Russian-Language Schools organized the event. The Association emphasizes that the Latvian authorities must provide education for children in their native language.<sup>943</sup>

Discriminatory public statements against those who speak Russian also occur in Latvia. Such open expression of racist judgments is impossible without authorities' tacit approval. Thus, in early August 2023, publicist Elite Veidemane stated that teachers who "due to their narrow-mindedness" are unable to learn the Latvian language should be fired from school. She called "unscrupulous" or "mentally retarded" those who have lived in the country for a long time without knowledge of Latvian.<sup>944</sup> Given the Latvian authorities' policy to cancel the Russian language, it is no surprise there was no condemnation of this discriminatory statement from the authorities not to mention that there was no information about any measures taken against the person who publicly made racist statements.

<sup>942</sup> <https://www.rubaltic.ru/news/31082023-profsoyuz-latvii-prizval-dat-natsmenshinstvam-vozmozhnost-sokhranit-svoy-yazyk/>

<sup>943</sup> <https://www.rubaltic.ru/news/31082023-v-rige-prokhodit-piket-protiv-perekhoda-na-obuchenie-na-latyshskom-yazyke/>

<sup>944</sup> <https://www.rubaltic.ru/news/07082023-latviyskiy-publitsist-rekomendovala-uchitelyam-ne-vladeyushchim-gosyazykom-ukhazhivat-za-skotom/>

The trend to oust non-state languages (primarily Russian) has become quite noticeable in other spheres of Latvia's public life. A consistent policy to oust the Russian language from the media has been pursued. Over the years, regulation has been put in place to increase the proportion of broadcasts and publications in Latvian and EU official languages, while limiting radio and television broadcasts, as well as publications in Russian.

Since 1 July 2020, in accordance with a new law on administrative penalties for offenses in the domain of administration, public order and use of the state language, liability has been introduced for showing "serious disrespect for the state language", contracting employees without knowledge of the Latvian language and its reluctant use at work. Printed promotional products circulated among Latvian citizens should be in Latvian only. An only exception is possible if a person has agreed to receive materials in other languages as well.

This restriction had a serious impact on the 2021 mass vaccination in the country, despite a critical situation in the healthcare sector and significant issues with the vaccination campaign, especially among older people (this age group makes up a significant part of Latvia's Russian-speaking population). The authorities did not even agree to temporarily suspend the force of law, thereby limiting our compatriots' access to vital information.

On 16 June 2022, the Political Parties Law was also amended to provide for suspension of the activities of political associations for "denying crimes or expressing support for undermining the sovereignty and territorial integrity of democratic governments." Despite absent country names in the wording, this innovation is clearly directed first and foremost against those political parties that represent the interests of Latvia's Russian-speaking inhabitants who are in favour of maintaining ties with Russia.

Initiatives to ban the use of the Russian language in public space and in communication are also being voiced. Thus, in February 2024, Latvia's Minister of Health Hosams Abu Meri stated that hospital staff should discuss any issues during business hours only in Latvian. He also indicated that if the patient does not know

Latvian and insists on speaking with the doctor in a foreign language that the doctor does not understand, the patient should bring an interpreter with him.<sup>945</sup>

The steps in the linguistic field by the Latvian authorities as part of active measures to create a monolingual society have been repeatedly criticized by international human rights mechanisms. According to an Advisory Committee on the Framework Convention for the Protection of National Minorities opinion adopted back in 2018, the Latvian leaders' language policy leads to a limited space for the use of national minorities' languages.<sup>946</sup> In particular, the comprehensive education reform in the country actually serves to eliminate bilingual schools and abandon the use of the Russian language in educational institutions of all levels. Russian was named the second most spoken language among the population. According to the 2017 CBS study, it was spoken by 37.7 per cent of the population (Latvian – by 61.3 per cent).<sup>947</sup>

The ACFCNM also pointed out that the Latvian authorities' educational reform puts national minority students in a certainly disadvantageous position in terms of academic achievements, which in turn may adversely affect their ability to successfully integrate into the socio-economic life of society.<sup>948</sup>

The European Commission for Democracy through Law (Venice Commission of the Council of Europe) opinion on educational reform in Latvia of June 2020 also pointed out problems in the field of education for national minorities. In Commission's opinion, the issue of introducing Latvian as the main language in kindergartens should be reconsidered, since teaching in the native language is important for preserving identity and linguistic diversity in society. It was also noted that private schools should have the right to implement programs in minority languages, which is prohibited by the Latvian authorities' legislative innovations.

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<sup>945</sup> <https://www.rubaltic.ru/news/13022024-v-latvii-namereny-zastavit-personal-bolnits-obschchatsya-tolko-na-gosyazyke/>

<sup>946</sup> Third opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Latvia. Adopted 25 February 2018. <https://rm.coe.int/3rd-op-latvia-en/16808d891d>

<sup>947</sup> <https://www.csb.gov.lv/en/statistics/statistics-by-theme/population/search-in-theme/2747-latvian-mother-tongue-608-population-latvia>

<sup>948</sup> Third opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Latvia. Adopted 25 February 2018. <https://rm.coe.int/3rd-op-latvia-en/16808d891d>



The Committee on Economic, Social and Cultural Rights also expressed concern over the measures taken by the official Riga to Latvianize education. In particular, it pointed out that such a language policy could have discriminatory consequences for persons belonging to minorities, especially in the areas of education, employment and access to services. It was also noted that the Committee remained concerned that the amendments to the Education Law and Cabinet Decree No. 716 of 21 November 2018 had a discriminatory effect on minority groups and created unreasonable restrictions on teaching and learning in minority languages, both in public and private schools of the pre-school and primary education system.<sup>949</sup>

The resolution of the Council of Europe Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by Latvia of 3 March 2021 also draws attention to discrimination against national minorities in Latvia.<sup>950</sup> The document states that "cases of inflammatory statements by public figures have not led to the authorities taking sufficient action, creating an impression of impunity and ambivalence, thus affecting negatively the interethnic climate. Restrictive policies and other pressures driven by a political agenda... are particularly evident in the education system, the media, and with regard to the use of national minority languages." It was also noted that the extensive application of language requirements in Latvia adversely affects the possibility for non-native speakers of Latvian of accessing many positions within the public service.

In July 2022, the OSCE High Commissioner on National Minorities Kairat Abdrakhmanov sent a letter to the Saeima of Latvia regarding a new government proposal to completely transfer schools to the Latvian language of instruction from 2025 on. He pointed out to possible violations of international law in the implementation of this initiative and recalled the importance for children to receive

<sup>949</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 2nd periodic report of Latvia. March 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/LVA/CO/2&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/LVA/CO/2&Lang=Ru)

<sup>950</sup> Resolution CM/ResCMN(2021)9 on the implementation of the Framework Convention for the Protection of National Minorities by Latvia. Adopted by the Committee of Ministers on 3 March 2021 at the 1397th meeting of the Ministers' Deputies. [https://search.coe.int/cm/pages/result\\_details.aspx?objectid=0900001680a14111](https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a14111)

education in their mother tongue, as well as need to take into account the opinion of national minority members in implementing reforms. The response of the Latvian Ministry of Justice, illustrative in this regard, mentions that there is allegedly no evidence that the Russians in Latvia are a national minority (they are supposedly a group of "Soviet era migrants"), also noting insufficient dominance of the state language in the country.

The latest Advisory Committee on the Framework Convention for the Protection of National Minorities opinion on Latvia published in February 2024, states a decline in the level of implementation of this international act by Riga and ignoring ACFCNM recommendations within the previous reporting cycle. It is especially emphasized that Latvia continues to restrict the use of national minority languages in public communication and their learning, and after transfer of the education system into the Latvian language as the only language of instruction it no longer complies with the Framework Convention's standards. In particular, the Advisory Committee pointed out that, "following a widely contested reduction of minority language education in 2018, a second reform adopted in 2022 will result in the phasing out of teaching in minority languages in most public and private preschools, schools and universities by 2025". It is noted that while exceptions apply to a small number of schools teaching in Polish and Ukrainian, the termination of teaching in Belarusian and Russian will affect about 20 per cent of all children of schooling age. The ACFCNM also underlined that since the Latvian authorities also plan to discontinue the teaching of Russian as a foreign language, the offer will be reduced to extracurricular courses of language and culture. The Advisory Committee concluded that should all these measures be implemented as planned, Latvia's system of minority education will no longer comply with the Framework Convention's provisions regarding equal access to education, the right to set up private minority educational establishments, and the right to being taught the minority language or for receiving instruction in this language. Latvian authorities' approach to minority languages is noted discriminating on whether they belong to official languages of the EU or whether they fall under any bi- or multilateral

agreements. Therefore, as the ACFCNM indicated, the restrictions apply to the Russian and Belarusian languages. It also underscored that the cutback of provisions for the use of the Russian language also limits the access to rights of persons belonging to other minorities whose first language is Russian.<sup>951</sup>

Against this background, the official Riga's efforts to preserve the Livonian language spoken by approximately 40 people, or Latgalian, which is somewhat wider spoken, but still not comparable to the number of Russian-speaking residents of Latvia, seem quite contrasting. However, to preserve these languages, the Latvian authorities are making efforts and providing funding, even to the point of creating an institute of the Livonian language within the University of Latvia and teaching the Latgalian language in 17 schools.

The ACFCNM urged the Latvian authorities to substantially review the decision to transfer to full education in the Latvian language in the light of its possible negative consequences for equal access to quality education of children belonging to national minorities. Riga was called upon closely monitor the impact of any measures on children's educational outcomes, paying particular attention to preschool and primary level as well as to children with special educational needs. The Advisory Committee also recommended to ensure the right of persons belonging to national minorities to set up and manage their own private educational establishments providing instruction in minority languages at all levels of education. Along with this, Riga was called upon to reconsider, in close consultation with representatives of the national minorities concerned, the decision to phase out the bilingual teaching model. In particular, the importance was emphasized, with the interest of students' parents, of maintaining an option to receive a part of the instruction in a minority language and learn a minority language within the core curriculum at all levels, rather than solely in interest-related optional courses. The ACFCNM also pointed out the need to develop education policies on the basis of independent and professional evaluations, taking into account the demand and the

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<sup>951</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Latvia. Adopted on 9 October 2023. Published on 22 February 2024. <https://rm.coe.int/4th-op-latvia-en/1680ae98f6>

proficiency of children belonging to national minorities in both Latvian and their minority language. In Advisory Committee's opinion, such policies require the effective participation of minority representatives in decision-making, as well as the timely development of appropriate education materials, teaching methodologies and teacher training.

Pending the publication of the ACFCNM opinion, a Latvian MFA's commentary saying that the official Riga considered the above AC requirements unacceptable, since they allegedly ignored the "factual and historical situation," including "the fact of Soviet occupation and its adverse impact on the natives of Latvia", was circulated in the Latvian media.<sup>952</sup> The recommendation to use national minority languages in public communication, according to this country's authorities, contradicts the Constitution of the Republic of Latvia, establishing Latvian as the only state language. Moreover, Latvia accused the ACFCNM of the "biased" singling out residents of Russian origin and their rights to the detriment of other minorities. The Ministry of Foreign Affairs directly stated Latvia's disagreement with the Advisory Committee's recommendations to reconsider the decision to switch over to education in the Latvian language and abandon the bilingual education model, since "Latvian is the only official state language, whose status is confirmed both in the Constitution and the state language law".

Although there are no formal restrictions in Latvia on participation in political life and public administration (with the exception of "non-citizens"), nevertheless, the current version of the Elections to the Saeima Law prohibits persons who were members of certain Soviet organizations (State Security Committee, Latvian Communist Party, International Front of Workers of the Latvian SSR, etc.) after 13 January 1991, to participate in them. This makes possible putting pressure on the radical left forces (for this reason, for example, co-chairman of the Russian Union of Latvia party (RUL) Tatyana Zhdanok cannot participate in the elections). Also, since 2013, there has been a procedure of deputy mandate divestment for insufficient

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<sup>952</sup> <https://lv.sputniknews.ru/20240112/latviya-ne-vypolnyaet-konventsuyu-se-po-zaschite-natsmenshinstv-kasatelno-ispolzovaniya-russkogo-26987008.html>

knowledge of the state language (it was applied to mayors of the cities of Zilupe and Daugavpils, as well as to several deputies from predominantly "Russian" self-governments).

The Latvian authorities used Russia's special military operation to begin introducing the "cancel Russia culture" countrywide. In June 2022, an SLC-agreed request was submitted to the Riga City Council to rename capital's streets named after Russian scientists and cultural figures. There is no doubt that this initiative will be implemented, partly because the Latvian authorities have a favourable attitude toward the "social activity" of nationalist forces embracing such ideas. In July 2022, the Center for Public Memory collected 78 names "glorifying" the USSR and Russia, which, in their opinion, should be changed. Most of them (16) are in Riga, 9 in Daugavpils and 6 in Jūrmala. This list included, in addition to the names of Russian figures and names associated with Russia, many names of Latvians – Soviet era writers and public figures.<sup>953</sup>

On 19 June 2023, President Egils Levits called on the Saeima to adopt a law on the renaming of toponyms introduced by the communist totalitarian regime and during the policy of Russification. Municipal authorities are taking similar steps. Thus, in February 2024, the Riga City Council put forward an initiative to change the names of the following streets: Maskavas (Moscow) to Latgales, Lomonosov – to Valerijas Seiles, Gogol – to Emilijas Benjamins, Pushkin – to Karlis Milenbachs, Lermontov – to Vilis Pludonis and Turgenev – to Wilhelms Purvītis. Vice-Mayor of Riga Edvards Ratnieks said that returning the name of Latgales to Moskovas Street would be "restoration of historical justice." They started talking about renaming Moskovas Street in Riga – one of the Latvian capital's longest – in the spring of 2023. Moskovas Street in Riga has had its name since 1859, existing under the name of Latgales for just 2 years – from 1938 to 1940, the name of Moskovas was returned to it afterwards.<sup>954</sup>

<sup>953</sup> <https://lv.sputniknews.ru/20220715/issledovateli-sostavili-spisok-ulits-proslavlyayuschikh-sssr-22248323.html>

<sup>954</sup> <https://www.dp.ru/a/2024/02/16/v-rige-reshili-pereimenovat?ysclid=lugzi7r18l271507692>

In December 2023, the Latvian State Security Service opened a politicized criminal case "for violation of sanctions" against the Riga "House of Moscow" and its director, conducting searches and seizures of documentation and electronic storage media.

Anyone who has the courage to take part in events held in the Russian territory is persecuted in Latvia. In February 2024, the Latvian Hockey Federation suspended the licenses of Latvian athletes who had taken part in the international Future Games in Russia.<sup>955</sup>

Russophobia is deeply rooted among Latvian politicians, who began to allow discriminatory statements against Russians. Such statements often only exacerbated interethnic confrontation. Thus, on 26 May 2022, Saeima member Janis Iesalnieks noted at a parliamentary session that "there are two societies in Latvia – Latvians and occupiers", and "as long as the occupiers walk on our land and bless their monuments, our children will live in hate." In July 2022, MP ("National Alliance") Inese Vaidere expressed indignation over the fact that flights are announced in three languages (Latvian, English and Russian) at the Riga airport, and its website can be read in Russian. "National Alliance" MP A. Faibusevics forbade speaking Russian in his bar in the Russian-speaking city of Daugavpils. Moreover, he published a racist post against Mairis Briedis, a Latvian boxer who speaks Russian. The deputy, apparently not daring to express his "complaints" in personal communication with the boxer, wrote that if Mr. Briedis had not known Russian, he "would have remained a normal Latvian, instead of having turned into a cotton jacket. The problem is the ability to consume Russian information. Figuratively speaking, walking through a pigsty, it's quite difficult not to get your feet dirty."<sup>956</sup> On 24 August 2022 President of Latvia Egils Levits mentioned the rise of "a part of Russian society disloyal to the state" as a negative impact of the "war in Ukraine" and hence, "the task is to subdue and isolate it." On 16 December 2022 Aleksandrs Kiršteins, a Saeima member, proposed deporting 250,000 Russian-speaking

<sup>955</sup> <https://tass.ru/sport/20065701>

<sup>956</sup> <https://lv.sputniknews.ru/20220724/kult-otmeny-izobreli-v-latvii-latviya-davno-otmenila-svoikh-russkikh-22310354.html>

residents from the country. Earlier, on his social network page, he spoke out that the Russian nation does not exist, and "the Russian language arose as a dialect when the Mongol-Tatars tried to speak Ukrainian."<sup>957</sup> In January 2024, the utterance became public by the Latvian Saeima deputy Janis Dombrava that the residents of Latvia are still forced to communicate in the "language of colonists". Latvian politicians also speak out against Russian citizens living in the country. Thus, the former Minister of Defense Artis Pabriks said that Russian citizens should either integrate or return to their homeland.<sup>958</sup>

Such Russophobic manifestations, in some cases near to dense ignorance, did not arise out of the blue. Data gathered by international universal and regional human rights monitoring mechanisms have repeatedly revealed the spread of intolerance against several groups in Latvia. Thus, the European Commission against Racism and Intolerance, referring to a "Latvian Center for Human Rights" 2016 survey among NGO employees, migrants and foreign students, indicated that almost 68 per cent of respondents either became victims and 33 per cent witnesses of hate incidents or discriminatory manifestations, or heard of such cases. 13 per cent of respondents were victims, or heard about other victims of attacks. According to respondents, hate incidents were motivated by race (36 per cent), ethnicity/xenophobia (25 per cent), language (22 per cent), religion (6 per cent). Over 40 per cent of third-country nationals reported to have been discriminated against, for example, when contacting government bodies, police, medical institutions, when passing border checkpoints, as well as in the street and public transport.<sup>959</sup>

ECRI also pointed out to gaps in Latvian legislation concerning the prohibition of racial discrimination, as well as the public expression or incitement of hatred, insults based on race, language, religion or ethnic origin. The Commission

<sup>957</sup> <https://www.rubaltic.ru/news/16122022-v-posolstve-rossii-v-latvii-raskritikovali-initsiativu-deputata-deportirovat-russkoyazychnykh/>

<sup>958</sup> <https://www.rubaltic.ru/news/28012024-zhiteley-latvii-prizvali-zabyt-yazyk-kolonistov-i-vygnat-grazhdan-rf/>

<sup>959</sup> Report of the European Commission against Racism and Intolerance on Latvia (fifth monitoring cycle). Adopted 4 December 2018. Published 5 March 2019. <https://rm.coe.int/fifth-report-on-latvia/1680934a9f>.

noted that Islamophobic rhetoric strengthened in socio-political discussions in Latvia.<sup>960</sup>

The Committee on the Elimination of Racial Discrimination noted that "unofficial data show a higher number of hate crimes and hate speech than are officially reported" and was concerned "at reports that victims of hate crimes are unwilling to report crimes to the authorities." It also pointed out to the use of hate speech by politicians in relation to the upcoming election, as well as on the Internet.<sup>961</sup>

Latvian authorities regularly prove this CERD remark in practice. A statement by the then Minister of Defense of Latvia Artis Pabriks is an example hereto. Amid the coronavirus infection, he proposed to oblige those who came to the Liberators of Riga monument on 9 May 2020 to pay tribute to the Red Army soldiers, to pay for the treatment of "those whom they surrounded".

The UN Committee on Economic, Social and Cultural Rights expressed concern over the absence of a comprehensive anti-discrimination legislation and policy framework aimed at ensuring equality and non-discrimination in economic, social and cultural domains. The CESCR also noted the prevalence of prejudice and discrimination based on colour, language, religion, national or ethnic origin, that hinder disadvantaged and marginalized groups' access to economic, social and cultural rights.<sup>962</sup>

The Advisory Committee on the Framework Convention for the Protection of National Minorities also noted discrimination against national minorities in Latvia in 2023. Thus, the ACFCNM pointed out that the course set by the official Riga for a cohesive society based on the Latvian language and accompanied by a wide range of measures affecting the rights of national minorities, unjustifiably limits the rights of this group of people and does not comply with Latvia's obligations under the

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<sup>960</sup> Ibid.

<sup>961</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined sixth to twelfth periodic reports of Latvia. August 2018.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLVA%2fCO%2f6-12&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLVA%2fCO%2f6-12&Lang=ru)

<sup>962</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the second periodic report of Latvia. March 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/LVA/CO/2&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/LVA/CO/2&Lang=Ru)



Convention. The ACFCNM indicated that over and above the education reform which has narrowed national minorities' rights, the Latvian authorities are also pursuing restrictive policies in such areas as employment, participation in public affairs, including elections, the use of language in the media, topographical signs and identity documents, as well as for contacts with authorities. The Committee emphasized that the predominant focus on the use of Latvian language whilst reducing possibilities for persons belonging to national minorities to access minority rights are rather conducive to the opposite development and risk worsening inter-ethnic relations, authorities' predominant focus on the use of the Latvian language, than promoting social cohesion and integration, as the Latvian authorities claim.<sup>963</sup>

The ACFCNM also cited data from a 2022 report on hate speech. Based on this data, the Advisory Committee indicated that such manifestations constitute a serious problem, in particular on social media and websites. The Committee notes that hate speech on ethnic grounds is widespread, especially against Latvians, as well as Russians or "Russian-speakers"; it peaks in the context of specific dates, such as 9 May, political decisions on issues around integration or education, and most recently the Russian Federation's special operation.

Moreover, noted is the prevalence of negative stereotypes and prejudices against Roma reinforced by the media, which often portray Roma as criminals. According to the ACFCNM, the public reaction to such discriminatory comments is usually weaker, since anti-Gypsy utterances are perceived as norm in the Latvian society. Antisemitic speech and conspiracy theories of the relevant ethnic colour are also widespread, for example, in the context of COVID-19 pandemic.

Discriminatory attitude towards migrants is reported in Latvia as well. Many international human rights mechanisms noted this problem. The Office of the United Nations High Commissioner for Refugees has repeatedly drawn attention to the need to review Latvia's refugee policy on the border with Belarus. On 9 August 2022 the Council of Europe Commissioner for Human Rights sent a letter to the

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<sup>963</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Latvia. Adopted 9 October 2023. Published 22 February 2024. <https://rm.coe.int/4th-op-latvia-en/1680ae98f6>

Latvian Ministry of the Interior where she called on the Latvian authorities to "ensure the access of representatives of civil society, international organizations and the media to the border areas in order to provide adequate humanitarian assistance to people in need", as well as "protect borders in a manner consistent with the country's obligations under the European Convention on Human Rights".

The EU Agency for Fundamental Rights has indicated that in Latvia there are repeated cases of "expulsion" or "push-backs" of illegal migrants across borders; moreover, the Latvian legislation allows border guards to expel illegal migrants from the country to those countries from where they entered the territory of Latvia. In addition, with reference to International Organization for Migration data, a case of death of a migrant on the Belarusian-Latvian border was noted due to a long stay in the cold in winter.<sup>964</sup>

In July 2022 Amnesty International NGO also expressed concern over the intention of Latvian authorities to extend the state of emergency in areas near the eastern border, which allows denying asylum to refugees and migrants. Experts reproached the Latvian authorities for the fact that people trying to enter the country from the territory of Belarus (mainly Afghani and Iraqi citizens) faced stiff resistance from law enforcement agencies of the Baltic state.

In response to complaints from migrants, the ECtHR ruled back in August 2021 that the Latvian authorities were obliged to respect fundamental human rights, namely to provide food, temporary shelter and medical care to refugees. This ECtHR position was voiced most recently in January 2023 in relation to a group of Syrian migrants. And on 6 February 2023, a letter by the CoE Commissioner for Human Rights to the Latvian Ministry of the Interior called for an end to repression and guaranteed respect for human rights in relation to refugees seeking protection on the border with Belarus.

Latvian authorities' discriminatory actions are underpinned by real-life examples. In mid-December 2022 Belarusian border guards found a refugee who

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<sup>964</sup> European Union Agency for Fundamental Rights, Fundamental Rights Report 2023.  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

was forcefully expelled out of the Latvian territory. According to the foreigner, he was staying on the Latvian territory and wanted to get to Germany. After being detained by the Latvian police, he was taken to a forest and left on the border with Belarus. According to the Belarussian Border Committee, the refugee told that he had stayed in Latvia with his brother. However, his relative died in a Latvian hospital, where he had been taken after being beaten by local police officers.<sup>965</sup>

Incidents like this occur regularly: Belarusian border guards regularly find beaten migrants on the borders with Baltic countries. Another incident of Belarusian border guards detecting a beaten migrant on the border with Latvia on 23 March 2024 was reported by the media. A Republic of Congo citizen said that people in military uniform beat him in the Latvian territory. They punched and kicked him, also using a stun gun. Instead of providing assistance, food and water, representatives of the Latvian side took him to the border.<sup>966</sup>

All of the above facts are indicative of the Latvian authorities not just deliberately indulging in radical manifestations of neo-Nazism, the current violent revision of historical events and glorification of Latvian legionnaires under false pretexts of their alleged participation in the "national liberation movement", but also of them actually setting a course for bringing Nazi ideology to life. The policy of racial discrimination against the Russian and Russian-speaking population of Latvia, primarily "non-citizens", is a convincing confirmation hereto.

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<sup>965</sup> <https://www.rubaltic.ru/news/14122022-belorusskie-pogranichniki-nashli-bezhentsa-na-granitse-s-latviey/>

<sup>966</sup> <https://www.rubaltic.ru/news/25032024-izbitogo-migranta-nashli-na-granitse-belarusi-s-latviey/>

## Lithuania

The human rights situation in the Republic of Lithuania, already unfavourable as a whole, continues to steadily go down. The country remains to be distinct in numerous restrictions to free opinions, discrimination of national minorities, primarily in the area of education, manifestations of xenophobia and antisemitism, persecution for policy and other reasons as well as glorification of Nazism and rabid Russophobia.

A serious economic crisis that has manifested itself in Lithuania and also in other Baltic States redoubles the negative state of affairs. Macroeconomic indicators have been rapidly declining in the three countries in recent times. They have found themselves among the EU leaders in terms of GDP and industrial production fall. Besides, the local population faces a soaring cost of basic goods and services, utility tariffs and high inflation.

The high depopulation rates in Lithuania (as well as in Latvia and Estonia) do not contribute to the recovery of the situation either. After the Baltic countries joined the Schengen zone, they turned out to be unattractive to live in and uncompetitive in the labour market in the eyes of their own youth. In fact, it led to the record depopulation in these countries due to the mass emigration of young working age citizens. According to the Lithuanian Department of Statistics, in early January – late August 2021, 11,133 citizens left the country, while it was 18,345 during the same period in 2022.<sup>967</sup>

According to media reports, the economic situation in Lithuania in 2022 essentially rolled back to the state it was in 1990s. The cost of certain types of inexpensive cereals almost tripled in a short time: from 29 to 75 cents. A total inflation rate amounted to 22.4 per cent.<sup>968</sup> This is the highest figure since 1996. At

<sup>967</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221221-vymiranie-na-obochine-es-prisoedinenie-k-shengenu-privelo-k-massovoy-emigratsii-iz-pribaltiki/>

<sup>968</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221209-pogruzhenie-prodolzhaetsya-sanktsii-protiv-rossii-uvlekayut-strany-pribaltiki-na-dno/>

the same time, 10 per cent of Lithuanians living below the poverty line are those who work full-time.<sup>969</sup>

According to a survey conducted in late November – early December 2022 by the market and opinion research company "Baltijos tyrimai" at the Lithuanian National Radio and Television Commission (LRTC), the vast majority of Lithuanian residents (87 per cent) believed that the situation in the country was getting worse (only 12 per cent of the respondents believed that it was getting better while one percent of the interviewed did not have any definite opinion on the matter). For December 2022 only, the number of pessimists increased by three percentage points and by 7 percentage points over the year. People under the age of 30 in big cities and with a higher education and a monthly income of over 1.8 thousand euros predominated among the optimists.<sup>970</sup>

The introduction of illegal anti-Russian sanctions placed the economy of Lithuania second in Europe as regards the GDP fall and first – as regards the decrease in the employment rate. Recession was noticed at the end of 2022 – beginning of 2023. According to the State Data Agency of Lithuania, the fall reached 3.7 per cent as compared to the similar period of the preceding year. The most negative impact was seen through the indicators of the manufacturing industry, wholesale and retail trade, transport companies, real estate and warehousing. According of the data provided by the Lithuanian Employment Service as of January 2024, the unemployment rate in the country amounted to 9 percent. This indicator's growth was noted regardless the more active return of the Lithuanian residents to the labour market.<sup>971</sup> Besides, according to the data of the Lithuanian Statistics Office, the birth rate decreased by 10.8 per cent in the country during the first half of 2022. Thus, with the ranking of countries with the fastest declining populations taken as a

<sup>969</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221214-takogo-ne-bylo-nikogda-pribaltika-platit-za-rusofobiyu-nebyvalym-rostom-tsen/>

<sup>970</sup> <https://www.rubaltic.ru/news/28122022-bolshinstvo-litovtsev-nazvali-situatsiyu-v-strane-ukhudshayushcheyasya/>

<sup>971</sup> <https://www.rubaltic.ru/news/09022024-v-litve-vyros-uroven-bezrabotitsy/>

basis for the calculations, Lithuania and Latvia, following Bulgaria, showed the highest rates with the birth rate declining by 5.8 per cent for the similar period.<sup>972</sup>

A survey conducted in 2023 among the executives of the Lithuanian industrial companies showed that 58 per cent expected stagnation, 23 per cent – a fall and only 19 per cent – a rise in the production. In the field of exports, only 16 per cent of respondents believed in the prospect of growth, 20 per cent expected a fall and 60 per cent expected stagnation. Only seven percent of the manufacturers were ready to increase the number of employees, 16 per cent – to decrease their number and 77 percent informed that they would leave everything as it is at that time. Overall confidence in the Lithuanian economy decreased by 3.2 per cent compared to July 2022.<sup>973</sup>

The deterioration of the economic situation in Lithuania also affected the attitude of the population toward the authorities. The survey conducted by the Lithuanian Market and Opinion Research Centre "Vilmorus" in the first half of December 2022 showed a decrease in confidence, even in comparison with the previous month. The Lithuanian population had the greatest distrust in the government – 46.8 per cent against 45 per cent in November, in the Seimas – 58.1 percent (in November – 58.3 per cent) and political parties – 60.7 per cent against 56.7 per cent in November. The level of trust was even lower: only 14.4 per cent of Lithuanians trusted the government, while a month earlier there had been 17.9 per cent. Party structures faced a catastrophe with 3.7 per cent of citizens trusting them (in November they had 7.1 per cent). A decline in trust in country's President Gitanas Nausėda was recorded: although in November 44.1 per cent trusted him, in December it was 37.9 per cent. Prime Minister Ingrida Šimonytė enjoyed trust of only 27.2 per cent of the respondents with 56.1 per cent of the respondents did not trusting her. Foreign Minister Gabrielius Landsbergis turned out

<sup>972</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20231006-byut-i-po-pasportu-i-po-litsu-rusofobiya-v-pribaltike-ushla-v-narod/>

<sup>973</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20230913-brosayut-solominku-golodayushchim-v-litve-otkrylsya-pervyy-v-evrope-magazin-dlya-neimushchikh/>

to be the most unpopular personality: 65.7 per cent of the respondents said he was not trustworthy and only 16.3 per cent still trusted him.<sup>974</sup>

Due to the negative economic situation, closures of industrial enterprises began to be recorded. In September 2023, EuroChem announced that it was suspending the operation of the "Lifosa" phosphate fertilizer plant in Kėdainiai. Entrepreneurs sought support from the official Vilnius but failed to get it.

A clear demonstration of the impasse the degrading Lithuanian economy was at became the opening of a "Food Bank" in Vilnius in September 2023, where, as it was announced, those in need, upon prior application to the social security authorities, could receive limited quantities of food (according to the list previously agreed upon by the municipality). In such a way, the Lithuanian officials decided to arrange an imitation of "normal life" without queues for rations at the warehouse for those left without a livelihood. The organizers of the location presented the shop as the first of its kind in all of Europe.<sup>975</sup> Judging from the fact that similar locations emerged also in other Lithuanian regions, there were no improvements expected in the area of economy. Moreover, in September 2023, the Lithuanian authorities endorsed a long-term plan of military aid to Ukraine to the amount of about 200 million euro.

In addition, in November 2023, the Seimas deputies adopted amendments to the food law, which allowed, from 1 January 2024, the sale of food products suitable for consumption after the expiration date. This innovation was presented as a measure to reduce food waste.<sup>976</sup>

Against the background of the continuing rise in prices for goods and services and food inflation (the figure in September 2023 was 8.3 per cent), the idea of issuing food cards, which arose back in 2018, was revived. According to the initiative, the citizens of Lithuania referred to as the poor started to receive social cards intended to obtain food and consumer goods. Minister for Social Security and

<sup>974</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221227-pravitelstvo-nedoveriya-v-litve-pravyashchaya-koalitsiya-stremitelno-teryat-populyarnost/>

<sup>975</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20230913-brosayut-solominku-golodayushchim-v-litve-otkrylsya-pervyy-v-evrope-magazin-dlya-neimushchikh/>

<sup>976</sup> <https://www.rubaltic.ru/news/24112023-v-litve-razreshili-prodavat-prosrochennye-produkty/>

Labour of Lithuania Monika Navickienė tried to present this measure as an achievement. She said that "Lithuanians would not have to queue anymore and wait for the food being distributed according to schedules. They could freely use money from their bank cards and decide for themselves what they wanted to buy from their chosen retail chain". The statement was made after huge queues took place in the centre of Vilnius in October 2023, in which people stood seeking to take food as part of the EU project to support those in need (the project was closed in December).<sup>977</sup>

In February 2024, first social cards to obtain food and consumer goods started to be delivered to municipal administration and Maisto Bankas charity and assistance foundation.<sup>978</sup>

The deteriorating economic situation stems mainly, as experts say, from the efforts of the Lithuanian authorities to intensify the Russophobe policy and, in pursuing this aim, to take steps that contradict the interests of the Lithuanian state and its citizens.

Such destructive measures include, *inter alia*, efforts on glorification of Nazism under the guise of welcoming the participants of fight for the "national independence". Official Vilnius openly pursues a policy of falsifying the history of World War II and glorifies fascist collaborators, treating them as national heroes, which contradicts the conclusions of the Nuremberg Tribunal. Lithuania's state policy on falsifying the history of World War II builds upon the point of equal responsibility of the Soviet Union and Hitler's Germany for unleashing it. Along with this, the efforts of the authorities in the country openly justify the crimes of Nazi accomplices, the "Forest Brothers". Over the last two years, it was supplemented by instillation of hatred towards Russians and everything related to the USSR and Russia, including monuments honouring the Soviet soldiers who died during the liberation of Lithuania from fascism.

The actions of the delegation of Lithuania during voting in the UN General Assembly on the resolution entitled "Combating glorification of Nazism, neo-

<sup>977</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20240222-istoriya-uspekha-litvy-v-strane-vvodyat-produktovye-kartochki/>

<sup>978</sup> <https://www.rubaltic.ru/news/12022024-nuzhdayushchimsya-zhitelyam-litvy-razdadut-sotsialnye-karty/>



Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance", which is the annual initiative condemning the glorification of modern forms of Nazism and racism presented annually by Russia and co-sponsors from all regions of the world for consideration to the General Assembly, serve a convincing demonstration of genuine intentions of the Lithuanian elites. Before the year of 2022, Lithuania's representatives, abiding by the EU Brussels' foreign policy guidelines (except for 2011, when Lithuania voted "against"), annually abstained during voting on this resolution. In December 2022 and December 2023, when voting on the draft resolution, the Lithuanian delegation, acting again hand-in-hand with former Member States of the Axis and other countries of the "collective West", voted against this document, thereby publicly confirming its support for Nazism.

At the highest level, the Lithuanian authorities regularly provide revisionist assessments and blatant falsifications of historic facts.

Along with the traditional long-term marches held by Lithuanian neo-Nazi organisations and right-wing forces on the occasion of the public holidays of 16 February (Day of Restoration of Lithuania's Statehood) and 11 March (Day of Restoration of Lithuania's Independence), the political establishment of the Republic of Lithuania, in the heat of historical revisionism, adopted the line of demolition of monuments to Soviet soldiers located in places of burial of the Red Army servicemen all over the country. The authorities motivated this policy by a desire to get rid of the "totalitarian legacy". There was also a legal basis for this: Soviet symbols were prohibited by law in Lithuania. After the communist period of the country's history was officially recognized as an "occupation" on a par with the Nazi occupation, all objects reminiscent of this time, primarily monuments, turned out to be targets for the destructive efforts of leaders at all levels.

On 13 December 2022, the Lithuanian Seimas' majority passed a law on desovietisation of public spaces in Lithuania, which came into force on 1 May 2023. The propaganda of totalitarian and authoritarian regimes and their ideologies was

banned in the country.<sup>979</sup> The law created an environment for the demolition of unwanted monuments, memorial sites, as well as changing of street names and other toponyms.

In fact, the Lithuanian authorities used the conduct by the Russian Federation of the special military operation (SMO) to denazify and demilitarize Ukraine and protect the civilian population of Donbass as a pretext for such actions. After the start of the SMO, settlements in Lithuania were subjected to a wave of vandalism resulting in the desecration of about 30 memorials and obelisks, mainly in military burial sites. Although law enforcement agencies reported that investigations had been initiated into these incidents, none of the vandals were persecuted.

It is clear that the local authorities are not interested in solving such crimes and are ready to overlook them, because such actions are fully consistent with the policy pursued by them. An example is the monument to the Soviet soldier in Kurkliai, Anykščiai District, which was desecrated by vandals on 10 April 2022. On 18 May 2022, the Utena district prosecutor's office decided to stop the pre-trial investigation "due to the lack of corpus delicti". This outcome was facilitated by the fact that the sculpture had already been dismantled by the local government's decision on 5 May.<sup>980</sup>

In addition, in April 2022, the Seimas of Lithuania approved amendments to the Code of Administrative Offences prohibiting the public display of the Georgian ribbon, which was considered to be a symbol of the "totalitarian regime" that "promoted military aggression".<sup>981</sup>

Vandalism against Soviet monuments is condoned and even encouraged in such a way by the leaders of the Lithuanian state. For example, President of the country Gitanas Nausėda (who lived almost half of his life in the USSR, or to be more exact, in the Lithuanian SSR as a part of the Soviet Union) unequivocally made it clear that he was not going to "put up with vestiges of Soviet

<sup>979</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221227-pravitelstvo-nedoveriya-v-litve-pravyashchaya-koalitsiya-stremitelno-teryat-populyarnost/>

<sup>980</sup> <https://lt.sputniknews.ru/20220519/v-litve-zakryli-delo-ob-oskvernenii-pamyatnika-sovetskomu-soldatu-23254639.html>

<sup>981</sup> [www.lt.sputniknews.ru/20220419/seym-litvy-zapretil-publichnoe-ispolzovanie-georgievskoy-lenty-22788067.html](http://www.lt.sputniknews.ru/20220419/seym-litvy-zapretil-publichnoe-ispolzovanie-georgievskoy-lenty-22788067.html)

propaganda".<sup>982</sup> Prime Minister Ingrida Šimonytė, who in her distant childhood also studied at a Soviet school, declared that she did not understand "why monuments were considered to be some kind of heritage and what kind of heritage it was".<sup>983</sup> Simonas Kairys, Lithuanian Minister of Culture (already the 16th Minister of Culture in about 30 years of the country's independence) also made his mark along these lines. On 19 April 2022, he signed an order that allowed local governments to determine the future of Soviet monuments in cemeteries that "give off aggression and symbolize war".<sup>984</sup> At the same time Lithuanians make a formal reservation that the graves of the fallen and the tombstones will remain untouched, because, they say, Vilnius undertakes to fulfil the relevant provisions of the corresponding Geneva Conventions. In practice, however, they are not always observed.

In May 2022, the Lithuanian authorities demolished a monument to Soviet soldiers in Palanga, whose mayor Šarūnas Vaitkus grandly called this abominable act "a new page in the history of the city". The obelisk stood on the grave of the Red Army soldiers, but that did not stop its destruction. The municipal authorities explained their actions by the fact that the hammer and sickle on the monument made a bad combination with the nearby church building. However, the most likely reason is that in the immediate vicinity of the monument is a monument to Jonas Žemaitis, who served in the Nazi punitive unit "the Lithuanian Territorial Defence Force" during World War II, and later led nationalist gangs – for all these crimes he was executed in 1954.

As a result, by July 2022, according to the available information, the Lithuanian municipal authorities decided to dismantle about 20 monuments,

<sup>982</sup> <https://ru.respublika.lt/ru/naujienos/ru/politika/ne-miritsja-s-perezitkami-propagandi-i-razziganija-vojni-gnayseda-o-sovetskix-pamjtnikax/>

<sup>983</sup> [https://www.lrt.lt/ru/novosti/17/1660229/evrei-litvy-osuzhdaiut-oskvernenie-memoriala-pamiati-zhertv-kholokosta#:~:text=%D0%95%D0%B2%D1%80%D0%B5%D0%B9%D1%81%D0%BA%D0%B0%D1%8F%20%D0%BE%D0%B1%D1%89%D0%B8%D0%BD%D0%B0%20%D0%9B%D0%B8%D1%82%D0%B2%D1%8B%20\(%D0%95%D0%9E%D0%9B\)%20%D0%B2,%D0%BC%D0%B5%D1%81%D1%82%D0%B5%20%D0%BC%D0%B0%D1%81%D1%81%D0%BE%D0%B2%D1%8B%D1%85%20%D1%83%D0%B1%D0%B8%D0%B9%D1%81%D1%82%D0%B2%20%D0%B2%20%D0%9F%D0%B0%D0%BD%D0%B5%D1%80%D1%8F%D0%B9](https://www.lrt.lt/ru/novosti/17/1660229/evrei-litvy-osuzhdaiut-oskvernenie-memoriala-pamiati-zhertv-kholokosta#:~:text=%D0%95%D0%B2%D1%80%D0%B5%D0%B9%D1%81%D0%BA%D0%B0%D1%8F%20%D0%BE%D0%B1%D1%89%D0%B8%D0%BD%D0%B0%20%D0%9B%D0%B8%D1%82%D0%B2%D1%8B%20(%D0%95%D0%9E%D0%9B)%20%D0%B2,%D0%BC%D0%B5%D1%81%D1%82%D0%B5%20%D0%BC%D0%B0%D1%81%D1%81%D0%BE%D0%B2%D1%8B%D1%85%20%D1%83%D0%B1%D0%B8%D0%B9%D1%81%D1%82%D0%B2%20%D0%B2%20%D0%9F%D0%B0%D0%BD%D0%B5%D1%80%D1%8F%D0%B9)

<sup>984</sup> <https://lrkm.lrv.lt/lt/naujienos/parengtos-rekomendacijos-savivaldybems-del-sovietiniu-paminklu-nukelimo>

memorials, obelisks and statues, including in the largest cities.<sup>985</sup> It happened already in Kaunas, where in April, the local authorities demolished a monument depicting a Soviet soldier at the Aukštieji Šančiai military cemetery. 5,065 soldiers and officers of several rifle corps of the 3rd Belorussian Front's 5th Army who died in July 1944 fighting in the area, including 12 Heroes of the Soviet Union, are buried in this cemetery.<sup>986</sup> On 4-6 July 2022, the dismantling of the sculpture of three soldiers, the sword, and the red star and the eternal flame effectively destroyed the memorial to Red Army soldiers in Klaipėda.<sup>987</sup>

The struggle against the memory of the heroic feat of the liberators of Lithuania from the Nazi invaders culminated in the demolition at the Antakalnis cemetery in Vilnius, where the largest burial of Red Army soldiers in Lithuania is located, as well as six stelae that has personified Soviet soldiers of various branches of the army and has been the central element of the memorial.<sup>988</sup> This was repeatedly preceded by barbaric acts of desecration of this memorial by local vandals; based on one of these facts, in October 2022, the Investigative Committee of Russia opened a criminal case.

In June 2022, Vilnius authorities decided to dismantle the memorial. At a meeting of the city council, mayor Remigijus Šimašius called the monument "a militaristic monstrosity not fitting the graves".<sup>989</sup> For decades, this particular monument has been the main venue of wreath-laying ceremonies by the Russian Embassy on memorable days of the Great Patriotic War. On such days Russian compatriots gathered there as well. At the end of November 2022, demolition of the steles<sup>990</sup> began and was completed on 9 December. A call by the UN Human Rights Committee to the Lithuanian authorities to leave the memorial did not prevent its destruction. This appeal about the need to introduce temporary protective measures

<sup>985</sup> <https://www.rubaltic.ru/news/26042022-v-kaunase-snesli-pamyatnik-na-zakhoronenii-sovetskikh-voinov/>,  
<https://lt.sputniknews.ru/20221021/na-severe-litvy-snesli-sovetskie-pamyatniki-na-kladbishche-u-sobora-24989599.html>

<sup>986</sup> <https://www.rubaltic.ru/news/26042022-v-kaunase-snesli-pamyatnik-na-zakhoronenii-sovetskikh-voinov/>

<sup>987</sup> <https://www.1tv.ru/news/2022-07-05/432684->

[v\\_klaypede\\_nachalsya\\_snos\\_monumenta\\_sovetskim\\_voinam\\_kotorye\\_pogibli\\_osvobozhdaya\\_litvu\\_ot\\_fashizma](https://www.rubaltic.ru/news/26042022-v-kaunase-snesli-pamyatnik-na-zakhoronenii-sovetskikh-voinov/)

<sup>988</sup> <https://www.lrt.lt/ru/novosti/17/1840837/na-antakal-nisskom-kladbishche-vil-niusa-demontirovany-skul-ptury-sovetskim-voinam>

<sup>989</sup> <https://lenta.ru/news/2022/06/08/pamyatnik/>

<sup>990</sup> <https://www.rubaltic.ru/news/30112022-v-vilnyuse-nachali-demontirovat-memorial-sovetskim-voinam/>

for memorial steles was sent to Vilnius after the Committee received a complaint from a group of concerned Lithuanian citizens about the actions of the authorities.<sup>991</sup>

Commenting on the actions of Vilnius authorities, who ignored the appeal of the international body, mayor Remigijus Šimašius called this act of vandalism a feedback to "Russian aggression" and even said that "the UN was not an institution that had the right to tell Lithuania or Vilnius whether or not the symbols of totalitarianism could be there". It is known that, upon the dismantling of the steles, the Chairman of the Investigative Committee of Russia ordered to give a legal assessment of the actions of the persons involved.

On 7 February 2024, the Lithuanian authorities reported on completing the demolition of the monument to the Soviet liberator soldiers at the Antakalnis cemetery<sup>992</sup>, where 3,098 soldiers and officers of the Red Army were buried, including five Heroes of the Soviet Union. On the occasion of the Defender of the Fatherland Day on 22 February 2024, representatives of the Russian Embassy to Lithuania laid a wreath and flowers to what was left after the barbaric intervention. The embassy emphasized that this time it was impossible to hold a commemorative event in the central part of the memorial complex, since the Lithuanian authorities continued the barbaric destruction of this largest war memorial in Lithuania. The Embassy published several photos of the Antakalnis cemetery. The footage showed a broken tombstone, a dirty, damaged by heavy equipment road to the place where the military memorial recently stood.<sup>993</sup>

In October 2022, a monument at the burial place of Soviet soldiers, representing a sculpture of a soldier with a flag in his hands, was demolished in the town of Raudone, Jurbarkas district. The remains of 190 Red Army soldiers and officers, who liberated the city from the Nazis and their accomplices in October 1944, are buried in this military cemetery.

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<sup>991</sup> <https://www.delfi.lt/ru/news/live/komitet-oon-ne-razreshil-ubrat-stely-s-antakalnissskogo-kladbischa-v-samoupravlenii-ot-planov-ne-otkazyvayutsya.d?id=91815411>

<sup>992</sup> <https://www.rubaltic.ru/news/07022024-v-litve-zavershili-snos-krupneyshego-memoriala-sovetskim-voinam/>

<sup>993</sup> <https://www.rubaltic.ru/news/22022024-posolstvo-rf-v-litve-pokazalo-kak-posle-snosa-pamyatnika-vyglyadit-kladbishche-v-vilnyuse/>

The Lithuanian authorities have maintained this attitude towards the destruction of monuments to Red Army soldiers to this day. In February 2024, on the proposal of the head of the ruling faction in parliament, Radvilė Morkunaite-Mikulenienė, the Seimas of Lithuania unanimously adopted a resolution on continuing the de-communization of the Republic of Lithuania, in which a call was made to the authorities of Lithuanian cities to more actively destroy Soviet monuments.<sup>994</sup>

On 23 February 2024, in the south of Lithuania in Alytus district, two burial places of Red Army soldiers were desecrated. One of the targets of vandals was a memorial sign on the site where in 1941-1943, on the territory of the barracks in Alytus, the Nazi concentration camp for prisoners of war "Stalag-343" was set up, and then from May 1943 to July 1944 it also housed persons displaced from the western regions of Russia. About 20 thousand persons died in this camp. The second victim of vandals was the monument in Druskininkai at the mass grave of 250 Red Army soldiers who died in July 1944 in the battles during the liberation of the city.<sup>995</sup>

The Investigative Committee of the Russian Federation is considering cases of destruction of memorials erected in memory of Red Army soldiers who died in battles with the Nazis. In September 2023, the Investigative Committee of Russia reported that investigators had 16 criminal cases pending with 143 cases of desecration, destruction or damage of military graves, monuments and memorials to Soviet soldiers. 173 foreign persons were charged in absentia for committing these crimes – these are citizens of Latvia, Lithuania, Estonia, Poland and Ukraine.<sup>996</sup> On 24 February 2024, the head of the Investigative Committee of the Russian Federation Alexander Bastrykin ordered to investigate the fact of desecration of a memorial sign to Soviet soldiers in Druskininkai.<sup>997</sup>

<sup>994</sup> <https://www.rubaltic.ru/news/17022024-v-parlamente-litvy-prizvali-aktivnee-snosit-sovetskie-pamyatniki/>

<sup>995</sup> <https://www.rubaltic.ru/news/24022024-v-litve-oskvernili-dva-zakhoroneniya-vremen-velikoy-otechestvennoy-voyny/>

<sup>996</sup> <https://www.rubaltic.ru/news/12092023-sk-rossii-zaочно-obvinil-grazhdan-stran-baltii-i-polshi-v-oskvernenii-sovetskikh-pamyatnikov/>

<sup>997</sup> <https://www.rubaltic.ru/news/26022024-v-rossii-rassleduyut-fakt-oskverneniya-pamyatnika-sovetskim-voinam-v-litve/>

In October 2023, the Russian Ministry of Internal Affairs put on the wanted list the Chair of the Historical Memory Commission of the Vilnius City Council, Kamila Sheraitė, who had made active efforts to "de-Sovietize" Vilnius.<sup>998</sup> In particular, after the adoption in December 2022 by the Seimas of Lithuania of the law on de-Sovietisation of public space and announcement of the city authorities to remove USSR symbols and signatures in Russian, Mrs. Sheraitė pointed to the need to release the city from the hammer and sickle ideology.

On 13 February 2024, the Russian Ministry of Internal Affairs put Lithuanian Culture Minister Simonas Kairys on the wanted list in the case of the destruction of monuments to Soviet soldiers.<sup>999</sup>

Former Mayor of Vilnius Remigijus Šimašius was also put on the wanted list.<sup>1000</sup>

However, the Lithuanian authorities do not limit themselves to efforts to demolish Soviet monuments to Red Army soldiers. The glorification of Nazi collaborators also occurs in the field of education, due to which appropriate ideas are instilled among children.

Consolidation of the idea of "Soviet occupation" of the Baltic countries, unfolding within the framework of Lithuanian state policy to falsify the history of the World War II, is manifested in school education programmes and in the glorification of the Lithuanian post-war bandit underground. In 2022, with the approval of the authorities, school administrations took radical measures: they started to remove<sup>1001</sup> the professors who demonstrated "dissent" on historical issues and on the current political agenda, primarily on the topic of the special military operation carried out by Russia.

Exoneration and glorification of the "Forest Brothers" (in Lithuanian interpretation – "partisans") is carried out under guise of the "heroes of the national

<sup>998</sup> <https://www.rubaltic.ru/news/30102023-mvd-rossii-obyavilo-v-rozysk-glavu-komissii-istoricheskoy-pamyati-v-vilnyuse/>

<sup>999</sup> <https://www.rubaltic.ru/news/13022024-mvd-rossii-obyavilo-v-rozysk-ministra-kultury-litvy/>

<sup>1000</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240221-rossiya-zastavila-nervnichat-bortsov-s-sovetskimi-pamyatnikami-iz-pribaltiki/>

<sup>1001</sup> <https://news.rambler.ru/world/48627304-nashi-v-litve-apogey-rusofobii-borba-s-pisatelyami-i-vzvinchennye-tseny/>

liberation movement" and "fighters against the Soviet regime". It should be remembered that groups of these "activists", numbering up to 30 thousand people, acting on the territory of Lithuania from 1944 to 1956, are responsible for the death of over 25 thousand civilians, including children, women and the elderly. Most of the victims were ethnic Lithuanians. Many of the band members actively collaborated with the occupation administration of the Third Reich and were part of it, were directly involved in the Holocaust in Lithuania during World War II, when about 220 thousand Jews were killed (96 per cent of the Jewish population living in the country at that time). Witnesses said that the "Forest Brothers" came from the very villages whose residents they murdered and robbed.<sup>1002</sup> After the war, they continued their terrorist activities, killing not only the representatives of the Soviet government, but also people who had saved Jews from the Nazis during the war.<sup>1003</sup>

Celebrations in honour of the "Forest Brothers" take place in modern Lithuania annually. "Scientific" papers are published, and various related memorial events are held: monuments and memorials to the "Forest Brothers" are installed, their remains are looked for and triumphantly re-buried, memoirs of collaborators are published and disseminated, etc.

In May 2021, a monument to another "Forest Brother" Antanas Kraujelis, nicknamed "Siaubūnas" ("Monster", as translated from Lithuanian) was opened in one of the cemeteries of Vilnius in the presence of members of the Lithuanian Parliament and representatives of the executive branch, including Deputy Defence Minister Žilvinas Tomkus, commander of the Lithuanian army Lieutenant General Valdemaras Rupšys and director of the Genocide and Resistance Research Centre of Lithuania (LGGRTC)<sup>1004</sup> Arūnas Bubnys. The tombstone was consecrated personally by Catholic Archbishop Gintaras Grušas<sup>1005</sup> (born and studied in the United States and in 1990s relocated to Lithuania). Noteworthy is one of the

<sup>1002</sup> <https://iz.ru/1137992/andrei-razumovskii/banditskii-fors-v-litve-proslavliaut-lesnykh-bratev>

<sup>1003</sup> [https://lt.baltnews.com/freedom\\_of\\_speech/20220411/1021506655/Litovskiy-sindrom-mezhdu-geroizatsiey-natsizma-i-istoricheskoy-pravdoy.html](https://lt.baltnews.com/freedom_of_speech/20220411/1021506655/Litovskiy-sindrom-mezhdu-geroizatsiey-natsizma-i-istoricheskoy-pravdoy.html)

<sup>1004</sup> This institution is financed by the state. Its goal is to study the "crimes of the Soviet occupation" and "resistance" of the locals, i.e. activities of the "Forest Brothers".

<sup>1005</sup> [https://lt.baltnews.com/vnutri\\_Lithuania\\_politika\\_novosti/20210520/1020805098/Litovskiy-standart-vozvyshenie-prestupnikov-stanovitsya-gosudarstvennoy-normoy.html](https://lt.baltnews.com/vnutri_Lithuania_politika_novosti/20210520/1020805098/Litovskiy-standart-vozvyshenie-prestupnikov-stanovitsya-gosudarstvennoy-normoy.html)



participants in the mentioned event – the LGGRTC leader Bubnis, whose historical "scientific" achievements are quite unique. For example, his work on World War II was heavily criticized by Jewish experts in Lithuania due to his position on the Holocaust.<sup>1006</sup>

In December 2021, Vilnius authorities opened a new square in the capital and named it in honour of "hero" Juozas Lukša, one of the most well-known leaders of the Lithuanian anti-Soviet movement, the member of the Lithuanian Activist Front, and also the agent of Western special services, who was sent to Lithuania to fight against the Soviet regime after the Great Patriotic War (at the same time, official Vilnius conceals the fact that Juozas Lukša actively participated in the Holocaust in Lithuania). This event was preceded by the decision of the Lithuanian parliament to declare 2021 the year of Lukša. The request by Faina Kukliansky, chair of the Lithuanian Jewish Community (LJC), to the parliament to cancel the relevant decision caused indignation of the right-wing forces and provoked a scandal.<sup>1007</sup> Earlier, on the day of Lukša's death, Lithuania honoured his "heroic deeds" in the fight against Soviet authorities. The event was attended by then Lithuanian Defence Minister Arvydas Anušauskas, members of the Seimas, city mayors and local residents. President Nauseda recalled in this regard that Lukša's remains had not yet been found and called it the duty of Lithuanians to find them. He also called this "Forest Brother" an example of patriotism and courage for Lithuanian youth.<sup>1008</sup>

In Lithuania, a monument to Nazi collaborator Juozas Krikštaponis is preserved in the city of Ukmerge. The Lithuanian Jewish organisations repeatedly asked to demolish it but they did not bring home the bacon. Head of the Lithuanian Jewish Community Faina Kuklianski and the chairman of the Jewish community of Ukmerge Artūras Taicas came back to this issue in June 2023 and called for the demolition of this monument at a meeting with the new mayor of the city Darius

<sup>1006</sup> [https://baltnews.lt/vnutri\\_Lithuania\\_politika\\_novosti/20210501/1020769520/Istoricheskiy-sgovor-V-Tsentre-genotsida-Litvy-novyy-obelitel-Kholokosta.html](https://baltnews.lt/vnutri_Lithuania_politika_novosti/20210501/1020769520/Istoricheskiy-sgovor-V-Tsentre-genotsida-Litvy-novyy-obelitel-Kholokosta.html)

<sup>1007</sup> <https://lt.sputniknews.ru/politics/20200716/12640637/V-Litve-razgorelsya-skandal-vokrug-zayavleniya-glavy-EOL-o-partizane.html>

<sup>1008</sup> [https://lt.baltnews.com/vnutri\\_Lithuania\\_politika\\_novosti/20210906/1021036996/Agent-s-Zapada-Kak-posobnik-natsistov-zasluzhil-zvanie-geroya-Litvy.html](https://lt.baltnews.com/vnutri_Lithuania_politika_novosti/20210906/1021036996/Agent-s-Zapada-Kak-posobnik-natsistov-zasluzhil-zvanie-geroya-Litvy.html)

Varnas. Mrs. Kuklianski emphasized that the issue of demolition of the monument to "partisan" Krikštaponis who was one of the initiators of the extermination of Jews in Belarus, was raised back in 2021, but was not resolved. She recalled that the criminal actions of Krikštaponis were documented, and therefore "it is immoral to glorify him and worship the person responsible for the murder of thousands of Jews". This statement was made after the mentioned meeting, since representatives of Jewish organizations realized that this issue would not be resolved.<sup>1009</sup>

Forced to draw attention to the facts of the glorification of Nazi collaborators in Lithuania, new US Ambassador to the Republic of Lithuania Kara C. McDonald stated that Lithuania needed to remove monuments to Holocaust participants from public space, even if they later opposed Soviet power. The Ambassador indicated that US representatives were monitoring the condition of several such monuments, including the one erected in honour of Nazi collaborators Juozas Krikštaponis and Jonas Noreika.<sup>1010</sup>

Antisemitic manifestations continue to be recorded in Lithuania. This is also facilitated by controversial actions of authorities. In 2020, the Seimas was considering a bill stipulating that neither the Lithuanian state nor its leaders were responsible for involvement in the Holocaust during World War II.

In late December 2022, the Parliament approved a bill to allocate 37 million euro to the Good Will Foundation, which was considered a tool for compensating the surviving members of the Jewish community and their family members for property taken from them during the war. The foundation also finances other projects to support the Lithuanian Jewish community.<sup>1011</sup>

At the same time, the Lithuanian political circles bashfully conceal the facts of the direct participation of ethnic Lithuanians in the mass murder of Jews, i.e. their genocide, on the territory of this Baltic republic during the war. Some attempts to

<sup>1009</sup> <https://www.rubaltic.ru/news/09062023-obshchina-evreev-litvy-prizvala-snesti-pamyatnik-posobniku-natsistov-krikshtaponisu/>

<sup>1010</sup> <https://www.rubaltic.ru/news/06022024-posol-ssha-prizvala-vlasti-litvy-reshit-vopros-s-pamyatnikami-posobnikam-natsistov/>

<sup>1011</sup> <https://www.timesofisrael.com/lithuania-passes-law-allocating-38-million-in-restitution-for-holocaust-survivors/>

tell the truth face fierce resistance from the authorities (one such example is the book "Our People" by journalist Ruta Vanagaite, published in 2016).

Along with this, the Lithuanian leadership is making efforts to glorify the participants of the Nazi Waffen-SS and conceal the surviving collaborators from trial. At the beginning of January 2022, it became known that the Lithuanian authorities (as before in Latvia) officially refused to provide assistance to Belarus in the investigation of the criminal case of the genocide of the Belarusian people during the Great Patriotic War. This was announced by the head of the investigation group of the General Prosecutor's Office of Belarus Valery Tolkachev. Vilnius and Riga refused legal assistance to Minsk in the investigation of the massacre of civilians, citing as justification that such interaction could affect issues of their national security.<sup>1012</sup> By equating the issues of bringing Nazis guilty of committing serious crimes to justice with national security, Lithuania and Latvia actually confirmed how important Nazi ideology and those who implemented it in practice were for them, including on their own territory.

The goal of Lithuanian and Latvian authorities to varnish reputation of Nazi and prevent their prosecution was confirmed also by the Prosecutor's General Office of the Republic of Belarus, which informed on 11 September 2023, that during the criminal investigation of genocide the names of the executioners of Belorussian people during the World War II and in the post-war time from among the Lithuanian and Latvian killing squad members were identified. The 2nd battalion that arrived to the Belorussian Soviet Socialist Republic in October 1941 and that was given a new name of the 12th battalion later participated in the extermination of prisoners of death camps, reprisals against civilians, and destruction and looting of settlements. As a result of criminal actions of the 2nd (12th) Lithuanian battalion from June 1941 till July 1944 over 31 thousand civilian residents were killed and at least 28 settlements were destroyed on the territory of modern Republic of Belarus, says the statement. It has been determined and confirmed by documents that the Nazis

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<sup>1012</sup> <https://www.rubaltic.ru/news/10012022-litva-i-latviya-otkazalis-pomogat-minsku-v-rassledovanii-dela-o-genotside-belorusov/>, <https://ctv.by/genprokuratura-o-novyh-faktah-genocida-masshtaby-tragedii-namnogo-bolshe-chem-ob-etom-bylo-izvestno>

and their accomplices were also active in creating Latvian military and police units which included Latvian SS volunteer brigade consisting of the 1st and 2nd regiments, Latvian police battalions, the 19th Latvian Waffen-SS volunteer division and the Latvian rifle division forces, which received the name Latvian SS Legion. The list of Nazi criminals out of Latvian and Lithuanian punishers as well as crimes they committed was drawn up to be supplemented in the future as new data would arrive. The statement of the Belorussian Prosecutor's Office also notes that this list being studied leaves no doubts in artificiality of refusals of Latvia's and Lithuania's elites to provide legal aid in the investigation of the criminal case related to the genocide of the Belorussian people under the excuse of "causing harm to their sovereignty or security, rights and legitimate interests of citizens". Such position serves as a confirmation of an open complicity in hiding war criminals, a basic denial of the value of human life, evasion of the implementation of the principle of inevitability of responsibility and disregard for international obligations.<sup>1013</sup>

For many years regular acts of vandalism happen on the Jewish cemeteries. They do not find those guilty, as a rule. In September 2021, the old Jewish cemetery "Piramontas" in the city District of Šnipiškės was exposed to a desecration.<sup>1014</sup> The Nazi swastika was painted on the table containing the call to have respect for the final resting place of the Jewish people.

In November 2021, the authorities of the Lithuanian city of Šiauliai were forced to stop constructing the bicycle path as far as it emerged that it crossed the mass grave of the victims of Holocaust. It was not the overnight decision of the city's authorities: it was decided only after the Jewish community cried the alarm.<sup>1015</sup>

In spring 2022, some strangers desecrated the memorial to the victims of Holocaust and to the fallen during the World War II in Paneriai, a neighbourhood of

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<sup>1013</sup> <https://prokuratura.gov.by/ru/media/novosti/zashchita-sotsialnykh-prav-grazhdan/v-inykh-sferakh/ustanovleny-imena-na/>, <https://www.rubaltic.ru/news/11092023-v-minske-ustanovili-imena-litovtsev-i-latyshey-unichtozhavshikh-belorusov-v-gody-voiny/>

<sup>1014</sup> [https://baltnews.lt/vnutri\\_Lithuania\\_politika\\_novosti/20210909/1021046743/Vandalizm-po-raspisaniyu-v-Litve-khudozhniki-izobrazili-svastiku.html](https://baltnews.lt/vnutri_Lithuania_politika_novosti/20210909/1021046743/Vandalizm-po-raspisaniyu-v-Litve-khudozhniki-izobrazili-svastiku.html)

<sup>1015</sup> [https://baltnews.lt/vnutri\\_Lithuania\\_politika\\_novosti/20211118/1021198979/Snova-skandal-Litva-zakhotela-krutit-pedali-na-kostyakh.html](https://baltnews.lt/vnutri_Lithuania_politika_novosti/20211118/1021198979/Snova-skandal-Litva-zakhotela-krutit-pedali-na-kostyakh.html)

Vilnius. In its statement on the condemnation of these incidents the Jewish community of Lithuania noted the "apathy of responsible departments and public tolerance for such attacks".<sup>1016</sup>

In May 2022, a monument to the victims of the Holocaust, erected in a forest near the town of Darbenai, Kretinga district<sup>1017</sup>, was destroyed and a place of murder of 11 thousand Jews in the Ukmerge district<sup>1018</sup> was desecrated in November.

In September 2022, another case of vandalism at the Paneriai Memorial was recorded.

The FRA's official statistic<sup>1019</sup> does not contain any antisemitism data on Lithuania for 2021. In 2022, the Lithuanian law enforcement recorded two incidents of antisemitic nature, both – in the Internet as well as three cases of vandalism in relation to monuments to the victims of Holocaust. Three such cases were recorded in 2020 and five in 2019.

It is also noted that in 2021, five investigations of incitement to antisemitic hatred were launched (13 – in 2020). That said, two of those five 2021 investigations were put on hold later by reason of the impossibility to determine the perpetrator, and three more investigations were stopped due to a lack of any evidence.<sup>1020</sup>

At the same time the EU Agency for Fundamental Rights was forced to note the absence of data from non-governmental organisations. Therefore, it looks like the real statistic of manifestation of antisemitism is not published. The recorded official data do not allow fully assessing the manifestations of antisemitism in Lithuania.

<sup>1016</sup> <https://lt.sputniknews.ru/20220401/v-litve-oskvernili-pamyatnik-zhertvam-kholokosta-v-paneryae-22451502.html>

<sup>1017</sup> <https://lt.sputniknews.ru/20220512/na-zapade-litvy-razorili-pamyatnik-zhertvam-kholokosta-23151466.html>

<sup>1018</sup> <https://www.lzb.lt/ru/2022/11/29/%D0%BC%D0%B5%D1%81%D1%82%D0%BE-%D0%BC%D0%B0%D1%81%D1%81%D0%B£%D0%B2%D0%BE%D0%B3%D0%BE-%D1%83%D0%B1%D0%B8%D0%B9%D1%81%D1%82%D0%B2%D0%B0-%D0%B5%D0%B2%D1%80%D0%B5%D0%B5%D0%B2-%D1%83%D0%BA%D0%BC%D0%B5/>

<sup>1019</sup> European Union Agency for Fundamental Rights. Antisemitism. Overview of antisemitic incidents recorded in the European Union in 2011-2021: [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-antisemitism-overview-2011-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf) and in 2012-2022: [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

<sup>1020</sup> European Union Agency for Fundamental Rights. Antisemitism. Overview of antisemitic incidents recorded in the European Union in 2012-2022: [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

Nationalist circles, the Department of State Security (Lithuania's main intelligence agency) and the country's law enforcement agencies subject to harassment and reprisals anyone who publicly declares the involvement of Lithuanians in the Holocaust and the mass murder of civilians. Vilnius is making active efforts in this direction, despite the fact that these unsightly facts have historical evidence. In particular, the fact that Lithuanians themselves also took part in the Holocaust was pointed out to the Lithuanian authorities by Faina Kukliansky, chair of the JCL.<sup>1021</sup>

In February 2023, the LJC expressed its outrage at the antisemitic statement made by Remigijus Laugalis, a local Conservative, head of the village of Nemakščiai, Raseiniai district, who said at a meeting with voters: "if you do not vote for me, you can bury yourself in a Jewish cemetery".<sup>1022</sup>

In early May 2023, a blatantly Russophobic and at the same time antisemitic post by Seimas deputy Remigijus Žemaitaitis was published in social networks in connection with the demolition by the Israeli authorities of a Palestinian school built with EU funding. He wrote that "apart from Putin, there is another animal in the world – Israel" and cited proverbs about Jews calling for their murder ("A Jew was climbing the stairs and accidentally fell. Children, take a stick and kill this Jew"). After falling under a barrage of criticism by the country's top officials, Mr. Žemaitaitis stated unhesitatingly that he did not feel guilty. Following the words of the Lithuanian Prime Minister Ingrida Šimonytė, who visited Israel in June 2023, about the historical ties between the Lithuanians and the Jews, the Seimas deputy called these theses "nonsense" and declared that the Jews, together with the Russians, participated in the "Lithuanian Holocaust".<sup>1023</sup>

On 13 February 2024 in Druskininkai, vandals toppled down the monument to commemorate Jewish ghetto prisoners on Jokubo Street. The monument was erected in 1992 on the site where a ghetto was created in the fall of 1941, where about a

<sup>1021</sup> [https://lt.baltnews.com/freedom\\_of\\_speech/20210617/1020869575/Strelyali-v-zhenschin-i-detey-Litva-sluchayno-umolchala-ob-unichtozhenii-evreev.html](https://lt.baltnews.com/freedom_of_speech/20210617/1020869575/Strelyali-v-zhenschin-i-detey-Litva-sluchayno-umolchala-ob-unichtozhenii-evreev.html), [https://baltnews.lt/freedom\\_of\\_speech/20210617/1020869575/Strelyali-v-zhenschin-i-detey-Litva-sluchayno-umolchala-ob-unichtozhenii-evreev.html](https://baltnews.lt/freedom_of_speech/20210617/1020869575/Strelyali-v-zhenschin-i-detey-Litva-sluchayno-umolchala-ob-unichtozhenii-evreev.html)

<sup>1022</sup> <https://regnum.ru/news/polit/88278.html>

<sup>1023</sup> <https://iz.ru/1533429/viktor-nedelin/opravdanie-ubiitc-v-litve-vnov-podnimaet-golovu-antisemitizm>

thousand Jews were driven. In November 1943, the ghetto was dismantled and the Jewish prisoners were transported to the Kolbasino concentration camp near Grodno.<sup>1024</sup>

It is worth mentioning that the policy pursued by official Vilnius to vindicate the "Forest Brothers", who took the most active part in the extermination of the Jews, is regularly and officially subjected to condemnation, including by Israel, which claims that Lithuania is promoting "false narratives" about the history of the Holocaust.<sup>1025</sup>

Even Washington criticized its Lithuanian protégé. On 12 December 2022, Ellen Germain, the US State Department's Special Envoy for Holocaust Issues, called on Vilnius to recognize the fact that those people who "are praised, commemorated with monuments and seen as national heroes because they fought against the Soviets, were at the same time Nazi collaborators and were involved in the crimes of Nazism, in genocide".<sup>1026</sup>

Names associated with the Nazis are still used in Lithuania. In some cases, the use of such names has direct reference to Nazism. For example, in May 2022, another international military exercise – "Iron Wolf" – with the participation of NATO units was held at the Gaižiūnai training ground. The May 2023 exercise involved about 4,000 troops from 11 NATO countries and more than 1,000 pieces of military equipment.<sup>1027</sup> The name "Iron Wolf" ("Geležinis Vilkas") was the name of the Lithuanian nationalist antisemitic and Nazi movement (also known as the "Iron Wolf Association") founded in 1927 that called for the creation of a powerful state following the example of the European Nazi movements. Its members actively participated in the slaughter of Poles and Jews. Later, after the organization was dissolved, its members joined the Lithuanian collaborators and together continued to participate in the extermination of the Baltic Jews. In 2021, there was a high-profile scandal during these exercises, when German soldiers stationed in Lithuania as part

<sup>1024</sup> <https://www.rubaltic.ru/news/14022024-v-litve-vandaly-oprokinuli-pamyatnik-uznikam-evreyskogo-getto/>

<sup>1025</sup> <https://www.jpost.com/opinion/lithuania-promotes-a-false-holocaust-narrative-opinion-655487>

<sup>1026</sup> <https://iz.ru/1439643/2022-12-12/ssha-prizvali-vilnius-priznat-prichastnost-geroev-litvy-k-kholokostu>

<sup>1027</sup> <https://gazeta.ru/armynews/2023/05/08/20389670.shtml>

of the NATO contingent celebrated Hitler's birthday, all the while singing Nazi marches and anti-Semitic songs, bullying and beating up fellow soldiers.

Furthermore, the denial of Lithuania's assessment of the period when the country was part of the USSR as "occupation" is subject to criminal prosecution under Article 170 of the Lithuanian Criminal Code for "denial of Soviet occupation" with a penalty of up to two years imprisonment. In addition to the above-mentioned pro-Nazi policies, breaches of the prohibition on retroactive application of the law, the principle of presumption of innocence, and the right to a fair trial persist in the Lithuanian legal sphere. These legal provisions are used by Lithuanian special services and law enforcement agencies, as well as nationalist circles to persecute and harass anyone who expresses alternative views on Lithuanian domestic and foreign policy and history, much less publicly admits the involvement of "Forest Brothers" in the Holocaust and mass murders of civilians. According to a number of human rights activists, Lithuania has built up an entire system of measures and methods of putting pressure on those who disagree. Offences introduced by Article 170-2 of the Lithuanian Criminal Code play a significant role in this system.

A vivid example is the years-long trial of a trumped-up and politically motivated criminal case concerning the well-known events at the Vilnius TV tower in January 1991. On 31 March 2021, the Court of Appeal of Lithuania partially upheld a prosecutorial protest against the decision of the Vilnius District Court of 27 March 2019, under which 67 former Soviet party and state figures, special forces fighters and military personnel, most of whom were Russian nationals, were sentenced to long prison terms for allegedly committing "war crimes and crimes against humanity". As a result, a Russian citizen, officer of the Russian Army Yuri Mel, who has been in custody in Lithuania since March 2014, had his term of imprisonment extended by 3 years to a total of 10 years (on 30 June 2022, the Supreme Court of Lithuania reduced the term to 9 years). Gennady Ivanov, who had previously been subjected to a restriction in the form of recognizance not to leave, was sentenced to five years imprisonment as a cumulative punishment.



The media also reported that in this case the Lithuanian judicial system used double standard approaches. Russian citizens were sentenced to long terms of imprisonment. At the same time, exceptions were made for some. Alexander Radkevich, a citizen of Ukraine, who served in the Soviet army and also took part in the events at the TV tower, was first sentenced to four years imprisonment. But in November 2022 the term was reduced to a year and a half. The reason may be the fact that he is a veteran of the Ukrainian counter-terrorism operation and may currently be back in the AFU ranks.<sup>1028</sup>

The Russian side is not letting this issue go unaddressed. On 6 September 2023, the Basmany Court of Moscow ordered the arrest in absentia from the moment of detention on the territory of Russia or extradition to its territory of Lithuanian judges who passed knowingly unjust sentences on dozens of innocent people in the politicized "13 January case".<sup>1029</sup>

One more revealing example of discrimination by the Lithuanian authorities against Russian citizens is the case of Konstantin Nikulin, former officer of Riga Special Purpose Mobile Unit (OMON) of the MIA of the USSR, who was found guilty by the Vilnius district court on 11 May 2011 of committing premeditated murder of seven persons and attempted murder of one person at the customs post in Medininkai in July 1991. He was initially charged with "murder of two or more persons" (by the date of the trial, the limitation period for such crimes had expired, so the charge was changed). No clear evidence of Nikulin's involvement in the crime attributed to him was presented, but the Russian citizen was sentenced to life imprisonment with time served in prison and a fine of 650,000 EUR. Despite the fact that in 2021 this Russian citizen was recognized as having group III disability status, the prison administration twice refused to transfer him from a strict detention unit to a less strict one. Despite repeated requests from the Russian Embassy, our citizen is denied medical diagnostic procedures, which he has been requesting for

<sup>1028</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230113-svoi-strelyali-v-svoikh-chto-stoit-za-gosudarstvennym-mifom-litvy-o-borbe-za-nezavisimost/>

<sup>1029</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230906-shag-k-spravedlivosti-litovskie-sudi-otvetyat-za-politicheskie-repressii/>

several years due to increased stomach pains. In March 2020, after a two-year consideration of Konstantin Nikulin's application for a transfer to continue serving his sentence in Russia in accordance with the Russian-Lithuanian Agreement on the transfer of persons sentenced to imprisonment for serving their sentences of 25 June 2001, the Lithuanian Ministry of Justice informed him "that the transfer does not seem possible".

Gross violations of the right to freedom of opinion and expression by the Lithuanian authorities can be seen in the activities of the country's main intelligence service, the State Security Department. The State Security Department is conducting a campaign of harassment and intimidation under a false accusation of spying for Russia against a group of Russian and Lithuanian citizens. A prominent Lithuanian opposition figure, Algirdas Paleckis<sup>1030</sup>, who visited the Russian Crimea and has his own point of view on the events in Vilnius in January 1991, which differs from that of the official authorities, has been imprisoned since 11 May 2022 after the Lithuanian Court of Appeal approved his conviction. His persecution was initiated by the Lithuanian authorities after he challenged the official version of the events at the Vilnius TV Tower and the Press House that took place in January 1991. With reference to eyewitnesses, Algirdas Paleckis said that the bloodshed had been instigated by radicals seeking power and that when the TV Tower in Vilnius was taken under control, "people were shooting at their own people". This remark was the reason for initiating a criminal case against Algirdas Paleckis under the article stipulating responsibility "for denial of Soviet aggression and occupation".

The charges against the activist alleged that Algirdas Paleckis and entrepreneur Deimantas Bertauskas were recruited by the Russian special services and tasked to gather information about the judges and prosecutors who handled the "13 January case". Algirdas Paleckis was held in custody from October 2018 until April 2020, after which the Court of Appeal of Lithuania replaced the arrest with another preventive measure – intensive supervision with a bail of 50,000 EUR and

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<sup>1030</sup> [https://lt.baltnews.com/vnutri\\_Lithuania\\_politika\\_novosti/20220511/1021570079/Nesoglasnykh--v-tyurmu-Algirdasa-Paletsisa-okonchatelno-lishili-svobody.html](https://lt.baltnews.com/vnutri_Lithuania_politika_novosti/20220511/1021570079/Nesoglasnykh--v-tyurmu-Algirdasa-Paletsisa-okonchatelno-lishili-svobody.html)

seizure of personal documents. On 27 July 2021, the court found the politician guilty and sentenced him to six years' imprisonment.<sup>1031</sup> His term was later reduced to 4.5 years. Paleckis' lawyer informed the media that the politician was being held in solitary confinement, he was severely malnourished and had health issues.<sup>1032</sup> The Vilnius entrepreneur Deimantas Bertauskas, who pleaded guilty in this criminal case and testified, was exempted from criminal responsibility.

In 2022, the Lithuanian authorities also initiated prosecution against the International Forum of Good Neighborhoods association founded by Algirdas Paleckis under the article of the Criminal Code, which provides for liability for assisting another state in actions against Lithuania.<sup>1033</sup> In February 2023, the Vilnius County Court ordered the liquidation of the NGO.<sup>1034</sup> The NGO was charged with "unlawful activity", as its activists expressed an interpretation of Lithuania's recent history and current events in the country and the world that differed from that of official Vilnius and advocated the normalization of Lithuania's relations with Russia and Belarus. A massive media campaign was launched to discredit the Forum, involving all major media outlets and politicians in the country. In October 2022, Erika Švenčionienė, head of the Forum, was searched; law enforcement authorities initiated a criminal case against her for assisting another state in actions against Lithuania. It is also telling that during the court hearing that began in late December 2022 on the dissolution of the Forum, the court rejected the organization's request to postpone the hearing to finalize its agreement with a lawyer. Erika Švenčionienė said that the organization had little time to find a lawyer. According to her, other lawyers were afraid to defend the organization for fear of being disbarred.<sup>1035</sup>

In December 2023, prosecutors referred the case against activists Kazimieras Juraitis and Erika Švenčionienė to the Vilnius County Court; both are charged with

<sup>1031</sup> <https://www.lrt.lt/ru/novosti/17/1458028/za-shpionazh-v-pol-zu-rossii-paletskis-osuzhden-na-shest-let-lisheniia-svobody>, [https://lt.baltnews.com/vnutri\\_Lithuania\\_politika\\_novosti/20220511/1021570079/Nesoglasnyk--v-tyurmu-Algirdasa-Paletsvisa-okonchatelno-lishili-svobody.html](https://lt.baltnews.com/vnutri_Lithuania_politika_novosti/20220511/1021570079/Nesoglasnyk--v-tyurmu-Algirdasa-Paletsvisa-okonchatelno-lishili-svobody.html)

<sup>1032</sup> <https://lv.sputniknews.ru/20220506/sud-litvy-otkonil-zhalobu-osuzhdenного-za-shpionazh-v-polzu-rf-paletsvisa-21726124.html>

<sup>1033</sup> <https://lt.sputniknews.ru/20220805/v-litve-protiv-foruma-paletsvisa-nachato-esche-odno-rassledovanie-24098360.html>

<sup>1034</sup> <https://tass.ru/mezhdunarodnaya-panorama/17096269>

<sup>1035</sup> <https://www.rubaltic.ru/news/28122022-v-litve-nachalsya-sudebnyy-protsess-o-likvidatsii-mezhdunarodnogo-foruma-dobrososedstva/>

acting against Lithuania and publicly "endorsing Russia's crimes." Lithuanian law enforcers said that in 2022, members of the dissolved International Forum of Good Neighborhoods allegedly assisted Russia and Belarus in their actions against Lithuania.<sup>1036</sup> Under the Criminal Code of the Republic of Lithuania, they face imprisonment for up to seven years.

At that time another case was brought to court against human rights defender Algirdas Paleckis, who was already serving his prison term. In this case, he was charged under articles on defamation and justification of "crimes committed by the USSR against Lithuania"<sup>1037</sup>.

Valeriy Ivanov, a Russian citizen, former leader of the pro-Soviet organization "Yedinstvo" and chairman of the Union of Russian Writers and Artists "RAROG", has also been subjected to politically motivated persecution. On 25 September 2023, he was charged under the article on "justification of crimes committed by the USSR against Lithuania".<sup>1038</sup> The prosecutor's office did not specify the nature of his unlawful acts. However, in May 2023, he participated in the events held by the Russian Embassy at the Antakalnis Cemetery in Vilnius dedicated to the Victory over Nazi Germany and, answering questions from a journalist, said that he gave credence to the Russian version of the events taking place in Ukraine. In November 2023, Lithuanian authorities deemed Valeriy Ivanov a "threat to national security" and revoked his residence permit on the same "grounds."<sup>1039</sup>

It is worth mentioning that such persecution of human rights defenders in Lithuania has occurred before.

For instance, in June 2020, the Vilnius District Court issued a guilty verdict to the above-mentioned public figure, Valeriy Ivanov, who is a witness in the "Paleckis case", for "illegal possession of firearms" (a defective starter pistol was found in his possession during a search). He was sentenced to a two-year ban on leaving Vilnius and his place of residence during night-time hours.

<sup>1036</sup> <https://www.delfi.lt/ru/news/live/delo-shvenchenene-yuraytisa-i-ivanova-peredano-v-sud-obvinyayutsya-v-deystviyah-protiv-litvy-95339675>

<sup>1037</sup> <https://www.delfi.lt/ru/news/live/paleckisa-budut-sudit-eshche-raz-94987385>

<sup>1038</sup> <https://www.lrt.lt/ru/novosti/17/2086506/byvshemu-lideru-edinstva-predstavleny-podozreniya-v-publichnom-odobrenii-prestuplenii-sssr>

<sup>1039</sup> <https://www.lrt.lt/ru/novosti/17/2178886/byvshii-lider-edinstva-ivanov-obzhaloval-reshenie-o-ego-vysylke-iz-litvy>

In March 2020, Aleksejus Greicius, leader of the Juvenus youth organization and organizer of the "Immortal Regiment" in Klaipeda, was subjected to repression. For the 70th anniversary of the Victory, his organization published brochures on the liberation of Klaipeda and donated them to the city's school libraries. On 12 November 2021, the District Court of Klaipeda found him guilty of "spying for the Russian Federation" and sentenced him to four years imprisonment. According to the case materials, the human rights defender was accused of collecting and transmitting to the "special services of the Russian Federation" information about the events he had organized, photographs of people who participated in these events, video materials and articles, a video report about the trial of Klaipeda politician Viačeslav Titov and information about the employees of the State Security Department. On 5 July 2022, the Lithuanian Court of Appeals upheld the verdict against the human rights activist.<sup>1040</sup> Another defendant in the case, Mindaugas Tunikaitis, was sentenced to a year and a half of imprisonment and pleaded guilty. The court noted that the information provided to Russia was not a secret, but the judges equated it as such, as it was allegedly of interest to "foreign secret services".<sup>1041</sup>

In late 2019, a harassment campaign was launched against the head of the Association of Russian School Teachers of Lithuania, Ella Kanaite (who is also a member of the CCRC and a founder of the Centre for the Study and Protection of Fundamental Rights). She was fired from the school where she worked as a teacher.<sup>1042</sup> In 2022, Ella Kanaite fell victim to another round of harassment launched by the Lithuanian media, after which she was forced to resign from her post as deputy director of the Vilnius kindergarten-school "Svaja". Journalists drew attention to her older social media posts in which she confessed her pro-Russian views.<sup>1043</sup>

<sup>1040</sup> <https://lt.sputniknews.ru/20220705/litovskomu-pravozaschitniku-ostavili-prezhniiy-srok-zaklyucheniya-zashpionazh-23750586.html>

<sup>1041</sup> <https://delfi.lt/ru/news/article/php?id=88668731>

<sup>1042</sup> <https://www.delfi.lt/ru/news/live/vlasti-vilnyusa-zhdut-prinyatiya-resheniy-upomyanutaya-v-otchete-dgb-litvy-pedagog-rabotaet-v-detskom-sadu-95060739>

<sup>1043</sup> <https://www.lrt.lt/ru/novosti/17/2124700/ella-kanaite-popala-v-spisok-ugroz-natsional-noi-bezopasnosti-ukhodit-iz-shkoly>

In 2019, a criminal case was initiated against Victor Orlov, head of the Forgotten Soldiers Association, which searched for the remains of Soviet soldiers. The case was dropped after a year, however, he had been subjected to pressure for a long time, and received threatening phone calls.<sup>1044</sup> In 2020, Tatyana Afanasyeva-Kolomiets, organizer of the Immortal Regiment in Vilnius, was also searched and interrogated by the State Security Department.

The Lithuanian authorities abolished the Lithuanian Russian Union. Its leader, Sergey Dmitriyev, is also constantly being attacked and threatened in all kinds of ways.

In this regard, the decision of the ECtHR dated 12 March 2019 in the case *Drelingas v. Lithuania*, which upheld the sentence of a Lithuanian court to Stanislovas Drėlingas, a former KGB officer who participated in the 1956 operation to detain Adolfas Ramanauskas-Vanagas and his wife (later, by decision of the Soviet court, the leader of the gang was executed by shooting) is telling. Official Vilnius interprets this ruling of the ECtHR as the alleged recognition of the struggle of the Soviet authorities against the "partisans who fought for the freedom of Lithuania" as "genocide of the Lithuanian people" (we should remind that these were the "partisans" who collaborated with the Nazis, and who continued to take part in the killing of civilians after the war).

In October 2020, the Main Electoral Commission of the Lithuanian Republic did not allow opposition politician Viačeslav Titov to participate in the elections to the Seimas, discarding part of the signatures collected by him that were required for registration. He accused the ruling elite of "bureaucratically blocking" an out-of-system politician. In 2019, Viačeslav Titov was fined for 10,000 EUR for his criticism of perpetuation of the memory of one the above-mentioned commanders of the "Forest Brothers", Adolfas Ramanauskas-Vanagas.

Because of persecution by Lithuanian authorities, the Chairman of the Socialist People's Front, anti-fascist Giedrius Grabauskas, who also opposes the

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<sup>1044</sup> [https://news.rambler.ru/world/48627304/?utm\\_content=news\\_media&utm\\_medium=read\\_more&utm\\_source=copylink](https://news.rambler.ru/world/48627304/?utm_content=news_media&utm_medium=read_more&utm_source=copylink)

glorification of "Forest Brothers" and the promotion of Russophobia, has been forced to leave the country.

Since the beginning of Russia's special military operation to denazify and demilitarize Ukraine and protect the civilians of the Donbass, the Lithuanian authorities have taken on unprecedented efforts to denigrate everything related to Russia. As a result, incidents of Russophobia and discrimination against people of Russian origin have become more frequent.<sup>1045</sup>

The media were among the first to face the restrictions, as a large-scale attack on the Russian mass media was launched. First, the Lithuanian Radio and Television Commission (LRTC) suspended the broadcasts of "RBC TV" and "Mir-24" for five years and imposed similar sanctions on six other Russian and Belarusian channels. The same month, the LRTC disconnected other TV programs of interstate TV and Mir Radio Company from the Lithuanian airwaves and blocked more than 50 news websites and several official resources belonging to the Russian authorities. In April, this questionable Commission suspended re-broadcasting of 32 Russian-language TV channels ("Kinokomedia", "NTV Mir", "Pyatnitsa", "Cinema of India", "TNT", "Malysh-TV", and others) controlled by Russia's "Gazprom-Media". The pretext was the fact that this media holding belonged to "Gazprombank", a bank sanctioned by the US Office of Foreign Assets Control (not Lithuanian!). Furthermore, according to the Commission, the broadcasting or distribution on the Internet of TV programs whose owners are subject to anti-Russian sanctions contradicts the interests of Lithuania's "national security".<sup>1046</sup> In September, the Seimas decided to stop broadcasting Russian and Belarusian in Lithuania under the pretext of the need to "protect its information space from the flow of disinformation". The new ban is effective until 1 October 2024.<sup>1047</sup>

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<sup>1045</sup> <https://lt.sputniknews.ru/20220426/genotsid-pered-slavyanami-v-litve-rasskazali-o-sluchayakh-rusofobii-22888559.html>

<sup>1046</sup> <https://lt.sputniknews.ru/20220420/v-litve-zapretili-retranslyatsiyu-bolee-30-rossiyskikh-telekanalov-22816590.html>

<sup>1047</sup> <https://www.rubaltic.ru/news/22092022-seym-litvy-zakryl-efir-dlya-rossiyskikh-i-beloruskikh-kanalov/>

In September 2023, the LRTC blocked IP addresses enabling to watch banned TV programs.<sup>1048</sup>

In January 2024, the Vilnius Regional Administrative Court rejected the complaint filed by Musu TV Internet portal and upheld the decision of the Lithuanian Radio and Television Commission to penalize it with a fine of 2,000 EUR for disseminating "false information". According to the LRTC, the reports published on the website conveyed a "favourable opinion" about the foreign policy pursued by Russia and Belarus and contained materials discrediting the Lithuanian authorities. It was noted that the reports included a "biased reaction" to the events in Ukraine, questioning the sovereignty and territorial integrity of that country.<sup>1049</sup>

The Lithuanian authorities are introducing legislative measures aimed at preventing Lithuanians from sharing the sentiment of for Russia's special military operation in Ukraine. On 17 March 2022, the Seimas of Lithuania approved draft amendments to the Lithuanian Criminal Code, which, under the guise of criminalizing war propaganda, introduced criminal liability for its public support. At the same time, in mid-March, the Lithuanian Parliament approved legislative amendments governing public procurement, which enabled to exclude companies of hostile states (meaning Russia and Belarus) from tenders and terminate contracts concluded with them.

On 19 April 2022, the Seimas adopted amendments to the laws on administrative offenses and on assemblies, banning the public display of the St. George Ribbon and other symbols of "totalitarian and authoritarian regimes" used "for the propaganda of aggression, crimes against humanity and war crimes" (including the letters Z and V). Individuals face fines of between 300 EUR and 700 EUR, and up to 900 EUR for repeated offences, while legal persons face higher fines – up to 1,200 EUR, and up to 1,500 EUR for repeated offences.<sup>1050</sup>

<sup>1048</sup> At the same time, according to the World Press Freedom Index, in 2022, Lithuania ranked 9th.

<sup>1049</sup> <https://www.lrt.lt/ru/novosti/17/2149841/sud-postanovil-shtraf-portalu-musu-tv-za-dezinformatsiiu-v-razmere-2-2-tys-evro>

<sup>1050</sup> [www.lt.sputniknews.ru/20220419/seym-litvy-zapretil-publichnoe-ispolzovania-georgievskoy-lenty-22788067.html](http://www.lt.sputniknews.ru/20220419/seym-litvy-zapretil-publichnoe-ispolzovania-georgievskoy-lenty-22788067.html)



It should be noted that the Lithuanian authorities have previously taken steps to establish a legal basis for putting pressure on pro-Russian activists. In May 2021, the Seimas adopted amendments to the Law on the Legal Status of Aliens that prohibited persons supporting or participating in the "aggressive" policy of a foreign state from entering Lithuania. These new amendments are aimed primarily at Russian citizens, including popular media figures, who openly express their civic position in support of the actions of the Russian leadership.

In September 2022, Latvia, Lithuania and Estonia, in violation of all international rules on freedom of movement of citizens, reached an in-principle agreement to restrict the movement of Russians across their borders with Russia and Belarus. In line with this policy, on 14 September 2022, the Cabinet of Ministers approved new entry rules for Russian citizens that are blatantly discriminatory, including in terms of Vilnius' international human rights commitments. According to the regulation, Russian citizens entering the Republic of Lithuania through all border checkpoints are subject to individual enhanced search during the state of emergency.<sup>1051</sup> On 22 November 2022, Agnė Bilotaitė, head of the Lithuanian Ministry of the Interior, signed amendments to decrees tightening the procedure for issuing documents to foreigners wishing to enter and live in the country.

These changes resulted in a special mandatory questionnaire for Russian and Belarusian citizens applying for a visa or residence permit. Some of the questions probe into the applicant's opinion on the situation around Ukraine. Applicants are also required to answer questions about education, former employment, service in the armed forces, ties in business circles, and contacts with governmental authorities of non-NATO and non EU countries. Given Vilnius' general policy of fomenting Russophobia, it is not surprising that 'wrong' answers on the questionnaire are used as grounds for entry bans. Cases of people being refused entry on such grounds have been confirmed by Arnoldas Abramavičius, Deputy Head of the Lithuanian Ministry of the Interior.<sup>1052</sup> According to Evelina Gudzinskaite, the director of the Migration

<sup>1051</sup> <https://www.rubaltic.ru/news/14092022-pravitelstvo-litvy-utverdilo-kriterii-dopuska-grazhdan-rossii-v-stranu/>

<sup>1052</sup> <https://www.rubaltic.ru/news/09012023-v-litve-rasskazali-ob-otkaze-vo-vezde-belorusam-posle-voprosov-ob-otnoshenii-k-ukraine/>

Department, the mentioned document is an "additional security filter that allows us to identify more quickly foreigners who may pose a threat to national security because of their past activities or ties to undemocratic regimes".<sup>1053</sup> The system appears to be actively used by the Lithuanian authorities. According to Giedrius Mišutis, representative of the State Border Guard Service of the Ministry of the Interior, 1,343 Russian citizens were denied entry to Lithuania between 19 September 2022 and 18 September 2023.<sup>1054</sup> The figure is quite impressive, given that this country, which used to be a very popular destination for Russian and Belarusian tourists, has long lost its former attraction due to the openly discriminatory policy of its leadership.

By the end of 2023, the discriminatory measures against Russians had received legal support in the form of the Law on Imposing Restrictive Measures Regarding the Military Aggression against Ukraine (entered into force in May 2023).<sup>1055</sup> The Law aims to significantly reduce the already small inflow of Russian citizens who still wish to obtain a residence permit here. Those living in Lithuania are subject to a security screening by the State Security Department.

According to the Migration Department, 397 Russians and 1,644 citizens of Belarus were deemed a "threat to the national security of the country" between November 2022 and December 2023. They were denied a temporary residence permit or its extension, their previously issued permits were revoked, or permanent residence permits were revoked or denied.<sup>1056</sup>

On 12 February 2024, Lithuania extended its national sanctions against Russian and Belarusian citizens until 2 May 2025. In addition to the extension of restrictions for a year, the amendments provide for stricter checks of Russian and Belarusian citizens crossing the border of Lithuania with a Schengen visa. Furthermore, the sanctions have been extended to legal entities whose beneficiaries

<sup>1053</sup> <https://www.lrt.lt/ru/novosti/17/1837373/grazhdanam-rossii-i-belarusi-pri-poluchenii-vnzh-v-litve-nuzhno-zapolnit-anketu-sprashivaiut-i-o-voine-v-ukraine>

<sup>1054</sup> <https://www.rubaltic.ru/news/19092023-v-litve-rasskazali-skolko-rossiyan-ne-pustili-v-stranu-za-god/>

<sup>1055</sup> <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/lbc2cba0e9a511eda305cb3bdf2af4d8?jfwid=-1d737wmt54>

<sup>1056</sup> <https://www.delfi.lt/ru/news/live/ot-sankcij-do-litvinizma-s-kakimi-problemami-stolknulis-v-2023-godu-belorusy-v-litve-i-est-li-puti-k-resheniyu-95489993>

are Russian citizens, regardless of whether they have a temporary or permanent residence permit in Lithuania.<sup>1057</sup>

The Lithuanian authorities, like other Baltic states, required the Russians staying in the country to condemn Russia's special military operation. Both campaigning and pressure methods were used. For instance, an active campaign was launched in March 2022, supported by the country's largest media outlets, calling on Russian-speaking Lithuanians to "publicly condemn the policy of the Russian Federation in Ukraine". In the same month, a campaign of mass phone calls was launched to put psychological pressure on people in Russia. To this end, huge posters titled "Call Russia" were installed in Lithuanian cities, inviting "all concerned" to make calls through callrussia.org technological platform to Russian numbers and convince people to oppose Russia's special military operation. The organizers asserted that this resource had at its disposal a database containing 40 million Russian private telephone numbers. When organizing these calls, volunteers were assisted by technology, advertising, and communications experts who instructed them on how to conduct the conversation. Moreover, the project organizers suggested that its participants call their friends and acquaintances in Russia for the same purposes.

In order to exert pressure, official Vilnius also sent questionnaires to Russian and Belarusian citizens living in the country, which included, among other things, questions about the belonging of Crimea and whether they support "Russia's military actions in Ukraine". Based on the results of their answers, the authorities cancelled 2,905 residence permits and 160 permanent residence permits.

Lithuania's President Gitanas Nausėda decided to strip figure skater Margarita Drobiazko of her Lithuania citizenship granted to her "for special merits"<sup>1058</sup>; she was accused of supporting aggression" because she continued to perform in our country after the special military operation began. This was followed by the

<sup>1057</sup> <https://www.rubaltic.ru/news/12022024-litva-na-god-prodlila-sanktsii-protiv-rossiyan-i-belorusov/>

<sup>1058</sup> This was made possible by the adoption of a new edition of the Law on Citizenship in June 2023, under which a person may be deprived of citizenship obtained by exception if it is recognized that the person poses a threat to Lithuania's national security. Lithuania is now working on amendments that could strip citizenship obtained by origin.

Lithuanian Interior Ministry initiating the same procedure against Russian ballerina Ilze Liepa for her sympathies for the Russian President, which was interpreted by the Lithuanian authorities as "support for the war in Ukraine and contempt for the West and its values".<sup>1059,1060</sup>

At least one other case of initiating the deprivation of Lithuanian citizenship has been reported: the Citizenship Commission is reviewing an inquiry in relation to Russian businessman Yuri Kudimov, as he "may pose a threat to Lithuania's national security".<sup>1061</sup> It is noted that the entrepreneur has been allegedly involved in the management of Russian state-owned companies and opaque Russian funding of election campaigns in Western countries, has ties to influential people in Russia and is linked to its secret services.

On 7 March 2024, Lithuanian President Gitanas Nausėda signed decrees depriving Ilze Liepa and Yuri Kudimov of their Lithuanian citizenship.

A check has also been initiated against almost 800 persons granted Lithuanian citizenship by exception for "threatening national security and supporting an aggressor state".<sup>1062</sup>

The Lithuanian media strongly emphasized that "intellectual" stratum of society was part of the "anti-war" movement. A special place in this respect was given to the publication of open letters by figures of culture and science in support of Ukraine, calling on Russian citizens to come out to protests and on Russian-speaking Lithuanians not to trust "Kremlin propaganda". One of the first to issue such a statement was the staff of the Faculty of Philology at Vilnius University, together with the staff of the Alexander Pushkin Literary Museum in Vilnius.<sup>1063</sup> In

<sup>1059</sup> <https://www.lrt.lt/ru/novosti/17/2161622/v-litve-v-ianvare-ozhidaiut-resheniia-po-voprosu-liszeniia-grazhdanstva-ilze-liepy>

<sup>1060</sup> <https://lt.sputniknews.ru/20231113/prezident-litvy-primet-reshenie-o-grazhdanstve-liepy-posle-otsenki-ekspertov-31052056/html>

<sup>1061</sup> <https://www.delfi.lt/ru/news/politics/ministr-mvd-obratilas-k-presidentu-po-povodu-liszeniia-grazhdanstva-biznesmena-kudimova-94313989>

<sup>1062</sup> <https://www.lrt.lt/ru/novosti/17/2123557/mvd-prosit-dgb-proverit-800-inostrantsev-poluchivshikh-grazhdanstvo-litvy>

<sup>1063</sup> <https://www.delfi.lt/ru/news/live/kultura-protiv-vojny-russkaya-intelligenciya-litvy-osudila-dejstviya-kremlya-i-podderzhala-ukrainu.d?id=89570813>

addition, the Lithuanian media actively published interviews with Russian-speaking Lithuanians who "repented" and called for "anti-war" protests in Russia.<sup>1064</sup>

Many figures of culture and art who refused to publicly condemn Russia's actions were also subjected to pressure. In late February 2022, Simonas Kairys, Minister of Culture of Lithuania, insisted on the dismissal of those employees of Lithuanian theatres, who also carry out their activities in Russia. On his Facebook page, he wrote, in particular, that "no performer from Russia will set foot in Lithuania". In addition, Vilnius banned concerts by a number of Russian artists, and local radio stations, following this unambiguous "signal," refused to retransmit Russian broadcasts and play Russian music in support of Ukraine.<sup>1065</sup>

The efforts of the Lithuanian authorities to denigrate and discriminate against anything related to Russia have resulted in cases of hate speech and discrimination against Russian citizens and Russian-speaking residents of the country since February 2022. The level of anti-Russian and Russophobic rhetoric in the country has risen sharply, and these sentiments are being actively promoted in society by efforts from upstairs.

According to human rights defender Giedrius Grabauskas, cases of threats to Russian-speaking residents became more frequent in 2022. It got to the point of smashing cars, attacking people on the streets.

Russians living in Lithuania, who until recently lived relatively comfortable lives at least compared to Estonian and Latvian "non-citizens", now report an increase in threats against them, damage to their cars, and even direct attacks in the streets.<sup>1066</sup>

In September 2022, Diversity Development Group NGO and Department of Ethnic Studies of the Sociological Institute at the Lithuanian Centre for Social Sciences conducted a survey, which showed that hostility towards Russians is growing in the Republic. 74.6 per cent of respondents said that attitudes towards

<sup>1064</sup> <https://www.delfi.lt/ru/opinions/comments/obraschenie-k-fanatam-putina-v-litve.d?id=89639411>

<sup>1065</sup> <https://www.delfi.lt/ru/news/live/klajpedskaya-radiostanciya-otkazyaetsya-ot-translyacii-rossijskoj-produkcii.d?id=89559861>

<sup>1066</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20231006-byut-i-po-pasportu-i-po-litsu-rusofobiya-v-pribaltike-ushla-v-narod/>

Russians living in Lithuania had significantly worsened or somewhat worsened over the past year.<sup>1067</sup> According to the survey, 23.1 per cent of Lithuanian residents would not rent their accommodations to Russians (9.9 per cent in 2021), 13.6 per cent would not share their workplace with Russians (4.5 per cent in 2021). The Head of the Department of National Minorities, Vida Montvydaitė, called this trend "alarming, even dangerous".<sup>1068</sup>

So far, radical Russophobic rhetoric is being opposed in Lithuanian society. In February 2024, Stasys Jakeliūnas, member of the European Parliament for Lithuania, asked the Prosecutor General's Office of the Republic of Lithuania to check whether the insulting statements made by the TV presenter Algis Ramanauskas to the Russian-speaking residents of the Republic during one of the broadcasts in the Lithuanian media were inciting hatred. Algis Ramanauskas, in particular, made the following statements: "The vast majority of those who say that 'it was better with the Russians are animals'" and "in Lithuania, a quarter to a third of those worth exiling are all this Russified cattle, the Soviet masses".<sup>1069</sup>

Russophobic hysteria has affected culture as well. Ingrida Šimonaitė, Lithuanian Prime Minister, said that Lithuanian society was "poisoned by Russian culture."<sup>1070</sup> Simonas Kairys, Lithuanian Minister of Culture, called for a "mental quarantine" for Russian art.<sup>1071</sup> Plays based on works by Russian authors began to be removed from theaters' repertoire: the Old Theatre of Vilnius (which until summer 2022 used to be called the Lithuanian Russian Dramatic Theatre) excluded plays by Vasily Shukshin, Pavel Sanaev, and others from its program. Even the children's play "Cat's House" based on the eponymous fairy tale by Samuil Marshak fell victim to this policy.<sup>1072</sup> The repertoire of the Lithuanian National Opera and Ballet Theatre lost several ballets – "The Nutcracker" by Pyotr Tchaikovsky, "Romeo and Juliet"

<sup>1067</sup> <https://www.delfi.lt/ru/news/live/diskussiya-kak-vojna-v-ukraine-izmenila-otnoshenie-k-russkim-v-litve.d?id=92372495>

<sup>1068</sup> <https://www.lrt.lt/ru/novosti/17/1834276/glava-departamenta-natsmen-shinstv-montvidaite-tendentsii-kasatel-no-russkikh-litvy-trevozhny-i-dazhe->

<sup>1069</sup> <https://www.rubaltic.ru/news/01022024-evrodeputat-pozhalovalsya-v-prokuraturu-izza-razzhiganiya-nenavisti-k-russkim-v-litve/>

<sup>1070</sup> <https://www.lrt.lt/ru/novosti/17/1879425/shimonite-litovskoe-obshchestvo-otravleno-russkoi-kul-turoi>

<sup>1071</sup> <https://www.lrt.lt/ru/novosti/17/1879258/ministr-kul-tury-mental-nyi-karantin-rossiiskikh-proizvedenii-byl-by-polezen-no-reshenie-ostaetsia-za-uchrezhdeniiami>

<sup>1072</sup> <https://www.delfi.lt/ru/news/live/vilnyusskij-staryj-teatr-prodolzaet-obnovlyat-svoj-repertuar.d?id=92483767>

by Sergei Prokofiev, "The Rite of Spring" by Igor Stravinsky.<sup>1073</sup> Apparently taking the example of Ukraine, Lithuanian libraries began to remove books by Russian classics.

Lithuanian publishers, including those that print Russian-language materials, have also been subjected to persecution. For example, "White Swans" publishing house, which publishes books in both Lithuanian and Russian, is under pressure. The army of this Baltic country also joined the ranks of the most zealous censors. For example, there have been reports that books of this publishing house were seized from libraries and stores under the influence of the Lithuanian Armed Forces Strategic Communication Department.<sup>1074</sup>

Russophobic attitudes have also become pronounced at the local level. For example, Russian tourists are denied access to the largest Baltic Pakruojis manor.<sup>1075</sup>

The Russophobic hysteria correlates with the manifestations of xenophobia that international human rights monitoring mechanisms have observed in Lithuania.

Relevant international organizations have repeatedly documented persisting violations of the rights of Roma, as well as other national minorities, and certain social groups. Thus, the Committee on the Elimination of Racial Discrimination (CERD) pointed to the prevalence in the country of biased attitudes towards members of vulnerable and minority groups, especially migrants, Muslims and Roma, "hate speech" and insults against them, including antisemitic statements in the media and on the Internet.<sup>1076</sup>

The Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM) has noted the lack of efforts by the authorities to mitigate the negative effects of assimilation policies on minority

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<sup>1073</sup> <https://tass.ru/kultura/16795857>

<sup>1074</sup> [https://news.rambler.ru/world/48627304/?utm\\_content=news\\_media&utm\\_medium=read\\_more&utm\\_source=copylink](https://news.rambler.ru/world/48627304/?utm_content=news_media&utm_medium=read_more&utm_source=copylink)

<sup>1075</sup> <https://ru.euronews.com/travel/2022/08/21/lt-tourist-site-bans-russians>

<sup>1076</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 9th and 10th periodic reports of Lithuania. June 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=en)

language students, as well as problems related to the ability of linguistic minorities to use their mother tongues.<sup>1077</sup>

Among other human rights concerns, international monitoring bodies have identified deep-rooted prejudices in Lithuania against vulnerable and minority groups, especially migrants, Muslims, Roma and Jews. The UN Human Rights Committee has noted that this has resulted in the widespread use of "hate speech", including in the media, including Internet sources, and in the political sphere.<sup>1078</sup>

The international community remains concerned about the anti-discrimination provisions of Lithuanian legislation. Even the European Commission, generally lenient towards Vilnius' Russophobic tendencies, has noted that Lithuanian law provisions do not adequately integrate EU norms on criminalisation of certain forms of hate speech inciting violence or hatred. Thus, liability for public connivance, denial or gross understatement of international crimes and the Holocaust in Lithuania is prescribed only in case of violation of public order and only if such acts are committed in the territory of Lithuania or against Lithuanian citizens.<sup>1079</sup>

The EU Agency for Fundamental Rights, referring to the data of national authorities for 2021, also indicated that the number of complaints to the relevant authorities about manifestations of discrimination on the grounds of race and ethnicity had increased in Lithuania.

Lithuania's policy towards migrants is a clear evidence of the xenophobic nature of the Lithuanian regime. Their image is stigmatised by high-ranking politicians who see them as a "terrorist threat" or directly call them "spies of enemy

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<sup>1077</sup> Fourth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Lithuania. Adopted 30 May 2018. <https://rm.coe.int/4th-advisory-committee-opinion-on-lithuania-english-language-version/1680906d97>

<sup>1078</sup> Concluding observations of the Human Rights Committee on the fourth periodic report of Lithuania. July 2018. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLTU%2fCO%2f4&Lang=ru;](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLTU%2fCO%2f4&Lang=ru;)

Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined ninth and tenth periodic reports of Lithuania. June 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=ru;](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=ru;)

Fourth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Lithuania. Adopted 30 May 2018. <https://rm.coe.int/4th-advisory-committee-opinion-on-lithuania-english-language-version/1680906d97>

<sup>1079</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)



regimes".<sup>1080</sup> Specialised international organisations and non-governmental structures have documented gross violations of the fundamental human rights of irregular migrants arriving in the country.

Since April 2021, Vilnius has been taking measures to deal with the influx of refugees, irregular migrants and asylum seekers. The authorities allow discrimination, resulting in more favourable accommodation conditions for some applicants, while others are subjected to violence and detention. There was an influx of people, mainly from Asia and Africa, fleeing armed conflicts and unfavourable living conditions in their home countries. By August 2021, the number of migrants entering Lithuania illegally totalled 4.2 thousand people. The authorities declared a "crisis" and blamed "Lukashenko's regime", which "supports the Kremlin", for organising it. Illegals were accommodated in tent camps, barracks, empty buildings and former prisons. These temporary accommodation facilities were placed under armed guard to quell occasional riots (people repeatedly complained about inhumane conditions: lack of food, lack of warm clothes, denial of medical care, prohibition to go outside these "reservations").<sup>1081</sup>

In July 2021, Lithuania adopted a law<sup>1082</sup> restricting appeals against refusals to grant asylum and allowing deportation during the appeal process. Even Lithuanian President G. Nauseda, who has long been noted by experts for his selective approach to human rights issues, was forced to admit that the urgently adopted law is a "leaky" law in terms of human rights guarantees. It is noted that the legislative amendments deprive asylum seekers of the right to appeal against first-instance court decisions, although the Constitution does not allow enshrining a legal regulation that denies the possibility of reviewing first-instance court decisions and correcting probable errors of the court.

On 1 August 2021, the Lithuanian authorities legalised the practice of "pushing out" (or "pushbacks"): migrants were simply forced to return to the

<sup>1080</sup> <https://www.lrt.lt/ru/novosti/17/2135498/ministr-rost-potoka-trudovykh-migrantov-neset-ugrozu-imi-prikryvaetsia-zarubezhnaia-razvedka>

<sup>1081</sup> [https://lt.sputniknews.ru/20210726/zapretili-est-dazhe-detyam-na-yuge-litvy-migranty-ustroili-besporjadki-17769975.html?dc\\_data=3780234\\_ume-technologies-russia&ui=483455fb-235b-4448-bb8f-4d161b0e54aa](https://lt.sputniknews.ru/20210726/zapretili-est-dazhe-detyam-na-yuge-litvy-migranty-ustroili-besporjadki-17769975.html?dc_data=3780234_ume-technologies-russia&ui=483455fb-235b-4448-bb8f-4d161b0e54aa)

<sup>1082</sup> <https://www.lrt.lt/ru/novosti/17/1454930/nauseda-podpisal-popravki-k-zakonu-o-pravovom-polozhenii-inostrantsev>

territory of Belarus. The principle of "pushing out" is also enshrined in the Seimas Resolution on the state of emergency adopted on 13 September 2022.<sup>1083</sup>

In January 2023, another step was taken in this direction: the Lithuanian Cabinet of Ministers approved amendments to the Law on the State Border, which, in case of a declared emergency situation, allow for the "turnaround" of migrants who have violated the rules for crossing Lithuania's borders (entered into force in May 2023). When presenting the draft law, the head of the Ministry of Internal Affairs A. Bilotaite, in the spirit of the double standards adopted in the European Union, emphasised that natural migration and migration as a political instrument should be distinguished and "different procedures of reaction to them should be applied".<sup>1084</sup> The UNHCR has repeatedly expressed its concern over the adoption of the changes. Vilnius itself believes that the migration crisis of recent years is "a consequence of the actions of the Belarusian authorities".

The Lithuanian authorities reinforce legislative measures against migrants by erecting a "physical barrier". At the end of August 2022, Lithuania completed construction of a fence on the border with Belarus.<sup>1085</sup> On 27 September 2023, Interior Minister A. Bilotaite announced Vilnius' intention to build a fence on the wetlands on the border with Russia and Belarus. These additional measures are explained by the need to protect the border from migrants, as in 2023 alone, about 700 illegal migrants tried to enter Lithuania from Belarus through wetlands, and 13 cases of smuggling were also detected.<sup>1086</sup>

The media regularly published materials describing deplorable conditions of detention of foreigners: meagre food, lack of medical care, crowded conditions, etc. Repeated cases of ill-treatment and even sexual abuse by Lithuanians working with refugees were reported.<sup>1087</sup>

<sup>1083</sup> [www.lrs.lt/sip/portal.show?p\\_r=35403&p\\_k=1&p\\_t=282203](http://www.lrs.lt/sip/portal.show?p_r=35403&p_k=1&p_t=282203)

<sup>1084</sup> <https://www.rubaltic.ru/news/11012023-litva-uzakonila-vytesnenie-nelegalnykh-migrantov/>

<sup>1085</sup> <https://www.rubaltic.ru/news/29082022-litva-zavershila-stroitelstvo-zagrazhdeniya-na-granitse-s-belarusyu/>

<sup>1086</sup> <https://www.rubaltic.ru/news/27092023-litva-ustanovit-zagrazhdenie-na-zabolochennykh-uchastkakh-granitsy-s-rossiy-i-belarusyu/>

<sup>1087</sup> <https://www.rubaltic.ru/news/30042022-v-litve-rassleduetsya-delo-ob-iznasilovanii-mestnymi-pogranichnikami-afrikanskikh-bezhenok/>

The "turnaround" of migrants trying to sneak into the country was also often accompanied by the use of force against them, harassment by dogs.<sup>1088</sup> From time to time, reports were published about the death of refugees from beatings at the border or as a result of hypothermia in the forest. In addition, there is information about repeated attempts to force refugees into the territory of Belarus from the territory of Lithuania, as well as Latvia and Poland by local border services.

There is a known case when Lithuanian servicemen forced an Afghan citizen to drag the corpse of a refugee across the border with Belarus. A similar incident, which took place in the evening of 17 November 2022, was reported in particular by the State Border Committee of Belarus. The Belarusian ambulance team that arrived at the scene recorded the death of one of the refugees, while the other was taken to hospital with bruises, signs of frostbite and exhaustion. The Afghan said that the Lithuanian military brought him together with the corpse to the border fence, after which "at gunpoint they forced him to drag the body through the gate to the Belarusian side".<sup>1089</sup>

This state of affairs has been criticised both domestically (report of the Lithuanian Seimas Ombudsman on inhuman detention conditions and degrading treatment of migrants<sup>1090</sup>), and by numerous human rights organisations and structures (Amnesty International<sup>1091</sup>, International Committee of the Red Cross<sup>1092</sup>, Médecins Sans Frontières<sup>1093</sup>, Frontex<sup>1094</sup>, European Commissioner for Home Affairs I. Johansson<sup>1095</sup>, Centre for European Policy Studies<sup>1096</sup>, Human Rights

<sup>1088</sup> <https://vz.ru./news/2021/8/4/1112291.html/>

<sup>1089</sup> <https://www.rubaltic.ru/news/18112022-belorusskie-pogranichniki-obvinili-litovskikh-voennykh-v-peremeshchenii-trupa-s-pomoshchyu-bezhentsa/>

<sup>1090</sup> [https://www.lrski.lt/wp-content/uploads/2022/01/Final\\_Ataskaita\\_Kybartai\\_2021.pdf](https://www.lrski.lt/wp-content/uploads/2022/01/Final_Ataskaita_Kybartai_2021.pdf)

<sup>1091</sup> <https://www.amnesty.org/en/latest/news/2022/06/lithuania-pushbacks-illegal-detention-deception-and-abuses-against-refugees-and-migrants/>, <https://www.amnesty.org/en/location/europe-and-central-asia/lithuania/report-lithuania/>, <https://www.amnesty.org/en/latest/news/2022/06/lithuania-court-of-justice-of-the-eu-rejects-national-law-restricting-the-right-to-asylum-and-imposing-automatic-detention-on-asylum-seekers-and-migrants/>

<sup>1092</sup> <https://www.delfi.lt/ru/news/live/litovskij-krasnyj-krest-vidit-problemy-v-svyazi-s-razvorotom-migrantov-na-granice.d?id=87869519>

<sup>1093</sup> <https://www.msf.org/repeated-pushbacks-cause-mental-and-physical-suffering-people-crossing-lithuanian-border;> <https://www.msf.org/people-repelled-lithuania-border-face-increased-suffering>

<sup>1094</sup> <https://www.delfi.lt/ru/news/live/litva-poluchit-strogie-mezhdunarodnye-rekomendacii-nikakoj-politiki-razvorota-nelegalnyh-migrantov.d?id=89056983>

<sup>1095</sup> [https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/commissioner-johanssons-speech-plenary-debate-pushbacks-eu-external-border\\_en](https://ec.europa.eu/commission/commissioners/2019-2024/johansson/announcements/commissioner-johanssons-speech-plenary-debate-pushbacks-eu-external-border_en)

<sup>1096</sup> <https://euobserver.com/migration/153161>

Monitoring Institute, Lithuanian Red Cross, Human Rights Centre, Diversity Development Group<sup>1097</sup>). Their reports indicated that the Lithuanian practice of "pushing out" refugees is contrary to the EU legal system, and such actions against migrants are illegal. It was found that the forcible expulsion of migrants to the territory of Belarus traumatises them emotionally and physically, and the methods used directly threaten their safety and lives.

The NGO Amnesty International also drew attention to the migration problem.<sup>1098</sup> In July 2022, it published a report in which it accused the country's leadership of racism and mistreatment of refugees from Africa and the Middle East. It is noted that the Lithuanian authorities are unwilling to treat all asylum seekers equally – this difference is especially noticeable against the background of the "most friendly" treatment of Ukrainians in the country. The document also refers to torture, inhumane conditions of detention, cases of sexual violence, denial of access to asylum procedures and forcing refugees to "voluntarily" return home.

In December 2023, the Human Rights Monitoring Institute and Mental Health Perspectives organisation issued a report on the migration policy of the Republic of Lithuania.<sup>1099</sup> It emphasises the "traumatic experience of crossing the border" and detention of asylum seekers, and describes the legal assistance provided by the authorities as of low quality. It is argued that the legal procedures are too complicated for them, and there is no policy for the integration of migrants in the republic.

The humanitarian organisation Sienos grupe, which helps illegal immigrants and monitors violations of their rights, informed that it has recorded 10 migrant deaths in Lithuania since 2021. Among them are three minors who died in detention centres and three people who died in road accidents while being pursued by local law enforcers. The number of missing persons remains unclear, possibly involving dozens of people.<sup>1100</sup>

<sup>1097</sup> [www.delfi.lt/ru/news/article.php?id=87869519](http://www.delfi.lt/ru/news/article.php?id=87869519)

<sup>1098</sup> [www.amnesty.org/en/location/europe-and-central-asia/lithuania/report-lithuania/](http://www.amnesty.org/en/location/europe-and-central-asia/lithuania/report-lithuania/)

<sup>1099</sup> <https://hrmi.lt/analotine-studija-migrantu-ir-prieglobscio-prasytoju-situacija-lietuvoje/>

<sup>1100</sup> <https://www.lrt.lt/naujienos/pasaulyje/6/2159613/vandens-nera-manau-kad-mirsiu-myliu-tave-aiskeja-lietuvos-morge-menesius-gulejusio-neatpazinto-migranto-istorija>

The Investigative Committee of Belarus has opened six criminal cases on violence against migrants by Lithuanian border guards as of the end of 2023.<sup>1101</sup>

The critical humanitarian situation with migrants on the Belarusian-Lithuanian border (as well as on the Belarusian-Polish and Belarusian-Latvian borders) was also highlighted by multilateral human rights organisations. According to the data provided by the FRA, by the end of 2021, 8,000, 28,000 and 4,000 migrants were not allowed into Lithuania, Poland and Latvia respectively.<sup>1102</sup> In the 2023 report, the Agency pointed out that Lithuanian legislation allows for the expulsion of irregular migrants to third countries without allowing them to apply for asylum. It also noted that there were cases of "pushing out" of migrants at the Lithuanian border.<sup>1103</sup>

In addition, the ECtHR, which has approximately 70 cases of expulsion of migrants under consideration, has indicated in its judgement that the measures taken by the authorities following the declaration of a state of emergency due to the massive influx of migrants contravene the EU Asylum Procedures Directive (2013/32/EU) and that the detention of irregular migrants merely because they are unlawfully present in the territory of a Member State contravenes the EU Reception Conditions Directive (2013/33/EU).<sup>1104</sup>

In February 2023, the UN Committee on Economic, Social and Cultural Rights drew attention to the problem of migrants. In particular, the Committee expressed concern that Lithuania continues to expel asylum-seekers and migrants, and there are still cases of preventing these people from crossing the border. All this leads to migrants being forced to stay in the border zone in deplorable conditions in the open air, without access to medical care, food and water, let alone the possibility of applying for asylum.<sup>1105</sup>

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<sup>1101</sup> [lt.sputniknews.ru/20231204/sk-belorussii-vozbudil-shest-del-o-vydvorenii-migrantov-silovikami-litvy-31273869.html](https://lt.sputniknews.ru/20231204/sk-belorussii-vozbudil-shest-del-o-vydvorenii-migrantov-silovikami-litvy-31273869.html)

<sup>1102</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>1103</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1104</sup> Ibid.

<sup>1105</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Lithuania. February 2023.

The UN Committee on the Rights of the Child in February 2024 also expressed concern about the situation of refugees and migrants at Lithuania's borders. In particular, it referred to cases of detention of underage asylum-seekers, which are all the more authorised under Lithuanian law. CRC also noted that Lithuanian border guards continued to prevent asylum-seekers and migrants, including children, from crossing the border. The Committee experts also noted the lack of appropriate age determination procedures in the country. The Lithuanian authorities are called upon to stop the negative practice of detaining migrant children, forcibly removing them ("pushing them out") and ensuring adequate age determination procedures, as well as to take measures to improve the socio-economic situation of such children, including those who have entered the country illegally, and to provide unaccompanied migrant children with the full social benefits provided for in the national child protection system.<sup>1106</sup>

The ACFCNM<sup>1107</sup> and CERD<sup>1108</sup> have previously expressed concern about the unsatisfactory conditions in foreigners' registration centres and the unreasonably long periods of detention of migrants (up to 18 months). However, CERD highlighted the insufficient capacity of such centres to provide adequate accommodation for newly arrived asylum-seekers, in particular families with children. In addition, the country does not take into account the special needs of applicants, in particular women and girls, who are not provided with safe places to stay.

The Lithuanian authorities are not going to abandon the measures applied to migrants. Interior Minister A. Bilotaite said in particular that Lithuania considers the tactics of pushing out illegal migrants as a turning point in the fight against the

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[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLTU%2FCO%2F3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLTU%2FCO%2F3&Lang=ru).

<sup>1106</sup> Concluding observations of the Committee on the Rights of a Child on the combined fifth and sixth periodic reports of Lithuania. February 2024

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLTU%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLTU%2FCO%2F5-6&Lang=en)

<sup>1107</sup> Fourth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities. Adopted on 30 May 2018.

<https://rm.coe.int/4th-advisory-commitee-opinion-on-lithuania-english-language-version/1680906d97>

<sup>1108</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined ninth and tenth periodic reports of Lithuania. June 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=ru)

migration crisis and is not going to abandon its decisions despite the criticism of human rights organisations. Vilnius justifies its tough actions against migrants by the need to protect itself from the influx of illegal migration.<sup>1109</sup> Belarusian border guards have repeatedly noted that Lithuanian and Polish law enforcers forcibly push migrants into their territory. The maximum number of displaced persons for 2022 was recorded on 18 July (80 persons).<sup>1110</sup>

The situation of migrants of African and Asian origin contrasts sharply with the reception of Ukrainians. From the first days of the start of the Russian special military operation, Lithuanian authorities at all levels declared their readiness to accept thousands of Ukrainian refugees and urged fellow citizens to accommodate them in their own flats. The rest were placed in empty houses, hotels, holiday homes, and in extreme cases in school buildings. They were also provided with assistance in finding and renting accommodation and employment. Minors were immediately enrolled in state schools and universities. However, they were not required to know the state language, as it is practised for other residents. Moreover, in their case they have a special status, which allows them to avoid such requirements from the employer (which is stipulated by Lithuanian legislation for members of local minorities). By August 2023, about 80,000 people from Ukraine had arrived in Lithuania. This is in sharp contrast to the data voiced by the Border Guard Service that since 2021 it has "expelled" about 21,000 illegal immigrants from Asia and Africa, for whom the "reception resource" for refugees was allegedly completely exhausted.

Linked to the migration problem is the issue of trafficking in human beings, as highlighted by the CoE Group of Experts on Action against Trafficking in Human Beings (GRETA) in February 2024. It called on the Lithuanian authorities to pay increased attention to the identification of victims of trafficking among asylum seekers and to intensify awareness-raising activities to identify child victims of trafficking. According to the Group's experts, Lithuania is primarily a country of

<sup>1109</sup> <https://lt.sputniknews.ru/20220802/litva-prodolzhit-taktiku-vytesneniya-migrantov-zayavili-v-mvd-24065519.html>

<sup>1110</sup> <https://lt.sputniknews.ru/20220718/v-litve-za-sutki-vytesnili-v-belorussiyu-rekordnoe-chislo-nelegalov-23899430.html>

origin for victims of trafficking in human beings, but in recent years it has also become a country of destination. The total number of identified victims for the period 2018-2022 was 148, of which about 60 per cent were women. Only 10 of the identified victims were children. More than 90 per cent of the identified victims were Lithuanian citizens and about half of them were exploited in the territory of Lithuania. Approximately 45 per cent of victims were trafficked for sexual exploitation, 29 per cent for forced crime, 22 per cent for labour exploitation, and the rest for forced begging and forced marriage. At the same time, GRETA indicated that the number of investigations into criminal cases of trafficking in human beings, including those resulting in court sentences, especially cases of labour exploitation, had decreased in the country.<sup>1111</sup>

Violations of the rights of national minorities persist in Lithuania, mainly in the field of education. Following the repeal of the 1989 Law on National Minorities in 2010, efforts to develop new comprehensive minority protection legislation have not been successful. It has not been adopted in the Seimas. The UN Committee on the Elimination of Racial Discrimination drew attention to this in its concluding observations in 2019.<sup>1112</sup>

The ACFCNM noted the insufficient efforts of the authorities to mitigate the negative effects of assimilation policies on students learning minority languages. As noted, the 2011 Law on Education introduced Lithuanian as the only language of instruction in all schools and unified the state language exam in grades 10 and 12. This created significant difficulties for children belonging to national minorities, and the eight-year transition period started in 2012. Pupils from national minority schools taking the exam for the first time in 2013 were taught 818 hours less Lithuanian than their peers from Lithuanian schools. The level of knowledge of the minority language is not taken into account in the final examinations. Only the results of Lithuanian language, maths and one foreign language (usually English) are

<sup>1111</sup> [https://search.coe.int/directorate\\_of\\_communications/Pages/result\\_details.aspx?ObjectId=0900001680aeafc0](https://search.coe.int/directorate_of_communications/Pages/result_details.aspx?ObjectId=0900001680aeafc0)

<sup>1112</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined ninth and tenth periodic reports of Lithuania. June 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=ru)



relevant, while Polish or Russian may be taken only as an optional examination. Thus, the representatives of national minorities with the results that were worse in final examinations were in a less favourable position than Lithuanians in terms of access to higher education.<sup>1113</sup>

The number of hours of Lithuanian language teaching, as well as methodological aids and training materials are still not sufficiently adapted to the needs of children from families where minority languages are mostly spoken. Many first-graders start learning the state language almost as a foreign language and experience severe overload caused by the requirements of the unified curriculum.

In addition, the number of Russian-language schools in the country is being reduced while the number of subjects taught in Lithuanian is being increased, and the requirements for the Lithuanian language matriculation examination for graduates of national minority schools and Lithuanian schoolchildren are being fully equalised. As a result, in 2020, every fifth graduate of secondary education institutions teaching in a language other than the titular language failed to pass the state examination in Lithuanian, which prevents them from accessing free higher education. In 2021, the Lithuanian Ministry of Education, Science and Sports increased to 5 hours the compulsory teaching of Lithuanian language in preschool institutions of national minorities and provided funding for professional development of teachers who will teach Lithuanian to preschool children. The Ministry of Education has outlined the long-term goal of abandoning the teaching of the Russian language.<sup>1114</sup> To do this, it intends to reduce the number of pupils wanting to study the subject and has urged Russians to change their qualifications, assuring that it will create the opportunity for them to do so, including paying the costs of retraining. In 2022, the Russian language textbook for 6th grade was

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<sup>1113</sup> Fourth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Lithuania. Adopted 30 May 2018. <https://rm.coe.int/4th-advisory-committee-opinion-on-lithuania-english-language-version/1680906d97>

<sup>1114</sup> <https://lt.sputniknews.ru/20220829/v-litve-khotyat-otkazatsya-ot-prepodavaniya-russkogo-yazyka-v-shkolakh-24333577.html>

withdrawn from circulation due to "glorification of Russia". The publishers were also instructed to recheck the content of other textbooks.<sup>1115</sup>

In total, during the years of independence, the number of Russian schools decreased from 85 to 26. In September 2022, the A.S. Pushkin Gymnasium in Kaunas was renamed Kaunas International Gymnasium because, according to the director of the educational institution, the new name "better corresponds to the list of services and specifications". Russian compatriots living in Lithuania are deprived of the opportunity to receive full-fledged higher education in their native language (limited opportunities are still available at the European University in Vilnius and the Department of Russian Philology at Vilnius University).

The Lithuanian authorities do not intend to stop there. At the beginning of January 2024, Lithuanian Minister of Education, Science and Sport G. Yakstas announced that his ministry was looking for possible ways to close schools for Russian-speaking children in the country, assessing the Lithuanian legal framework for this purpose. This was prompted by an incident at a Russian-language school in Vilnius in late December 2023, when two teenagers shot their classmate with an air gun because of his political views. G. Yakstas emphasised that if a school is established by a municipality, the founder can make decisions. But the Lithuanian Ministry of Education wants "to make decisions at the state level as well, so that schools for Russian national minorities start to disappear". He also hypocritically stated the concern that Russian-speaking "children grow up divided and it is more difficult for them to integrate in Lithuania". Therefore, according to G. Yakstas, "everyone will be better off if there are no schools for the Russian minority in the future".<sup>1116</sup>

At the end of the same month, G. Yakstas also voiced the tactics being implemented by the Lithuanian authorities with regard to the study of the Russian language in Lithuanian schools. His statement implied that the Lithuanian authorities were betting on the gradual retirement of older generations of Russian

<sup>1115</sup><https://iz.ru.1396081/2022-09-15/v-litve-iziali-uchebnik-russkogo-iazyka-iz-za-proslavleniia-rf>

<sup>1116</sup><https://www.rubaltic.ru/news/04012024-minobrazovaniya-litvy-rassmatrivaet-vozmozhnost-zakrytiya-russkikh-shkol-v-strane/>

teachers, while no new Russian language teachers were being trained in Lithuania at all. In contrast, the country is intensively training teachers of other foreign languages. According to the Lithuanian education minister, this has already resulted in fewer children choosing Russian as a second foreign language. Over the last two years, the number of pupils choosing Russian as a second foreign language has fallen from 20,300 to 14,100. G. Yakštas expects that "if we keep such tendencies as we have today, the opportunities to choose Russian language will be very limited, when a small part will be able to study Russian in several schools".<sup>1117</sup>

It should be noted that a balanced opinion on this issue is also voiced in Lithuania. For example, A. Skaistgirytė, a senior advisor to the Lithuanian President, was critical of the proposal of Education Minister G. Yakštas to close Russian-language schools, described above. She acknowledged the problems of integration of national minorities in Lithuania and indicated that it would be much more useful to discuss possible ways to integrate them. According to her, "we should not think about how to abolish schools, but how to integrate the youth of national minorities into Lithuanian life. How to make sure that after finishing school young people have a good command of Lithuanian, so that they can pass the state language exam and fully integrate into life".<sup>1118</sup>

The real level of Russian language use is also indicated by the following fact. At the beginning of February 2024, it was found out that children from the families of Ukrainian refugees and representatives of the Belarusian opposition who found themselves in Lithuania were studying in Russian at Russian schools during their entire stay in the country. This information was made public by the deputy mayor of Vilnius A. Shileris, who stated that it was necessary to "change the model of education of such pupils" and their transfer to education in the state language during the year. According to him, about 11,000 pupils study in Russian-language schools in the Lithuanian capital, where Ukrainians and Belarusians who moved to Lithuania

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<sup>1117</sup> <https://www.rubaltic.ru/news/23012024-v-minobrazovaniya-litvy-raskryli-plany-po-vytesneniyu-russkogo-yazyka-iz-shkol/>

<sup>1118</sup> <https://www.rubaltic.ru/news/09012024-sovetnik-prezidenta-litvy-raskritikovala-predlozhenie-o-zakrytii-russkikh-shkol-v-strane/>

are mainly concentrated. There are up to 4,000 of them in public and private schools throughout Lithuania.<sup>1119</sup>

Following this, V.Sinita, a member of the Vilnius City Council and deputy head of the National Alliance party (not represented in the Lithuanian parliament), said that it was necessary to take measures against the spread of the Russian language in Lithuania. He noted that the majority of migrants arriving in the Republic of Lithuania stay in Vilnius, because of which there are already discussions in the Seimas about population growth in the capital from 300 thousand to one million people. However, they will all speak in Vilnius not in Lithuanian, but in Russian, "because Russian is the common denominator for all the main countries of migration to Lithuania, and mostly to Vilnius: from Belarus to Uzbekistan, everyone speaks Russian". At the same time, the politician admitted that even in the current conditions in Lithuania it is possible to do without the Lithuanian language: it is still possible to graduate from a Russian-language school, find a job without knowing Lithuanian, and, moreover, knowledge of Russian is still appreciated in the service sector in Vilnius.<sup>1120</sup>

The negative political and informational background around the problem of education in minority languages in Lithuania has led to constant discussion of Russia's ideological influence on the Lithuanian population, interrogations of Russian school teachers by State Security Department officials in connection with students' trips to Russian summer camps, and proposals by some officials of the Republic of Lithuania to close these educational institutions.

Lithuanian national minorities, primarily Russian and Polish, also need protection of their rights in the authentic spelling of names in documents, as well as geographical names in their native languages. The Civil Code of the Republic of Lithuania stipulates that names, surnames and place names in documents shall be written in accordance with the rules of the Lithuanian language. This is contrary to Article 11 of the Council of Europe Framework Convention for the Protection of

<sup>1119</sup> <https://www.rubaltic.ru/news/05022024-v-litve-potrebovali-chtoby-deti-immigrantov-s-ukrainy-uchilis-na-litovskom/>

<sup>1120</sup> <https://www.rubaltic.ru/news/13022024-v-litve-pridumali-kak-iskorenit-russkiy-yazyk-v-vilnyuse/>

National Minorities. According to the ACFCNM, the right to use a personal name in a national minority language and to have it officially recognised is a central linguistic right closely linked to personal identity and dignity.<sup>1121</sup>

Therefore, persons with foreign names face legal problems and have to defend their rights in court. In January 2022, Vilnius did legalise the spelling of surnames using letters that are not in the Lithuanian alphabet, but the right to use diacritical symbols of foreign languages was not supported.<sup>1122</sup>

Specialised international organisations have repeatedly documented violations of the rights of Roma, as well as other national minorities and certain social groups in Lithuania. The persistence of discrimination against Roma, particularly in the realisation of their rights to housing, health care, employment and education, has been noted with concern by UN human rights treaty bodies such as the UN Human Rights Committee and the UN Committee on the Elimination of Racial Discrimination, as well as the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities and the European Commission against Racism and Intolerance. It was pointed out, *inter alia*, that the Roma community faced social exclusion and was disproportionately affected by poverty. ECRI referred to the problem of legalisation of Romani buildings in the Kirtimai camping-ground in Vilnius.<sup>1123</sup> CERD in May 2019 noted the prevalence of prejudice, "hate speech" and insults towards members of vulnerable and minority groups, especially migrants, Muslims and Roma, including anti-Semitic discourse in the media and online.<sup>1124</sup>

The EU Agency for Fundamental Human Rights has also referred to unresolved housing problems among Roma, including in the above-mentioned camping-ground. The UN Committee on Economic, Social and Cultural Rights in February 2023 also addressed the crisis situation of Roma in Lithuania. In particular,

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<sup>1121</sup> Ibid.

<sup>1122</sup> <https://tass.ru/obschestvo/13456467>

<sup>1123</sup> ECRI interim follow-up conclusions on Lithuania fifth monitoring cycle. Adopted on 3 April 2019. Published on 6 June 2019. <https://rm.coe.int/interim-follow-up-conclusions-on-lithuania-5th-monitoring-cycle-/168094ce17>

<sup>1124</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined ninth and tenth periodic reports of Lithuania. June 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLTU%2fCO%2f9-10&Lang=ru)

it expressed concern about the lack of meaningful progress and the persistence of stigmatisation and social exclusion of and discrimination against Roma, especially in the areas of housing, health and employment. It noted, *inter alia*, that poor educational outcomes and high dropout rates remain common among Roma children and that the practice of placing them in special schools persists. In addition, CESCR emphasised that because the buildings in the Kirtimai camping-ground have been destroyed, the current housing and living conditions of the Roma living there raise multiple questions.<sup>1125</sup>

According to data for 2023 published by Eurobarometer in January 2024, Roma discrimination is most widespread in Lithuania. Human rights activists argue that the authorities are not doing enough to improve the situation.<sup>1126</sup>

The UN Committee on the Rights of the Child in February 2024 called on official Vilnius to take concrete measures to improve the socio-economic situation of the most marginalised and disadvantaged Romani children, including by maintaining the universal child allowance and including Romani children in its orbit.<sup>1127</sup>

There are problems in the social sphere in Lithuania. In April 2023, a human rights monitoring report published by the Seimas Ombudsman's Office noted cases of violence against women in the family and emphasised that the legal system of the Republic of Lithuania still lacks a systematic concept of "domestic violence". The practice of "mass detention" of asylum seekers is also criticised. It is also stated that the authorities have no instruments to ensure equal opportunities.

The UN Committee on the Rights of the Child also drew attention to the problem of domestic violence in February 2024. The Committee expressed concern about this phenomenon and called on the Lithuanian authorities to strengthen

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<sup>1125</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Lithuania. February 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLTU%2FCO%2F3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLTU%2FCO%2F3&Lang=ru).

<sup>1126</sup> <https://m.nedelia.lt/news-lt/54527-evrobarometr-v-litve-esche-est-diskriminacija-cygan-lgbt-no-onas-nizhaetsja.html>

<sup>1127</sup> Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Lithuania. February 2024.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLTU%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLTU%2FCO%2F5-6&Lang=en)

measures to combat and prevent it, including by strengthening child protection infrastructure at the local level and raising awareness of child protection among the staff of specialised assistance centres.<sup>1128</sup>

A number of other social problems were highlighted by a group of Lithuanian non-governmental organisations in their February 2023 shadow report to the CESCR, which criticised the slow progress in the field of human rights. According to the report, one-fifth of the country's inhabitants face the risk of poverty, 43 per cent of persons with disabilities live in social exclusion and poverty, regularly suffering physical or sexual violence. The document also notes that Roma remain the most marginalised social group (96 per cent of them live below the poverty line).

Lithuania is still feeling the effects of the COVID-19 coronavirus infection. This is indicated by the observations of the UN Committee on the Rights of the Child in February 2024, which called on the Lithuanian authorities to continue to support measures taken to mitigate the socio-economic impact of the pandemic in line with the 2021-2022 Action Plan to reduce the long-term negative effects of COVID-19 on the mental health of individuals and population. Furthermore, Vilnius should ensure that children and their families living in poverty receive adequate financial support from the authorities and free, accessible services without discrimination.<sup>1129</sup>

The Lithuanian authorities continue to avoid investigating their country's involvement in the placement of a secret CIA prison on the territory of the Republic in 2005-2006, denying its existence. Vilnius adheres to this line, despite the fact that the Ministry of Justice of the Republic of Lithuania, based on the judgement of the European Court of Human Rights, had to pay compensation to the Palestinian A. Zubaydah for illegal detention in such a facility near Vilnius. In relation to this case, in her 2022 report, the Special Rapporteur on the promotion and protection of

<sup>1128</sup> Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Lithuania. February 2024.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLTU%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLTU%2FCO%2F5-6&Lang=en)

<sup>1129</sup> Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Lithuania. February 2024.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLTU%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FLTU%2FCO%2F5-6&Lang=en)

human rights and fundamental freedoms while countering terrorism, F. D. Ni Aoláin, recalled that the ECtHR had found Lithuania complicit in the torture and disappearance of prisoners under US secret programmes and called on the Lithuanian authorities, along with other states where such facilities were located, to conduct an effective independent judicial investigation into the establishment of US secret prisons.<sup>1130</sup>

In January 2024, the ECtHR ordered the Republic to pay 100,000 euros in compensation to Saudi national Mustafa Al-Hausawi (as well as 30,000 euros to his lawyers).<sup>1131</sup> The court found that the man had been imprisoned at a secret US facility near Vilnius. The ECtHR accused Lithuania of violating a number of articles of the European Convention on Human Rights prohibiting torture, guaranteeing the right to a fair trial, life, liberty and security.

There are other claims against Lithuania under the European Court of Justice. Comments submitted for many years on the lack of progress in the outcome of the ECtHR judgement in the case of Paksas v. Lithuania were not addressed by Vilnius until spring 2022. Due to this, the country's former president R. Paksas<sup>1132</sup> was excluded from political life for a long time, having lost the right to be elected to the public authorities.

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<sup>1130</sup> Follow-up Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Fionnuala Ní Aoláin, to the 2010 joint study on global practices in relation to secret detention in the context of countering terrorism. March 2022. <https://www.ohchr.org/en/documents/thematic-reports/ahrc4945-follow-report-joint-study-2010-global-practices-relation-secret>

<sup>1131</sup> <https://www.lrt.lt/naujienos/lietuvoje/2/2173207/profesorius-zilinskas-eztt-sprendimas-pamoka-lietuvai>

<sup>1132</sup> He was removed from office by impeachment in April 2004, the Constitutional Court of the Republic of Lithuania banned him for life from being elected president or deputy of the Seimas and from holding other positions requiring an oath of office. In 2011 the ECHR recognised this lifetime ban as unlawful.



## Luxembourg

The laws protecting human rights in Luxembourg largely conform to the generally accepted standards set out in the Universal Declaration of Human Rights and other fundamental human rights instruments.

The Duchy has ratified 16 fundamental international human rights treaties. At the same time, Luxembourg's substantive reservations to the International Covenant on Civil and Political Rights remain, while the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, the Convention on the Suppression and Punishment of the Crime of Apartheid and the Convention against Apartheid in Sport have not been signed yet.

Given that almost 50 per cent of the population of the Grand Duchy of Luxembourg is foreign, its non-accession to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families raises questions.

Also, the country has signed, but not yet ratified, the 1996 European Social Charter (Revised) and the European Convention on the Exercise of Children's Rights.

The implementation of the specific requirements of the universal and regional treaties by authorised bodies is monitored by the Inter-Agency Committee on Human Rights (established by the government in May 2015) through consultations with national human rights institutions and civil society. It is coordinated by the representative of the Foreign Ministry of Luxembourg in his capacity as special envoy for human rights issues. He also represents the country at international meetings and conferences on relevant issues.

There are many human rights institutions and international NGOs in Luxembourg. They coordinate their activities with the Consultative Human Rights Commission of Luxembourg. This organisation was created in 2000 and its mandate, organisational structure and funding methods were subsequently defined by a statute dated 21 November 2008. However, the Commission does not have the

power to consider individual complaints and the financial and human resources allocated to the institution are insufficient to fulfil its mandate.<sup>1133</sup>

Several organisations are involved in combating different forms of intolerance: the Ministry of Family Affairs, Integration and the Greater Region, the National Reception Office, the Ministry of Equality between Women and Men, the Center for Equal Treatment, the Inspectorate of Labour and Mines, etc.

At the same time, there is a lack of coordination between these institutions, while victims may struggle to identify the most appropriate institution to turn to in a given situation due to the multiplicity of actors.<sup>1134</sup>

Despite the recommendations of the Council of Europe's European Commission against Racism and Intolerance (ECRI), until recently, the racist motivation of the perpetrator of a crime did not constitute an aggravating circumstance. It was not until April 2023 that a new provision came into force, making racist motivation (hate crime) an aggravating factor for all offences, hate crimes and misdemeanours.<sup>1135</sup>

Furthermore, in Luxembourg, there are no legal norms containing provisions recognising the illegality and prohibiting organisations that incite racial discrimination<sup>1136</sup>, although the possibility of bringing legal persons to justice in this case is provided for in the legislation. Similar concerns have been raised by the UN Committee on the Elimination of Racial Discrimination (CERD). The experts also noted that the law of 28 November 2006 on equal treatment does not mention such attributes as ethnic origin, skin colour or ancestry.<sup>1137</sup>

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<sup>1133</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Luxembourg. October 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLUX%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLUX%2FCO%2F4&Lang=en)

<sup>1134</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1135</sup> Criminal Code of Luxembourg, Article 454. 19 July 1997.

<sup>1136</sup> Report of the European Commission against Racism and Intolerance on Luxembourg (5th monitoring cycle). Adopted on 6 December 2016. Published on 28 February 2017.

<https://rm.coe.int/fifth-report-on-luxembourg/16808b589b>

<sup>1137</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 14th to 17th periodic reports of Luxembourg. February 2014.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLUX%2fCO%2f14-17&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLUX%2fCO%2f14-17&Lang=ru)

Surveys on anti-discrimination issues, including EU-wide surveys (e.g. the EU Agency for Fundamental Rights (FRA) study *Being Black in the EU*, conducted in 2023 with almost 6,700 respondents from 13 countries), show that in Luxembourg the average prevalence of racial discrimination in the 5 years prior to the survey was 47 per cent. When looking only at those who identify themselves as being of African descent or black, the figure is 57 per cent.<sup>1138</sup>

The authors of the study *Racism and ethno-racial discrimination in Luxembourg*, published in March 2022, also concluded that people of African descent are significantly more likely than other population groups to be victims of racism and discrimination in employment, education and housing.

In addition, the study found that two thirds of those who may have been victims did not report incidents, in particular because of the significant financial costs involved, difficulties in providing evidence and access to adequate legal assistance, which was usually limited, as well as fear of losing their jobs.<sup>1139</sup>

In May 2022, CERD observed an increasing trend of racist hate speech against migrants, refugees, asylum seekers, and people of African descent in the country, including online. The BEE SECURE Stopline platform was launched to combat hate speech. The platform is used to collect and forward reports of hate speech on the Internet to the police.<sup>1140</sup>

Despite a sharp fall in unemployment to 4.4 per cent in August 2022 (down from 7.5 per cent in 2020), poverty remains a problem. National data on homelessness is not collected. The poverty rate among foreign nationals, mostly from non-EU countries, is twice as high as among Luxembourg natives.

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<sup>1138</sup> The European Union Agency for Fundamental Rights. *Being Black in the EU*. Second report on minorities and discrimination in the EU. 25 October 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-being-black\\_in\\_the\\_eu\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-being-black_in_the_eu_en.pdf)

<sup>1139</sup> *Racism and ethnic discrimination in Luxembourg*. Ministry of Family, Integration and the Greater Region, Centre for Intercultural and Social Research and Education, Institute for Social and Economic Research. 8 March 2022. [https://ec.europa.eu/migrant-integration/library-document/le-racisme-et-les-discriminations-ethno-raciales-au-luxembourg\\_en](https://ec.europa.eu/migrant-integration/library-document/le-racisme-et-les-discriminations-ethno-raciales-au-luxembourg_en)

<sup>1140</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th to 20th periodic reports of Luxembourg. May 2022. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLUX%2fCO%2f18-20&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fLUX%2fCO%2f18-20&Lang=ru)

The minimum wage in Luxembourg is one of the highest in the world and is indexed at least every two years. However, it is important to take into account that it does not correspond to real price increases and is not sufficient to meet the needs of a single adult or a single-parent household.<sup>1141</sup>

A number of experts still note the existence of anti-Semitic sentiments in Luxembourg society. According to Katharina von Schnurbein, the EU coordinator for combating anti-Semitism, who visited Luxembourg in May 2019, 13 cases of anti-Semitism were recorded in the year of her visit, which is quite a lot given the small size of the Luxembourg Jewish community (1,500-2,000 people).

In 2023, the Research and Information on Anti-Semitism in Luxembourg, an NGO, reported that the number of anti-Semitic incidents doubled between 2020 and 2022.<sup>1142</sup>

Amidst the influx of refugees from Ukraine (in total, around 4,000 as of February 2024), applicants for refugee status from other countries, especially Afghanistan, Syria and Eritrea, which have traditionally accounted for most of the applications for refugee status in Luxembourg, have complained about bureaucratic difficulties, in particular the long processing time. In mid-March 2022, Lydie Polfer, Mayor of Luxembourg, demanded that rooms be vacated for the arriving Ukrainians in a specially created refugee center in the capital. It was not clear where the evicted refugees from the Middle East and Africa had been sent. This incident caused discontent, including among local human rights organisations.

Another issue related to the rights of migrants is ensuring decent working conditions, the violation of which, according to human rights defenders, can sometimes be qualified as a modern form of slavery or human trafficking. Despite the fact that Luxembourg is commonly ranked among the countries with the best situation in this area, there are no objective statistics on cases of violations of labour standards. The provisions of the law regarding employer liability are excessively

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<sup>1141</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Luxembourg. October 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLUX%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLUX%2FCO%2F4&Lang=en)

<sup>1142</sup> Luxembourg called out at UN as most anti-Israel EU member state. 4 October 2023.  
<https://unwatch.org/luxembourg-called-out-at-un-as-most-anti-israel-eu-member-state/>

lenient (low fines and prison sentences). No sanctions are established for filing false social security information for an employee or avoiding the declaration of employment contracts. All of this paves the way for the imposition of "bonded" working conditions (they often work up to 70 hours weekly, while the maximum working week is 48 hours).

Registration methods for arriving refugee families are also a subject of criticism: a single file is created for the head of the family, with spouses and children included, which leaves room for possible discrimination.

The HRCtee experts noted that "the provisions governing applications for family reunification are in some respects too rigid, particularly with regard to the time limits for the submission of applications that are exempted from means, insurance and housing requirements". The Committee was also "concerned about the existence of sometimes very long delays in handing down decisions on applications for family reunification, which may constitute a major obstacle to the integration of asylum-seekers".<sup>1143</sup>

Furthermore, in May 2023 the UN Committee against Torture (CAT) expressed its concern about the existence of a presumption of risk of flight when the person is a foreigner or does not have legal residence in Luxembourg. This presumption allows the investigating judge to place the person in pretrial detention. What is more, the duration of pretrial detention is not regulated by law.<sup>1144</sup>

Regarding the "mass influx" of applicants for international protection, Luxembourg has pursued a policy of increasing the number of reception agencies since 2015. These include the National Agency for Reception and Integration and the new integration unit of the Ministry for Family, Integration and the Greater Region, which was specially created in 2020. Despite these efforts, the influx of foreign refugees in recent years is becoming a serious problem for the Duchy.

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<sup>1143</sup> Concluding observations of the Human Rights Committee on the 4th periodic report of Luxembourg. September 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en)

<sup>1144</sup> Concluding observations of the Committee against Torture on the 8th periodic report of Luxembourg. May 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FLUX%2FCO%2F8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FLUX%2FCO%2F8&Lang=ru)

According to the government, by the end of 2023 the number of refugees will have exceeded the 2015 yearly record. At the same time, the centres in charge of receiving migrants are overburdened. At the end of 2023, only about 60 beds (less than 1 per cent of the total) in the institutions remained vacant. Luxembourg no longer intends to increase its reception capacity, arguing that it already receives four times more migrants per capita than neighbouring Belgium, for example.

However, it is worth noting the measures implemented by the state to end the examination of secondary sexual characteristics of asylum-seekers, including outdated, non-indicative and degrading methods such as bone tests or photographing of genitalia.<sup>1145</sup>

Discrimination on the grounds of nationality is one of the country's most pressing problems. With foreigners making up almost half of the population, addressing intolerance and xenophobia is especially important. Local human rights defenders regularly draw the attention of the official authorities to the need to improve policies for the integration of foreigners and to increase their participation in political life, in particular by granting them the right to vote. Although the Luxembourg Citizenship Act (adopted on 8 March 2017) simplifies the terms and procedures for naturalisation, it requires applicants to pass the Luxembourgish language test, which may be a barrier to obtaining citizenship. This fact has also drawn criticism from international organisations and human rights structures of the UN and the Council of Europe.

In addition, the Office of the United Nations High Commissioner for Refugees (UNHCR) has repeatedly pointed out that although the Duchy is a party to the 1954 Convention relating to the Status of Stateless Persons, the procedure for determining statelessness is not laid down in its legislation.

In 2022, the HRCttee drew attention to the fact that Luxembourg should adopt legislation regulating the procedure for determining statelessness and introduce a residence permit for individuals recognised as stateless persons.<sup>1146</sup>

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<sup>1145</sup> Ibid.

<sup>1146</sup> Concluding observations of the Human Rights Committee on the 4th periodic report of Luxembourg, September 2022.

In 2022, the Voting Law was amended so that EU or third-country nationals residing in Luxembourg would no longer have to comply with the five-year residency requirement to vote in municipal elections.<sup>1147</sup>

The CERD<sup>1148</sup> and the HRCtee<sup>1149</sup> have criticised the constitutional reform in this regard. The retention of Article 10 bis (1) of the Basic Law<sup>1150</sup>, the wording of which – "Luxembourgers are equal before the law" – suggests the existence of inequality between citizens and stateless persons. This approach does not conform to the practice of the Constitutional Court of the Grand Duchy, which recognises equality regardless of nationality.

In 2019, ECRI stated that Luxembourg fully implemented its recommendation to adopt a new national integration plan. The document adopted by the Government Council on 13 July 2018 covers two main subjects: the reception of applicants for international protection and the provision of social support, as well as the integration of all "non-Luxembourgers" permanently residing in the country.<sup>1151</sup>

The government of the Grand Duchy is actively supporting same-sex marriage and the promotion of "LGBT values". For example, the fundamental changes in family legislation, which the authorities have positioned as their main achievements (the reformed marriage legislation, which came into force on 1 January 2015, as well as a series of amendments in 2016 on the procedure for the recognition of same-sex marriages contracted abroad and acts of adoption of children by same-sex parents to

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<sup>1147</sup> Report of the European Commission against Racism and Intolerance on Luxembourg (6th monitoring cycle). Adopted on 27 June 2023. Published on 19 September 2023.

<https://rm.coe.int/sixth-ecri-report-on-luxembourg/1680ac8c45>

<sup>1148</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th to 20th periodic reports of Luxembourg. May 2022.

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<sup>1149</sup> Concluding observations of the Human Rights Committee on the 4th periodic report of Luxembourg. September 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en)

<sup>1150</sup> Constitution of the Grand Duchy of Luxembourg. 1 July 2023.

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF\(2023\)013](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-REF(2023)013)

<sup>1151</sup> The European Commission against Racism and Intolerance conclusions on the implementation of the recommendations in respect of Luxembourg subject to interim follow-up. Adopted on 10 December 2019. Published on 19 March 2020.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/16809cde13>

the Civil Code, which was issued before the family code reform), caused significant resonance in society, where most people are traditional Catholics. In pursuit of this policy, the authorities decided to replace the teaching of religion and morals in schools with a single lesson on social values.

Moreover, there are no rules prohibiting surgical procedures on children exposed to LGBT propaganda, which are often irreversible, medically unnecessary and harmful to their physical and mental health. In this regard, the UN Committee on Social, Economic and Cultural Rights (CESCR) recommended that care should be taken to ensure that, in practice, sex reassignment surgery is not performed on children without medical necessity and in medical emergencies until they are able to form their own opinion and give informed consent.<sup>1152</sup>

As far as protection of the rights of persons with disabilities is concerned, in September 2022, the HRCttee welcomed the adoption of the Law of 7 January 2022 on accessibility to all places open to the public, public roads and collective housing buildings. The experts noted that the provisions of this act comply with the recommendations issued in 2017 by the Committee on the Rights of Persons with Disabilities regarding the definition of a disabled person and reasonable accommodation and qualify any refusal of reasonable accommodation as discrimination on the basis of disability, which is a criminal offense. At the same time, the HRCttee regretted that access to certain services and public financing is still dependent on the degree of disability and that disabled persons are still underrepresented in the labour market.<sup>1153</sup>

The authorities have developed a range of measures to remedy the situation with gender equality, starting with the creation of a new Equality Observatory in March 2021, the adoption of an updated national action plan for equality of men and

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<sup>1152</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Luxembourg. October 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLUX%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLUX%2FCO%2F4&Lang=en)

<sup>1153</sup> Concluding observations of the Human Rights Committee on the 4th periodic report of Luxembourg. September 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en)



women, and the revision of primary school education programmes to eliminate gender stereotypes.

The country's efforts in this area have paid off. According to the Gender Equality Index 2023 of the European Institute for Gender Equality, Luxembourg's scored only 74.7 out of a 100 (up 1.2 points since 2022).<sup>1154</sup>

However, the UN Committee on Economic, Social and Cultural Rights remains concerned about the over-representation of women in health, social care and education. At the same time, it highlights that women in senior positions earn on average 29 per cent less than their male counterparts.<sup>1155</sup>

Luxembourg's initiative to prevent the re-victimisation of women subjected to domestic violence is noteworthy. In March 2019, the local courts adopted a new approach to identifying special protective measures in court hearings. Since 2019, these have been determined on a case-by-case basis. For the first time, a first-instance court in a domestic violence case allowed the victim to give evidence and answer court's questions via video link while they remained in a separate room to avoid direct contact with the accused.<sup>1156</sup>

Despite the fact that the reform of youth protection was introduced in 2022 to improve compliance with the Convention on the Rights of the Child<sup>1157</sup>, this area has regularly received the most criticism from national and international monitoring bodies. The transformation of the Committee for Children's Affairs into a legally independent mechanism of the Ombudsman for Children and Youth Affairs from the executive branch in 2020 was evidence of the authorities' close attention to this issue.

The conflict between the provisions of the Penal Code of the Grand Duchy

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<sup>1154</sup> The European Institute for Gender Equality. Gender Equality Index. 2023.

<https://eige.europa.eu/gender-equality-index/2023/country/LU>

<sup>1155</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Luxembourg. October 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLUX%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FLUX%2FCO%2F4&Lang=en)

<sup>1156</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2020.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>1157</sup> Concluding observations of the Committee against Torture on the 8th periodic report of Luxembourg. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC.2%2FLUX%2FCO%2F8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC.2%2FLUX%2FCO%2F8&Lang=ru)

and the need to guarantee children's rights, as well as the excessive powers of the juvenile justice system remain stumbling blocks in this area. Luxembourg law does not set a minimum age for juvenile detention<sup>1158</sup> or for criminal responsibility. There are no procedural safeguards for children in detention, as there are for adults.

Under certain conditions and depending on the circumstances, Luxembourg legislation on immigration and asylum allows for the detention of minors. At the same time, the maximum duration of detention for families with children has been increased from three to seven days.

An inter-ministerial committee made up of representatives of children's rights organisations, relevant ministries and agencies was set up in accordance with a decision of the Council of Government of 7 July 2017. Where the interests of minors are concerned, this body decides, on a case-by-case basis, either to return irregular child migrants in accordance with Article 10 of Directive No 2008/115/CE, or to grant them a residence permit.

Nevertheless, international experts have questioned the independence and neutrality of the body, which includes officials responsible for the forced return of migrants to the countries of origin.<sup>1159</sup>

As far as the competence of Luxembourg's juvenile justice is concerned, in case of a child's bad or dangerous behaviour, authorised officials are entitled to raise the question of his or her transfer to a special regime institution, even abroad. At the same time, as noted by CRC experts, police officers are regularly involved in enforcing court decisions to place children in special institutions. What is more, they can remove a child from home or school without informing the parents.<sup>1160</sup>

The rights of minors and their parents are also violated during trial: Luxembourg judges are empowered to decide on the transfer of parental rights without respecting the procedural rights of the persons concerned, such as the right to legal defence, the right of access to a lawyer and the right of the child to be heard.

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<sup>1158</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Luxembourg. June 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLUX%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fLUX%2fCO%2f5-6&Lang=en)

<sup>1159</sup> Ibid.

<sup>1160</sup> Ibid.

It was noted that when a child is removed from his or her family, placement in an institution is still given preference over foster care. If the decision is made in favour of the latter, the risk remains for the child that his or her new family will be abroad, making contact with the biological parents difficult.

Challenges remain in ensuring a dignified existence for children with disabilities. For example, the National Action Plan for the Implementation of the Convention on the Rights of Persons with Disabilities 2019-2024 focuses on inclusion in non-formal education, but does not provide for inclusion measures in formal education.

In addition, UN and CoE human rights bodies have noted many deficiencies in the country's legal system with regard to the sexual exploitation of minors<sup>1161</sup>, especially the lack of a clear definition of child pornography and child prostitution.

The report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) during its visit to Luxembourg from 27 March to 4 April received a strong response from the international community.<sup>1162</sup> The report addressed the situation of detainees held in Luxembourg prisons, temporary detention centres for juvenile offenders, and in specialised closed psychiatric wards in two local hospitals. The CPT sharply criticised the situation of juvenile offenders in custody, which is particularly noteworthy given that, as at 1 July 2023, the Luxembourg prosecutor's office had brought 40 per cent more cases against juvenile offenders than in the same period in 2022. It was emphasised that the state still had not implemented the CPT's recommendation, made repeatedly by the Committee since its first visit to the country in 1993, to prohibit the holding of minors in the Luxembourg Prison Centre.<sup>1163</sup>

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<sup>1161</sup> Concluding observations of the Committee against Torture on the 8th periodic report of Luxembourg. May 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FLUX%2FCO%2F8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FLUX%2FCO%2F8&Lang=ru)

<sup>1162</sup> Report to the Government of Luxembourg on the visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023. Published on 7 September 2023. <https://rm.coe.int/1680ac59f5>

<sup>1163</sup> The Luxembourg Penitentiary Centre is a closed prison located near Schrassig, in the municipality of Schuttrage.

During the visit, the delegation noted unacceptable conditions of detention for children, compounded by the lack of clear separation from adult detainees. Also, medical care did not meet specific health needs of the children (lack of multidisciplinary care with constant supervision). The Committee noted the frequent use of disciplinary measures, including isolation of minors, unjustified and excessive demands to undress during searches, and the use of handcuffs when moving minors from one room to another.

The deplorable living conditions of juveniles in the local juvenile detention centre in Drybourne were noted. The centre's inmates complained of being threatened by carers to be transferred to prison, being stigmatised and harassed with discriminatory remarks because of their background.

In addition, the delegation received a number of complaints about the use of force by the police during arrest (beatings with batons, punches, slaps) and subsequent ill-treatment in detention.

The Committee was concerned that the Luxembourg police continued to interrogate suspects through the bars of "high-security cells".<sup>1164</sup> This method of interrogation is considered degrading by the experts and the Committee calls for its abolition.<sup>1165</sup>

Overall, the prison situation in the country cannot be described as favourable. The UN Committee against Torture has highlighted the increase in cases of violence among prisoners in detention centres, particularly as a result of cell overcrowding.<sup>1166</sup>

An alarming situation is observed in the area of personal data protection, where the "concern for national security and the fight against crime" has led to an increase in cases of privacy violation by intelligence and law enforcement agencies. For example, in its resolution of 18 January 2024, the European Parliament

<sup>1164</sup> The cells are only 4 square metres in size, located inside interrogation rooms in most police stations.

<sup>1165</sup> Report to the Government of Luxembourg on the visit to Luxembourg carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 27 March to 4 April 2023. Published on 7 September 2023.

<https://rm.coe.int/1680ac59f5>

<sup>1166</sup> Concluding observations of the Committee against Torture on the 8th periodic report of Luxembourg. May 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FLUX%2FCO%2F8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FLUX%2FCO%2F8&Lang=ru)

expressed its concern about the illegal use of surveillance software such as Pegasus and others.<sup>1167</sup>

According to a 2020 report by DLA Piper, a law firm, Luxembourg ranks 7th out of 27 EU countries in terms of the number of breaches of personal data protection to the size of its population. The adoption in 2015 of an anti-terrorism package that raises the maximum period of detention from 24 to 48 hours and legitimises round-the-clock searches, wiretapping and monitoring of internet activity, was noted. Government bodies and the private sector in Luxembourg have difficulty adapting the new European Regulation No 2016/679 on the protection of natural persons with regard to the processing of personal data (in force since 25 May 2019). It was only after criticism from human rights NGOs, including the prominent online activist Max Schrems, that the National Commission for the Protection of Personal Data issued its first fines to violators in 2021.

This matter is indirectly related to the issue of press freedom in Luxembourg. In recent years, journalists have repeatedly noted pressure from the authorities, up to and including prosecution for defamation, if they refuse to name their sources of information. Another example is the government's campaign in 2018 to pressure journalists who spread information about the vulnerability of the Chamber of Deputies website, which allowed outsiders to access confidential documents.

In 2022, the HRCttee expressed concern about articles 443 and 444 of the Penal Code on defamation, which it considered should be decriminalised by States parties to the International Covenant on Civil and Political Rights. In addition, the Committee criticised articles 144 and 145 of the Criminal Code, which penalise written and graphic materials that "outrage the objects of a cult" or "the minister of a religion in the execution of his ministry".<sup>1168</sup>

Luxembourg's reservations to various provisions of the fundamental international human rights treaties deserve separate analysis. They proceed from the

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<sup>1167</sup> P9\_TA(2024)0050

<sup>1168</sup> Concluding observations of the Human Rights Committee on the 4th periodic report of Luxembourg. September 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fLUX%2fCO%2f4&Lang=en)

interpretation of a number of rights and freedoms as absolute, that is, not subject to any restrictions. The reservations refer primarily to the right to freedom of opinion and expression and the right to freedom of assembly and association. For example, article 20 of the International Covenant on Civil and Political Rights declares that "all propaganda for war shall be prohibited by law". Luxembourg seeks to avoid taking necessary legislative measures to give effect to this provision on the grounds that it would conflict with the right to freedom of expression.

## Malta

As an integral part of the Western community and a member of the European Union, Malta has positioned itself as a consistent advocate for democratic human rights and freedoms. At the same time, local and foreign experts indicate a number of problems in the sphere of human rights in Malta, which also holds the OSCE Chairmanship in 2024. Many of these problems are of a long-term and systemic nature.

It is significant that in the Economist annual Democracy Index for 2019 Malta lost its "full democracy" status for the first time since 2006 and was placed in the "flawed democracies" category from 2019 to 2022.<sup>1169</sup>

The topic of media freedom and freedom of expression in Malta has recently come to the forefront in light of the assassination in October 2017 of prominent "Malta Independent" journalist Daphne Caruana Galizia, who covered corruption in local ruling circles and was under pressure from the authorities<sup>1170</sup> (at the time of her death, 42 libel suits had been filed against her and part of her property had been seized).

Despite some progress in the investigation, Malta is still criticised by a number of representatives from the European Parliament and the Parliamentary Assembly of the Council of Europe (PACE), who accuse the Maltese authorities of delays in the investigation and a "conflict of interest".

In June 2019, PACE passed a resolution based on a report by Dutch MP Pieter Omtzigt on the case, which states that the rule of law in Malta was "seriously undermined" by the "extreme weakness of checks and balances".

The delayed investigation was one of the main factors that triggered a wave of anti-corruption protests in late 2019. Thousands of people took to the streets, demanding not only effective consideration of the case, but also the resignation of a

<sup>1169</sup> <https://www.economist.com/graphic-detail/2023/02/01/the-worlds-most-and-least-democratic-countries-in-2022>

<sup>1170</sup> <https://www.kommersant.ru/doc/3441260>

Daphne Caruana Galizia investigated possible corruption ties of the government of Malta within the framework of the project of the International Consortium of Investigative Journalists (ICIJ) and the Center for Public Integrity (CPI) on the Panama Papers database. Publications based on the files of Daphne Caruana Galizia and her son sparked a government crisis in Malta in the summer of 2017. The "Panama Papers" included the names of two Maltese ministers and contained accusations of the Maltese authorities' links with corrupt officials in the UAE, Eastern Europe and a number of other countries.

number of major political figures, including Prime Minister Joseph Muscat. As a result, he was forced to resign on 13 January 2020.

In December 2019, eight journalist organisations published a joint open letter criticising the Maltese authorities for their continued practice of intimidating media representatives. In their message, as examples they cited two cases related to the coverage of the investigation into the high-profile assassination of D.Caruana Galizia.

The former concerned the unlawful restriction of freedom for journalists attending a press conference at the Auberge de Castille following an urgent government meeting where a decision was made to reject a presidential pardon to Yorgen Fenech, a businessman accused of involvement in the massacre of D.Caruana Galizia. After Prime Minister Joseph Muscat made a public statement on the issue to the media, the guards locked them in the room where the meeting was taking place and would not let them leave until the politician left the residence.

The latter case was an attempt to confiscate the phone of a Times of Malta journalist who was covering the events in the Maltese parliament fallen into chaos following the arrest of the businessman.

The letter condemned these actions and called for the fulfilment of Malta's international obligations by ensuring the safety of journalists carrying out their professional duties and providing them with access to information of public interest.<sup>1171</sup>

From 2020 to early 2021, due to forced restrictions dictated by the need to prevent the spread of the COVID-19 in the country, activists had to abandon large-scale anti-corruption protests. However, even under these circumstances they sought ways to convey their position to the authorities through small-scale events.

For example, in November 2020, in order to mark the first anniversary of the protest movement, civil society representatives put up posters depicting politicians, both incumbent and retired, who they believed were encouraging corruption to take

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<sup>1171</sup> International journalism groups condemn "intimidation" of reporters in Malta. Times of Malta. 3 December 2019. <https://timesofmalta.com/articles/view/international-journalism-groups-condemn-intimidation-of-reporters-in.754510>



root in the country.<sup>1172</sup> However, in less than 24 hours there was no trace of the action. All the posters had been removed by unidentified individuals. The authorities deny any involvement in the incident.<sup>1173</sup>

In October 2020, Saviour Balzan, managing editor of Malta's MediaToday, noted that the death of D.Caruana Galizia had had the most negative effect on the work of journalists, provoking the development of self-censorship among them.

On 1 March 2021 another rally was held in front of the Maltese Parliament in support of a fair trial in the delayed case. The participants (about 200 people) sat behind fences at a social distance and held placards reading "Malta has been strangled by a mafia octopus" and "Corruption has killed a journalist". The octopus metaphorically referred to corrupt politicians and businessmen who had "put their tentacles" into all Maltese institutions.<sup>1174</sup>

The July 2021 report of the Maltese Independent Public Inquiry Commission on the high-profile crime found the Maltese government guilty of "creating an atmosphere of impunity among the highest echelons of government, which has led to a breakdown of the rule of law in the country" and of "failing to assess the real threat to life and to take the necessary steps to protect D.Caruana Galizia". The commission also concluded that the journalist's death was directly linked to the anti-corruption investigation she was conducting against senior government officials.

On 6 October 2022, the Council of Europe Commissioner for Human Rights, publishing correspondence with Maltese Prime Minister Robert Abela, indicated that "the Maltese authorities should ensure that the legislative work initiated in accordance with the report of the public inquiry into the assassination of D.Caruana Galizia complies with international standards and is fully open to public scrutiny and participation".<sup>1175</sup>

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<sup>1172</sup> Protest banners across Malta recall Daphne Caruana Galizia's assassination. Times of Malta. 16 November 2020. [https://www.maltatoday.com.mt/news/national/105931/protest\\_banners\\_across\\_malta\\_recall\\_daphne\\_caruana\\_galizias\\_assassination#.YHfol6Zn1B9](https://www.maltatoday.com.mt/news/national/105931/protest_banners_across_malta_recall_daphne_caruana_galizias_assassination#.YHfol6Zn1B9)

<sup>1173</sup> Anti-corruption banners removed within hours by unknown people. Times of Malta. 16 November 2020. <https://timesofmalta.com/articles/view/anti-corruption-banners-removed-within-hours-by-unknown-people.832303>

<sup>1174</sup> Valletta protesters call for justice for Caruana Galizia and country. Times of Malta. Monday, 1 March 2021. <https://timesofmalta.com/articles/view/demonstrators-meet-in-valletta-call-for-justice-for-caruana-galizia.855055>

<sup>1175</sup> <https://www.coe.int/ru/web/commissioner/-/malta-should-strengthen-the-protection-of-the-media-and-access-to-information-in-line-with-international-standards>

On the eve of the fifth anniversary of the murder of the Maltese woman on 14 October 2022, the two perpetrators in custody agreed to plea-bargain, confessed to the crime and as a result were sentenced to 40 years of imprisonment with the possibility of parole. However, the public criticises the fact that only three of the 11 possible perpetrators of the murder have been convicted, while the alleged mastermind of the crime, well-known Maltese tycoon Yorgen Fenech is still under investigation. The recent decision to begin preparations for a jury trial in this case can be considered probably the only development in the long-lasting legal process.

According to a report by the Reuters Institute for the Study of Journalism at Oxford University on the impact of the Panama Papers disclosures, Malta has turned out to be among the countries where this scandal has led to a "setback" in terms of the right to freedom of expression.<sup>1176</sup>

An important legislative step in Malta was the decriminalisation of libel. However, it remains to be a civil offence, so the media and their representatives still have to bear the burden of frequent litigation.

The so-called SLAPP (Strategic Lawsuit Against Public Participation) is still being used as a way of pressurizing the local printed media, with plaintiffs filing a libel suit in US courts, at considerable financial cost to defendants. As a result, many local publications are forced to remove information deemed unsatisfactory to plaintiffs from their websites under threat of prosecution. In the process of drafting the media law<sup>1177</sup>, the government refused to include measures aimed at protecting the press from SLAPP on the pretext that they contradict the EU legislation.

In this connection, in September 2022 the Maltese journalist community appealed to Prime Minister Robert Abela requiring to hold public consultations to ensure that their suggestions and concerns were taken into account in the prepared amendments to the mentioned law.

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<sup>1176</sup> Gauging the Global Impacts of the "Panama Papers" Three Years Later. Reuters Institute for the Study of Journalism.

<https://www.digitalnewsreport.org/publications/2019/gauging-global-impacts-panama-papers-three-years-later/>

<sup>1177</sup> Effective since May 2018.

This appeal was supported by the Council of Europe Commissioner for Human Rights, who stressed in her letter to the Maltese Prime Minister dated 23 September 2022 the importance of media access to information about the activities of public authorities, including those relating to the investigation of D.Caruana Galizia's assassination. A similar letter by the Commissioner dated 3 October 2023, addressed not only to the Prime Minister but also to the Speaker of the Maltese Parliament, reiterated concern at the lack of significant results in bringing to justice those responsible for the murder of D.Caruana Galizia, as well as at the continuing poor state of affairs in Malta with regard to freedom of expression and the working conditions of the media.

In September 2022, several bills were drafted to strengthen media protection in Malta, which, according to an appeal by eight international journalist organizations to the Prime Minister of Malta on 16 March 2023, do not address the systemic reforms needed to create an enabling environment for free and independent journalism.<sup>1178</sup>

The Daphne Caruana Galizia Foundation pointed out in this context that all amendments proposed by the government should first of all comply with international standards in the sphere of media protection.<sup>1179</sup>

The above-mentioned facts are reflected in the relevant ratings compiled by various international NGOs. In particular, in the 2023 annual review by Reporters Without Borders Malta again lost ground in the 2023 World Press Freedom Index compared to 2022, dropping from 78th to 84th position.<sup>1180</sup>

According to the NGO Freedom House, in 2023 Malta maintained its status as a "free" country as far as the media is concerned and even improved its position slightly, rising from 89th place in 2022 to 87th place in 2023<sup>1181</sup>.

In June 2020, Malta's media regulator ordered state-owned Television Malta (TVM) not to avoid broadcasting questions of journalists to government officials at

<sup>1178</sup> <https://europeanjournalists.org/blog/2023/03/16/malta-press-freedom-groups-urge-pm-to-deliver-strong-media-law-reforms/>

<sup>1179</sup> [https://www.daphne.foundation/documents/statements/20230216\\_public-inquiry-implementation\\_position-statement.pdf](https://www.daphne.foundation/documents/statements/20230216_public-inquiry-implementation_position-statement.pdf)

<sup>1180</sup> <https://rsf.org/en/index>

<sup>1181</sup> <https://freedomhouse.org/countries/freedom-world/scores>

live press conferences. The measure was allegedly aimed at eliminating possible bias in the coverage. The regulator's decision caused a mixed reaction from the public, especially after TVM, following the decree, interrupted the broadcast of a press conference on Malta's response to the spread of coronavirus infection. In particular, The Institute of Maltese Journalists condemned the decree, calling it an act of censorship.<sup>1182</sup>

On 13 March 2024, MEPs approved the European Media Freedom Act (EMFA)<sup>1183</sup> by a majority vote, which allows the European Commission to interfere in the work of the media in the EU. The European Parliament assumed that the law would impose a total ban on the use of spyware against journalists in response to reports of the use of such programmes as Pegasus and Predator used to hack into reporters' equipment in a number of European countries.

However, during the process of negotiating the law, Malta was one of seven EU member states that insisted on including a phrasing in the draft that would allow governments to wiretap conversations between correspondents and their sources in cases involving a threat to national security.<sup>1184</sup>

This caused strong outrage both locally and internationally, so MEPs, civil society and journalists reprimanded Malta for the unsolved murder of D.Caruana Galizia and called upon Valletta to change its stance.

As a result of discussions, nevertheless the pan-European rules included a ban on the use of spying equipment against media representatives, but with the reservation: its use is only allowed under judicial control as long as national interests or serious crimes are concerned.<sup>1185</sup>

To bring national legislation in line with the EMFA, which is to become effective in 2025<sup>1186</sup>, Malta will have to revise the active regulation that allows

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<sup>1182</sup> <https://freedomhouse.org/countries/freedom-world/scores>

<sup>1183</sup> The adopted law is designed to protect the rights of journalists from unlawful actions by states and provides for the establishment of a pan-European supervisory body, the Media Committee, to monitor the implementation of pan-European rules in the European Union. According to the law, state media must ensure pluralism of opinion and unbiased coverage of events "in accordance with their public mission".

<sup>1184</sup> <https://baj.media/ru/evroparlament-progolosoval-za-zashhitu-svobody-smi-i-protiv-slezhki-za-zhurnalistami/>

<sup>1185</sup> <https://ria.ru/20240313/zakon-1932734477.html>

<sup>1186</sup> <https://rg.ru/2024/03/13/evroparlament-prinial-zakon-o-svobode-smi.html>

authorities to issue warrants to intercept the communications of any citizen without a court order.<sup>1187</sup>

Compliance with the statutory provision that EU member states are obliged to provide public media with stable funding, freedom from the influence of any political party or business interests, ensure editorial independence, guarantee transparency and exclude discrimination in the appointment of the management of such entities<sup>1188</sup>, will undoubtedly be another challenge for Malta. This is caused by the fact that Malta's state-controlled Public Broadcasting Services Limited (PBS) refuses to publish the names of editorial board members and contracts signed in connection with the employment of high-profile staff with many political "appointees" among them. PBS has also avoided providing information on the expenditure of public funds, raising questions about the transparency of its funding.

According to Bloomberg, in 2023 Malta was among ten European countries that, despite calls from the European Parliament and the European Commission, did not reject European passport-by-investment programmes (the so-called "golden passports" or "golden visas").<sup>1189</sup> According to Belgian MP Saskia Bricmont, these programmes could be "a potential way for oligarchs, criminals and corrupt politicians to buy their way into Europe and launder their money and image".<sup>1190</sup>

At the moment Malta is the only EU country that still has a system of granting citizenship, permanent residence or residence permit in exchange for investment.<sup>1191</sup> At the same time, investors do not have to live in the country: to get permanent residence in Malta for investment you need to invest in the Maltese economy at least 160,000 euros.<sup>1192</sup>

As early as 8 November 2022, at a press conference in Brussels Dutch MEP Sophie in 't Veld, the rapporteur of the European Parliament responsible for the investigation into the scandal with regard to spyware used to illegally spy on EU

<sup>1187</sup> <https://theshiftnews.com/2023/12/16/europes-new-media-freedom-law-set-to-cause-problems-in-malta/>

<sup>1188</sup> <https://ria.ru/20240313/zakon-1932734477.html>

<sup>1189</sup> <https://www.bloomberg.com/news/articles/2023-08-15/europe-s-golden-visas-are-booming-despite-calls-to-get-rid-of-them>

<sup>1190</sup> <https://frankmedia.ru/136504>

<sup>1191</sup> <https://www.businessinsider.com/golden-visa-passport-malta-citizenship-by-investment-wealthy-americans-europe-2023-2?r=US&IR=T>

<sup>1192</sup> <https://immigrantinvest.com/ru/blog/methods-of-obtaining-permanent-residence-in-malta/>

citizens, stated that all EU countries without exception use spyware, including Pegasus and Predator, even if they do not admit it, and that each EU country has its own role to play. That said, Malta with its "golden passports" is a comfortable home for the bosses of this business.<sup>1193</sup>

In 't Veld also emphasized that EU government officials "refuse to answer any questions as part of the European Parliament investigation".<sup>1194</sup>

Thus, in early 2023, Malta refused to answer questions from the European Parliament's Ad Hoc Committee for investigation into the use of surveillance software (PEGA)<sup>1195</sup>, which found that several key spyware dealers had registered businesses in Malta or acquired Maltese passports. The PEGA Committee has therefore asked the European Commission to take action against the member state, stating that such "disregard by Malta is unacceptable when simple, straightforward questions are asked, which any government should be able to answer".<sup>1196</sup>

In recent years, in the context of a chain of corruption scandals, as well as its active "passport-by-investment" programme, Malta has come under external criticism for its flawed judicial and law enforcement systems and for its significant defects in the rule of law, transparency and good governance. The absence of any reaction of the authorities to obvious cases of corruption in the highest echelons of power, in particular, has been repeatedly indicated by visiting delegations of the European Parliament.

In October 2023, in its annual report on the rule of law in the EU, the European Commission once again criticized the Maltese justice system which, in the opinion of the European body, does not sufficiently combat and punish corruption, especially in cases involving high-ranking officials.

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<sup>1193</sup> <https://tass.ru/mezhdunarodnaya-panorama/16272431>

<sup>1194</sup> <https://tass.ru/mezhdunarodnaya-panorama/16272431>

<sup>1195</sup> The PEGA Committee is an ad hoc committee of the European Parliament created to investigate violations or negligence in the use of spyware like Pegasus and similar programmes in EU member states. The committee was established in 2022 after it became clear that such software was being used to illegally spy on politicians, journalists and ordinary citizens. The PEGA Committee collects information on spyware cases, holds hearings with experts, victims and others, orders investigations and briefings, and conducts fact-finding visits when necessary.  
<https://www.securitylab.ru/glossary/pega/>

<sup>1196</sup> <https://theshiftnews.com/2023/03/17/malta-ignores-eps-spyware-questions-as-it-accommodates-global-chiefs/>

Similar concerns were raised in the report of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs published on 11 July 2022.

The Council of Europe's European Commission for Democracy through Law (Venice Commission) also made recommendations to Malta in that regard.<sup>1197</sup>

"Resolution on the rule of law in Malta: six years after the assassination of Daphne Caruana Galizia, and the need to protect journalists" adopted by the European Parliament on 19 October 2023 also expressed concerns about the lack of progress in investigating the cases of corruption and money laundering at the highest political level that the murdered journalist had been investigating; about the institutional failure in the functioning of law enforcement agencies and the justice system; and the ongoing programme of granting Maltese citizenship in exchange for investment. In this context, it is pointed out that the EU citizenship is not for sale, that protracted investigations into corruption scandals continue to impede progress on the rule of law, while the persecution of journalists through spyware jeopardizes the confidentiality of their sources and threatens the very essence of human rights. The resolution calls on the Maltese authorities to make progress in investigating possible attempts by public officials to conceal evidence and impede investigations and judicial proceedings; to urgently investigate the use of Pegasus and similar spyware; to immediately ban the Maltese citizenship-by-investment programme; etc.<sup>1198</sup> Taking into account the fact that this is not about Russia, the openly biased attitude towards which is a characteristic feature of the European Parliament, the harsh criticism of the official Valletta by this structure may be considered as quite justified.

The 2023 report of the EU Agency for Fundamental Rights (FRA) also addresses the topic of violations of fundamental rights resulting from the use of advanced surveillance technologies.<sup>1199</sup>

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<sup>1197</sup> Malta – Opinion on Constitutional arrangements and separation of powers and the independence of the judiciary and law enforcement, adopted by the Venice Commission at its 117th Plenary Session.  
[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2018\)028-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)028-e)

<sup>1198</sup> [https://www.europarl.europa.eu/doceo/document/TA-9-2023-0374\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2023-0374_EN.html)

<sup>1199</sup> The 2023 report of the EU Agency for Fundamental Rights.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

A frequent criticism of the Maltese judicial system by human rights defenders is the excessive delay in the processing of cases, many of which are linked to the protection of human rights.

In its report, the UN Human Rights Council Working Group on Arbitrary Detention also noted that Malta's judicial system continues to be characterized by long waiting time for justice to be served.<sup>1200</sup>

The situation was further exacerbated by the death of a young Maltese worker on a construction site in December 2022. The local community condemned the Prime Minister's lack of involvement and formalism in taking exhaustive measures to identify those responsible for the incident.

In January 2016, the ECtHR ruled for the first time ever that a Maltese court had violated the fair hearing provisions of the European Convention on Human Rights. In December 2016, the same court issued another similar judgment.

According to local authorities, only about 70 per cent of murders are solved in Malta (while the EU average is 85 per cent).

Local human rights organizations have been raising the alarm for years over the complaints of inmates of the country's only penitentiary about ill-treatment and poor-quality medical care. It is noted that during the period 2020-2022, a total of 14 inmates died in this prison, including seven who committed suicide.

The protection of the rights of stateless persons remains a pressing issue for the island republic. Malta is among the few EU Member States that are not party to the 1961 Convention on the Reduction of Statelessness. In addition, Valletta has signed but not yet ratified the 1997 European Convention on Nationality.

The Constitution of Malta and several other legislative acts enshrine the prohibition of racial discrimination. In particular, the Penal Code (Article 82A) provides for a punishment of six to 18 months imprisonment for acts intended to incite racial hatred. Article 83B classifies manifestations of racism and xenophobia as an aggravating circumstance. These measures are assessed by human rights

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<sup>1200</sup> Report of the UN Human Rights Council Working Group on Arbitrary Detention on its follow-up visit to Malta. <https://digitlibrary.un.org/record/850281>



defenders (including the local branch of the European Law Students' Association) as generally adequate in terms of preventing hate speech and incitement to violence.

At the same time, Malta has no legal ban on organizations and movements that promote racial discrimination and glorify Nazi ideology. In 2019, the Imperium Europa far-right party (locally referred to as neo-fascist) was officially registered in the country by N. Lowell, ultra-nationalist and outspoken Holocaust denier.<sup>1201</sup> In his statements he repeatedly spoke favourably of Hitler and also praised Carmelo Borg Pisani, a fascist of Maltese origin who worked for Italian intelligence during the Second World War. However, the party is not popular with the public – the island republic inherited the two-party system of the former metropolis, and the neo-fascists fail to gain the necessary number of votes to be elected to the House of Representatives or the European Parliament. In general, Malta is characterized by a respectful attitude to history and the absence of significant forces promoting fascist ideas in the country's political arena.

Domestic xenophobia and racist attitudes towards irregular migrants, predominantly from Africa and the Middle East, remain a significant problem in local society.

This is evidenced by the fact that Malta has lost a number of cases brought by this category of citizens before the ECtHR in recent years.

Expressions of racism and xenophobia against migrants in Malta, including race-based violence and racial discrimination in accessing employment, housing and services, as well as the lack of enforcement of anti-xenophobia laws, were highlighted in the UN Human Rights Council's (HRC) Universal Periodic Review of Malta.

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM) also noted cases of discrimination on the grounds of racial or ethnic origin in employment, access to housing and health care services.

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<sup>1201</sup> Imperium Europa approved as political party, Norman Lowell to contest MEP elections.  
[https://www.maltatoday.com.mt/news/national/93455/imperium\\_europa\\_approved\\_as\\_political\\_party\\_norman\\_lowell\\_to\\_contest\\_mep\\_elections#.YtlCaxaOHDs](https://www.maltatoday.com.mt/news/national/93455/imperium_europa_approved_as_political_party_norman_lowell_to_contest_mep_elections#.YtlCaxaOHDs)

In the Committee's view, indirect evidence points to instances of racially motivated crimes, bullying in schools, and the treatment of people of other skin colour as perpetrators of crimes rather than as victims or innocent bystanders. It is observed that certain teaching materials negatively portray groups of people of non-Maltese origin and that there is a lack of reference to religious and cultural celebrations of these groups of people in the curriculum of educational institutions.<sup>1202</sup>

In its latest report on Malta, the ACFCNM referred to the results of a public opinion survey which showed that 38 per cent of immigrant respondents from Sub-Saharan Africa had experienced discrimination on the basis of their skin colour. With regard to employment, 20 per cent of respondents said that their ethnicity or origin had been the reason for discrimination when applying for a job. A further 15 per cent reported that they had experienced discrimination once in the workplace.<sup>1203</sup>

According to the ACFCNM, these factors may hinder the integration of migrants, asylum-seekers and refugees.<sup>1204</sup>

Experts from the Council of Europe's European Commission against Racism and Intolerance (ECRI) note that refugees remain the most vulnerable and marginalized group in Malta, facing isolation and relatively low levels of interaction with the local population.

ECRI has also repeatedly pointed to Malta's insufficient implementation of recommendations on the protection of the rights of migrants and asylum-seekers, including those relating to the granting of citizenship through naturalization. It was noted that many irregular migrants complained of low wages and exploitation by employers who preferred to hire migrants without proper legalization. The

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<sup>1202</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted on 5 October 2020.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

<sup>1203</sup> Report by Malta under the Fifth monitoring cycle of the Framework Convention on National Minorities. Received on 24 May 2019.

<https://rm.coe.int/5th-sr-malta-en/168094b1cc>

<sup>1204</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted on 5 October 2020.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

excessively harsh policy of the authorities, according to which holders of the temporary humanitarian protection status (as opposed to refugee status) are not entitled to family reunification, has also been criticized.<sup>1205</sup>

According to ECRI, social media in Malta are full of violent content and serve as a tool for the dissemination of racist discourse, and public opinion towards migrants is largely negative.

According to an opinion poll conducted by journalists of the "Malta Independent" in February 2022, 67.5 per cent of the Maltese population recognize that Malta does face the problem of racism.<sup>1206</sup>

Maltese research also shows that more than 60 per cent of people of Black African descent regularly encounter intolerance in their daily lives and seek to socialize with locals as little as possible. About 30 per cent of them had been victims of racially motivated hate crimes in the past.

There have also been isolated instances of xenophobic and Islamophobic rhetoric used by political and public figures in Malta.

Recently, the issue of discrimination against migrants in the provision of health care services has become a growing issue in the Maltese media. In December 2021, a news story about the death of a 22-year-old woman due to the negligence of staff at a public health centre was reported. According to the report, this attitude towards migrants is a common practice: instead of providing proper medical care, doctors often recommend them to take painkillers.<sup>1207</sup> The European Committee for the Prevention of Torture (CPT) has also expressed concern about the frequent lack of necessary medical care.<sup>1208</sup>

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<sup>1205</sup> Report of the European Commission against Racism and Intolerance on Malta (5th monitoring cycle) <https://rm.coe.int/fifth-report-on-malta/16808b592b>

<sup>1206</sup> <https://www.independent.com.mt/articles/2022-02-25/local-news/5-2-of-people-in-Malta-describe-themselves-as-very-racist-6736240933>

<sup>1207</sup> Migrant woman turned away with Panadol prescription, dies in her sleep. [https://www.maltatoday.com.mt/news/national/114025/migrant\\_woman\\_turned\\_away\\_with\\_panadol\\_prescription\\_dies\\_in\\_her\\_sleep#.YtIPJRaOHDt](https://www.maltatoday.com.mt/news/national/114025/migrant_woman_turned_away_with_panadol_prescription_dies_in_her_sleep#.YtIPJRaOHDt)

<sup>1208</sup> Report to the Government of Malta on the visit to Malta carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 22 September 2020. 10 March 2021. <https://rm/coe.int/1680a1b877>.

In 2019, there were several high profile cases in the country. Thus, on 6 April, a native of Côte d'Ivoire was shot dead and two other people of African descent were seriously injured. This was the first case of racially motivated murder in Malta. Two soldiers were arrested on suspicion of involvement in this crime. One of them confessed to hatred against people of African descent.

In October 2023, the European Court of Human Rights ordered Malta to pay 28,000 euros in compensation to a refugee from Côte d'Ivoire for the violation of his rights during his detention in 2021 (as a minor, the Ivorian was held with adult irregular migrants for more than six months, being subjected, according to the court, to "inhuman and degrading treatment by the prison administration, having no effective recourse to legal remedy"). In its judgment, the court also expressed concern about Malta's "flawed penitentiary system which fails to respect human rights".

For the fifth consecutive year (starting from 2019), the NGO Amnesty International is fighting for the dismissal of charges against three African teenage refugees held in Malta on their own recognizance for the alleged hijacking of the El Hiblu ship, which can result in up to life imprisonment. According to the court order, the accused are under administrative supervision and must report to the police three times a week. However, in September 2023, during a regular court hearing, a police spokesperson reported that one of the Africans (A. Kader) had not been seen by the police for the past six weeks. An official investigation into the reasons for the inaction of the Maltese law enforcement authorities during this entire period was therefore initiated and the said national was placed on an international wanted list.

The situation has not gone unnoticed by the relevant international organizations. The HRC Special Rapporteur on the rights of migrants recommended that Valletta fully implement its legislation to combat direct and indirect manifestations of racial discrimination in the exercise of economic, social and cultural rights by immigrants, especially refugees and asylum-seekers, including with regard to access to private rental housing and the labour market.<sup>1209</sup> It was

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<sup>1209</sup> [https://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/29/36/Add.3](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/29/36/Add.3)

recommended that Malta strengthen its efforts to eliminate stereotypes and discriminatory attitudes towards migrants, in particular through awareness-raising campaigns to promote tolerance and respect for diversity<sup>1210</sup>, and take measures aimed at investigating racially motivated violence.<sup>1211</sup>

As there is no systematic collection of data on either the frequency of racially motivated crimes or the number of incidents of incitement to racial hatred<sup>1212</sup> in the country, the ACFCNM encouraged Valletta in 2021 to create a publicly available mechanism for collecting such data.<sup>1213</sup>

According to the ECRI conclusions on the implementation of the relevant recommendations in respect of Malta published in 2021, the absence of the above-mentioned system is due to the low number of hate crimes, which is why the Malta Police Force records the number of hate crimes reports in general.<sup>1214</sup>

According to the same document, statistics on hate crimes and hate speech in Malta are collected and processed by the Hate Crime and Speech Unit<sup>1215</sup>, inaugurated on 24 October 2019, which works closely with the Maltese Police Force. The Unit also supports victims of hate crimes by providing free therapeutic and legal services.<sup>1216</sup>

As of 19 January 2021, the Unit had received 249 reports, 193 of which were complaints about individual suspects.<sup>1217</sup>

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<sup>1210</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MLT/CO/2&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MLT/CO/2&Lang=Ru)

<sup>1211</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MLT/CO/2&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/MLT/CO/2&Lang=Ru)

<sup>1212</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted on 5 October 2020.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

<sup>1213</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted on 5 October 2020, published on 18 February 2021.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

<sup>1214</sup> ECRI conclusions on the implementation of the recommendations in respect of Malta, adopted on 30 March 2021, published on 18 May 2021.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a27d87>

<sup>1215</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta, adopted on 5 October 2020.

<https://rm.coe.int/5th-op-malta-en/1680a173fd>

<sup>1216</sup> ECRI conclusions on the implementation of recommendations regarding Malta, adopted on 30 March 2021, published on 18 May 2021.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a27d87>

<sup>1217</sup> ECRI conclusions on the implementation of recommendations regarding Malta, adopted on 30 March 2021, published on 18 May 2021.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a27d87>

The Maltese authorities are seeking to limit the inflow of migrants as much as possible. The Sea-Eye non-profit organization has reported that the Malta Coordination Centre regularly disregards distress calls received in the Malta Search and Rescue zone from vessels carrying migrants (most recently on 11-12 May 2022<sup>1218</sup>).

In 2019, Malta's Prime Minister (then J. Muscat) and opposition leader (A. Delia) made public remarks about the "migrant overcrowding" in the Maltese labour market.

In May 2019, a prominent businessman and Iceland's honorary consul in Malta, M. Mizzi, said that Muslim illegal migrants should be banned from coming to the island republic which he would like to see as a "Catholic country". He said too many large Muslim families were arriving in the country, which would "eventually" lead to a "takeover" of Malta.

The HRC noted the long periods of detention of migrants arriving in Malta (up to 18 months for irregular migrants and up to one year for asylum-seekers). Instances of ill-treatment and excessive use of force, including the use of tear gas and rubber bullets, by police officers in migrant detention centres were reported.

In March 2021, the European Court of Human Rights published a judgment in the case of Feilazoo v. Malta, finding the Maltese authorities guilty of violating Articles 5(1) and 34 of the European Convention on Human Rights for detaining a Nigerian national beyond the legal maximum period (14 months instead of nine) and hindering in the exercise of his right to bring the case to court.

NGO representatives note that living conditions in temporary migrant detention centres often do not meet international standards, which periodically leads to riots (the last reported protests took place in January 2020). The inmates of the "closed" centre continue to complain about the quality of food and water, lack of heating and air conditioning systems.

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<sup>1218</sup> "Malta accused of violating basic human rights because of migrants".  
<https://rossaprimavera.ru/news/a1567957>.

The most vulnerable groups, such as young children with their parents and unaccompanied minors, are in a particularly difficult situation. They are detained under the standard procedure and held in inadequate conditions together with adults having no kinship ties with them.<sup>1219</sup>

The Council of Europe Commissioner for Human Rights who visited the Maltese centres in October 2021 highlighted a number of problems regarding the conditions of detention of refugee children in her report. The Commissioner was particularly critical about the accommodation of refugees in overcrowded barracks with no heating or ventilation, despite the fact that the number of irregular migrants arriving in Malta has been decreasing for the third consecutive year (832 persons in 2021, 2281 – in 2020, 3033 – in 2019). In addition, she indicated that, according to the children held in these centres, they do not attend school or any sporting or artistic activities and "generally have a poor view of their future". According to the 2023 FRA report<sup>1220</sup>, the Commissioner demanded that the Maltese authorities immediately release all detained children awaiting age assessment, take measures to prevent the arbitrary detention of migrants, asylum-seekers and members of particularly vulnerable groups, and seek alternatives to detention.<sup>1221</sup>

At the same time, there are also a number of positive points. Thus, despite the deliberate restriction of the migration flow to Malta, the authorities of the island republic still pay heed to the opinion of the relevant international organizations.

The country is taking a number of educational measures aimed at promoting a culture of tolerance and mutual respect, combating racism, racial discrimination, xenophobia and intolerance. The education of children and young people in these aspects is structured in accordance with the national education strategy for the period 2014-2024, as well as the Respect for All framework programme adopted in 2014. UNESCO's Global Citizenship Education project which includes measures to

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<sup>1219</sup> Report to the Government of Malta on the visit to Malta carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 17 to 22 September 2020. 10 March 2021. <https://rm.coe.int/1680a1b877>

<sup>1220</sup> The 2023 report of the EU Agency for Fundamental Rights.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1221</sup> Commissioner for Human Rights of the Council of Europe, Mijatović, D. (2022), Report following her visit to Malta from 11 to 16 October 2021, Strasbourg, Council of Europe, 15 February 2022.

promote programmes aimed at countering violent extremism in educational institutions, is also being implemented.

In 2021, the ACFCNM noted that the Maltese authorities pursued their efforts to reinforce their integration policies, in particular by adopting the National Migrant Integration Strategy and its Action Plan.<sup>1222</sup>

In order to implement them, a special integration unit was created within the Ministry of EU Affairs and Equality. For the same purpose, a special inter-ministerial coordinating body and a consultative forum were created, where organizations representing the interests of migrants could come forward. The Action Plan provides for, among other things, Maltese and English language classes for asylum seekers, training for so-called cultural mediators who could operate within various public services, and research to assess the special needs of the most vulnerable groups in the context of integration.<sup>1223</sup>

It is indicative that Malta projects an image of a mono-ethnic state. The fifth monitoring cycle of the Framework Convention for the Protection of National Minorities contains the position of the country's authorities that there are no national minorities in its territory.<sup>1224</sup>

The Jewish community in Malta in 2023 numbered some 100 people.<sup>1225</sup> There were no recorded cases of anti-Semitism.

There is traditionally a large (7-8 thousand people) Russian diaspora in Malta. Russian citizens, mostly women who are married to Maltese citizens, form its core.

The analysis of the legal situation of Russian compatriots in Malta in 2023 did not reveal any serious violations of their rights and freedoms. In the second half of 2023, there were no recorded cases where ethnic Russians and Russian citizens in Malta were restricted in their rights and discriminated against.

<sup>1222</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta. Adopted on 5 October 2020. Published on 18 February 2021. <https://rm.coe.int/5th-op-malta-en/1680a173fd>.

<sup>1223</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Malta. Adopted on 5 October 2020. <https://rm.coe.int/5th-op-malta-en/1680a173fd>.

<sup>1224</sup> Report by Malta under the Fifth monitoring cycle of the Framework Convention on National Minorities. Received on 24 May 2019.

<https://rm.coe.int/5th-sr-malta-en/168094b1cc>

<sup>1225</sup> <https://www.worldjewishcongress.org/en/about/communities/MT>



The Russian community is deeply integrated into the local society, actively engaged in public life; it makes a noticeable contribution to the socio-economic development of Malta, which is also noted by the authorities. There are no ethnic conflicts between Russian compatriots and local residents.

The interaction of the Maltese authorities with the Russian diaspora amid the Ukrainian crisis is built in the spirit of Prime Minister Robert Abela's statement that "xenophobia is unacceptable towards Russians and Russian-speaking people living in the country" (April 2022). This was largely prompted by numerous attacks against our compatriots by members of the Ukrainian diaspora.

On 24 February 2023, at the initiative of members of the Ukrainian community, billboards showing a picture of the Russian President with a knife in his hands and reading: "Mr Putin, you have been killing innocent civilians (of Ukraine) for a whole year", were put up in some towns of Malta. Judging by comments on social networks, the majority of local citizens condemned this action, considering it unacceptable to "settle scores on neutral Maltese soil."

In view of the information on individual cases of inappropriate behaviour against Russian-speaking children in local schools, the Ministry for Education of Malta, on a centralized basis, sent the relevant methodological recommendations for teachers to educational institutions with Russian-speaking students.

Law enforcement agencies responded appropriately to incoming reports (of threats, xenophobia, etc.). However, some well-off compatriots faced problems in the banking sector, associated with the "freezing" of accounts and financial transactions.

The Russian Embassy posted a message on all its Internet resources, including social networks, of its strong willingness to uphold the rights and interests of Russian citizens, in contact with the governmental bodies of the host country, featuring a hotline. A practice was introduced of recording such reports in a special journal at the Embassy's consular department. 2023 saw no complaints regarding the issue.

Moreover, as our compatriots say, 2023 saw a slight decrease in pressure from local employers, some of whom had previously expressed strong demands that festive events held in the Russian Embassy should not be attended. For example, the People's Unity Day reception, held at the Russian Embassy in November 2023, was attended by about 30 per cent more guests than in 2022.

As regards Russia-related news coverage, the Maltese media and social networks have maintained a rather explicit anti-Russian narrative since the start of the Special Military Operation (SMO) by the Armed Forces of the Russian Federation to denazify and demilitarize Ukraine and protect the civilian population of Donbass. At the same time we see a certain drop in such publications.

The Government of Malta is regularly criticized for its weak policies to combat human trafficking.

According to the US State Department, forced labour and sexual slavery have occurred and are still occurring in Malta. The relevant "risk group" includes people from South-East Asia, China and Eastern Europe, as well as women from Central and Eastern Europe, Russia and Ukraine. In this regard, over the past years, the country has been consistently included in Washington's "Tier 2 Special Attention List" as a country whose state authorities fail to fully comply with the minimum requirements of the law to protect victims of human trafficking, despite certain efforts to do so. On the other hand, the US State Department's reports, which are often based on the political situation rather than the real situation in this field, cannot always serve as a benchmark for an objective assessment of the situation in a particular country, let alone the US itself.

In November 2017, a Maltese man and a Chinese woman were detained on charges of forced prostitution and trafficking. In March 2018, eight Maltese and foreign nationals were arrested for allegedly being involved in a human trafficking scheme involving South-East Asian workers employed by local cleaning companies.

The Government of Malta has occasionally been criticized for alleged violations of privacy rights. In recent years, the press has repeatedly quoted reports by a global social network that the Maltese authorities sent the highest number of

requests in the world (per capita) for disclosure of personal data between 2013 and 2022.

Challenges remain with regard to the protection of the rights of persons with disabilities. In its report on Malta, the Committee on the Rights of Persons with Disabilities identified a number of relevant issues and made a set of recommendations. In particular, the Committee expressed concern that persons with disabilities are deprived of legal capacity and subjected to multiple forms of discrimination under certain provisions of local legislation. In the Committee's view, certain laws are inconsistent with the provisions of the Convention on the Rights of Persons with Disabilities. In particular, the Mental Health Act allows for involuntary detention and psychiatric treatment of persons with disabilities on the basis of their psychosocial or mental disabilities. The continuing practice of hospitalizing such persons without their consent was also noted.<sup>1226</sup>

It was also noted that persons with disabilities, in particular persons with psychosocial and/or mental disorders, are still subject to decisions on deprivation of legal capacity and that the draft law on personal independence, which is currently under development, can deprive disabled persons of their legal capacity by introducing concepts and mechanisms such as "protective measures", "joint decision-making" and "representation agreements".

According to the local Commission for Persons with Disabilities, persons with disabilities continue to face discrimination, including in insurance, banking and education and in employment. It was also reported that 628 cases of discrimination against persons with disabilities were investigated during 2021, an increase of 30 per cent from 2020.

According to the World Economic Forum report, Malta has slightly improved its position in the global gender equality ranking, rising from 85th place in 2022 to 70th place in 2023<sup>1227</sup> (2018 – 91st, 2017 – 93rd, 2016 – 108th) out of 146.

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<sup>1226</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMLT%2fCO%2f1&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fMLT%2fCO%2f1&Lang=ru)

<sup>1227</sup> Global Gender Gap Report 2023. World Economic Forum.  
[https://www3.weforum.org/docs/WEF\\_GGGR\\_2023.pdf](https://www3.weforum.org/docs/WEF_GGGR_2023.pdf)

However, statistics show, for example, that disparities persist in the areas of employment (women's employment rate is much lower than men's), pay (women earn on average 11 per cent less), and politics, education and healthcare.<sup>1228</sup>

In its report on its visit to Malta in May 2023, a delegation of the European Commission against Racism and Intolerance pointed out, among other things, that Malta had one of the lowest representations of women in executive and legislative bodies in the EU, at around 27 per cent (compared to an EU average of 40 per cent).

The legalization of abortion continues to be another hot topic related to women's rights. The most recent high-profile case was in June 2022, when US citizen Andrea Prudente, who was in Malta, was refused an abortion by Maltese doctors for a partial miscarriage that threatened her life. The American woman had to fly to Spain for an emergency operation. In September 2022, the victim filed a lawsuit against the Ministry of Health of Malta demanding to recognize the relevant provisions of the Maltese Criminal Code as violating the European Convention on Human Rights and oblige the state to compensate her for the damage caused.

The "sociological dynamics" of public opinion polls are illustrative in this regard: while in 2019 about 45 per cent of respondents supported the legalization of abortion, in July 2022, according to local human rights activists, their percentage already stood at 55 per cent.

After years of controversy that split Maltese society almost in two, in June 2023 the Parliament of Malta – the last among the EU countries – passed a law authorizing abortion in case of a threat to the health (based on the opinion of three medical specialists) or life (without further professional counselling) of the mother.

The human rights community points out that Malta has challenges in the protection of the rights of the child.

The UN Human Rights Committee and the HRC Working Group on Arbitrary Detention expressed concern that children aged 16-18 continue to be prosecuted as adults and that they are subjected to criminal laws and adult courts in violation of

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<sup>1228</sup> Global Gender Gap Report 2023. World Economic Forum.  
[https://www3.weforum.org/docs/WEF\\_GGGR\\_2023.pdf](https://www3.weforum.org/docs/WEF_GGGR_2023.pdf)

the Convention on the Rights of the Child to which Malta is a party. It was recommended that Valletta detain persons under 18 years of age separately from adults in correctional facilities and detention centres.

In addition, children of different ages are accommodated together in residential homes. CRC noted with concern that there were regular reports of cases of sexual abuse of children committed within their family and/or by persons in their circle of trust. According to the experts, the risk of sexual exploitation of children in travel and tourism was also high.<sup>1229</sup>

In its report, CPT expressed concern about the practice of placing children exhibiting problematic behaviour in a closed psychiatric institution and recommended that more robust procedures to prevent such cases be put in place. No significant improvements in this area have been noted so far.

Despite the reference to the Catholic traditions of Maltese society in dealing with certain issues of domestic politics, including health care, the current Labour government is at the same time pursuing an earlier course of promoting neoliberal values under the pressure of the EU-wide agenda.

Malta's external and internal criticism of its human rights record has been offset by its "successes" in protecting the interests of sexual minorities. In the last five years, for example, the country has authorized same-sex "civil unions", "gay marriage" and the adoption of children by such families; passed a law banning the so called "conversion therapy" (practice of changing orientation from homosexual to heterosexual) and regulations allowing citizens (including children) to choose and define their own gender (without resorting to surgical intervention), as well as designate their gender in documents using the letter "x" ("neutral third gender"). In this context, the concepts of "mother", "father", "husband" and "wife" have been removed from local legal practice (replaced by the terms "parent" and "spouse"). Work is underway to expand the rights of transgender and homosexuals.

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<sup>1229</sup> Concluding observations of the Committee on the Rights of the Child on the combined 3rd to 6th periodic reports of Malta.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMLT%2fCO%2f3-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fMLT%2fCO%2f3-6&Lang=ru)

These efforts are reflected in European indexes of "progressive" countries published by LGBT organizations, in which Malta consistently ranked first in 2016-2021.

The debate on decriminalization of recreational cannabis use, which has been ongoing since 2017, culminated in the adoption of a legalization law in December 2021. It is now legal in Malta to possess up to seven grams of cannabis, to grow up to four cannabis plants at home or to "join a club", which means being able to purchase up to 50 grams of cannabis per month from specialized establishments (as of October 2023, no such establishments have yet been observed in Malta).

Finally, in the context of the human rights analysis, attention should be paid to the challenges faced by the authorities and the population due to the unpreparedness of the Maltese health system for the scale of the COVID-19 pandemic. According to the EU Agency for Fundamental Rights, there were not enough beds and equipment in hospitals, in particular in intensive care units, and the number of trained staff was clearly insufficient.

At the same time, the Government announced large increases in the budget allocated to healthcare, including to ensure availability of rapid testing.<sup>1230</sup>

Over the last years, Malta has all in all made certain efforts, under the pressure from various international and national bodies, to implement some of their recommendations.

For example, Malta has ratified Protocol 12 to the European Convention on Human Rights, significantly optimized legislation to combat tax evasion and laundering of proceeds from crime (resulting in Valletta being excluded from the FATF's "grey list" of untrustworthy jurisdictions in June 2022), and also took a number of other measures.

Malta maintains discriminatory restrictions on political participation, having severely restricted rights for voters residing overseas. According to legislation, citizens lose the right to vote if they have been in Malta for less than six months

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<sup>1230</sup> Coronavirus Pandemic in the EU – Fundamental Rights Implications: Focus on Social Rights. 1 September 2020 – 31 October 2020. European Union Agency for Fundamental Rights. 27 November 2020. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf)

within one and a half years of being registered as a voter. The justification given is that those living abroad have "lost a significant connection with their homeland."

When signing the 1966 International Covenant on Civil and Political Rights, Malta made a reservation of the right not to enact legislation for the purposes of its Article 20 which states that "all propaganda for war shall be prohibited by law."

An important element of civil society in Malta is the institution of non-governmental organizations (NGOs). Local NGOs actively promote grassroots participation, provide analysis and expertise on political issues, act as an "early warning" mechanism and help oversee the implementation of international treaties.

Non-governmental organizations are regulated by the Voluntary Organizations Act of 2007, according to which any voluntary non-profit association of citizens organized at local, national and interstate level is considered a non-governmental organization.

The registration and operation of Maltese NGOs is overseen by a special Council, which is composed of members of the main NGOs and one representative of the Government. Its composition is approved every two years by the Minister of Education and a chairperson is elected by its participants. In addition, there is a position of the Commissioner for Voluntary Organizations (CVO), who is responsible for facilitating dialogue between the Government and ordinary citizens, as well as for rational distribution and efficient use of EU funds allocated for various NGO community programmes.

Human rights NGOs have traditionally advocated for the full respect of human rights and freedoms and against discrimination of any kind. Given that irregular migration is a pressing issue for Malta, refugee protection organizations have been most active. Women's rights organizations have also become more visible in their work over the recent years.

Civil and political NGOs aim to develop civil society institutions, fight poverty, racism, xenophobia, improve the competitiveness of Maltese workers in the international labour market, assist the Government in setting up programmes to

promote employment, health and safety, support people with disabilities, fight against alcoholism and drug addiction.

There are a number of NGO associations operating in the country, among the largest of which are the local branch of the European Anti-Poverty Network – the Anti-Poverty Forum Malta, the Malta Health Network, the Malta Confederation of Women's Organizations, as well as the Platform of Human Rights Organizations in Malta, which brought together all local independent organizations of this orientation under the same roof in the interests of exchanging experience and information.

A number of non-governmental organizations set up by Russian compatriots and their associations, and whose activities are in one way or another connected with Russia are active in Malta. These particularly include the Coordinating Committee of the Russian Compatriots Assembly (CCRCA), the Russian Orthodox Parish of St. Paul the Apostle, Russia – Serbia, World of Music, etc. Almost all of these NGOs are mainly engaged in projects in the cultural and humanitarian sphere.

In general, NGOs in Malta are a sought-after channel of interaction between civil society and the state. The national leadership regularly notes in its statements that NGOs are able to make a significant intellectual contribution to the development of society and to increase the involvement of Maltese people in key processes in the life of the country.

It appears that despite Malta's attempts to bring its human rights record in line with modern European democratic standards, the current human rights situation is still far from perfect.



## **Moldova**

The situation regarding the observance of fundamental human rights in Moldova is alarming. The improvement in this area, which started after the removal from power in 2019 of oligarch Vladimir Plahotniuc and his close circle, under whom widespread corruption turned the country's legal system into an instrument for seizing the business of competitors and influencing political opponents through criminal prosecution, has almost completely come to naught. On the contrary, negative trends are on the rise. Relying on the majority in the Parliament, the current authorities are trying to manage the country along a path favourable to the West which has nothing to do with the interests of Moldova itself and its people. The ruling forces are leading the country towards a complete collapse of its economy, its total dependence on Western financial institutions and a demographic catastrophe due to mass emigration.

The non-alternative pro-European course of the Moldovan leadership headed by Maya Sandu implies a complete disruption of historical and cultural ties with Russia. Taking advantage of the events in Ukraine, the collective West continues its persistent attempts to draw Moldova into the coalition of ardent Russophobes. Along with the condemnation of the Russian special military operation and the call for the cessation of hostilities, the Moldovan authorities express their verbal commitment to European integration and constitutional neutrality, but in reality, according to experts, they are establishing a totalitarian regime. In order to serve their political interests, Western curators not only fail to see human rights violations in the actions of the Moldovan authorities, but also welcome the tightening of their repressive methods in the context of the global anti-Russian campaign unleashed by the West.

What is happening today in Moldova almost completely coincides with the processes that were seen in Ukraine. The Sandu regime, like Vladimir Zelensky and Petr Poroshenko before him, "on the way to European integration" seeks to cancel an entire period of its own country's history by totalitarian methods, destroying the totality of the Soviet heritage, including all manifestations of the culture of national

minorities.<sup>1231</sup> To this end, the government of this country makes every effort to break the historical ties between Russia and Moldova, whose cultures are mutually close, and to eradicate everything Russian in Moldova. Moreover, for the sake of the EU accession, the Moldovan authorities even demonstrate their readiness to destroy the national – Moldovan – identity, passing it off as Romanian.

In 2023, the government headed by Natalia Gavrilita was dismissed due to the political and economic crisis. The new Cabinet of Ministers was formed from almost the same politicians with former Minister of Internal Affairs Dorin Recean at its head. According to experts, this rearrangement did not increase the efficiency of the executive branch of the Moldovan government. It is also pointed out that this appointment clearly demonstrated that the Moldovan leadership had never aimed at improving the quality of governance of the country and bringing it out of the economic crisis. In fact, the change of the government was aimed at intensifying another major direction of its activity, namely, addressing the issue of internal security for the authorities and actively expanding Moldova's more overtly militaristic policy.

The year 2023 was marked by radicalization of political life and attacks on the democratic rights and freedoms of Moldovan citizens. Thus, the government almost completely disregarded the necessity to solve economic problems of the country and its population under the pretext of the need to "confront a hybrid war" with Russia. This contributed to laying the foundations for the formation of a police state in Moldova, in which opposition parties are unlawfully removed from elections, unwanted TV channels are closed down and Internet resources are blocked at the instigation of special services (in particular, the Security and Intelligence Service).

At the same time, the pressure from the head of government started to spread to the judicial branch of power. Thus, Prime Minister Dorin Recean, in a threatening tone, announced the names of the judges of the Chisinau Court of Appeal who had ruled that the withdrawal of the "Chance" opposition party from the local elections

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<sup>1231</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230312-ukrainskaya-propaganda-vmesto-pushkina-kulturnaya-politika-v-moldove-stroitsya-na-rusofobii/>

was illegal. The said decision was taken by the Commission for Emergency Situations which was headed by the head of government.<sup>1232</sup>

On the instructions of Western curators, official Chisinau copies in its policy the actions of the nationalist regimes of Ukraine and the Baltic states, based on Russophobia and caveman anti-Sovietism borrowed from the Cold War. Such a policy cultivates in society the idea that confrontation with Russia now or in the past, including in the Soviet Union, appears to be the only right thing to do, artificially establishing the equivalence of the concepts "Russian" – "communist" – "fascist".

The most prominent violations which are of a massive nature and which destabilize the social and political situation in the country, should also include the efforts of the authorities to reduce the use of the Russian language through "reforming" the language legislation, to restrict access to the media (especially in the Russian language) and to ban a significant number of citizens of the Russian Federation from entering the territory of Moldova.

The actions of the Moldovan authorities to falsify history are quite revealing: attacks against the historical memory of the Great Patriotic War and revisionist pro-Western tendencies are getting stronger and stronger in the country. Recently, radicals in favour of the elimination of Moldovan statehood and accession to Romania have become more and more active. Against this background, attempts to glorify Nazism and its accomplices in the republic in order to "whitewash" them in the public consciousness are becoming increasingly explicit.

Ideas promoting the "liberating" role of the Nazi henchman – Romanian dictator Ion Antonescu whom the current Moldovan President Sandu (holding Romanian citizenship) considers an outstanding "historical figure about whom both good and bad things can be said", are being openly disseminated in the public space (Maya Sandu's famous statement in 2018 on the air of one of the Moldovan TV channels).<sup>1233</sup>

<sup>1232</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240317-god-raboty-pravitelstva-rechana-ekonomika-moldovy-ochutilas-na-grani-krakha/>

<sup>1233</sup> <http://www.fondsk.ru/news/2018/>

With the assistance of the official Moldovan authorities and the leadership of the Action and Solidarity Party (PAS)<sup>1234</sup>, the reconstruction and installation (often funded by external sponsors) of memorials in honour of the "heroes of the Romanian army" that occupied the territory of modern Moldova in 1941 have been put on a systematic basis. The occupation of the Moldovan territory by the troops of fascist Romania – ally of Nazi Germany – and the regime of terror and mass murder established by them, during which more than 300 thousand Jewish and more than 50 thousand Roma citizens were killed, are being interpreted as "liberation". Monuments to the Romanian military are being erected in the country and cemeteries of Romanian soldiers who fought on Hitler's side are being beautified. The unveiling of such monuments is accompanied by military honours. Moreover, there are also cases of changing the messages that monuments convey.

In the information space, such history-distorting activities are presented as initiatives of local residents, often supported by grants from Romanian organizations. Romanian diplomats, clergymen of the Metropolitan Church of Bessarabia and representatives of Moldovan authorities of various levels invariably attend the opening ceremonies of the memorials erected or renovated.

In addition, with the support of the authorities, an organization called "Monument" is actively working in the country with a view to erecting monuments to Romanian Nazi collaborators on the Moldovan soil. A large temple complex in honour of soldiers of the Army of Ion Antonescu, Hitler's ally, is being built in the Cantemirovo district.

For example, on 26 October 2021, in the Valea Morilor park in the centre of Chisinau, a monument to the soldiers of the Romanian army who fought on the side of the Nazi troops during the Great Patriotic War was unveiled. The inauguration ceremony was held with military honours and a military band, and was attended by representatives of the Romanian Embassy in Moldova. Earlier on this site there had been a monument "General Pion's Spring" (named after General Pavel Ion Georgescu), erected in 1937 in memory of the brotherhood of the Russian and

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<sup>1234</sup> The Party was led by Maya Sandu until her election as president in November 2020.

Romanian armies who fought together near Mărăști against German troops during the First World War. The monument opened in October 2021 bears the inscription "For the 80<sup>th</sup> anniversary of the liberation of Bessarabia and Northern Bukovina by the Romanian Army".<sup>1235</sup>

In 2019, a monument to 78 Romanian soldiers was unveiled in the village of Stoykany, Soroca district. According to the plaque on the monument, the Romanian military buried there "shed blood for peace, freedom and national values" of their descendants. The Moldovan village is referred to as "Romanian land". The monument was erected with the support of the authorities of the Romanian county of Buzău which is twinned with Moldova's Soroca district. At the opening ceremony, the Romanian national anthem was played. It was attended by representatives of the clergy, headed by Bishop Antony of the Romanian Orthodox Church, as well as representatives of the Romanian county of Buzău and the military of this country.<sup>1236</sup>

In 2020-2021, Moldovan NGOs with the support of Romanian grant funds organized a "cemetery of Romanian soldiers" who fought on the side of the fascists in the territory of the Alexandre Pushkin Theoretical Lyceum in Falesti. On 17 September 2021, a monument in the shape of a cross was inaugurated in the town. Local lawyer Julian Rusanovski, who initiated the installation of the monument, pointed out that the cross would be a reminder of the "sacrifices of Romanian soldiers". The opening ceremony was attended by the Romanian Consul General in Balti, representatives of the city administration and the Moldovan Parliament.<sup>1237</sup>

<sup>1235</sup> A monument to soldiers of the Romanian army erected in Moldova, causing outrage among historians. Tsargrad. 26 October 2021. [https://md.tsargrad.tv/news/v-moldove-ustanovili-pamjatnik-soldatam-rumynskoj-armii\\_437077?utm\\_referrer=https%3a%2f%2fyandex.ru%2f](https://md.tsargrad.tv/news/v-moldove-ustanovili-pamjatnik-soldatam-rumynskoj-armii_437077?utm_referrer=https%3a%2f%2fyandex.ru%2f); "Spitting at Russia": a monument to the Romanian occupiers-liberators of 1941 unveiled in Moldova. Komsomolskaya Pravda. 26 October 2021. <https://www.kp.ru/daily/28348/4495374/>

<sup>1236</sup> "They shed blood": Hitler's allies are honoured in Moldova. Gazeta.RU. 9 July 2019. [https://www.gazeta.ru/science/2019/07/09\\_a\\_12486949.shtml?updated](https://www.gazeta.ru/science/2019/07/09_a_12486949.shtml?updated); Executioners of the Moldovan people are now fighters for "peace and freedom on Romanian soil". Strategic Culture Foundation. 21 August 2021. <https://www.fondsk.ru/news/2022/08/21/palachi-moldavskogo-naroda-teper-borcy-za-mir-i-svobodu-na-rumynskoj-zemle.html>

<sup>1237</sup> Lesson for Russia: Moldovan authorities and Romanian consul unveil monument to fascists. REGUM. 17 September 2021. <https://regnum.ru/news/3372862> (saved copy <https://yandexwebcache.net/yandbtm?fmode=inject&tm=1691565731&tld=ru&lang=ru&la=1690877952&text=%D0%BC%D0%BE%D0%BB%D0%B4%D0%B0%D0%B2%D0%B8%D1%8F+%D0%BF%D0%B0%D0%BC%D1%8F%D1%82%D0%BD%D0%B8%D0%BA+%D1%80%D1%83%D0%BC%D1%8B%D0%BD%D1%81%D0%BA%D0>

In the second half of 2022, memorials to "Romanian heroes" were either erected or restored in the following localities: Slobozia Horodiste village, Rezina district (August 2022)<sup>1238</sup>, Novaci village, Calarasi district (September 2022)<sup>1239</sup>, Ocnita (October 2022)<sup>1240</sup>. In the materials published on Romanian-language information websites, the dead soldiers of the Romanian army are presented as "liberators who fought for the independence of Bessarabia". The narrative is promoted that the reconstructed memorials, once allegedly erected by local residents, were purposefully forgotten or destroyed during the Soviet period, and that their restoration is an act of historical justice.

On 28 April 2023, on the eve of Victory Day, a memorial dedicated to 81 Romanian soldiers killed in the battles with the Red Army was inaugurated in the village of Lapusna, Hincesti district. The event was attended by the State Secretary of the Moldovan Ministry of Defense, Sergiu Plop, representatives of local authorities, as well as soldiers from the Honour Guard company. The Romanian side was represented by the State Secretary of the Romanian Ministry of National Defence, Eduard Bachide, and representatives of the Romanian embassy. Military attachés from several diplomatic missions accredited in Chisinau were also present at the ceremony commemorating the memory of the fascist soldiers.<sup>1241</sup>

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<sup>1238</sup> Monuments to fascists continue to be erected in Moldova. News Front. 21 August 2022. <https://news-front.info/2022/08/21/v-moldavii-prodolzhaetsja-vozvedenie-pamjatnikov-fashistam/>, Another monument to "Romanian heroes" unveiled in Moldova. Transnistria News. 1 August 2022. <https://novostipmr.com/ru/news/22-08-01/v-moldove-otkryli-ocherednoy-pamyatnik-rumynskim-geroyam>, Încă un monument în cinstea eroilor români, în raionul Rezina. TVR Moldova. 31 July 2022. <https://tvrmdova.md/article/50b99070acd499a2/inca-un-monument-in-cinstea-eroilor-romani-in-raionul-rezin.html>; Executioners of the Moldovan people are now fighters for "peace and freedom on Romanian soil". Strategic Culture Foundation. 21 August 2021. <https://www.fondsk.ru/news/2022/08/21/palachi-moldavskogo-naroda-teper-borcy-za-mir-i-svobodu-na-rumynskoj-zemle.html>

<sup>1239</sup> FOTO. Ambasada României la Chișinău: "La 31 august au fost comemorați cei 59 eroi români, căzuți la datorie pentru eliberarea Basarabiei". TVR Moldova. 1 September 2022. <https://tvrmdova.md/article/9c5455e570ccb8e2/foto-ambasada-romaniei-la-chisinau-la-31-august-au-fost-comemorati-cei-59-eroi-romani-cazuti-la-datorie-pentru-eliberarea-basarabiei.html>, FOTO | Încă un cimitir al eroilor români căzuți în luptele pentru eliberarea Basarabiei a fost reabilitat cu sprijinul României. Radio Chisinau. 1 September 2022. <https://radiochisinau.md/foto-inca-un-cimitir-al-eroilor-romani-cazuti-in-lupte-a-fost-reabilitat-cu-sprajinul-romaniei---166260.html>

<sup>1240</sup> Un monument dedicat eroilor români căzuți la datorie a fost inaugurat la Ocnita (VIDEO). TRM MD. 9 October 2022. <https://trm.md/ro/regional/un-monument-dedicat-eroilor-romani-cazuti-la-datorie-a-fost-inaugurat-la-ocnita>

<sup>1241</sup> Another monument to the Romanian fascists unveiled in Moldova on the eve of Victory Day. EurAsia Daily. 28 April 2023. <https://eadaily.com/ru/news/2023/04/28/v-kanun-dnya-pobedy-v-moldavii-otkryli-ocherednoy-pamyatnik-rumyno-fashistam>

In April 2023, the Simon Wiesenthal Centre, a non-governmental organization specializing in counter-terrorism, anti-Semitism and Holocaust studies, published an open message to Maya Sandu on the website of "The Jerusalem Post", urging her to remove the monuments erected in Chisinau in honour of "fanatical Romanian anti-Semites and Nazi collaborators"; one of those is the bust of former Romanian Prime Minister Octavian Goga erected in Chisinau on the Alley of the Classics in the Stephen the Great Central Park<sup>1242</sup> (according to media reports, his bust in Bucharest was pulled down on account of his work for the Nazis)<sup>1243</sup>. Another monument which the Simon Wiesenthal Centre called "extremely offensive" is located in the Valea Morilor Park in Chisinau. It is a fragment of the above-mentioned memorial commemorating the "80<sup>th</sup> anniversary of the liberation of Bessarabia" by the Romanian army, during which, according to the Centre, "150,000 out of 205,000 Jews of Bessarabia were killed".

On 24 October 2023, it became known that the authorities of the village of Bravicea, Calarasi district, plan to erect a monument to the soldiers of Antonescu's army on the mass grave of Soviet soldiers. According to the media, the initiator of the project financed by the Romanian Embassy in Moldova is the "Monument" public association.<sup>1244</sup>

Over the past years, Moldova, which has more than two thousand monuments to Soviet soldiers-liberators, has had a number of problems with the preservation of these monuments. For example, due to financial reasons, local and central authorities do not maintain the monuments in proper condition; in particular, they do not perform scheduled repair works. However, in other cases, local authorities take decisive measures to make the memorials look properly, as was the case with the restoration of the monument to the Red Army soldiers in the village of Tomai in 2021. Against the background of the current policy of the central authorities of this

<sup>1242</sup> Opposition activist called on the Moldovan president to dismantle the bust of Octavian Goga. RIA Novosti. 18 April 2023. <https://ria.ru/20230418/kishinev-1866057283.html>

<sup>1243</sup> Chisinau stories: Bucharest demolished a bust of Octavian Goga because of his work for the fascists, while Chisinau erected one – how the Alley of Classics in Pushkin Park was created. Komsomolskaya Pravda. 29 December 2021. <https://www.kp.md/daily/28375/4525883/>

<sup>1244</sup> <https://www.rubaltic.ru/news/24102023-v-moldove-na-mogile-sovetskikh-voinov-ustanovyat-pamyatnik-posobnikam-natsistov/>

country aimed at total falsification of history, such a respectful attitude towards the past and military exploits is not that common in modern Moldova.

As noted above, in recent years there have been repeated cases of soldiers from the Honour Guard company taking part in the ceremonies of unveiling monuments to Nazi collaborators. At the same time, the Moldovan Ministry of Defense refused to pay military honours at the reburial ceremonies of the remains of Soviet soldiers discovered during the work of search teams, as well as at the funerals of veterans and persons who have received state awards. As an example, in November 2023, the Moldovan authorities refused to hold a farewell ceremony for the last participant of the Battle of Stalingrad and the Battle of Kursk who lived in Moldova, Commander of the Order of the Republic, veteran Pavel Gladkov who died at the age of 102. The Moldovan Agency for Military Science and Memory refused to hold a farewell ceremony for the Great Patriotic War veteran on the territory of the Column Hall of the National Army House, while the Ministry of Defense did not allocate a salute team, referring to the state of emergency. However, during the same period, the authorities provided all the honours required by law at the farewell ceremonies for other prominent Moldovan citizens.<sup>1245</sup>

In addition, there were cases of desecration of Soviet memorials. For example, in 2019, Moldova's central memorial "Eternity" was attacked twice: a commemorative plate was broken and elements of the entrance group were stolen. Similar incidents were reported in the regions of the country: thus, a commemorative plate on a long-term firing point in the village of Cosnita, Dubasari district, which had been previously installed by the public, was destroyed, and the T-34 tank pedestal in the village of Leuseni, Hincesti district, was desecrated.

In January 2021, a memorial near the village of Ruska, Hincesti district, erected in honour of the heroes of the 161<sup>st</sup> Rifle Regiment of the 95<sup>th</sup> Rifle Division was desecrated.

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<sup>1245</sup> <https://tass.ru/obschestvo/19412527>, <https://rg.ru/2023/11/29/v-moldavii-otkazalis-horonit-s-pochestiami-uchastnika-bitvy-za-stalingrad.html>



In June 2021, vandals seriously damaged the "Glory to Heroes" memorial complex in Vulcanesti (ATU of Gagauzia). The star of the eternal flame was torn from the pedestal of the monument and thrown nearby.

On 21 August 2021, a memorial plaque erected near the village of Corpaci in honour of the Guards Uman Airborne Division which reached the USSR state border near the Prut River in March 1944, was broken.

On 23 August 2021, a plaque "Inspected. No mines" on one of the buildings that the municipal authorities of the Moldovan capital recognized as a historical monument, was desecrated.<sup>1246</sup>

In March 2022, Ukrainian migrants and Moldovan pro-Romanian radicals from Anatol Salaru's National Unity Party vandalized the "Victoria" memorial complex near the village of Leuseni. The front part of the pedestal was painted in blue and light blue colours, the plates with commemorative dates were covered with paint. Also in March, vandals desecrated the T-34 tank pedestal in Balti (4 March); the memorial plates on the long-term firing point in the village of Cosnita, Dubasari district (27 March, the memorial had been attacked by vandals several times before); and the Lenin monument in Anenii Noi (9 March).

On 4 November 2022, vandals desecrated the Soviet memorial complex "Grieving Mother" in Edinet. Radicals painted swastikas on the monuments and bas-reliefs.<sup>1247</sup>

In early August 2023, a monument to soldiers of the 3<sup>rd</sup> Airborne Division in Edinet district of Moldova was desecrated. Vandals painted insulting inscriptions and symbols of the "Iron Guard" Romanian fascist organization on the monument to the paratroopers. The blasphemous inscriptions were removed from the monument by public activists – supporters of the Renaissance party.<sup>1248</sup>

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<sup>1246</sup> A monument to Romanians who fought on the side of Nazi Germany unveiled in Moldova. *Izvestia*. 26 October 2021. <https://iz.ru/1241365/2021-10-26/v-moldavii-otkryli-pamiatnik-voevavshim-na-storone-natsistkoi-germanii-rumynam>

<sup>1247</sup> Vandals in Moldova painted swastikas on the monuments of the memorial to Soviet soldiers. *Point*. 5 November 2022. <https://point.md/ru/novosti/obschestvo/v-moldove-vandaly-nanesli-svastiku-na-pamiatniki-memoriala-sovetskim-voinam/>

<sup>1248</sup> <https://www.rubaltic.ru/news/14082023-aktivisty-v-moldove-otchistili-ot-kraski-oskvernennyy-vandalami-pamyatnik-sovetskim-voinam/>

On 13 August 2023, the monument in honour of Soviet soldiers near the village of Corpaci, Edinet district, was desecrated: an inscription in Romanian reading "the occupants passed over here" was put on it. The next day, the monument was cleaned up by local activists.

On 7 September 2023, a monument to Lenin in the town of Edinet in northern Moldova was damaged.<sup>1249</sup>

On 11 September 2023, in Cornesti, Ungheni district, vandals wrote insulting inscriptions on the T-34 tank monument which was erected in honour of the soldiers of the 6<sup>th</sup> Tank Army, the first to reach the USSR state border in March 1944. Volunteers from Balti joined the work of cleaning the monument.<sup>1250</sup> The Russian Investigative Committee has launched an investigation into the desecration of the monument.<sup>1251</sup>

In early October 2023, the monument to Soviet soldiers near Rusca village, Hincesti district, erected in honour of soldiers of the 161<sup>st</sup> Rifle Regiment of the 95<sup>th</sup> Moldovan Rifle Division, was once again desecrated by vandals who put insulting inscriptions on it.<sup>1252</sup>

On 9 February 2024, it became known that the monument to Soviet soldiers killed in the fight against fascism situated at a mass grave in the village of Bilicenii Vechi, Singerei district, was demolished. According to the head of the "Victory" National Organizing Committee Alexey Petrovich, several years ago one of the two sculptures depicting a soldier in a helmet disappeared as a result of theft, and now the second figure of a warrior in a side cap has been demolished.<sup>1253</sup>

Despite the availability of relevant provisions on punishment for vandalism in the Moldovan legislation, no one has ever been prosecuted for such offences.

<sup>1249</sup> <https://www.rubaltic.ru/news/07092023-v-moldove-vandaly-razbili-nos-pamyatniku-lenina/>

<sup>1250</sup> <https://www.rubaltic.ru/news/11092023-v-moldove-vandaly-oskvernili-tankpamyatnik-t34/>

<sup>1251</sup> <https://www.rubaltic.ru/news/13092023-sk-rassleduet-obstoyatelstva-oskverneniya-tankapamyatnika-t34-v-moldove/>

<sup>1252</sup> <https://www.rubaltic.ru/news/06102023-v-moldove-vandaly-oskvernili-pamyatnik-sovetskim-soldatam/>

<sup>1253</sup> <https://www.rubaltic.ru/news/09022024-na-severe-moldovy-demontirovali-pamyatnik-na-mogile-sovetskikh-voinov/>

In all such cases, the Russian Embassy took prompt actions, publicly expressing its firm position on the unacceptability of such actions and calling on the local authorities to take measures to find and punish the perpetrators.

Another incident worth mentioning occurred on 22 October 2022, when the Moldovan Ministry of Defense announced that it was forced to put out the Eternal Flame at the country's largest memorial "Eternity" due to low pressure in the gas transmission network. The eternal flame remained unlit for several hours. The decision of the authorities caused public outrage. Thus, former president of the Republic Igor Dodon called it a disgrace, and citizens and public figures with candles started to gather at the "Eternity" memorial of military glory. After that, the authorities lit the Eternal Flame again. A number of experts, as well as Russian officials, described the incident as an attempt by the Moldovan authorities to pressure Russia for discounts on gas supplies during the next round of negotiations on a new long-term contract for the supply of blue fuel to Moldova in the context of the gas crisis that emerged in the country against this background.<sup>1254</sup>

In 2022, official Chisinau's policy of opposing the preservation in any form of remembrance of the events of the Great Patriotic War became increasingly aggressive. This attitude could take the most absurd forms, with the performance of the songs of the war years causing a sharp reaction on the part of the authorities, including at the highest level. For example, on 16 December 2022, President Maya Sandu called on the Moldovan security services to investigate concerts in Balti where children performed songs from the Great Patriotic War period wearing the uniform of Soviet soldiers as they could pose a threat to national security.<sup>1255</sup> This was probably due to the fact that the concerts and related "Immortal Regiment"

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<sup>1254</sup> "Spitting at Russia": a monument to the Romanian occupiers-liberators of 1941 unveiled in Moldova.

Komsomolskaya Pravda. 26 October 2021 <https://www.kp.ru/daily/28348/4495374/>; Primakov considers the extinguished Eternal Flame in Chisinau an attempt to put pressure on Russia. Izvestia. 23 October 2021.

<https://iz.ru/1239794/2021-10-23/primakov-schel-potushennyi-v-kishineve-vechnyi-ogon-popytkoi-davleniia-na-rf>; The main thing about the energy crisis in Moldova: how the \$700 million gas debt arose and why the Eternal Flame was extinguished. Komsomolskaya Pravda. 23 October 2021. <https://www.kp.ru/daily/28347.5/4493983/>

<sup>1255</sup> Moldovan President urged special services to assess the performance of children in Soviet uniforms at a concert. RuBaltic. 16 December 2022. <https://www.rubaltic.ru/news/16122022-glava-moldovy-prizvala-spetssluzhby-otsenit-vystuplenie-detey-v-sovetskoy-forme-na-kontserte/>

exhibition were organized with the assistance of the Russian Embassy in Moldova and the Moscow government.

In 2022, restrictions on holding events on the occasion of 9 May and other commemorative dates of the Great Patriotic War began to be introduced in Moldova. Traditionally, this holiday was widely celebrated in the country. The Administration of the President of the Republic of Moldova, the Party of Socialists of the Republic of Moldova and Russian compatriots used to be among its organizers. On the eve of the 75<sup>th</sup> anniversary of the Great Victory, a plan of events was adopted at the governmental level, a working group composed of the Prime Minister, senior officials from ministries, as well as public activists, including Alexey Petrovich, Chairman of the Coordination Council of Russian Compatriots (CCRC), was created. Orders and medals, military uniforms from the Soviet times, the red flag and St. George's ribbons used to be freely displayed during festive events and were popular among the population.

However, after the Russian Federation launched its special military operation to denazify and demilitarize Ukraine and protect civilians in Donbass, attacks on the symbols of Victory in Moldova intensified. In line with this approach, on 14 April 2022, the Moldovan parliament approved amendments to the Contravention Code, introducing fines or forced labour for the use of attributes and symbols of "military aggression" which include, inter alia, the "black-orange two-colour ribbon" (that is the St. George's Ribbon), as well as the Z and V symbols. On 19 April, these changes were approved by President Sandu. The new provisions of the law came into force from the moment of their publication – just before the 9 May celebrations

These legislative innovations caused resentment of a part of the Moldovan society. Among others, the ban was opposed by former Moldovan President Igor Dodon, who called it unconstitutional. He took part in the 9 May celebrations and defiantly wore a St. George's ribbon. The politician was fined for this, but he expressed his intention to challenge this fine in Moldovan courts and, if necessary, in international ones.

Despite persecution by the authorities, in 2022, some 37,000 people took part in the events organized on the occasion of the 9<sup>th</sup> of May throughout Moldova.<sup>1256</sup>

The ban on wearing the St. George's ribbon was rejected by Gagauzia. On 16 April 2022, a car rally in support of this symbol of Victory was held in the regional capital, Comrat.<sup>1257</sup> On 29 April 2022, the deputies of the People's Assembly of the autonomous unit adopted the regional law "On the Use of Symbols of Victory on the Territory of Gagauzia". Approved by the head of the autonomy Irina Vlah on 3 May, the law stipulated that the production, storage and use of the St. George's ribbon, red flags of Victory and other symbols related to the victory in the Great Patriotic War were allowed in the territory of Gagauzia. In addition, the law also provided for a series of events to be held in Gagauzia in order to perpetuate the memory of the war participants and promote patriotic education of the younger generation.

The law "On the Use of Symbols of Victory on the Territory of Gagauzia" displeased the central Moldovan authorities who appealed to the court to suspend its validity. Deputies of the People's Assembly of Gagauzia expressed their disagreement with this, noting that the law on the special legal status of Gagauzia allows local authorities to adopt resolutions and bills even if they do not correspond to the position of the central authorities. Deputies Toporash and Kios challenged the fines issued to them for wearing St. George's Ribbons on Victory Day.<sup>1258</sup>

In 2023, the incumbent government continued its efforts to restrict Victory Day celebrations. On 19 June 2023, the Moldovan government approved the draft law introduced by MPs of the ruling Action and Solidarity Party to rename Victory Day to "Day of Victory over Nazism and Remembrance of the Fallen in World

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<sup>1256</sup> At least 37 thousand people took part in May 9 celebrations in Moldova. Sputnik. 9 May 2022.  
<https://md.sputniknews.ru/20220509/v-meropriyatiyakh-na-9-maya-v-moldove-prinyali-uchastie-ne-menee-37-tysyach-chelovek---50500181.html>

<sup>1257</sup> A car rally in support of the St George's ribbon held in Comrat. Sputnik. 16 April 2022.  
<https://md.sputniknews.ru/20220416/komrat-proshel-avtoprobeg-v-podderzhku-georgievskoy-lenty-50189607.html>

<sup>1258</sup> Gagauz MPs challenged in court the fines for wearing the St George's ribbon. Sputnik. 29 June 2022.  
<https://md.sputniknews.ru/20220629/gagauzskie-deputaty-obzhalovali-sude-51360420.html>

War II" and to move its celebration from May 9 to May 8.<sup>1259</sup> This was done despite the fact that the parliamentary opposition, extra-parliamentary parties and movements, as well as representatives of civil society strongly condemned the proposal and initiated parliamentary public hearings on this draft law on 7 June. In their statement, they noted that "President Maya Sandu and the Action and Solidarity Party are increasingly opposing themselves to the people thanks to whose votes they gained power in the country. The people believed in their promises to fight corruption and improve the living standards of the population. At the same time, Maya Sandu and the PAS promised not to touch upon topics that would cause conflict in society, in particular the cancellation of the Victory Day celebrations on 9 May".<sup>1260</sup> On 3 June, hundreds of people rallied in the centre of Chisinau against renaming Victory Day and changing the date of the holiday.<sup>1261</sup>

In terms of attitudes towards the glorification of Nazis and their collaborators, it is telling how Moldova votes in the last two years in the UN General Assembly on the draft resolution "Combating the glorification of Nazism, neo-Nazism and other practices that contribute to the escalation of contemporary forms of racism, racial discrimination, xenophobia and related intolerance", introduced annually by Russia together with other co-sponsors. In 2022 and 2023, the Moldovan delegation, acting "in unison" with the delegations of the EU member states, voted against the Russian resolution (in 2021 it abstained).

The unequal position of various ethnic groups in the Moldovan state is also linked to the implantation of Romanization ideas. The pro-Romanian radicals, still small in number, manifest themselves more clearly in the Moldovan information space than Moldovan statehood apologists and supporters of strengthening relations with Russia. The unionists freely propagate their ideals, demanding the unification

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<sup>1259</sup> The Moldovan government approved the initiative of the ruling party to rename Victory Day. RuBaltic. 19 June 2023. <https://www.rubaltic.ru/news/19062023-pravitelstvo-moldovy-odobrilo-initsiativu-pravyashchey-partii-o-pereimenovanii-dnya-pobedy/>

<sup>1260</sup> In Moldova, the Socialist Party demanded a public discussion of the idea of cancelling Victory Day. RuBaltic. 5 June 2023. <https://www.rubaltic.ru/news/05062023-v-moldove-partiya-sotsialistov-potrebovala-publichnogo-obsuzhdeniya-idei-otmeny-dnya-pobedy/>

<sup>1261</sup> Moldovan residents march against the law on renaming Victory Day. RuBaltic. 3 June 2023. <https://www.rubaltic.ru/news/03062023-zhiteli-moldovy-vyshli-na-marsh-protiv-zakona-o-pereimenovanii-dnya-pobedy/>

of Moldova with Romania and accusing Russia of occupying the country. At the same time, in the context of the anti-Russian line pursued by the authorities, Russian-speaking residents, primarily Russian compatriots, feel constrained in many cases, afraid of "exacerbating the situation once again." The groups themselves may be not numerous, but their presence in the media space contributes to increased social tension, being also used by the right-wing liberal opposition to destabilize situation and divide the society. Reference can be made to several such cases. For example, at the anti-government rally on 1 March 2020, leaders of some Unionist groups allowed themselves a number of xenophobic statements: "the Russian language brings us poverty and divides us"; "Russians are a dead people". Under President Igor Dodon, such rhetoric was condemned, yet no efforts were made to curtail the activities of the speakers at the legislative level. As a rule, xenophobic statements were not legally assessed either.

According to the Jewish Community of Moldova, dozens of cases of incitement to anti-Semitism have been recorded in the country since the Palestinian-Israeli conflict in the Gaza Strip escalated in October 2023. This is especially evident on social media. However, there are also manifestations of anti-Semitism in real life. Information about an incident in a school in Chisinau had a wide resonance. The social studies teacher stated that "Hitler did a good job, but he didn't follow through – he didn't exterminate all the Jews." After the case was publicized, the teacher resigned.<sup>1262</sup>

However, recently experts and public figures have noted that xenophobia and intolerance are being planted in Moldova. In particular, on 27 January 2024, former Moldovan President Igor Dodon stated at the ceremony of laying flowers at the monument to the victims of fascism that there are increasing attempts to divide the inhabitants of the country by language, nationality and other characteristics, and that it is necessary to fight against this.<sup>1263</sup>

<sup>1262</sup> <https://noi.md/ru/obshchestvo/evreyskaya-obshchina-moldovy-obespokena-soobshheniyami-ob-antisemitskoy-vygodke-v-odnoy-iz-stolichnyh-shkol>

<sup>1263</sup> <https://www.rubaltic.ru/news/27012024-eksprezident-moldovy-schitaet-chto-zhiteley-respubliki-vse-chashchepyayutsya-razdelit/>

Experts are especially concerned with the government's actions aimed to review the language legislation and decrease the use of the Russian language, restrict Russian-language broadcasting. As per their assessments, over one million people in that country (with a population of about 2.5 million people) constantly use the Russian language in their everyday life.

According to Article 13 of the Moldovan constitution, "The State shall acknowledge and protect the right to the preservation, development and usage of the Russian language and other languages spoken within the territory of the country."

A Law "On the operation of languages in the Republic of Moldova" was developed after in 2018 the Constitutional Court of the Republic had declared the 1989 document of the same name obsolete, and adopted in December 2020. The law assigned Russian the status of a language of interethnic communication and provided that all official documents and names of government institutions in the country should be duplicated in Russian.

However, already in January 2021, a month after its adoption, the country's Constitutional Court declared it unconstitutional at the request of deputies of the Action and Solidarity party, thus depriving the Russian language of the status of a language of interethnic communication.

The status of Russian as a language of interethnic communication has also been confirmed by the Advisory Committee of the Framework Convention for the Protection of National Minorities (ACFCNM), which operates within the Council of Europe.<sup>1264</sup>

It should be noted that the attack on the Russian language began in Moldova in the first half of the 2010s. In the updated Code of Education adopted in 2014, the Russian language was no longer mentioned as a language of tuition and was actually categorized as a language of one of the national minorities of Moldova. Such transformation of the educational legislation whips up further the process of cutting the school enrolment at schools where Russian is the language of tuition (and, as a

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<sup>1264</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldova. Adopted on 7 June 2023. Published on 18 October 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>



consequence, the gradual reduction of the share of such schools in accordance with the line aimed at the "optimization" of educational institutions that do not receive enough financing from the government, which is established based on a "per capita" approach). Over the period of the reform to "optimize" school education in the country, 119 Russian-language schools were closed, and the total number of educational institutions decreased by 221 units between 2012 and 2015. As a result, Moldova has only 23 university students and 6 students of secondary vocational education per thousand residents, which is lower than in any of the CIS countries, the EU and most developed and developing countries of the world.<sup>1265</sup>

In 2023, the ACFCNM cited data that there are 260 public and private schools in Moldova where the main language of instruction is Russian. At the same time, in the school year 2021 / 2022, 19.3 per cent of pupils were taught in Russian, 80.6 percent – in Romanian (Moldovan) and 0.1 per cent– in other languages<sup>1266</sup>

The efforts of the Moldovan authorities have affected not only schooling but also higher education institutions. Maya Sandu's government, considering there were too many universities in the country, announced another "reform" to unite them, which left 11 universities instead of 16. This activity has yet another dimension. Under the guise of the so-called "reform of the Academy of Sciences of the Republic of Moldova" the alienation of dozens of hectares of land from public property was started as well. Some of the property privatized by the government from the Academy of Sciences as a result of the so-called research reform was put up for sale.

Reform of the education system in Moldova has led to a decrease in the overall level of education of the population and contributed to the transformation of the younger Moldovan generation into migrants for the needs of the Western market, since lack of educational opportunities prompts young people to leave the country. According to expert estimates, by 2025 the number of young people in Moldova may almost halve compared to 2010 and will account for only 5 per cent of the

<sup>1265</sup> Maya Sandu's regime works to kill Moldova's education system. RuBaltic. 26 July 2023. <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230726-rezhim-mayi-sandu-dobivaet-sistemu-obrazovaniya-moldovy/>

<sup>1266</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldova. Adopted on 7 June 2023. Published on 18 October 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>

population. The departure of Moldovan youth abroad became massive: approximately 4,500 people leave every year. 35 per cent of students from the total number of those who started their studies at Moldovan universities in 2019 did not finish their studies, choosing to live abroad. This was reported by economist Veaceslav Ionita, who emphasized that over 4,000 students left the country in 3 years alone.<sup>1267</sup> The situation is aggravated by population decline in Moldova, including through migration. According to the National Bureau of Statistics of Moldova, the number of population with usual place of residence, as of 1 January 2023, amounted to 2512.8 thousand people, which is 52,000 people less than in early 2022. In 2021, the country had a population of 2,626,600. Population decline was largely attributed to net migration, which surged in 2021, when 45,400 people left the country. In 2022, this number reached 43,000 people.<sup>1268</sup>

Besides, the National Statistics Bureau of Moldova progressively refused to publish separate data on the number of "Russian" schools in the country while providing the overall statistics as regards their secondary educational institutions. This approach allows distracting attention from the problem of dérusification of education. Meanwhile, Russian-language schools remain in demand in Moldova among Ukrainians. The fact that Ukrainians study in Russian-language schools was brought to the attention, in particular, by the ACFCNM in 2023.<sup>1269</sup>

Separate cases of manipulation with the minds of younger generation in Moldova's education institutions are being detected via Telegram channels. On 12 February 2023, Telegram channel "KP in Moldova" posted photos of an information stand that equalized the terms "communism" and "fascism" and drew comparisons between Joseph Stalin and Adolf Hitler in one of the secondary schools in Chisinau.

In addition, the Moldovan authorities' desire to artificially reduce the importance of the Russian language and, at the same time, of the Russian-speaking

<sup>1267</sup> Ibid.

<sup>1268</sup> In 2022, this number reached 43,000 people. RuBaltic. 7 July 2023. <https://www.rubaltic.ru/news/07072023-v-moldove-zayavili-o-sushchestvennom-sokrashchenii-chislennosti-naseleniya/>

<sup>1269</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldova adopted on 7 June 2023, and published on 18 October, 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>

community by giving greater importance to the Ukrainian community, which the Moldovan authorities call the largest national minority in the country, and, accordingly, to the Ukrainian language, has become noticeable. As for the language, there are plans to increase the number of Ukrainian-language schools. Such plans have been reported by the ACFCNM, among others<sup>1270</sup>

In this context, it is no surprise that the Russian-speaking population continue facing discrimination at the national level. We regret to state that the Russian compatriots residing in Moldova as well as Russian-speaking citizens in general often find it difficult to exercise their guaranteed rights of access to the public service, choice of education and tuition language, and free receipt of information in their native language. Over the recent years this negative tendency has aggravated due to Moldovan authorities' more and more diligent fulfilment of the instructions from their Western handlers. Experts have concerns about the activities of the authorities aimed at revisiting the language legislation and cutting the use of the Russian language, as well as limiting broadcast in Russian.

The refusals of public officials to speak Russian or to receive written applications in Russian are common, language-based domestic conflicts take place. The state authorities, the Agency for Inter-Ethnic Relations and the Agency for the Prevention of Discrimination designed to combat such manifestations distance themselves from performing such functions, citing an alleged lack of authority.

An incident in Republican Clinical Hospital with a doctor who refused to treat a Russian-speaking patient and expressed desire to kill Russians caused a wide response. A video spread across the social media where audiologist Eduard Chernolev denied a Russian-speaking patient a surgery solely because she greeted him in Russian. Furthermore, he stated that he wanted to "pull out a Kalashnikov and shoot" the patient because she was "an enemy right away." Although the hospital's management condemned the actions of the doctor who blatantly violated professional ethics and promised to take punitive measures against him, many

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<sup>1270</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldov. Adopted on 7 June 2023. Published on 18 October 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>

officials in the country supported this manifestation of racism. Thus, Moldavian Health Minister Ala Nemerenco spoke in defense of the doctor and also quoted another Nazi – Octavian Gogu, Prime Minister of Romania in 1937-1938, who defended the exclusive right of "ethnically right Romanians" to live in Romania and deprived a quarter of a million Romanian Jews of citizenship. Igor Sharov, former Minister of Education and current Rector of country's leading university – Moldova State University – took a picture with Eduard Chernolev and posted it on social networks as a token of support.<sup>1271</sup>

The media draw attention to the fact that many high-profile cases of Russophobia in Moldova are directly linked to the current ruling Action and Solidarity Party. Thus, Oazu Nantoi, an MP from this party, speaking in early June 2023 on a pro-government TV channel, said: "Russia is a state with a lot of internal problems, with a defective genetic code, and Russia will not be a threat only when... and that's where I'm going to stop so I don't cross the line." Lidia Guzun, advisor to the mayor's office of Magdacesti village and Criuleni district from the ruling party, posted a text in her social media, entitled "Why don't we deport Russians?" where she noted that "we will not kill their children, let them just leave." Following extensive media coverage, the post vanished from the social network, but its screenshots are still available. In July 2021, Maya Sandu congratulated Moldovan writer Vladimir Besleaga, known for his Russophobic views, on his jubilee. In particular, at a rally of the DA Platform and Action and Solidarity parties in May 2015, Vladimir Besleaga openly said that Moldova needed to clean itself of "Russian dirt."

At the anti-government rally on 1 March 2020, leaders of some Unionist groups allowed themselves a number of xenophobic statements: "the Russian language brings us poverty and divides us", "Russians are a dead people". Supporters of the liquidation of Moldovan statehood held several events in 2023 in support of the Moldova – Romania unification, demonstrating not only Romanian

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<sup>1271</sup> Russian students are called cattle: 5 blatant cases of Russophobia in Moldova. RuBaltic. 31 July 2023. <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230731-russkikh-uchenikov-nazyvayut-skotami-5-vopiyushchikh-sluchaev-rusofobii-v-moldove/>

flags, but also the colours of the Ukrainian paramilitary nationalist association "Azov",<sup>1272</sup> as well as Ion Antonescu's portraits.<sup>1273</sup>

Another resonant case occurred in November 2012, when Victor Kravchenko, a geography teacher at a vocational training college in Balti (second largest city in Moldova with over half of its residents being Russian speakers), insulted his students with Russian last names during class by calling them "cattle" who had turned the city into a pigsty, and called for "chasing the Russians away with a pigpen broom". The Administrative Council of the school decided to fire the teacher for resorting to physical and psychological violence. Special Commission of the staff meeting also concluded that such a teacher has no moral right to work with children. However, following the intervention of Chisinau officials from the Ministry of Education, Kravchenko was allowed to quit "at his own will".<sup>1274</sup>

In June 2023, Vasile Șoimaru, deputy from the Action and Solidarity Party, during the report of the Council for Preventing Discrimination and Ensuring Equality suggested fining fellow deputies who speak in Russian.<sup>1275</sup> In October 2023, Diana Karaman, a candidate for the mayor of Chisinau from the Communist Party, was denied participation in televised debates because she was using the Russian language.

It should be noted that the inefficiency of the Agency for Prevention and Combating Discrimination as well as of the People's Advocate (the Ombudsman) in fighting against manifestations of discrimination was emphasized with regrets by the Council of Europe's European Commission against Racism and Intolerance (ECRI) in its conclusions in 2021 on the implementation by Moldova of previous recommendations. Among the reasons for inefficiency was the complicated system of their financing, low salaries and, as a result, a high level of staff turnover.<sup>1276</sup>

<sup>1272</sup> <https://eadaily.com/ru/news/2023/03/26/blizki-po-duhu-moldavskie-unionisty-mitinguyut-pod-flagom-ukrainskih-nacikov>

<sup>1273</sup> <https://eadaily.com/ru/news/2023/12/01/v-moldavii-unionisty-otmetili-den-rumynii-s-portretom-posobnika-gitlera>

<sup>1274</sup> Ibid.

<sup>1275</sup> <https://www.rubaltic.ru/news/23062023-deputat-pravyashchey-partii-v-moldove-predlozhit-shtrafovati-govoryashchikh-na-russkom-yazyke/>

<sup>1276</sup> Conclusion of the European Commission against Intolerance and Racism on the implementation of recommendations by Moldova. Adopted on 30 March 2021. Published on 18 May 2021. <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a27d9c>

Although it's obvious that the factors indicated by ECRI are more likely to be consequences, not causes, of the language policy chosen by the current authorities. The ACFCNM cited the following data on the work of the Council: in 2021, this structure received 310 complaints (of which 82 per cent in Romanian and 18 per cent in Russian), settled 282 cases, initiated two investigations and issued 255 decisions. Discrimination was found in 49 cases (19 per cent of the total number of complaints). The main areas in which discrimination was found were insult to human dignity (25 per cent), discrimination at work (25 per cent), discrimination in obtaining publicly available goods and services (18 per cent), and in access to justice (14 per cent). Another 4 per cent of the decisions involved discrimination in education. The most negative attitudes were noted towards Muslims, Roma and people of African descent, while Russians and "people who do not speak Romanian" were the least disliked.<sup>1277</sup>

Concern over the situation of the Russian-speaking population was expressed in 2017 by the UN Committee on Economic, Social and Cultural Rights that noted that after the amendments introduced in 2012 into the legislation governing the issue of identity papers in Moldovan passport system, the names of the people belonging to ethnic and linguistic minorities, in particular Russian minorities, are not recognized.<sup>1278</sup> The European Commission against Racism and Intolerance in the 2021 Conclusions on the implementation of recommendations in respect of the Republic of Moldova subject to interim follow-up, pointed to the prevalence of discrimination and the ineffectiveness of the Moldovan relevant authorities in combating this phenomenon.<sup>1279</sup>

According to the study "Ethnobarometer Moldova 2020", funded by the OSCE High Commissioner on National Minorities, Russian Moldovans experience

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<sup>1277</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldova adopted on 7 June, 2023. Published on 18 October 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>

<sup>1278</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Moldova. October 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/MDA/CO/3&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/MDA/CO/3&Lang=En)

<sup>1279</sup> Conclusion of the European Commission against Intolerance and Racism on the implementation of recommendations by Moldova. Adopted on 30 March 2021. Published on 18 May 2021. <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a27d9c>

the most significant level of discrimination in the labour market, while the Gagauz feel the most discrimination in the health sector. People belonging to the Roma community experience discrimination in all spheres of life, especially in contacts with public officials, health care and employment.

They find it challenging to file complaints with law enforcement authorities, including owing to mistrust and lack of knowledge on the legal and institutional framework for combating discrimination.<sup>1280</sup>

Complaints from Russian-speaking residents of the republic to lawyers of organizations of compatriots most often concerned violations of the right to use the Russian language when contacting the authorities, including courts, and widespread cases of selling medicines without instructions in Russian, as well as the lack of information in Russian in medical institutions.

The Russian Embassy in Chisinau also receives by e-mail complaints of Russian-speaking citizens reporting discrimination when contacting state and municipal institutions because Moldovan public officials refuse to communicate in Russian or consider citizens' written applications in Russian.

Russian is being ousted by the Moldovan authorities not only from the media environment. On 1 December 2022, Parliament of Moldova adopted in the second reading changes to the Electoral Code providing for the issuance of ballot papers solely in the state language, whereas they can only be printed in Russian at the request of local election commissions. Six million ballot papers were printed in the state language and only 1.6 million in Russian for the vote in the November 2023 general local elections. Along with the exclusion of the Russian language from the ballot papers, the mechanism for appointing members of the Moldovan Central Election Commission was changed. Their number has been reduced from nine to seven, and they are now appointed by the President, Parliament, government and the Superior Council of Magistracy. All these bodies are currently controlled by the Party of Action and Solidarity.<sup>1281</sup>

<sup>1280</sup> CIVIS Centre for Sociological, Political and Psychological Analysis. Ethnobarometer – Moldova 2020. [https://www.osce.org/files/f/documents/0/7/505306\\_0.pdf](https://www.osce.org/files/f/documents/0/7/505306_0.pdf)

<sup>1281</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221215-uderzhat-vlast-lyuboy-tsenoy-v-moldove>



International human rights agencies criticized these changes. OSCE and CoE line bodies adopted a joint opinion on the issue published in October 2022.<sup>1282</sup> It stressed, in particular, that the issuance of ballot papers exclusively in the state language "threatens to adversely affect the electoral participation of national minorities by reducing the possibility of making an informed choice, especially in the case of referendums, when there may be multiple questions." The Moldovan authorities received a recommendation that in localities where minorities represent a certain per cent of the population, ballot papers and the relevant voter information be produced in both the state language and the languages spoken by national minorities. The Advisory Committee on the Framework Convention for the Protection of National Minorities also expressed concern over this legislative change in 2023.<sup>1283</sup>

Concurrently, in November 2023, draft amendments to the legislation were submitted to Parliament to abolish the mandatory translation of adopted legal acts into Russian.<sup>1284</sup> In case of adoption, the said amendments will violate the rights of all Russian-language residents of Moldova to gain access to the content of legislative acts in one's mother tongue.

One striking example amidst the continuing artificial derussification of the country is the decision of the Moldovan authorities to change the abbreviated name of the Chisinau International Airport from KIV to RMO starting from 18 January 2024 – allegedly for the purpose of "shedding the Soviet legacy" and "strengthening Moldova's national identity."<sup>1285</sup>

The Moldovan government's true attitude towards the rights of both Russian-speaking population and other national minorities is clear from the answer of Moldovan Minister of Finance Dumitru Budianschi to a question asked during a parliamentary discussion on the issue of financing the schools instructing in minority languages on 12 December 2022. He proposed to "solve the issue" of

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[prinyali-novyy-kodeks-o-vyborakh/](https://prinyali-novyy-kodeks-o-vyborakh/)

<sup>1282</sup> Opinion No. 1093/2022. OSCE/ODIHR Opinion No. ELE-MDA/444/2022. Strasbourg / Warsaw, 24 October 2022. CDL-AD(2022)025. [https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2022\)025](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2022)025)

<sup>1283</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldova. Adopted on 7 June 2023. Published on 18 October 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>

<sup>1284</sup> [https://www.infotag.md/m9\\_populis/312329](https://www.infotag.md/m9_populis/312329)

<sup>1285</sup> <https://eadaily.com/ru/news/2023/12/19/aeroport-kishineva-izbavilsya-ot-russkogo-nazvaniya>



inadequate funding of such schools by switching them to instruction in the state language. He claimed that the load on schools instructing in different languages could be easily reduced by switching them to instruction in Romanian.<sup>1286</sup>

Alongside the fight against the Russian language, a trend towards instilling everything Romanian and rejecting its own Moldovan identity is gaining strength in Moldova. We can say that the course towards the development of a national identity, allegedly suppressed during the Soviet period, is in fact but a dismissal of the Moldovan identity in favour of the Romanian identity; and thus, gaining independence and proclaiming the Republic of Moldova are a transitional period towards the absorption of Moldova by neighbouring Romania. All the more so because the processes related to the "renaissance of national self-consciousness" in Moldova have taken place under the supervision of the Romanian special services; and over the years, their influence on political processes in the country has only increased. Currently, Moldova's leadership consists nearly entirely of Romanian citizens: head of state Maya Sandu, the heads of government and parliament, members of parliament and ministers, judges and many senior state officials are holders of Romanian passports. Given this fact, experts are not surprised that efforts by the Moldovan authorities focus on eradicating the Moldovan identity and replacing it with the Romanian identity under the motto of European integration.<sup>1287</sup>

Besides, many Romanian nationals have been appointed to major public posts in Moldova. In January 2024, a Romanian citizen Anca Dragu was appointed Governor of the National Bank of Moldova; in had only taken one day to grant her Moldovan citizenship for this purpose. The very next day after her appointment to the post, the Romanian mass media, which had also been surprised by the fact, announced that Anca Dragu, inter alia, was a senior officer of Romania's Foreign Intelligence Service.<sup>1288</sup>

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<sup>1286</sup> Moldovan Finance Minister Proposes to Switch Russian-Language Schools to Instructing in Romanian. RuBaltic. 13 December 2022. <https://www.rubaltic.ru/news/13122022-glava-minfina-moldovy-predlozhit-perevesti-russkoyazychnye-shkoly-na-rumynskiy-yazyk/>

<sup>1287</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240301-pervyy-den-vesny-prevratilsya-v-tikhiy-bunt-moldavan-protiv-rumynizatsii/>

<sup>1288</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240115-glavoy-natsionalnogo-banka-moldovy-stala-grazhdanka-rumynii-anka-dragu-kotoroy-radi-etoy-dolzhnosti-/>

In November 2022, Daniel Marius Staicu, former head of Romania's National Office for the Prevention and Control of Money Laundering was appointed head of an important financial agency of the Moldovan Service for the Prevention and Fight against Money Laundering. The mass media also reported that Romanian citizens had been appointed to 9 (out of 13) posts of EU advisers and high-level advisers to executive authorities.

Thus, former Romanian Education Minister Daniel Funeriu became Adviser to the President of Moldova in charge of national education. Former manager of the National Bank of Romania Nicolae Grigore is currently Advisor of the Financial Services Sector at the National Bank of Moldova, and former Romanian Prosecutor General Gabriela Scutea is supervising the Ministry of Justice and the Office of the Prosecutor General of Moldova. Former Director General of the Romanian Energy Regulatory Authority Alexandru Sandulescu is in charge of Moldova's energy policy. Former First Deputy Head of Romanian Police, Questor (Brigadier General) Victor Wili Apreutesei is supervising law enforcement agencies. Former General Secretary of Romanian Government Victor Giosan today is also involved in state governance in Moldova.<sup>1289</sup>

Moreover, the Moldovan authorities try to justify their actions by arguing that the appointment of foreign citizens to important positions is an advantage for the country, as the speaker of Moldovan Parliament, Igor Grosu (who also holds a Romanian passport, let us remind you) claimed on TVR Moldova. He stated: "If there is a good expert, not necessarily from Romania, – it is a benefit for us. We must be smart and find the right person, and we will be lucky if he leaves his post in Brussels or Romania and comes to Moldova."<sup>1290</sup>

One of the first visible steps in this field were the efforts of the then Minister of Education Maya Sandu over a decade ago aimed at reforming and 'improving' the education system. She claimed that the number of schools in Moldova exceeded the

<sup>1289</sup> [https://www.rubaltic.ru/article/politika-i-obshchestvo/20240115-glavoy-natsionalnogo-banka-moldovy-stala-grazhdanka-rumynii-anka-dragu-kotoroy-radi-etoy-dolzhnosti-/](https://www.rubaltic.ru/article/politika-i-obshchestvo/20240115-glavoy-natsionalnogo-banka-moldovy-stala-grazhdanka-rumynii-anka-dragu-kotoroy-radi-etoy-dolzhnosti/)

<sup>1290</sup> <https://www.rubaltic.ru/news/19012024-spiker-parlamenta-moldovy-obyasnil-naznachenie-inostrantsev-na-klyuchevye-posty/>

number required at the time, and thus education was overfunded. The "improvement" reform resulted in the widespread closure of schools throughout the country and the transformation of Moldovan language and history courses into Romanian courses. The main objectives were to revise the assessment of the 1918 events, when Bessarabia had been occupied by royal Romania and promote the idea of the need to return to that state, i.e. to actually renounce independence for the sake of Moldova's incorporation into Romania. To this end, the mother tongue for Moldovans was renamed Romanian in all school curricula and the school subject "History of Moldova" was replaced with the "History of Romanians," which is taught using Romanian textbooks.<sup>1291</sup>

Yet another step towards the forced Romanianization of Moldovan culture was the authorities' initiative in March 2023 to hand over the historical building of the National Library of the Metropolitan Church of Bessarabia to the Romanian Orthodox Church.<sup>1292</sup> The experts believe that Maya Sandu's government deliberately took this step to strengthen the Romanian Orthodox Church's influence in the country and provoke an ecclesiastical schism.

Actions taken by state officials only increase the experts' concerns over the concept of the Romanian expansion in Moldova. For example, on 24 March 2023, a law replacing the official language in Moldova from Moldovan to Romanian entered into force. Under this law, the wording "Moldovan language" in any grammatical form is to be replaced with the "Romanian language." Moreover, such an amendment will be introduced into the Constitution as well, although usually this requires a referendum.<sup>1293</sup>

Moldovan opposition believes that the ruling party directly violated the law. According to the Constitution, amendments to the fundamental law must be adopted by two-thirds of votes (minimum 67 members of parliament). Besides, the

<sup>1291</sup> Maya Sandu's regime works to kill Moldova's education system. RuBaltic. 26 July 2023. <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230726-rezhim-mayi-sandu-dobivaet-sistemu-obrazovaniya-moldovy/>

<sup>1292</sup> Forced Romanianization of Moldovan culture is taking place here and now. RuBaltic. 26 March 2023. <https://www.rubaltic.ru/cifrobalt/20230326-nasilstvennaya-rumynizatsiya-moldavskoy-kultury-proiskhodit-zdes-i-seychas/>

<sup>1293</sup> Moldova's state language officially renamed. RIA Novosti. 24 March 2023. <https://ria.ru/20230324/moldaviya-1860296278.html>

Constitution may not be revised during the state of emergency, and the latter was introduced in Moldova in autumn 2021 and regularly extended afterwards.<sup>1294</sup> It was in force throughout 2023. The opposition Bloc of Communists and Socialists contested the decision of parliament to rename the state language into Romanian before the Moldovan Constitutional Court. However, on 11 March 2024, the Court found the decision legitimate.<sup>1295</sup>

It is also noteworthy that the authorities at the top level have openly voiced these intentions to replace the notion of "Moldovan language" with "Romanian language" in Moldova's fundamental laws. Thus, in September 2022, President Maya Sandu publicly regretted that the Constitution of Moldova still had Moldovan, and not Romanian, as the country's official language. In December 2022, that idea took a more specific form. On 17 December, Speaker of Moldovan Parliament Igor Grosu said on air of "Moldova-1" TV channel that the ruling Party of Action and Solidarity examined the possibility of replacing the wording "Moldovan language" in the Articles of the Moldovan Constitution with wording "Romanian language." He promised that this historical mistake would be corrected as soon as possible and noted that "the event must take place in a historically important context."<sup>1296</sup>

The Romanian leadership also supports the Moldovan authorities' efforts. Thus, in October 2023, Romanian Prime Minister Marcel Ciolacu stated: "The Moldovan language should no longer exist, because it never existed. It is an invention of the Russian Federation, especially for Bessarabia, for the Romanian citizens on the territory of Bessarabia, so that they no longer call themselves Romanians but Moldovans." In August 2023, he also demanded that the Ukrainian leadership acknowledge the non-existence of the Moldovan language.<sup>1297</sup>

Taking into account the above, the issue also arises of the large Moldovan diaspora living abroad and its attitude towards the language with which these people

<sup>1294</sup> Lessons of Romanian: why Moldova renounces its native language. *Izvestia*. 19 March 2023.

<https://iz.ru/1484888/igor-karmazin/uroki-rumynskogo-pochemu-moldaviia-otkazyvaetsia-ot-svoego-iazyka>

<sup>1295</sup> <https://www.rubaltic.ru/news/11032024-konstitutsionnyy-sud-moldovy-priznal-zakonnyy-pereimenovanie-gosyazyka-v-rumynskiy/>

<sup>1296</sup> <https://www.rubaltic.ru/news/17122022-vlasti-moldovy-namereny-pereimenovat-gosudarstvennyy-yazyk-v-konstitutsii-v-rumynskiy/>

<sup>1297</sup> <https://www.rubaltic.ru/news/16102023-premer-rumynii-otkazal-moldavskomu-yazyku-v-prave-na-sushchestvovanie/>

associate themselves and their identity. In addition, assuming the international obligations of Moldovan diaspora host or residence states to take measures aimed at preserving such identity, how should such states shape a policy on this track if the Moldovans living on their territory believe Moldovan, not Romanian, their native language?

Experts point out that such initiatives are largely artificial because according to the 2014 population census in Moldova, only 7 per cent of the population identified themselves as Romanians and 75 per cent as Moldovans. 24 per cent called Romanian language their native tongue, while 54 per cent – Moldovan.<sup>1298</sup>

The Advisory Committee on the Framework Convention for the Protection of National Minorities pointed out that the second dominant language in the Republic of Moldova was Russian: nearly all of the Russian, half of the Ukrainian and a third of the Gagauz and Bulgarian respondents to the 2020 Ethno-Barometer survey on Moldova identified Russian as their first language, while the rest considered their ethnic group's language to be their first language. Bilingualism or multilingualism among national minorities in Moldova means that they speak both their "mother tongue" and Russian, not Moldovan (currently called "Romanian"). The overwhelming majority of national minority respondents studied in schools with Russian as a medium of instruction. The majority of Gagauz (70 per cent) prefer Russian as the language of instruction at school. Only about one third of respondents belonging to other national minorities opt for the Romanian (Moldovan) language. About a fifth of all respondents want the Russian language to be the second school language. It appears that everyone wants their children to live and study in a more diverse linguistic environment than the current one.<sup>1299,1300</sup>

The data on the nationality of the majority of the population provided by the National Bureau of Statistics and cited by the ACFCNM also speaks for itself and

<sup>1298</sup> Sandu is implementing the Western scenario of Romania's absorption of Moldova. RuBaltic. 11 December 2022. <https://www.rubaltic.ru/cifrobalt/20221211-sandu-realizuet-stsenariy-zapada-po-pogloshcheniyu-moldovy-rumyniei/>

<sup>1299</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldova. Adopted on 7 June 2023. Published on 18 October 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>

<sup>1300</sup> CIVIS Centre for Sociological, Political and Psychological Analysis. Ethnobarometer – Moldova 2020. [https://www.osce.org/files/f/documents/0/7/505306\\_0.pdf](https://www.osce.org/files/f/documents/0/7/505306_0.pdf)

shows that the Moldovan language was renamed Romanian artificially. With reference to the results of the 2014 population and housing census, it was reported that 73.7 per cent of the respondents self-identified as Moldovans and 6.9 per cent as Romanians. The Bureau counts both national identities as one – the "majority of the population," and arrives at a figure of 80.6 per cent, accordingly.<sup>1301</sup>

Moldova's authorities are pursuing the policy of destroying any form of dissent in the country by using methods of totalitarian censorship, wiping the last few pockets of alternative viewpoints in the national information space. In line with the tradition of the "collective West", in early 2022, the Moldovan government began to "clean-up" the country's media space from the Russian-language press. By decision of the Security and Intelligence Service of Moldova (SIS), on 26 February 2022, the "Sputnik Moldova" information agency was shut down and access to its website was blocked. Later, similar restrictions were imposed on the websites of a number of other Russian and Russian-language Moldovan media outlets. The Russian-language websites "Gagauznews" and "Regional Trends Analytics" were blocked as well. Other information and analytical outlets ("RTR-Moldova" and "NTV-Moldova") were subjected to serious financial sanctions.

Notably, the Moldovan authorities have shown resolve to take the toughest measures to prevent the emergence of any alternative viewpoints that differ from the official position. Thus, the state of emergency announced on 24 February 2022 (initially for a period of 60 days and repeatedly extended till 1 January 2024) provided for a number of restrictions, including a ban on mass public political events of any kind. However, this did not affect daily protests held regularly in March-April 2022 outside the Embassy of Russia in Chisinau, which disrupted the work of the Russian diplomatic mission.

Since March 2022, Russian news and social and political TV programmes are banned in Moldova, Russian TV channels are fined on regular basis. The Moldovan authorities have suspended broadcasting from states that did not ratify the European

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<sup>1301</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldova. Adopted on 7 June 2023. Published on 18 October 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>

Convention on Transfrontier Television. First of all, this measure "cut off" the Moldovan population from the broadcasting of a number of Russian TV and radio channels, since under this pretext TV operators are blocked from access to a number of Russian TV channels, including channels such as "Zvezda", "Mir", "Nashe Kino" and some others; furthermore, retransmitters of Russian TV channels "NTV", "Pervyi" and "RTR" are subjected to fines. In addition to the said restrictions, Soviet and Russian Great Patriotic War movies and TV programmes on military topics are banned in Moldova. Among the pretexts for restricting freedom and the freedom of expression, such reasons as "fight against disinformation," "biased coverage" of the special military operation, "inaccuracy of information" which might jeopardize national security have been offered.

In June 2022, the law "On Protecting the Information Space" entered into force in Moldova. It provided yet another foundation for countering the Russian media. The television and radio broadcasting development strategy, which was approved later, made it mandatory for media outlets to prioritize the content in the national language. At the same time, the authorities disregarded the fact that 381 thousand residents of the country (more than 11 per cent) consider Russian as their native tongue and about 541 thousand people (16 per cent), including 130 thousand ethnic Moldovans, use it as the first language in everyday life.<sup>1302</sup>

Experts are alarmed that this law will also be used primarily to restrict the remaining possibilities to access the Russian information and analytical resources. They have also repeatedly noted that due to the popularity of Telegram and TikTok among the Russian-speaking population of Moldova, the present government of the country will seek to restrict access to them and control messages on all Moldovan social networks. Government officials have voiced their intentions in public. In particular, in February 2023, Chairman of the Parliamentary Commission on Mass Media Liliana Nicolaescu-Onofrei stated: "Although we do have some instruments to prevent and suppress disinformation in the audiovisual field, we face problems

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<sup>1302</sup> Millions "to support of independent mass media": Moldova creates the "right" media field. RuBaltic. 25 February 2023. <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230225-milliony-na-podderzhku-nezavisimyykh-smi-v-moldove-sozdayut-pravilnoe-infopole/>

related to combat against disinformation on-line. We are searching for solutions but we know it is not easy."<sup>1303</sup>

These concerns turned out well grounded. In early July 2023, Parliament of Moldova adopted the law on counter-information activities and foreign information activities. It empowers intelligence services to control social media in the country. The law will let the Security and Intelligence Service of Moldova to carry out investigations.<sup>1304</sup>

On 16 December 2022, the Commission for Emergency Situations decided to revoke the licenses of six Russian-language TV channels: "Orhei TV", "TV6", "NTV Moldova", "Accent TV", "RTR Moldova" and "Primul in Moldova" (or "Channel One in Moldova"), which have the highest rating among Moldovan viewers. The justification for such an attack on the media was the "insufficiently correct coverage of national events and the conflict in Ukraine." The said outlets were taken off air starting from 19 December, however some cable operators had shut them down before that day. By taking this step, official Chisinau, under the pretence of protecting its citizens from "insufficiently correct" interpretations of events in Moldova and worldwide, deliberately deprived the Russian-speaking residents of the country of the remaining sources of news content in the language they prefer. Hundreds of journalists of those news outlets are losing their job at the will of politicians. The very campaign to shut down Russian and Russian-language media outlets was accompanied by biased and unsubstantiated allegations provoking Russophobia and hate speech in Moldovan society.

Another 6 Russian TV channels were closed by the Commission for Emergency Situations in October 2023. The few remaining channels are subjected to regular fines for broadcasting insufficient amount of content in the Moldovan (now known as Romanian) language.<sup>1305</sup> Overall 102 web resources were blocked,

<sup>1303</sup> Millions "to support of independent mass media": Moldova creates the "right" media field. RuBaltic. 25 February 2023. <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230225-milliony-na-podderzhku-nezavisimyykh-smi-v-moldove-sozdayut-pravilnoe-infopole/>

<sup>1304</sup> Moldovan Parliament empowers intelligence services to control social media. RuBaltic. 7 July 2023. <https://www.rubaltic.ru/news/07072023-parlament-moldovy-dal-spetssluzhbam-polnomochiya-dlya-kontrolya-sotsialnykh-setey/>

<sup>1305</sup> <https://nokka.md/v-moldove-11-kanalov-oshtrafovali-na-330-tysyach-leev>



including websites of major Russian media outlets and news agencies.<sup>1306</sup> Besides, websites of Russian government agencies are blocked in Moldova without official notification.

At the same time, the frequencies vacated by Russian channels were replaced by Ukrainian channels, which actively engaged in a Russophobic information campaign.<sup>1307</sup>

The Moldovan authorities apply, *inter alia*, financial levers to sterilize the country's information space. Moldova's draft budget for 2023 did not provide for the financing of the "MIR" TV channel in violation of Chisinau's obligations under the relevant intergovernmental agreement within the CIS. This was made possible when the Moldovan leadership adopted the course towards withdrawal from CIS mechanisms. The first step in this direction was the decision to end participation in the international television and radio company "MIR" and shut down its office in the country.

Meanwhile, under the pretext of a U-turn towards the West and the "European integration", official Chisinau started gradually denouncing the agreements that Moldova had concluded within the CIS framework. Given its majority in Parliament, the ruling PAS party adopted on a fast-track basis a bill denouncing the Convention on the Interparliamentary Assembly of the Commonwealth and voted for a bill to denounce the Agreement on cooperation in prevention of and response to natural and man-made emergencies. The Agreement on cooperation of law enforcement agencies within CIS was renounced just as swiftly. During the last meeting of the spring-summer session, MPs from the ruling party voted in support of another five bills to denounce treaties concluded within CIS, including the Agreement on technical barriers in the free trade area (20 June 2000), the Agreement on support and development of small businesses in CIS member states (17 January 1997), the Agreement on cooperation in the field of labour protection (9 December 1994), the Agreement on carrying out coordinated policy in the field of

<sup>1306</sup> <https://moldcell.md/rus/business/node/33424>

<sup>1307</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230312-ukrainskaya-propaganda-vmesto-pushkina-kulturnaya-politika-v-moldove-stroitsya-na-rusofobii/>

standardization, metrology and certification (13 March 1992), the Agreement on cooperation in shaping a common educational space of the CIS, including on the mutual recognition of higher education diplomas (17 January 1997).<sup>1308</sup>

In January 2024, the Moldovan authorities renounced another 9 agreements concluded within the CIS in the military field and healthcare, also justifying their actions by the course towards EU integration.<sup>1309</sup>

According to Moldovan Government's spokesman Daniel Voda, Chisinau has identified 119 international agreements signed within the CIS, which, in its view, "have no added value for the citizens of the republic" and launched the denunciation procedure on 70 of them.<sup>1310</sup>

In late May 2023 Maya Sandu announced a plan to establish the National Centre for Information Defence and Counter-propaganda "Patriot," justifying it by claiming that Russia was carrying out information attacks on Moldova to instill hatred, undermine people's trust in our state." According to her, the Centre would coordinate and implement the Moldovan state policy on information security and identification, prevention of and fight against disinformation at the national level.<sup>1311</sup> On 18 August 2023, the law on the Centre for Strategic Communication and Countering Disinformation, which also aims to counter "Russian propaganda", entered into force. On 22 December 2023, Parliament of Moldova approved the Concept of Strategic Communication and Countering Disinformation, Information Manipulation and Foreign Interference for 2024-2028.

The actions of the Moldovan authorities aimed at undermining independent work of the mass media sparked discontent in the society. It should be noted that Maya Sandu's government policy is at odds with the view of the majority of population. According to a survey conducted by the Data Intelligence (iData) data

<sup>1308</sup> A passing fancy instead of a genuine change: Maya Sandu destroys Moldova's economy by breaking up with Russia. RuBaltic. 7 August 2023. <https://www.rubaltic.ru/article/ekonomika-i-biznes/20230807-povetrie-vmesto-vetra-peremen-mayya-sandu-razryvom-s-rossiey-unichtozhaet-ekonomiku-moldovy/>

<sup>1309</sup> <https://www.rubaltic.ru/news/24012024-moldova-denonsirovala-eshche-neskolko-soglasheniy-v-ramkakh-sng/>

<sup>1310</sup> Moldova to denounce about 120 CIS treaties. <http://m.blokbol-moldova.ru/news/moldova-denonsiruet-okolo-120-dogovorov-s-sng-1693585>

<sup>1311</sup> Moldova to establish anti-propaganda centre. Sputnik Moldova. 29 May 2023.

[https://md.sputniknews.ru/20230529/v-moldove-budet-sozdan-tsentr-po-borbe-s-propagandoy-57118786.html?utm\\_source=yxnews&utm\\_medium=desktop](https://md.sputniknews.ru/20230529/v-moldove-budet-sozdan-tsentr-po-borbe-s-propagandoy-57118786.html?utm_source=yxnews&utm_medium=desktop); Moldova decides to create an anti-propaganda centre.

Lenta.RU. 29 May 2023. [https://lenta.ru/news/2023/05/29/no\\_propaganda/](https://lenta.ru/news/2023/05/29/no_propaganda/)

collection and analysis company, more than half of the Moldovan population (52.6 per cent) opposes the idea of withdrawal from the CIS. The exit of the republic from the Commonwealth gained the support from 34.9 per cent of respondents.<sup>1312</sup>

Even of European human rights organizations have commented on this policy pursued by official Chisinau. As stated by Swiss NGO "Solidaritätsnetz International", European Union granted Moldova the candidate country status for EU membership in advance, on certain conditions which the country's authorities were expected, but apparently fail, to fulfil.

The opposition in Parliament as well as the Gagauz autonomy have expressed their disagreement with the authorities' actions. Deputy of Parliament's opposition Party of Socialists Bogdan Tirdea in his interview to 1TV.md TV channel noted that the President and the Government of the country had banned six TV channels upon instructions of their Western curators, and called the ban an external political order.<sup>1313</sup> The authorities of Gagauzia demanded that the decision of the Commission for Emergency Situations to suspend the broadcasting of six TV channels be revised, and that the state of emergency, which, in their opinion, is "used to fight the opposition" be cancelled. According to Parliament's press service, this is what the joint statement<sup>1314</sup> of Executive Committee and Presidency of the Parliament of Gagauz autonomy said. The Ombudsman of Moldova Ceslav Panico also condemned the ban. He affirmed that the decision of the Commission for Emergency Situations violated the fundamental rights to the freedom of expression and property and thus taken bypassing the court, contradicted the principle of separation of powers and the Constitution of the country.<sup>1315</sup>

In this context, the numerous projects by the United States, a number of European countries and pro-Western NGOs to support freedom of expression in

<sup>1312</sup> More than a half of Moldovan citizens are against withdrawal from the CIS. RuBaltic. 7 June 2023.

<https://www.rubaltic.ru/news/07062023-bolee-poloviny-zhiteley-moldovy-vystupayut-protiv-vykhoda-strany-iz-sng/>

<sup>1313</sup> Moldovan MPs believe that the authorities shut down opposition channels on Western instructions. RuBaltic.

18 December 2022. <https://www.rubaltic.ru/news/18122022-v-parlamente-moldovy-schitayut-cto-vlasti-zakryvayut-oppozitsionnye-kanaly-po-ukazke-zapada/>

<sup>1314</sup> Joint Statement of the Presidium of People's Congress and Executive Committee of the Autonomous Territorial Entity of Gagauzia. 19 December 2022. <https://www.halktoplushu.md/index.php/novosti/4371-zayavlenie-o-priostanovlenii-litsenzij-na-veshchanie-shesti-telekanalov>

<sup>1315</sup> Moldovan Ombudsman Panico condemns the decision to ban opposition TV channels. RT. 21 December 2022. <https://russian.rt.com/ussr/news/1089188-moldaviya-telekanaly-zapret>

Moldova and to counter "disinformation" that have been implemented in the country in recent years are noteworthy. Here one should mention the US State Department's grant for compiling a "rating" list of Moldovan TV providing "credible" information announced by the ruling Party of Action and Solidarity together with US Embassy in Moldova. This step is entirely in line with the logic of the Moldovan authorities' policy towards strengthening Western propaganda in public life. Here is a striking example. A report by the Independent Journalism Center NGO (funded by the West) published in early December 2021 concludes that broadcasting of three Russian TV channels "Channel One in Moldova," "NTV Moldova" and "RTR Moldova" "does not help shape correct opinions" and "threatens the country's information security." A few days later, on 8 December, Speaker of Moldovan Parliament Igor Grosu said that external propaganda "comes from Russia." In March 2023, with support of the US Embassy in Moldova, a Russian-language entertainment content development fund "IREX Moldova" was established, which allegedly aims to support the production and broadcasting of quality Russian-language television content in Moldova.<sup>1316</sup> On 14 March 2024, the US Embassy handed over to the Audiovisual Council of Moldova equipment enabling it to monitor media activities by automatically processing and transcribing videos in Romanian and Russian. According official US data, the amount of USD 215,300 was allocated for the project.<sup>1317</sup>

Since February 2022, Russian citizens and the Russian-speaking population have faced a more challenging situation, since the Moldovan authorities have been using Russia's engagement in the special military operation to de-Nazify and demilitarize Ukraine and protect the peaceful population of Donbass as a pretext to exert pressure on them.

All non-governmental organizations that maintain contacts with Russia or bear any relation to it are also subjected to pressure. Instances of threats to the Russian-speaking journalists in Moldova have been reported. The editor of the

<sup>1316</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230312-ukrainskaya-propaganda-vmesto-pushkina-kulturnaya-politika-v-moldove-stroitsya-na-rusofobii/>

<sup>1317</sup> <https://www.rubaltic.ru/news/14032024-posolstvo-ssha-peredalo-moldove-oborudovanie-dlya-monitoringa-smi/>

"Russkoye Slovo" compatriot movement newspaper was among those who received threats and offences. There have also been recorded cases of pro-Russian activists being subjected to pressure or intimidation.

Russian journalists and activists are persecuted by the Moldovan authorities. In September 2023, Vitaliy Denisov, head of the most popular Russian-language news portal "Sputnik Moldova" was expelled from Moldova.

The practice of banning entry to Moldova to Russian citizens and compatriots persists. Every day, the overall numbers of entry bans (taking into account land border crossing points) are in dozens. Actions of the Moldovan authorities with regard to Russian citizens arriving at the Chisinau airport are of particular concern. There have been regular records of particularly intrusive scrutiny of passengers holding Russian passports involving harassing interrogations, enhanced searching procedures, and abusive behaviour. There have been cases of entry denials to such passengers by the Moldovan border control service: several Russian nationals on virtually each flight are deported. The Russian Embassy regularly receives e-mail messages from our citizens who have faced an entry ban without explanation. Cases of the separation of family members, including children, are quite common. The recent such cases include the mid-April 2023 ban to entry Moldova imposed on Head of the Republic of Tatarstan Rustam Minikhanov, who intended to visit the Gagauz autonomy. He was declared an undesirable person and prevented from leaving the plane at the Chisinau airport. Another incident in this row occurred in May 2023, when, on the pretext of the "absence of grounds," a well-known Russian biologist Alexander Panchin, who had arrived to deliver a series of scientific lectures, was denied entry into the country.

The decision of the Moldovan authorities in September 2023 to deny entry into the country to 15 philologists from Russia and four other CIS countries (Belarus, Kyrgyzstan, Tajikistan and Uzbekistan) and deport them caused much resonance. They were heading to Tiraspol to participate in an international scientific conference on the Russian language held within the framework of the Year of Russian as a Language of Inter-ethnic Communication declared in the CIS in 2023.

The Moldovan authorities did not offer any clear explanation. Documents confirming the purpose of the travel were ignored. According to the reports, many of them were detained at the Chisinau airport for more than a day awaiting deportation and were not provided with basic living conditions, including water and food. The case was widely covered in the Russian and Moldovan media.<sup>1318</sup>

Cases of detainment of Russian citizens permanently residing in Transnistria by Moldovan border guards at the Chisinau airport have been recorded.

The politically motivated interference of the state in church affairs also has Russophobic roots.

The Moldovan administration seeks to sever the many-century-old close spiritual ties of the Orthodox Church of Moldova, which unites about 70 per cent of all believers in the country, with the Russian Orthodox Church, and replace the traditional church with the Bessarabian Metropolis of the Romanian Orthodox Church. The same techniques that have already been tested in Ukraine are being used to create a loyal church on instructions from Western masterminds. A vivid example is the decision on the litigation initiated by the Moldovan authorities, which cancelled treaties that existed between the Moldovan Ministry of Culture and the Orthodox Church of Moldova. This can lead to the seizure of buildings and other property belonging to the Church.<sup>1319</sup>

The coming to power of President Maya Sandu and the Party of Action and Solidarity has affected many aspects of life of Russian citizens staying in Moldova. This negatively affected the ability of Russians living in Moldova, particularly in Transnistria, where more than 200 residents hold Russian passports, to realize their right to participation in the electoral process. In the presidential elections held in the previous years, Russian citizens staying in the territory of the country had no problems expressing their will. For instance, during the 2018 election, 27 polling stations were opened. Maya Sandu's government deliberately slowed down the

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<sup>1318</sup> See, for example, <https://md.sputniknews.ru/20230920/vezd-v-moldovu-zapreschen-konferentsiya-fillologov-rusistov-v-tiraspole-nachalas-so-skandala-58466482.html>

<sup>1319</sup> <https://www.mld-index.md/analitika/povtoritsya-li-v-moldavskoj-tserkvi-ukrainskij-stenarij>

opening of polling stations, thus once again violating the rights of Transnistrian residents.

The Russian Embassy in Chisinau notified the Moldovan authorities back in November 2023 of its intention to organize polling stations in the territory of the country to hold the elections of the President of Russia, so that Russian citizens permanently residing in Moldova could take part in the election. The Embassy therefore requested that future polling stations be secured, in line with the existing international practice. The Moldovan authorities responded by authorizing only one polling station for the Presidential elections: within the premises of the Russian Embassy in Chisinau. Commenting on the situation with the request of the Russian side to open polling stations, Moldova's Foreign Minister Mihail Popșoi said that it was regarded as "actions that violate the sovereignty of the Republic of Moldova."<sup>1320</sup> As a result of such steps, dozens of thousands of Russian citizens, particularly those living in Transnistria, faced the restriction of their right to participate in elections, all the more so that the Moldovan authorities failed to adequately provide security of this only polling station. On 17 March 2024, a can containing Molotov cocktail was thrown into the premises of the Russian Embassy in Chisinau, causing a fire. The instigator was arrested. The fire at the diplomatic mission was put out.<sup>1321</sup>

Furthermore, Moldova has seen an upsurge in blatant anti-Russian provocations. The Russian Embassy in Chisinau is almost constantly picketed by groups of protesters carrying Ukrainian flags. Children and minors take part in these actions, which is prohibited by law. However, the police and carabinieri, whose duty is to protect the Embassy, pay no attention to these violations. Besides, in February 2024, the Russian Centre of Science and Culture in Chisinau was smeared with red paint, but the incident has not been investigated so far, and the perpetrators have not been prosecuted, despite the fact that they were identified immediately upon viewing the CCTV footage.

<sup>1320</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240317-rezhim-sandu-pytaetsya-sorvat-vybory-prezidenta-rossii-na-territorii-moldovy/>

<sup>1321</sup> <https://www.rubaltic.ru/news/17032024-za-vorota-posolstva-rf-v-kishineve-brosili-kokteyl-molotova/>

The Russophobia of the Moldovan leadership manifests itself even when it comes to the organization of concerts and various shows. For example, in June 2022, the Moldovan police on a flimsy pretext cancelled the shows of Philipp Kirkorov, Egor Kreed and a number of other Russian performers who had spoken in support of their own country. In the meantime, rapper Miron Fyodorov (known under stage name "Oxymiron"; recognized as a foreign agent in Russia), against whom a series of administrative cases on charges of extremism have been initiated in the Russian Federation, received for his concert the largest concert venue in the country, Arena Chisinau. A performance by Maxim Galkin, who has repeatedly made anti-Russian statements, also took place in the National Palace. In March 2023, rap singer Face and the "Bi-2" band (these artists have denounced Russia's special military operation; all of them have been recognized as foreign agents) also held concerts there. Shows of Ukrainian performers have also been widely used for anti-Russian propaganda in Moldova. For instance, the Arena Chisinau concert of the "Okean Elzy" band, whose lead singer is known for his Russophobic views, turned into a downright anti-Russian event.<sup>1322</sup>

It is telling that public attitudes towards people from Ukraine in Moldova have changed. With the decrease in financial resources allocated by international organizations for accommodating Ukrainian refugees, and the relevant changes in the European countries, the Moldovan authorities have also started to phase out their support for the Ukrainians staying in the country. In May 2023, the special rules for their stay were revoked. Now Ukrainian citizens who have not obtained a residence permit or refugee status are equated with tourists and obliged to leave the country after 90 days of stay or face the risk of deportation.<sup>1323</sup> The number of accommodation centres for refugees has been gradually reduced from 130 to 15.<sup>1324</sup>

There have been cases of politically motivated persecution in Moldova. Having come to power, Maya Sandu and members of the Action and Solidarity

<sup>1322</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230312-ukrainskaya-propaganda-vmesto-pushkina-kulturnaya-politika-v-moldove-stroitsya-na-rusofobii/>

<sup>1323</sup> <https://nokta.md/s-15-maya-grazhdane-ukrainy-dolzheny-poluchit-pravovy-status-v-moldove-inache-im-pridetsya-uehat>

<sup>1324</sup> <https://radiomoldova.md/p/28930/около-23-центров-временного-размещения-украинских-беженцев-планируют-закрыть>



Party, instead of fulfilling their election promises, launched a campaign against the opposition. Especially heightened activity by the security forces was observed in 2022. Criminal cases on trumped-up charges were instituted against former Moldovan President Igor Dodon (including on a charge of state treason), Prosecutor General Alexandr Stoianoglo, former Parliament Speaker Zinaida Greceanii, vice-chair of the Shor Party Marina Tauber, as well as a number of MPs from opposition parties.

Igor Dodon was for a long time held under house arrest. He and his relatives faced a series of searches; his mother and wife were summoned for questioning to the Prosecutor's Office. Three MPs – Marina Tauber, Irina Lozovan and Alexandr Nesterovskyy – were stripped of their parliamentary immunity due to criminal cases brought against them. Marina Tauber and Alexandr Nesterovskyy were subjected to a lengthy detention, Irina Lozovan was placed under a house arrest. All these repressive measures against opposition politicians were obviously intended to hamper their participation in local elections.

Maya Sandu's regime has gone to great lengths to obstruct the Shor opposition party in its activities. The Moldovan authorities accused the party of violating the rule of law and undermining the country's sovereignty. In April 2023, Ilan Shor, the party's leader, was sentenced in absentia to 15 years of imprisonment with confiscation of property. In May 2023, in an effort to prevent the allegedly "pro-Russian" candidate from the Shor Party, Evgenia Gutsul, from winning the local elections in Gagauzia, the Moldovan leadership initiated a verification of constitutionality of this political organization.

On 19 June 2023, the country's Constitutional Court granted the government's petition to declare the Shor Party unconstitutional. This decision cleared the way for placing a ban on this leading political opposition force and cancelling its registration.

To remove the Shor Party from the July 2023 elections, the country imposed a ban on participation in the elections for members of political parties recognized as unconstitutional. In fact, this involved a restriction of political rights of persons

against whom there is no relevant court decision, which constitutes a grave violation of the principle of presumption of innocence. Besides, there were no criteria other than the Shor Party affiliation. Despite the determination to the contrary by the Moldovan Constitutional Court and the Venice Commission<sup>1325</sup>, the ruling forces of the Republic adopted the relevant amendments two days before the deadline for registration of candidates for local elections.

It should be noted that the Venice Commission was not the only international body that drew attention to the unlawful nature of persecution of the political opposition in Moldova. The judgment of the European Court of Human Rights on the case of A. Stoianoglo of 24 October 2023 has become one of the most resonant opinions passed by the Court on complaints against Moldova. The Court recognized that the Moldovan authorities had violated A. Stoianoglo's right to a fair trial and ordered Moldova to pay the applicant a compensation of 3.6 thousand euros.<sup>1326</sup>

Experts have noted that the Shor Party is not just a "protest party" that organized mass protests against the disastrous policy of Maya Sandu's government, which led to a manifold increase in tariffs for gas, electricity, utilities and food prices, as well as a significant rise in inflation of up to 34 per cent. This party is also represented in a number of Moldovan regions. Thus, the Orhei District (one of the country's largest) and Taraclia District (capital of the Bulgarian cultural autonomy) are headed by members of this party. Today, these regions exemplify prosperity and prudent economic management in the interests of the population. In 2021, Marina Tauber, the party's vice-chair, effectively won the election for mayor of Balti, the country's second largest city, receiving 48 per cent of the votes in the first round. However, she was unlawfully disqualified from the run-off election after a criminal case was instituted against her. The candidate from the Shor Party, Evgenia Gutsul, won the 2023 election for governor of Gagauzia, despite Maya Sandu's attempts to

<sup>1325</sup> [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2023\)031-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2023)031-e)

<sup>1326</sup> <https://radiomoldova.md/p/29234/в-2023-году-увеличилось-количество-обращений-в-еспч-из-республики-молдова-наиболее-важные-дела>

prevent it. Following the launch of the pressure campaign, searches of the party's offices and detention of its activists have become a regular occurrence.<sup>1327</sup>

Marina Tauber also declared that Yevgenia Gutsul was blackmailed by the Anti-Corruption Prosecutor's Office of Moldova. She requested to Security and Intelligence Service and National Anticorruption Center to carry out a polygraph test in relation to Veronica Dragalin, head of the Anti-Corruption Prosecutor's Office of Moldova, who proposed Gutsul to resign from the post of head of Gagauzia in exchange for closure of the criminal investigation which she was the subject of.<sup>1328</sup>

Official Chisinau has adopted a course of discrimination against the national minority – the Gagauz, the majority of whom reject the ruling party's course of breaking relations with Russia. There is a deliberate destruction of the autonomous rights of the region: the elected head (bashkan) Yevgenia Gutsul, in violation of the law, was never appointed a member of the government. The Moldovan authorities isolate the leadership of Gagauzia from any external contacts, cut the autonomy's budget by changing the rules for VAT refunds, and prevent gas supplies to the region at reduced prices.

It is also indicative that even the CE structures loyal to the Moldovan authorities paid attention to this crisis situation. In particular, in its opinion on Moldova, the Advisory Committee on the Framework Convention for the Protection of National Minorities noted that during its experts' visit to the country, representatives of national minorities communicated their concerns about the case. Among other things, they pointed out that certain decisions by political leaders of the ruling party or their statements questioning the loyalty to the Moldovan state on the part of certain national minorities as groups jeopardized the long-standing traditions of inter-ethnic dialog and mutual respect in Moldova. Moreover, such doubts and actions even contradict the answers obtained within the framework of the study "Ethnobarometer Moldova 2020". Concerns were also expressed to the

<sup>1327</sup> Following in Ukraine's footsteps: Maya Sandu establishes totalitarian regime in Moldova. RuBaltic. 21 June 2023. <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230621-po-puti-ukrainy-mayya-sandu-ustanavlivaet-v-moldove-totalitarnyy-rezhim/>

<sup>1328</sup> Moldovan MP appealed to the Prosecutor General's Office because of pressure on the elected head of Gagauzia. RuBaltic. 17 July 2023. <https://www.rubaltic.ru/news/17072023-moldavskiy-deputat-obratilas-v-genprokuraturu-iz-davleniya-na-izbrannogo-glavu-gagauzii/>

ACFCNM experts that minority issues and cultural events are sometimes used by the Moldovan authorities for political purposes. For example, some of their decisions create unnecessary tensions and, in fact, are perceived by national minorities as retaliatory measures against constituencies predominantly populated by persons belonging to these minorities who provided little support to the ruling political party in the last elections. Such measures provoke fear and discontent among members of national minorities, especially among Russians and Gagauz, as well as among Russian-speaking national minorities in general. All these ethnic groups are unnecessarily attacked. In their opinion, such treatment by the authorities is counterproductive and does not contribute to the maintenance of peaceful inter-ethnic relations and, on the contrary, may lead to an increase in inter-ethnic tensions. The ACFCNM also cited their concerns that such statements by the authorities could in practice lead to the exclusion of national minorities from certain structures, prevent them from working in public services and further alienate national minorities from the majority, or force them to conceal their ethnicity in the forthcoming census.<sup>1329</sup>

The politicization of judicial proceedings and its attendant problems are of serious concern. However, despite the regular positive reports of the Moldovan leadership in the European chancelleries on the ongoing reforms in the field of justice, progress was hardly noticeable due to the clanship and corporatism inherent in the judicial and prosecutorial systems. The fact is noted, first of all, that the principle of legal certainty is routinely disregarded – local judges habitually interpret norms at their own discretion regardless of existing best practices. Cases of reconviction have been noted, when a person undergoes several punishments for one criminal act. Excessive powers of the prosecutor and, conversely, restricted powers of defence lawyers remain a serious concern, as the adversarial principle is undermined. It has been pointed out that such discrimination results in the majority of cases in Moldova ending in conviction. Financial imbalance is another sensitive

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<sup>1329</sup> Fifth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Moldova. Adopted on 7 June 2023. Published on 18 October 2023. <https://rm.coe.int/5th-op-moldova-en/1680acf5c8>

issue, as judges' salaries are significantly lower than those of lawyers and supervisors are and the risk of corruption persists.

The imbalance within the judiciary is closely interrelated with the practice of using penitentiary institutions to pressure persons under investigation, mainly by way of incarceration, often on little or no grounds. Records have been made of cases when detainees are kept on scanty rations of food and water, unreasonably placed in solitary confinement, set up by jailhouse informants in order to obtain confessional evidence.

Conditions in Moldovan prisons remain unsatisfactory. The Moldovan authorities are in no hurry to solve this problem. According to a European Commission report, Moldovan prisons are overcrowded, many prisoners do not receive medical care, and complaints of ill-treatment by prison staff go unaddressed.<sup>1330</sup>

The negative state of affairs in the economic sphere contributes to the aggravation of the situation. Inflation in the country broke all records in 2022, exceeding 34%, leading to a sharp increase in the prices of goods and services. The most painful for the population was the rise in the cost of food and utilities. Tariffs for gas and electricity have increased several times, for gasoline and diesel fuel – twice. In the budget for 2023, pensions were indexed by only 14 per cent, which is a direct violation of the law prohibiting indexing pensions by less than the amount of inflation in the country.

The attitude of public opinion to the socio-economic situation is also revealing. According to the opinion poll published in the media, almost 80 per cent of the respondents said that their household was in a difficult socio-economic situation, with 30 per cent not having enough money to cover even the most basic mandatory expenses. The number of people who consider the PAS party government to be the worst in the history of independent Moldova increased to 35 per cent (previously the highest figure was 30 per cent). 42.2 per cent of respondents said

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<sup>1330</sup> <https://moldova.europalibera.org/a/conditii-inumane-comisia-europeana-critica-situatia-penitenciarelor-din-r-moldova/32694081.html>

that M. Sandu was personally responsible for the difficult situation in the country, while 5.5 per cent held the then Prime Minister N. Gavrilica responsible. Also, 45 per cent of the population blamed the head of state for the current energy crisis, while only 25 per cent of respondents named "Russia, Putin and Gazprom" as the culprits.<sup>1331</sup>

In 2023, the media, referring to sociological surveys, noted that 43 per cent of Moldovans believe that the country's foreign policy orientation should have a balanced character. And there are more and more people willing to give up "European integration" every month.<sup>1332</sup>

Many experts point to the failure of the current leadership's economic policy. This policy has had a particularly negative impact on Moldovan agriculture, whose products are the basis of the country's exports. Thus, in 2022 compared to 2021, agricultural production in Moldova decreased by 18.3 per cent.<sup>1333</sup> In 2023, the economic crisis worsened. Through the efforts of the authorities, the country is rapidly sinking into inflation, which cannot be sustained by extremely low wages and pensions, as well as exorbitant growth of utility tariffs. Public debt – primarily foreign debt – is increasing rapidly. Former Moldovan Prime Minister Ion Chicu, based on the data of the National Bureau of Statistics, characterized the economic situation in the country as follows: "Exports are down 6.5 per cent in 2023 compared to 2022. The volume of goods transported decreased by 5.1 per cent. The volume of construction works – by 2.5 per cent. Industrial production – by 3.6 per cent. Fixed capital investments – by 1 per cent. But we have growth, too. For example, the state debt increased by LE 9.343 billion in 2023. And, of course, the base salaries of ministers ... have increased – by about 200 per cent."<sup>1334</sup>

M. Sandu's government policy provoked a wave of protests, which became especially noticeable in February and March 2024. Official Chisinau, claiming that

<sup>1331</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221215-uderzhat-vlast-lyuboy-tsenoy-v-moldove-prinyali-novyy-kodeks-o-vyborakh/>

<sup>1332</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240301-pervyy-den-vesny-prevratilsya-v-tikhiy-bunt-moldavan-protiv-rumynizatsii/>

<sup>1333</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20221217-tolko-rossiya-sposobna-spasti-selskoe-khozyaystvo-moldovy-ot-okonchatelnogo-krakha/>

<sup>1334</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240317-god-raboty-pravitelstva-rechana-ekonomika-moldovy-ochutilas-na-grani-krakha/>

all protests in the country "are a manifestation of the hybrid war that Russia is waging against Moldova", categorically refused to conduct a constructive dialogue with the opposition. Instead, it carries out political repression and discredits opponents by making baseless accusations of "ties to Moscow". Despite attempts to solve the problem through intimidation and pressure on the protesters, the authorities failed to completely suppress the protest movement in Moldova.

The agricultural sector was the most affected by the crisis. Moldovan farmers accused the authorities of not protecting local producers but instead encouraging foreign ones. They note that the policy of the country's leadership is aimed more at implementing directives from the EU Brussels and helping Ukrainian agrarians, whose grain flooded Moldova and brought down the prices of Moldovan farmers' products. The protesters are also outraged that "caravans of trucks" from Turkey and Ukraine, loaded not only with grain, but also with meat and dairy products, are coming into the country. Meanwhile, Moldovan products are blocked. M. Sandu and other Moldovan leaders refused to negotiate with the protesters and to take their opinions into account. In late February 2024, Moldovan police began fining farmers who attempted to block roads with agricultural machinery.<sup>1335</sup>

Moreover, M. Sandu, who pledged support to the agro-sector in the 2020 elections, said that "she is no longer sure that agriculture is a priority for Moldova".<sup>1336</sup> The result of the government's actions was a sharp decline in agrarian production and the ruin of a large number of small and medium-sized farmers in the country. At a meeting with farmers at the end of February 2024, Prime Minister Dorin Recean said that no sector of the economy asks for state assistance the way Moldovan agrarians do.<sup>1337</sup>

In late February, a three-day strike was announced by passenger transportation operators on domestic routes. Previously, they repeatedly protested in the central square of Chisinau, but, like the representatives of the agribusiness sector, were not

<sup>1335</sup> <https://www.rubaltic.ru/news/22022024-politsiya-moldovy-nachala-shtrafovat-protestuyushchikh-fermerov/>

<sup>1336</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240307-moldova-vykhodit-na-ulitsy-protiv-politiki-mayi-sandu/>

<sup>1337</sup> <https://www.rubaltic.ru/news/20022024-premer-moldovy-poobeshchal-pomoshch-protestuyushchim-fermeram/>

heard by the authorities. During two days of protest action, 80 per cent of domestic passenger transportation was disrupted, after which the authorities expressed their readiness to adopt a draft amendment to the legislation on passenger transportation prepared by lawyers of the Association of Road Transport Operators.

In early March 2024, the railroad workers, who were also badly affected by the crisis, began to protest. The situation at the state enterprise Moldavian Railroad (CFM) is close to disaster. The employees of the enterprise did not receive their salaries for 3-4 months. Their wage debts amounted to over 90 million lei. The protests mainly took place in the country's two largest railroad hubs in Balti and Basarabasca. The employees were protesting not only the non-payment of money, but also the general breakdown in the industry.<sup>1338</sup>

Based on the above, it can be concluded that in the near and very likely in the medium term, the human rights situation in Moldova will continue to deteriorate, especially with regard to the Russian-speaking inhabitants of the country. This is fully facilitated by the destructive policy of the Moldovan authorities, acting on instructions from Brussels and Washington to the detriment of the interests of their people.

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<sup>1338</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20240307-moldova-vykhodit-na-ulitsy-protiv-politiki-mayi-sandu/>



## Netherlands (the)

The Netherlands could qualify for the top positions among the countries ranked high in the area of human rights protection, especially as far as most of the violations registered in the country are not regular or large-scale.

However, the situation with illegal migrants and asylum seekers, discrimination against various minorities and use of the citizens' personal data by government agencies stands out among the areas of concern from the viewpoint of human rights protection in the Kingdom of the Netherlands. Such issues as human trafficking, poor imprisonment conditions, etc. persist in the Caribbean part<sup>1339</sup> of the Kingdom.

These issues were pointed out to, in particular, in the fourth cycle of the Universal Periodic Review of the United Nations Human Rights Council (2022)<sup>1340</sup>, in the Report<sup>1341</sup> of the Council of Europe's Commissioner for Human Rights after visiting the Netherlands, as well as in the documents of various convention bodies, including the UN Committee on Economic, Social and Cultural Rights, Committee on the Elimination of Racial Discrimination (CERD), European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) and Group of Experts on Trafficking in Human Beings, national human rights agencies (Ombudsman, Ombudsman for Children, Institute for Human Rights), non-governmental human rights organizations and the media.

The human rights community continues to be concerned over the inhuman Dutch policy as regards asylum seekers and illegal migrants, such as excessive imprisonments thereof, including minors, inefficient protection of the rights of foreigners in prisons, the lack of adequate medical care, insufficiently flexible system of granting residence permits, as well as low-efficient system of protecting

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<sup>1339</sup> Starting from 10 October 2010 the Kingdom of the Netherlands has been consisting of the four self-governing State formations – the Netherlands (the European part) as well as the islands of Aruba, Curaçao and Sint Maarten. Before that date, apart from the European part of the Netherlands, the Kingdom also included Aruba and the Netherlands Antilles as constituencies *sui juris* (with the latter consisting of five islands).

<sup>1340</sup> For the UPR materials concerning the Netherlands see <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NLindex.aspx>

<sup>1341</sup> <http://wcd.coe.int/ViewDoc.jsp?id=2244481>

the rights of persons subject to deportation who have been refused asylum (especially from Afghanistan).<sup>1342</sup>

The UN Committee against Torture in its concluding observations on the seventh periodic report on the Netherlands pointed out to the problematic aspects of treatment of illegal migrants and asylum seekers such as unfair consideration of asylum applications, as well as long terms and harsh conditions of detention in specialized centres.<sup>1343</sup> The discrimination of migrants was also in focus of the HRC Special Rapporteurs on freedom of religion or belief<sup>1344</sup> and on contemporary forms of racism.<sup>1345</sup>

The attempts to improve the quality of migrant detention in those centres were made at the legislative level. However, the Amnesty International NGO reports that the regime in those institutions is still similar to that in prisons. The reception centres are overcrowded; there is a shortage of personnel in the competent agencies to consider migrants' applications, etc.<sup>1346</sup> The Netherlands Institute for Human Rights has noted that although the timelines for the consideration of asylum applications is limited to eight days for all, it is preceded by an about 10-month waiting period. Due to the increased number of asylum seekers the latter are accommodated both in the reception centres and temporary shelters that do not fit the purpose. The coronavirus pandemics has only made the things worse.

The same circle of problems was also the matter of concern of the UN Human Rights Committee that highlighted specially the long waiting periods as regards decisions on a significant number of asylum and family reunification applications.<sup>1347</sup>

The European Commission against Racism and Intolerance (ECRI) also noted a number of issues related to migrant treatment. In particular, the attention was

<sup>1342</sup> <http://www.coe.int/web/commissioner/country,-report/the-netherlands>

<sup>1343</sup> [https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/NLD/CAT\\_C\\_NLD\\_CO\\_7\\_33166\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CAT/Shared%20Documents/NLD/CAT_C_NLD_CO_7_33166_E.pdf)

<sup>1344</sup> <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/43/48/Add.1&Lang=ru>

<sup>1345</sup> <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=ru>

<sup>1346</sup> <https://www.nu.nl/binnenland/6005757/asielzoekerscentra-zitten-vol-ook-alleservebedden-bezet.html>

<sup>1347</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of the Netherlands. July 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR/C/NLD/CO/5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR/C/NLD/CO/5&Lang=ru)

drawn to the fact that the burden of the integration of migrants was shifted to migrants themselves with the simultaneously imposed sanctions for non-compliance with those requirements (for example, for failing at the exams). Besides, individual integration measures aimed at certain most vulnerable groups were lifted. According to ECRI, discrimination and exploitation of migrants ensues from such policy, as well as the fact that the children of migrants and Antilles natives make up the core of specialized educational establishments' students. The Commission also pointed out to the fact that most migrants do not know where to seek advice in case their rights are violated. They are oftener checked by the Dutch police. The unemployment rate is higher among migrants.<sup>1348</sup>

The Dutch media<sup>1349</sup> – with reference to the competent authorities – published information about the Netherlands becoming a "gateway" for those longing for the Great Britain through the continental Europe. Brexit was cited by experts as a reason for such reinvigorated activity.

The situation with refugees and migrants has aggravated amid the Ukrainian crisis. According to the Ministry of Foreign Affairs of the Netherlands, 106,440 Ukrainian refugees are registered in the country's municipalities (as of January 2024).<sup>1350</sup>

In summer 2022, the Office of the United Nations High Commissioner for Refugees, Red Cross and various NGOs were critical in relation to the Netherlands refugee reception centres, while highlighting bad housing conditions and insufficient amount of food.

Due to the overcharged system, the authorities forced the municipalities to assist in accepting and accommodating refugees from Ukraine. MPs had to interfere with the situation questioning the presence of legal grounds for such "enforcements".

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<sup>1348</sup> Report of the European Commission against Racism and Intolerance on the Netherlands (fifth monitoring cycle). Adopted on 2 April 2019. Published on 4 June 2019. <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>

<sup>1349</sup> <https://www.nrc.nl/nieuws/2019/05/26/nederland-is-nu-transitland-voor-mensensmokkel-a3961645>

<sup>1350</sup> <https://www.rijksoverheid.nl/onderwerpen/opvang-vluchtelingen-uit-oekraïne/cijfers-opvang-vluchtelingen-uit-oekraïne-in-nederland>

As follows from the 2022 report on the most flagrant cases of human rights violations in certain countries of the world by the Foreign Ministry of the Republic of Belarus, in March 2022 issues came to light generally related to a lack of sufficient place to accommodate the refugees from around the world in the Netherlands and to the discrimination of refugees from other countries as compared to the Ukrainians. There are 37 thousand refugees, including 15 thousand from Ukraine at a number of temporary housing centres in various parts of the country, in particular, Ter Apel asylum centre. At present, this centre which has a bad reputation in expert and migrant circles, is already overcrowded and misses beds. The asylum seekers from Syria, Afghanistan, Iraq and other countries spend their first nights in chairs or on the floor.

In this context, the report quotes Jaap Velema, Mayor of Westerwolde, where Ter Apel is based. In particular, he said that "local authorities in the Netherlands are using double standards when it comes to providing accommodation for refugees. It is great that my colleagues in other council areas are queuing up to provide housing for tens of thousands of refugees from Ukraine. But it is shameful that no other local council at all has offered to provide care for refugees from other countries."

According to the same report, Koen Schuiling, Mayor of Groningen, made a statement in the same spirit by saying, in particular, "it is understandable that people are keen to house Ukrainians but people from other war zones, such as Syria and Afghanistan, have the same rights. However, the [situation in Ter Apel](#) is insupportable and inhumane."

The human rights community continues to express concerns over the attitude towards minor illegal migrants in the country; widespread criticism is heard that the system of granting "amnesty" to them, i.e. residence permits in case of necessitated long illegal stays in the country, is not flexible enough.

The Ombudsman for Children repeatedly emphasized that the approaches by migration authorities to considering children's applications on reunification with parents who left for the Netherlands restrict the rights and interests of children, provided for in the UN Convention on the Rights of the Child. There are questions

as well as regards the procedures for considering asylum applications made by children who arrived to the Netherlands unaccompanied (it takes many years).<sup>1351</sup>

The cases of discrimination against ethnic, national and religious minorities, including legitimate and naturalized migrants, continue to be registered in the Netherlands.<sup>1352</sup> Various statistical data indicate the significant number of complaints of discriminatory treatment, particularly on the basis of race. At the same time, most experts admit that it is impossible to assess the true discrimination scale due to the complicated and disguised nature of this phenomenon.

The national law misses the recognition of racial discrimination as an aggravating criminal factor. A corresponding bill was submitted to the parliament in January 2021, but has not been adopted so far.

In addition, the EU Agency for Fundamental Rights (FRA), citing a 2022 research by Dutch experts on the housing market in the Netherlands, noted that discriminatory attitudes towards tenants of non-Dutch origin persisted in the country. Thus, it turned out that profiles with a Moroccan-sounding male name have a 23 per cent lower chance of being invited for a viewing than profiles with a Dutch-sounding male name. Similarly, profiles with a Moroccan-sounding female name have a 22 per cent lower chance of being invited for a viewing than profiles with a Dutch-sounding female name.<sup>1353</sup>

The problematic aspects of the Netherlands' anti-discrimination policy were highlighted by the UN Human Rights Council, Committee on the Elimination of Racial Discrimination, as well as by European human rights monitoring mechanisms.

<sup>1351</sup> <https://www.kinderombudsman.nl/nieuws/kinderombudsman-behandel-asielaanvragen-amvs-met-voorrang>

<sup>1352</sup> For example, see the note by the Minister of the Interior and Kingdom Relations dated 1 June 2021, which outlines the statistics of racist and discrimination manifestations in the Netherlands

<https://www.rijksoverheid.nl/documenten/kamerstukken/2021/06/01/beantwoording-kamervragen-over-stand-van-zaken-discriminatie-en-racisme-in-nederland> and the article <https://www.volkskrant.nl/nieuws-achtergrond/rapport-eerste-kamer-tegenstrijdige-doelen-voor-ambtenaren-en-politie-werken-discriminatie-in-de-hand~bcd0df88/>

<sup>1353</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

Thus, in November 2021, CERD highlighted the continuous tense situation with the minorities in the Netherlands<sup>1354</sup>, pointing out, in particular, to the discrimination against Jewish and Muslim communities. It also expressed concerns over the racist tone heard everywhere in the mass media and the spread of online racist-style statements and threats.<sup>1355</sup>

As a separate issue, the Committee mentioned Black Pete, the Dutch Christmas character, by describing it as "reflecting negative stereotypes experienced by the people of African descent as a slavery artefact."

A report based on the results of an internal investigation within the Ministry of Foreign Affairs of the Netherlands and published in December 2022, concluded that this phenomenon was widespread within the foreign policy department.<sup>1356</sup> Wopke Hoekstra, then the head of department, and other Dutch officials expressed surprise at the results and announced their intention to fight the problem. In February 2024, data from a regular survey of 4,500 civil servants were released; according to them every tenth official faces racist manifestations at work, and about 11 per cent of respondents observed racist manifestations on the part of colleagues when communicating with citizens.<sup>1357</sup>

The European Commission against Racism and Intolerance also turned its attention to the increased xenophobic and racist rhetoric in public and political discussions in the Netherlands. ECRI fifth report on the Netherlands identified a number of unsolved government policy problems related to combatting intolerance in the society in general (tough integration requirements, discriminatory and xenophobic statements made by some politicians and journalists as regards the Islam, Muslims, migrants, etc.). At the same time, it was mentioned that above and beyond the right-wing parties such ideology was also used by some moderate

<sup>1354</sup> <https://www.ohchr.org/en/press-releases/2021/08/experts-committee-elimination-racial-discrimination-ask-kingdom-netherlands>

<sup>1355</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 22nd to 24th periodic reports of the Netherlands. November 2021.

<https://undocs.org/Home/Mobile?FinalSymbol=CERD%2FC%2FNLD%2FCO%2F22-24&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>1356</sup> <https://open.overheid.nl/documenten/ronl-a7ef5cceb37f2ef792eb693c1b79141119de6f8/pdf>

<sup>1357</sup> <https://www.rijksoverheid.nl/actueel/nieuws/2024/02/09/rijksoverheid-blijft-werken-aan-aanpak-racisme-op-de-werkvloer>

politicians and officials who do not hide their racist beliefs. Incidents of this ideology being implemented in practice were also registered (for example, the launch of websites for reporting complaints about workers from Romania, Poland, Bulgaria and asylum seekers<sup>1358</sup>).

A truly xenophobic statement by former minister of foreign affairs of the Netherlands Stef Blok that provoked a widespread reaction, that "[t]here are no peaceful multicultural societies" and it is "genetically determined... that we cannot connect with people unknown to us", is a good example of such practice.<sup>1359</sup>

Having itemized the deficiencies of the Dutch legislation in the area of combatting racist and xenophobic statements, ECRI initiated a procedure in 2021 to consider violations committed by the Netherlands (along with Belgium, Bulgaria, Finland, Germany, Greece, Hungary, Lithuania, Luxembourg, Poland and Sweden) from the viewpoint of incomplete or incorrect inclusion of the provisions of the Framework decision of the Council on combatting Racism and Xenophobia<sup>1360</sup> into its national legislation. In particular, it was noted that the said States incorrectly interpreted the criminal liability for the certain forms of hate speech inciting violence or hostility as far as public silence, denial or blunt underestimation of international crimes and the Holocaust do not fall under the definition of national laws.<sup>1361</sup>

ECRI called on the Netherlands, among other things, to toughen the norms of civil, administrative and criminal legislation and ensure full independence of the competent authorities in this area.

In 2021, it was confirmed that the ECRI recommendations were not implemented by the Kingdom.<sup>1362</sup>

The Committee for Economic, Social and Cultural Rights also sensitized the efficiency issues in the Dutch policy in the area of combatting discrimination.

<sup>1358</sup> Report of the European Commission against Racism and Intolerance Report on the Netherlands (fifth monitoring cycle). Adopted 2 April 2019. Published 4 June 2019 <https://rm.coe.int/fifth-report-on-the-netherlands/168094c577>  
<sup>1359</sup> <https://nltimes.nl/2018/07/18/peaceful-multicultural-societies-dont-exist-dutch-fm-says>

<sup>1360</sup> The document defines the general approach to hatred-based racist and xenophobic statements applied under the criminal law.

<sup>1361</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>1362</sup> <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a59aee>



The EU Agency for Fundamental Rights 2023 report, citing a nationally representative survey of residents aged 15 years and over, noted that 11 per cent of respondents reported to have experienced discrimination during the year preceding the survey, while 36 per cent cited their race or skin colour as reasons for discrimination. In 2021, more than a quarter of the surveyed Dutch people of Caribbean (27 per cent) and Surinamese (26.2% per cent) origin experienced discrimination also on the basis of race or skin colour.<sup>1363</sup>

The results of various surveys testify that the number of antisemitic incidents in the Netherlands remains approximately on the same level in general.

The FRA report on manifestations of antisemitism in 2012-2022 indicated that the Dutch police registered 549 Antisemitic incidents in 2022, including 412 antisemitic statements, 54 cases of threats and 28 episodes of violence. Many of these incidents involved employees performing public duties who were called "Jews," often coupled with obscenities and insults. Moreover, it is noted that in 2022, the Dutch prosecutor's office registered 144 discriminatory manifestations that resulted in punishment, while 61 of them had antisemitic motives (39 per cent). In 2021, slightly more such acts were recorded – 157 specific discriminatory offenses, of which 58 were related to antisemitism (31 per cent).<sup>1364</sup>

In accordance with the data provided in the annual report of the Centre on Information and Documentation on Israel (Centrum Informatie en Documentatie Israel, CIDI) in 2022, there were 155 antisemitic incidents<sup>1365</sup> recorded in the Netherlands (compared to 183 in 2021 and 135 in 2020). The authors believe that the year-on-year proportional rises and drops depend usually on the military operations of Israel. Besides, there are numerous cases of antisemitism in the Internet. The Dutch police and Prosecutor's Office inform that claims of

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<sup>1363</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1 .pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1364</sup> The EU Agency for Fundamental Rights. Antisemitism. Overview of antisemitic incidents recorded in the EU in 2012-2022.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

<sup>1365</sup> <https://www.cidi.nl/antisemitisme/antisemitisme-monitors/>



antisemitism<sup>1366</sup> amounted to over 30 per cent of discrimination-related applications registered and considered in 2021.

According to the report of the HRC Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, E. Tendayi Achiume, published in July 2020, in the Netherlands, despite the "good laws", there are many difficulties with their practical application. There is a danger of racist ideas being propagated in the Dutch society due to the nationalist populist rhetoric being on the growth recently in the country; there are obvious problems related to combating terrorism (because of the procedure of citizenship deprivation). The government is encouraged to "[r]emediate socioeconomic gaps between racial and ethnic minorities and ethnic Netherlands" as well as upgrade educational system.<sup>1367</sup>

In her statement at the end of the visit to the country in early October 2019, E. Tendayi Achiume emphasized the highly polarized political sphere of life of the Netherlands' society. The expert also noted that, in the public mind, there is a popular stereotype of perceiving a true citizen of the Netherlands as a person of European origin, while people from African or Asian regions, even if they hold Dutch citizenship and are not the first-generation citizens of the country, are still considered as an alien element.<sup>1368</sup> According to the Special Rapporteur, this is expressed in the fact that race, ethnicity, national origin, religion and other factors determine who is treated fully as a citizen in this state.

The racial profiling practices by law enforcement officers continue to be registered in the country. Representatives of ethnic minorities are mostly exposed to document examinations and detentions. Experts say that poor control over activities carried out by law enforcement authorities facilitates such abuses. Along with that, the police used the practice of preventive detentions considerably more often in

<sup>1366</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2022/06/10/tk-bijlage-cijfers-in-beeld-2021>

<sup>1367</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the visit to the Netherlands. July 2020.

<https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=en>

<sup>1368</sup> End of Mission Statement of Special Rapporteur on Contemporary Forms of Racism E. Tendayi Achiume at the Conclusion of Her Mission to the Netherlands. 7 October 2019:

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25100&LangID=E>

respect of the representatives of ethnic communities, in 40 percent of cases their actions did not have objective and reasonable grounds.

The Human Rights Committee<sup>1369</sup> and the UN HRC Special Rapporteur on contemporary forms of racism pointed out racial profiling in respect of ethnic minorities practiced by the Dutch policemen.

In October 2019, twenty Dutch civil society organizations representing the interests of ethnic minorities submitted complaints against the police. In particular, they indicated ethnic profiling and unwillingness of law-enforcement leadership to act on complaints on the identified violations.

Following the visit to the Netherlands from 27 March to 5 April 2019, the Special Rapporteur on freedom of religion or belief Ahmed Shaheed also pointed at the ideas of a "superior" Dutch national identity and stigmatization of certain communities that continue to spread in the public discourse. He noted that the "Dutch values" are increasingly being referenced in public policy debates and are used to implicitly define the norms of behaviour. In this context, Islam and the "Dutch" or the "Western European way of life" are commonly characterized as being incompatible. Calls from political parties, for example, for Muslims to recognize and assimilate into the dominant Dutch or European culture are not uncommon. He believes that this may lead to further polarization of confessional communities. The Special Rapporteur was also concerned about the attempts to regulate religious practices of these communities by law. The draft legislation which attempts to limit funding from "unfree countries" used to "buy undesirable influence" and "abuse Dutch liberties"<sup>1370</sup> was also mentioned among other things.

The issue of neo-Nazism and antisemitism manifestations in the Netherlands has not been resolved so far, including due to the insufficient legislative ban on such illegitimate actions.

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<sup>1369</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of the Netherlands. July 2019: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NLD/CO/5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NLD/CO/5&Lang=ru)

<sup>1370</sup> Report of Special Rapporteur on freedom of religion or belief Ahmed Shaheed on his visit to the Netherlands on 27 March – 5 April 2019. A/HRC/43/48/Add.1. <https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/43/48/Add.1&Lang=ru>

Taking into account the importance of this topic, the Kingdom has taken recently some additional measures. In such a way, starting from 1 April 2021, the national coordinator on antisemitism started working, and the position of the national coordinator on the discrimination and racism was created. In the work programme of the national coordinator for 2022-2025, a special attention is envisaged to be given to capacity building in fighting the denial of Holocaust as well as to awareness raising and international cooperation. At the legislative level, this issue is regulated, first, by the general provisions of the Dutch Criminal Code (CC). Article 137 of the CC criminalizes any public offence – written, oral or image-like – of the group of persons based on race, religion, sexual orientation, physical or psychological deficiencies, and its Article 137(d) provides for the responsibility for "incitement to the hatred or discrimination" on a broad range of grounds.

In July 2023, the Cabinet of Ministers announced the establishment of criminal penalties of up to one year in prison for public denial of the Holocaust.<sup>1371</sup>

In the context of the recent revelation of new facts of collaboration between the Dutch authorities and the Nazi during the Second World War (including assistance of some municipal authorities in identifying undesirable persons and transportation of the Jews, Roma and representatives of other "inferior races" to the Nazi concentration camps via the Dutch railway company ("Nederlandse Spoorwegen") the scepticism of the representatives of the Jewish community as regards the readiness of the Dutch authorities to fight against antisemitism as well as to take actions to pay compensation to the victims of the Holocaust and their families, identified by the UN Special Rapporteur on freedom of religion, attracts attention. The Special Rapporteur also noted that many of the respondents underscored the inability of the Dutch police to identify antisemitic insults and, sometimes, to accurately define antisemitic incidents.

Recently, an increasing number of the denials of Holocaust have been noticed in an online environment. There were also cases of antisemitic slogans used by fans during sporting events.<sup>1372</sup>

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<sup>1371</sup> [www.rijksoverheid.nl/actueel/nieuws/2023/07/14/kabinet-verbiedt-ontkenning-holocaust](http://www.rijksoverheid.nl/actueel/nieuws/2023/07/14/kabinet-verbiedt-ontkenning-holocaust)

Anti-Muslim sentiments are quite widespread in the Netherlands. This was also in focus of the UN HRC Special Rapporteur on contemporary forms of racism, E. Tendayi Achiume who highlighted the increased Islamophobia in the Netherlands and pointed with concern at quite tolerant attitude of the society, including human rights defenders, towards Islamophobic sentiments.<sup>1373</sup>

At the background of the beginning of the special military operation by Russia and on the tip of local mass media and strict anti-Russian speeches of the government, Russophobe and discriminatory sentiments towards Russian citizens started to manifest themselves in the Netherlands (anti-Russian statements and publications, threats of physical harm, including towards children); cases of physical aggression took place. Employees of the Russian Embassy in the Netherlands regularly receive letters containing threats aimed at their family members.

The Coordination Council of Russian Compatriots in the Netherlands records numerous cases of anti-Russian statements and publications on its website. Social networks distribute information that contain the "lists of addresses where Russians live in the Netherlands" and is usually complemented by threats. The representatives of the Ukrainian diaspora are noticed to participate in such activities.

Besides, the law enforcement authorities, Dutch government and mass media prefer to conceal the manifestations of the Nazi ideology in Ukraine. Thus, for example, in the Nieuwsuur programme of the TV channel of the NOS Dutch broadcaster on 23 March 2022, a journalistic story was shown about the Azov battalion, in which the authors of the report, although they admitted that this structure propagated openly the Nazi ideology and used Nazi symbols, justified the radicals by saying that Ukraine supposedly had no other choice.

Major problems faced by the representatives of the Roma community: poverty, unemployment and social isolation – remain outstanding. The proportion of the educated Roma is low in the Netherlands. Roma children have poor knowledge

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<sup>1372</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the visit to the Netherlands. July 2020

<https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=ru>

<sup>1373</sup> Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance on the visit to the Netherlands. July 2020

<https://spinternet.ohchr.org/Download.aspx?SymbolNo=A/HRC/44/57/Add.2&Lang=ru>

of the Dutch language, they almost never attend pre-school institutions, and in secondary schools, they constitute, along with migrants, the main part of the students attending specialized schools. Moreover, in primary and secondary education absenteeism and drop-outs are quite frequent among representatives of these groups.<sup>1374</sup>

The efforts by the Dutch public authorities to collect and process personal information on their citizens raise a lot of issues with regard to the protection of the right to privacy. This is all despite the fact that there are special mechanisms of monitoring the respect of rights in this area that function in the country, such as the Dutch Data Protection Authority established in conformity with the EU standards and the Review Committee on the Intelligence and Security Services. The latter, in particular, confirmed the fact that the Dutch intelligence and security services transferred large amounts of information containing personal data to their foreign partners. According to the report of the Security Intelligence Oversight Committee published on 6 February 2024, the intelligence agencies illegally conducted investigations against entire groups of the population.<sup>1375</sup>

The UN Human Rights Committee expressed concern over the law on Intelligence and Security Services of 2017, which gives the employees of such services sweeping powers to conduct surveillance and wiretapping, including the collection of data sets. The law does not provide a clear definition of the specific circumstances of the collection of data sets or clear grounds for extending the retention period of the collected information and adequate guarantees against theft of data sets.<sup>1376</sup>

The EU Fundamental Rights Agency comments that due to the amendments the Intelligence and Security Services Act 2002 expanded intelligence capabilities in terms of surveillance. In particular, the powers of intelligence and security services

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<sup>1374</sup> Third Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on the Netherlands. Adopted on 6 March 2019. <https://rm.coe.int/3rd-op-netherlands-en/168096953e>

<sup>1375</sup> <https://www.ctivd.nl/documenten/rapporten/2024/02/06/index>

<sup>1376</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of the Netherlands. July 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NLD/CO/5&Lang=R](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NLD/CO/5&Lang=R)  
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to carry out total surveillance and wiretapping as well as intercept communications of unspecified categories of persons if they are "related to the relevant case" (i.e. a rather vague criterion) were legalized. This identifies a direct threat to the right to privacy, freedom of expression and principle of non-discrimination. At the same time, there are no adequate safeguards against abuse, and the provisions on human rights guarantees in the context of use, storage and destruction of private communications data are insufficient.

The UN Human Rights Committee expressed its concern with regard to the mentioned legislative norms.<sup>1377</sup> Quite a number of corresponding criticisms are found in various documents of the NGOs.

According to the statistic published by the government there are about 22,000- 26,000 cases of wiretapping fixed annually in the Netherlands to ensure national security and combat crimes and the IP-wiretapping via Internet is also increasing. Human rights advocates express concern over these figures overcoming the corresponding data in other European countries and over the fact that wiretapping can be carried out in violation of the rights of citizens. In 2012, the European Court for Human Rights stated the violation by the Dutch intelligence of the journalists' rights through wiretapping.<sup>1378</sup>

The fact of surveillance by the National Coordinator for Counterterrorism and Security (NCTV) over journalists, collection of their contacts and other personal information, got the attention of the public. The NGO Reporters Sans Frontieres indicates that the mass data collection by the Dutch security services has repeatedly breached journalists' confidentiality, while keeping their sources of information under the threat of revelation. Moreover, local populist politicians have repeatedly attempted to discredit a number of reliable media outlets, including the NOS state broadcasting company, in order to depict them as sources of fake news.

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<sup>1377</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of the Netherlands. July 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR/C/NLD/CO/5&Lang=R](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CCPR/C/NLD/CO/5&Lang=R)

<sup>1378</sup> Telegraaf Media Nederland Landelijke Media B.V. and Others v. the Netherlands, complaint No. 39315/06

At the end of 2020, the investigation conducted by the "NRC Handelsblad" revealed the illegal personal data mining by the Land Information Manoeuvre Centre (LIMC), Defence Ministry of the Netherlands. In focus of the Centre were the citizens that were sceptical about the governmental measures to curb the coronavirus infection as well as representatives of the Dutch "yellow jackets". Later, in May 2021, former Defence Minister Anna Bijleveld excused for what her subordinates had been doing.

In addition, the intelligence services expressed a particular interest to De Andere Krant (one of the largest newspapers in the country) which is known for its harsh criticism of investigation into MH17 crash which is far from being impartial.

In April 2021, another investigation conducted by the "NRC Handelsblad" revealed that the Office of the National Coordinator for Counterterrorism and Security (NCCS) had been illegally mining data about citizens for years. The ready-made dossiers were shared with the Ministry of Justice and Security, national police, General Intelligence and Security Service (AIVD) as well as foreign intelligence services. The publication of the scandalous materials was followed by threats directed against the authors of the investigation on behalf of one of the former NCCS officials.

At the same time, there are examples where community activists have made successful efforts to recognize such practice illegal. For example, in early 2020, the court delivered a decision to prohibit the use of the SyRI (System Risk Indication) software used by the Dutch government to control social security systems and detect potential fraudulent schemes. The lawsuit was filed by the Dutch Lawyers Committee on Human Rights (NJCM) NGO. The court found that this programme violated the right to privacy.<sup>1379</sup>

As it goes from the report of the Foreign Ministry of the Republic of Belarus for 2022 on the most resonant cases of human rights violations in certain countries

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<sup>1379</sup> <https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Den-Haag/Nieuws/Paginas/SyRI-legislation-in-breach-of-European-Convention-on-Human-Rights.aspx>

of the world, there is a "national consultative office" opening in the Netherlands for the universities and scientists to turn thereto regarding the issues of "academic freedom and spying". Officially, the office will provide "consultations on the issues of international cooperation" but "focus on the cooperation partners from non-free countries". It is obvious that at issue is the official introduction in the Netherlands of the censorship for all higher education institutions, their heads, scientific councils and professors in the area of international cooperation with the partners from the countries considered as "non-free" by the employees of this "agency". In 2023-2024, the national list of research areas and high risk programmes for cooperation should be established within which it will be required to submit reports to the office and check partners.

The human rights agencies are concerned about the criteria for the use of force during law-enforcement events. Human rights advocates consider these norms being not compliant with the international standards of necessity and proportionality and the requirements on when firearms may be used.<sup>1380</sup>

The practice shows that the police use rather harsh measures against rioters. For example, at the end of January 2021, mass demonstrations against coronavirus-related restrictive measures started in the Netherlands. At first, these demonstrations were peaceful; their participants respected public order and received support from individual opposition politicians. Experts even recognized these demonstrations as the largest mass protests in the Netherlands in the last 40 years.

However, following the tightening of measures, including the imposition of curfews, the protests took an aggressive turn and led to clashes with police officers. The protestors were confronted with batons, water cannons and tear gas. Law enforcement officers began mass arrests and then tracked down and pursued the instigators individually. According to Reuters, about 500 persons were detained.<sup>1381</sup>

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<sup>1380</sup> Concluding observations of the Human Rights Committee on the fifth periodic report of the Netherlands. July 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NLD/CO/5&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/NLD/CO/5&Lang=Ru)

<sup>1381</sup> <https://www.vox.com/2021/1/26/22250380/violent-anti-lockdown-protests-netherlands>[https://lenta.ru/articles/2021/01/28/netherlands\\_protests/](https://lenta.ru/articles/2021/01/28/netherlands_protests/), <https://www.dw.com/ru/v-amsterdame-zhestko-razognali-antipravitelstvennyj-protest/a-56255688>



Another wave of protests took place in the Netherlands in mid-March 2021 on the eve of parliamentary elections and also led to clashes. Police used batons and water cannons to disperse the crowd. About 20 protesters were detained in The Hague. Several persons sustained injuries from police dog after they refused to obey the demands of law enforcement officers. Also, Dutch police reported that during these arrests officers fired warning shots after protesters kicked a police dog and threatened its handler.<sup>1382</sup>

A similar situation took place in November 2021.<sup>1383</sup>

According to the 2022 report of the Ministry of Foreign Affairs of the Republic of Belarus entitled "The Most Resonant Human Rights Violations in Certain Countries", harsh actions of law enforcement officers during the crackdown on peaceful protests drew criticism on the Netherlands on behalf of the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, who strongly condemned the cruelty of the police. On 3 January 2022, the Special Rapporteur shared two posts on social media containing videos of police violence during the protests against anti- COVID-19 measures in the country. He described one of the incidents captured on video as "one of the most disgusting scenes of police brutality I have seen since George Floyd."<sup>1384</sup>

The Council of Europe Commissioner for Human Rights expressed concern about legislative issues related to counter-terrorism in the Netherlands. NGOs also voiced many critical observations in this regard.

Thus, according to Amnesty International, the Government is increasingly using administrative measures in its counter-terrorism policy that do not provide sufficient guarantees of judicial review or appeal. Many concerns have also been expressed about the laws establishing temporary administrative (counter-terrorism) measures and amending the Nationality Act to deprive a person of Netherlands nationality in the interest of national security. These provide for the possibility of

<sup>1382</sup> <https://www.dw.com/en/dutch-police-clear-anti-lockdown-protest-on-eve-of-election/a-56871608>

<sup>1383</sup> <https://www.bbc.com/news/world-europe-59363256>

<sup>1384</sup> George Floyd was an African-American man who died on 25 May 2020 during an attempted arrest by police in Minneapolis, USA. His death sparked mass protests across the United States.

applying administrative control measures to any person who is recognized as posing a potential threat to national security and depriving him or her of Netherlands nationality. Further, there are concerns that these laws are contrary to due process standards and restrict personal freedoms based on mere presumption rather than established fact that a crime has been committed. A total of 20 people have been deprived of citizenship since the enactment of the law (as of May 2023). It is worth noting that such decisions are often challenged in court.

The HRC Special Rapporteur on contemporary forms of racism noted that legal procedures relating to the revocation of Netherlands citizenship disproportionately affected persons of Moroccan and Turkish origin, thereby reinforcing stereotypes associating terrorism with particular ethnic groups.

A significant challenge for the Netherlands, as for several other European States, is still the return of Dutch nationals who have joined the terrorist organization, the Islamic State, in Iraq and Syria. According to the Dutch General Intelligence and Security Service (AIVD), about 100 adult subjects of the Kingdom were detained in the region as of 31 August 2023 (a third of them in Syrian-Kurdish camps or detention centres in North-Eastern Syria).<sup>1385</sup> About 25 Dutchmen are known to be in jihadist groups. About 150 minors of Dutch origin live in the region (70 of them are in the ranks of jihadist groups in Northwest Syria). The government had previously insisted that the minors could not be returned in accordance with decisions by The Hague Court, which in 2019 overturned a lower court's decision to return 23 women and 56 children from Syria and ruled that the government had no obligation to these individuals. According to the verdict, the final decision rested with the Cabinet, and was a matter of political expediency rather than law. In June 2020, the Dutch Supreme Court upheld the decision. In November 2022, the media reported on the return by the Dutch Ministry of Justice and Security and the Dutch Ministry of Defense of 12 women suspected of terrorist activities and 28 children from northern Syria as part of their third special operation.<sup>1386</sup> Earlier, in May 2022,

<sup>1385</sup> <https://www.aivd.nl/onderwerpen/terrorisme/uitreizigers-en-terugkeerders>

<sup>1386</sup> [www.parool.nl/nederland/kabinet-haalt-derde-groep-op-uit-syrie-12-is-vrouwen-en-28-kinderen~b60ea0a3/](http://www.parool.nl/nederland/kabinet-haalt-derde-groep-op-uit-syrie-12-is-vrouwen-en-28-kinderen~b60ea0a3/)

a court in Rotterdam ruled that all suspects must be returned to their homeland, otherwise proceedings against them would be discontinued. On 13 April 2023, the Rotterdam District Court sentenced four women associated with ISIL to prison terms ranging from 30 to 36 months with a probation period of 12 to 15 months.<sup>1387</sup>

In December 2020, a scandal broke out in the country over the tax officials that had wrongly accused at least 26,000 Dutch families of abusing the child benefit system after the Dutch parliament presented an inquiry into the matter, with the report issued under the title "Unprecedented Injustice". It was revealed that the wrongly accused parents had to repay state nursery and kindergarten allowances for the period 2013-2019. In some cases, the payments amounted to several tens of thousands of euros. At the same time, parents were unable to appeal against these unfair decisions. Some parents were pushed close to bankruptcy, and several couples broke up. The scandal pushed the Dutch government, led by Prime Minister Mark Rutte, to resign in mid-January 2021.<sup>1388</sup> Several parents have filed lawsuits against members of the Dutch government, including the Minister of Finance and the Minister of Economic Affairs. The government has announced the allocation of 30,000 euros in compensation for each affected family<sup>1389</sup>, although in many cases the losses caused by the actions of tax officials have been much higher. The scandal also sparked further criticism of Dutch authorities over racial profiling practices, as most of the families wrongly accused of fraud were from migrant backgrounds. The government was also blamed for seeking to shield from blame the officials involved in the case.

The Netherlands has a broad range of issues with regard to the protection of children's rights.

The Dutch guardianship authorities expressed serious criticisms. The Ombudsman for Children has regularly drawn attention to a number of serious shortcomings: for instance, the Dutch Guardianship Service often lacks depth and

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<sup>1387</sup> <https://nos.nl/nieuwsuur/artikel/2288206-haal-alsjeblieft-de-is-kinderen-terug.html> and <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5285571/syrie-kinderbescherming>

<sup>1388</sup> <https://www.theguardian.com/world/2021/jan/14/dutch-government-faces-collapse-over-child-benefits-scandal>

<sup>1389</sup> <https://www.dw.com/ru/pravitelstvo-niderlandov-uhodit-v-otstavku/a-56240672>

comprehensiveness in its assessment of a child's situation, interprets the subjective testimonies of individual observers in a lopsided manner, and intermingles facts and unverified statements in its reports, which may lead to serious errors, up to unfounded decisions to remove a child from his or her family.

The country has problems in establishing the status of children born to stateless persons. Thus, in December 2020, the UN Human Rights Committee found that the Netherlands had violated a child's rights by registering an "unknown nationality" in his civil records as this left him unable, under Dutch law, to be registered as a stateless and therefore be given international protection as a stateless child.<sup>1390</sup> Overall, there are continuing difficulties in granting Dutch nationality to the children of stateless persons.<sup>1391</sup>

The UN Committee on the Rights of the Child in early 2022 drew attention to continuing challenges in the protection of children's rights, including in the Caribbean part of the Kingdom.<sup>1392</sup> The monitoring system for child euthanasia (the legislation allows euthanasia of children between 12 and 18 years of age), protection of children from corporal punishment, etc. is also questionable.

Experts expressed concern about the increasing incidence of child abuse, especially abandonment and domestic violence, as well as sexual abuse of children in residential and foster care settings.<sup>1393</sup>

Cases of pedophilia and the spread of child pornography in the country constitute a serious problem. Distrust of Dutch society in the authorities' efforts to eradicate this phenomenon has led to a significant increase in the public movement of anti-pedophilia activists: participants track suspicious activity on dating sites, creating fake accounts of teenagers. The participants in the movement compel those who attempt to meet with minors in private to surrender to law enforcement

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<sup>1390</sup> <https://www.ohchr.org/en/press-releases/2020/12/netherlands-violated-childs-right-acquire-nationality-un-committee-finds>

<sup>1391</sup> <https://www.ohchr.org/en/press-releases/2022/03/human-rights-committee-adopts-report-follow-views>

<sup>1392</sup> <https://www.kinderombudsman.nl/nieuws/vn-kinderrechtencomite-beoordeelt-kinderrechtensituatie-nederland>

<sup>1393</sup> Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of the Kingdom of the Netherlands, March 2022.

<https://documents.un.org/doc/undoc/gen/g22/280/48/pdf/g2228048.pdf?token=1k3KrIQwN7UN8j8yc8&fe=true>

authorities. Such meetings often end in beatings – about 250 such incidents are known.

The prevalence of pedophilic behaviour in the country is confirmed by statistics. For instance, the results of investigations conducted by specialized NGOs showed that in 2019, 89 per cent of all known websites containing child pornography and child abuse material were hosted in Europe, with the Netherlands hosting 71 per cent of such content.<sup>1394</sup>

Earlier, the National Rapporteur on trafficking in persons and sexual exploitation of children, Herman Bolhaar, criticized the Dutch authorities for their fragmented approach to combating these phenomena and pointed out that, among other things, no decisive action was taken to curb the circulation of such content on social media.<sup>1395</sup>

Children are being forcibly inculcated with neoliberal "values". The provisions of the new Civic Education Act oblige primary and secondary education establishments to teach children "respect for diversity, including religion, beliefs, ethnic origin, gender, disability and sexual orientation".<sup>1396</sup>

Intolerant statements against members of the LGBT community, as well as any statements that could be interpreted as anti-LGBT, are immediately addressed by authorities that formally declare their commitment to the right to freedom of expression. The situation involving Arie Slob, Minister for Primary and Secondary Education and Media, who, during a thematic parliamentary debate in early June 2020, stood up for a conservative Protestant school that demanded parents of its students to sign a declaration against "homosexual lifestyle", is illustrative in this respect. In particular, he said that religious schools could impose such requirements on the families of students because such views were shared by all participants in the educational process. The Netherlands law guarantees equal protection to both

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<sup>1394</sup> [https://ec.europa.eu/home-affairs/news/20200428\\_increased-amount-child-sexual-abuse-material-detected-europe\\_en](https://ec.europa.eu/home-affairs/news/20200428_increased-amount-child-sexual-abuse-material-detected-europe_en)

<sup>1395</sup> <https://www.rtlnieuws.nl/nieuws/nederland/artikel/4928371/overheid-seksueel-misbruik-aanpak-herman-bolhaar-geweld>, <https://dutchreview.com/news/the-dutch-government-is-neglecting-victims-of-child-sex-abuse-on-social-media/>

<sup>1396</sup> European Union Agency for Fundamental Rights, Fundamental Rights Report – 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

conservative and religious segments of the population and LGBT persons. The politician has been widely and publicly harassed for voicing this opinion. Furthermore, at the encouragement of Dutch NGOs, the Dutch Public Prosecution Service has initiated an investigation into his statement.<sup>1397</sup>

The human rights situation in the Caribbean part of the Kingdom of the Netherlands remains of concern. Corruption scandals have broken on Saint Maarten and Curaçao, where several former ministers, acting parliamentarians and other public figures have been accused of corruption, illegal activities involving, inter alia, trafficking in persons, and other abuses.

In Aruba, Curaçao, Saint Maarten, human trafficking for sexual exploitation and forced labour continues to take place. The Committee on the Elimination of Discrimination against Women expressed particular concern that abortion was illegal on Saint Maarten and that the Penal Code criminalized the provision of abortion-related information or services.

The Office of the UN High Commissioner for Refugees stated that neither Curaçao nor Saint Maarten had legislation or other regulations governing asylum and that Aruba had not enacted legislation to implement the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol.<sup>1398</sup>

NGOs also note problematic aspects in the areas of reception and detention of migrants and refugees.<sup>1399</sup>

This was also documented in the 2022 report of the Ministry of Foreign Affairs of the Republic of Belarus entitled "The Most Resonant Human Rights Violations in Certain Countries", according to which human rights in Curaçao are being violated and refugees from Venezuela are being treated unacceptably with the direct involvement of the Government of the Netherlands. Human rights defenders have revealed at least eight cases of illegal deportation of underage children unaccompanied by their parents. Cases of torture have also been documented at the

<sup>1397</sup> <https://www.dutchnews.nl/news/2020/11/minister-backtracks-slightly-after-gay-lifestyle-declaration-row/>

<sup>1398</sup> <https://www.unhcr.org/en-us/unhcr-in-the-united-states-and-the-caribbean.html>,

<http://www.refworld.org/docid/58ec89flc.html>

<sup>1399</sup> <https://www.amnesty.nl/wat-we-doen/landen/mensenrechten-nederland/vluchtelingen-en-asielzoekers/curacao>

Koraal Specht detention centre. Following one of the prison uprisings, the Venezuelans were called one by one to the bathroom and beaten out of sight of the cameras.

In March 2021, it was reported that the Parliament of Saint Maarten filed a complaint against the Netherlands with the HRC Special Rapporteur on Racism, accusing The Hague of neocolonialism, racism and numerous human rights violations. The UN was also requested to address the situation concerning the violation of the constituent country's right to self-governance. According to Saint Maarten's leadership, the Netherlands is infringing on their autonomy amid the coronavirus pandemic and the devastating effects of the hurricane: a condition of the 30 million euros in financial aid is the establishment of a supervisory board that monitors the implementation of reforms on Saint Maarten. It is also noted that the European part of the Kingdom is allocated more funds for education and health care during the COVID-19 epidemic than for the same purposes in the Caribbean part. According to a statement made by the Ministry of Interior and Kingdom Relations, such a move by Saint Maarten came as an unpleasant surprise.

On 1 July 2023 and 19 December 2022, King Willem-Alexander of the Netherlands and Dutch Prime Minister Mark Rutte apologized on behalf of the government to the former colonies, acknowledging the unflattering role of the colonial powers in the "ugly, painful and shameful" system of slavery. Saint Maarten Prime Minister Silveria E. Jacobs did not accept the apology. Protesters in Curaçao called for discussion of the content of the "penitence" and possible reparations. President of the Parliament in Suriname, Marinus Bee, said earlier that the Kingdom was responsible for the "genocide of the indigenous population and also for the exploitation of people of Asian descent" and should begin negotiations for an apology and reparations. In Curaçao, former Prime Minister Suzanne Camelia-Römer and Transport Minister Charles Cooper also stressed that the Netherlands still retained a colonial mentality to this day. Charles Cooper emphasized that his people were "not asking for, but demanding an apology," and that the struggle for freedom that began in 1795 "continues to this day."

Several Indonesian parliamentarians and public figures have also repeatedly called for monetary compensation from the former metropolis for the damage caused, including the return of cultural property removed by the Dutch from that South-East Asian country.

On 17 February 2022, the Royal Institute for the Linguistics, Geography and Ethnology, together with the Netherlands Institute of Military History and the Institute for War, Holocaust and Genocide Studies, presented the results of the research programme "Independence, Decolonization, Violence and War in Indonesia, 1945-1950." The study was commissioned by the government and conducted from 2017. The report provides evidence of the regular use of torture by the Dutch military in suppressing the guerrilla movement in Indonesia, detention of prisoners in inhumane conditions, extrajudicial killings, burning of houses and villages, mass arrests and disregard for civilian casualties. The kingdom did not burden itself with the rules of law, justice and ethics, and Dutch judges overlooked cases of rape and murder in Indonesia.

According to historians, the politicians in those years were influenced by the widespread "patriotic" sentiment among the Dutch population, fuelled by a sense of their superiority over the enslaved peoples, as well as the lack of any criticism from the public and the media. Whether such sentiments are a thing of the past is still an open question, not only for the Netherlands, but also for several other former European colonial powers.



## New Zealand

New Zealand did not make significant progress on a number of structural issues during the reporting period. Despite recommendations from the Office of the UN High Commissioner for Human Rights (OHCHR) (including those from the Russian Federation to the New Zealand's 2019 Universal Periodic Report No. 122.32), the country's constitution is still not definitively codified (consists of a number of laws, the Treaty of Waitangi,<sup>1400</sup> Executive Council Orders,<sup>1401</sup> and judicial acts and legal customs). At the same time, the New Zealand Human Rights Commission (a government oversight body) indicates that the Treaty of Waitangi lacks sufficient constitutional and legislative protection.<sup>1402</sup> Its legal status is not fully defined, and it becomes legally binding on the government only if it is included in a legal act, which is quite rare. In turn, the decisions of the Waitangi Tribunal are advisory only.

There has been no meaningful progress in improving the performance of the basic rights of the population. The State continues to fail to fully meet its obligations in areas such as ensuring the rights to education, food, work, health and medical care.<sup>1403</sup> At the same time, a study commissioned by the New Zealand Human Rights Commission found that guarantees of these rights were not enshrined in legislation or national plans and policies, and the Government was not utilizing the maximum resources available to it to remedy the situation. In addition, this paper confirms the persistence of serious structural direct and indirect discrimination against certain social groups.<sup>1404</sup>

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<sup>1400</sup> The Treaty of Waitangi, Te Tiriti o Waitangi (Maori) is a treaty made in 1840 between British authorities and 539 Maori chiefs. Under this document, the Maori relinquish their sovereignty in favor of the British Crown, and in return they are guaranteed the inviolability of their lands. The Treaty of Waitangi was not ratified by Britain, but is one of the defining documents of the country's social structure. It defines the principles of coexistence between Māori and the modern New Zealand state. Since 1975, the spirit of the treaty as a constitutional instrument has been monitored by a specially established Waitangi Tribunal, which makes recommendations on complaints brought by Māori for breach of the provisions of the instrument.

<sup>1401</sup> Advisory body to the Governor General of New Zealand.

<sup>1402</sup> Statement by the New Zealand Human Rights Commission. 13 February 2024.

[https://www.upr-info.org/sites/default/files/country-document/2024-02/NewZealandHumanRightsCommission\\_statement\\_Presession46.pdf](https://www.upr-info.org/sites/default/files/country-document/2024-02/NewZealandHumanRightsCommission_statement_Presession46.pdf)

<sup>1403</sup> New Zealand failing in all quality of life human rights. Stuff. 22 June 2023.

<https://www.stuff.co.nz/national/132369105/new-zealand-failing-in-all-quality-of-life-human-rights#>

<sup>1404</sup> Monitoring the enjoyment of the rights to adequate housing and health care and protection in Aotearoa New Zealand. Motu Economic and Public Policy Research Trust and the authors. 2021.

According to the 2018 census (census data from 2023 is due to be released in May 2024), indigenous people make up 16.5 per cent of the country's population. The UN Committee on the Elimination of Racial Discrimination (CERD) noted in August 2017 the lack of progress in implementing the recommendations of the Constitutional Advisory Council on the Treaty of Waitangi made back in 2013. In addition, the independent Maori initiative Matike Mai Aotearoa has put forward proposals for discussion on a number of constitutional models that have not even been considered by the New Zealand authorities.<sup>1405</sup> Meanwhile, the need to ensure meaningful participation of Maori in decision-making processes affecting their rights was emphasized in March 2018 by the UN Committee on Economic, Social and Cultural Rights (CESCR).<sup>1406</sup>

According to social surveys in 2021, about 93 per cent of autochthonous respondents have experienced some form of intolerance and social injustice because of their race.<sup>1407</sup>

For example, Maori people are far more likely than white New Zealanders to be targets of police interest. As of July 2023, 37 per cent of criminal and administrative prosecutions have been brought against Māori. Māori people, including women and youth, are disproportionately affected by imprisonment, reportedly making up about 50 per cent of the prison population. Given this, it is noted that access to legal aid, including interpretation and translation services, for Māori and Pacific peoples remains inadequate.<sup>1408</sup>

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[https://motu-www.motu.org.nz/wpapers/21\\_12.pdf](https://motu-www.motu.org.nz/wpapers/21_12.pdf)

<sup>1405</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st and 22nd periodic reports of New Zealand. August 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru)

<sup>1406</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of New Zealand. March 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru)

<sup>1407</sup> Most Maori experience racism every day – new research. RNZ News.

<https://www.rnz.co.nz/news/ldr/438895/most-maori-experience-racism-every-day-new-research>

<sup>1408</sup> Concluding observations of the Committee against Torture on the 7th periodic report of New Zealand. July 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNZL%2fCO%2f7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNZL%2fCO%2f7&Lang=en)

At the same time, it is noteworthy that the percentage of indigenous people in the judiciary and law enforcement is, by contrast, low: 10 per cent and 11 per cent, respectively. Overall, New Zealand has the highest incarceration rate in the OECD region. For example, there are about 170 prisoners per 100,000 population in New Zealand, compared to the regional average of 147.<sup>1409</sup>

This population traditionally has disproportionately high unemployment rates compared to other ethnic groups. According to official figures, the Māori unemployment rate for December 2023 has risen to 7.9 per cent, while the overall national unemployment rate is 4 per cent,<sup>1410</sup> and life expectancy for Māori, in contrast, is significantly lower, by an average of 7 years. This has been noted by, *inter alia*, the HRCtee,<sup>1411</sup> CERD,<sup>1412</sup> CESCR,<sup>1413</sup> CEDAW<sup>1414</sup> and the UN Committee on the Rights of Persons with Disabilities (CRPD).<sup>1415</sup> Experts attribute this situation to the fact that Maori people are more likely than others to experience difficulties in accessing basic health and social services. For example, according to a report by the New Zealand Human Rights Commission, 24,700 people were on the waiting list for social housing in June 2023, twice as many as in 2018. It is not surprising that the majority of homeless citizens are indigenous.

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<sup>1409</sup> The New Zealand Ministry of Justice website.

<https://www.justice.govt.nz/justice-sector-policy/key-initiatives/key-initiatives-archive/hapaitia-te-oranga-tangata>

<sup>1410</sup> Labour market statistics: December 2023 quarter. Stats NZ.

<https://www.stats.govt.nz/information-releases/labour-market-statistics-december-2023-quarter/>

<sup>1411</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of New Zealand. March 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru)

<sup>1412</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st and 22nd periodic reports of New Zealand. August 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru)

<sup>1413</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of New Zealand. March 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru)

<sup>1414</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of New Zealand. July 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNZL%2fCO%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNZL%2fCO%2f8&Lang=ru)

<sup>1415</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of New Zealand. September 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fNZL%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fNZL%2fCO%2f2-3&Lang=en)

Probably for the same reason, they have the highest number of persons with chronic diseases and disabilities. According to the CRPD's concluding observations from its review of New Zealand's combined 2nd and 3rd periodic reports, published in September 2022, while people with disabilities in general are twice as likely to be living in poverty as the rest of the population, Māori people with disabilities are already three times more likely to be living in poverty.<sup>1416</sup>

Statistically, members of this nation account for a disproportionately high rate of suicide and mental illness.<sup>1417</sup> Meanwhile, it is common practice in psychiatric hospitals to isolate patients in order to punish and discipline them. Māori are also most often subjected to it.<sup>1418</sup>

The UN Committee on the Rights of the Child (CRC) also noted the extremely high rate of suicide among indigenous children and young people (aged 10 to 24), noting that men and boys are the most affected. In continuation of this theme, CRC was concerned about the high level of violence, including domestic and sexual violence, faced by indigenous children. At the same time, this occurs against the background of limited access to psychological and physical rehabilitation services and sometimes lack of opportunity to report their problems.<sup>1419</sup>

Overall, the quality of life for Māori and Pacific Islander minors, according to experts, cannot be described as decent. In addition to the above-mentioned problems, they, like a number of other vulnerable children, are at greater risk of being bullied at school, suffering from mental health problems or becoming homeless.

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<sup>1416</sup> Ibid.

<sup>1417</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of New Zealand. March 2018.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru)

<sup>1418</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st and 22nd periodic reports of New Zealand. August 2017.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru)

<sup>1419</sup> Concluding observations of the Committee on the Rights of the Child on the 6th periodic report of New Zealand. February 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNZL%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fNZL%2fCO%2f6&Lang=en)

Māori continue to prevail in the public care system, where the CRC found that they are disproportionately more likely than children from other populations to suffer harm of any kind. For this reason, the New Zealand Government was again recommended in 2023 to take action to prevent the placement of minors in institutions, minimize the length of time they spend in institutions, provide appropriate support to Māori, and facilitate the return of these children to their family and community.<sup>1420</sup>

The Committee has also indicated that the justice system for children is not fully compliant with the Convention on the Rights of the Child. In particular, its experts recommended raising the minimum age of criminal responsibility to 14 years for all minors, regardless of the corpus delicti, and abandoning the practice of pre-trial detention of children. The unacceptably low age of criminal responsibility (10 years), the persistence of disproportionately high numbers of Māori children in juvenile justice institutions, and the excessively high number of Māori youth who die by suicide in institutions are also highlighted by the Committee against Torture.<sup>1421</sup>

UN human rights treaty bodies have expressed concern about the challenges faced by Maori in education. CERD noted, for example, that there is a low level of proficiency in their mother tongue, although the number of Māori language learners has been increasing in recent years.<sup>1422</sup> CESCR was also concerned about the limited number of Māori or Māori-speaking teachers, which further reduces access to Māori language education. The Committee also criticized the fact that, because of the persistent education gaps in the country, Māori and Indigenous Pacific pupils, notably at secondary school and university levels, achieve lower outcomes than

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<sup>1420</sup> Concluding observations of the Committee on the Rights of the Child on the 6th periodic report of New Zealand. February 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FNZL%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FNZL%2FCO%2F6&Lang=en)

<sup>1421</sup> Concluding observations of the Committee against Torture on the 7th periodic report of New Zealand. July 2023.

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<sup>1422</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st and 22nd periodic reports of New Zealand. August 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru)

those of European background and experience higher rates of stigma and disciplinary measures at schools.<sup>1423</sup> According to a 2023 survey, one in five high school students have experienced race-based discrimination and racist comments about them.<sup>1424</sup>

The New Zealand Human Rights Commission is particularly concerned about the actions of the new government (in power since November 2023) in the area of indigenous rights, which has planned to repeal and review a number of laws and programs that protect Maori interests, including health care, language status, preferences, and legislation referring to the Treaty of Waitangi. The new government's policy towards indigenous people was also negatively perceived in New Zealand society, leading to a series of protests in December 2023.<sup>1425</sup>

In their concluding observations following the consideration of New Zealand's 7th periodic report, the CPT experts emphasize the unsatisfactory state of New Zealand's prisons. The problems of overcrowding, poor material conditions and lack of qualified staff persist in many places of deprivation of liberty.

Medical care, in particular psychiatric care, is inadequate in a number of prisons, and recreational and educational activities that contribute to the rehabilitation of prisoners remain limited.

There is evidence of arbitrary use of prolonged and indefinite solitary confinement, pepper spray, and excessive use of mechanical and chemical restraints.<sup>1426</sup>

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<sup>1423</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of New Zealand. March 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru)

<sup>1424</sup> 1 in 5 ethnic students experience racist bullying at school, report says. The New Zealand Herald. 14 March 2023.

<https://www.nzherald.co.nz/nz/1-in-5-ethnic-students-experience-racist-bullying-at-school-report-says/LXLMP4ZM25AXPDBH6U4M7MBTGQ/>

<sup>1425</sup> Thousands gather in New Zealand to protest government's Indigenous policies. Al Jazeera. 5 December 2023. <https://www.aljazeera.com/news/2023/12/5/thousands-gather-in-new-zealand-to-protest-governments-indigenous-policies>

<sup>1426</sup> Concluding observations of the Committee against Torture on the 7th periodic report of New Zealand. July 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FNZL%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FNZL%2FCO%2F7&Lang=en)

Violence among prisoners is widespread. Excessive use of force, lack of medical care and suicide are periodically cited as causes of death in custody. Furthermore, the Committee is concerned that there is still no effective, independent and confidential complaints mechanism for torture or ill-treatment in all places of deprivation of liberty. However, there was no mandatory minimum penalty for acts of torture, which gave the judge a very wide margin of discretion, as the penalty could range from 14 years' imprisonment to non-custodial measures that would not be commensurate with the gravity of the crime.

The incarceration rate of prisoners with disabilities, in particular intellectual or psychosocial disabilities, remains high. However, correctional facilities do not have the appropriate capacity, resources, and infrastructure to treat mental health disorders.<sup>1427</sup>

Following a high-profile terrorist attack on two mosques in Christchurch in 2019, New Zealand police have begun collecting data on racially motivated hate crimes. According to the statistics, from January 2022 to April 2023, of the 7,000 incidents recorded, 1,400 were targeted at South Asians (mostly Indian), 805 at other Asians, 568 at people of colour, and 448 at indigenous Maori.<sup>1428</sup>

The Human Rights Act and the Harmful Digital Communications Act currently provide the regulatory framework for countering hate speech in New Zealand. These acts criminalize public insulting statements and threats against a group of people on the basis of colour, racial, ethnic or national origin, when such statements or threats are intended to incite enmity or hostility, express contempt or be used as a taunt against a specified population. It is also punishable to refuse to remove from social media posts aimed at harassment or containing derogatory personal information about someone. The penalty for this act is a fine of up to NZ\$7,000 or imprisonment for up to three months. Moreover, the Human Rights

<sup>1427</sup> Concluding observations of the Committee against Torture on the 7th periodic report of New Zealand. July 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FNZL%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FNZL%2FCO%2F7&Lang=en)

<sup>1428</sup> Exclusive: Racism, homophobia fuelling thousands of crimes in New Zealand each year, figures show. The Guardian. 7 June 2023.

<https://www.theguardian.com/world/2023/jun/08/exclusive-racism-homophobia-fuelling-thousands-of-crimes-in-new-zealand-each-year-figures-show>

Act contains a civil liability provision for a virtually identical offense that lacks the element of intentional incitement to hatred. In this case, in order to protect their rights, the aggrieved person has the right to file a complaint with the Commission on Human Rights.

In 2020, in order to promote tolerance in New Zealand society, the Commission of Inquiry into the Christchurch terrorist attack recommended that the government increase the penalties for hate speech and make it a criminal offense. However, an attempt by the then Labour cabinet to pass a bill to that effect failed: the "final version" of the document, put forward for parliamentary approval in November 2022, was withdrawn in February 2023 "for revision" amid strong public opposition to the initiative, which was perceived as an attempt to introduce censorship.

With regard to the current regulation penalizing the use of hate speech, the Royal Commission considered that the existing language lacked certainty: the concepts of "dislike", "contempt" and "ridicule" are too vague and should be replaced by the unambiguous word "hatred".

The report also engaged extensively with the Muslim community during its investigation, whose representatives spoke openly about racism and discrimination in New Zealand and the fact that they were often mistaken for terrorists and treated accordingly. They also reported fear of being subjected to a hate crime, being the victim of a terrorist attack, or being the target of hate speech. In this regard, the representatives of the Royal Commission emphasized the lack of social cohesion in the country and the need to develop it, in particular by stimulating public debate on the subject.<sup>1429</sup>

CERD has also noted with concern the many complaints of discrimination on the basis of race, including more than 400 complaints concerning discrimination in

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<sup>1429</sup> Report of the Royal Commission of Inquiry into the terrorist attacks on Christchurch mosques on 15 March 2019. November 2020. <https://christchurchattack.royalcommission.nz/the-report/>



hiring and in the workplace, trafficking and harassment sent to the Commission on Human Rights in recent years.<sup>1430</sup>

The CRPD has criticized the fact that the Immigration Act 2009 prohibits complaints to the New Zealand Human Rights Commission relating to immigration decisions.<sup>1431</sup>

The HRCtee also referred to the practice of racial profiling against not only Maori but also people of African descent, which is common among New Zealand law enforcement agencies.<sup>1432</sup>

Members of the Chinese diaspora are also perceived as "perpetual migrants" by New Zealanders, despite their presence in the country for more than 150 years.<sup>1433</sup> The already intolerant attitudes in society have been exacerbated with the onset of the COVID-19 pandemic. Chinese and other people of Asian descent have been insulted and blamed for being allegedly responsible for the outbreak and spread of the infection. According to the New Zealand Human Rights Commission, of the more than 250 complaints related to the coronavirus, 34 per cent related to the topic of racial discrimination.

With a view to addressing discrimination, the New Zealand Government has Ministers for Ethnic Communities, Māori Development, Crown-Māori Relations and, outside the Government, Ministers for Pacific Peoples' Affairs and Whanau Ora Māori Social Policy. The Human Rights Commission continues to operate, and Race Relations Commissioner has been appointed. Moreover, the government is in constant contact with five major ethnic organizations, which it consults on its social policies: "Multicultural New Zealand", the Chinese Association, the Central Indian

<sup>1430</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 21st and 22nd periodic reports of New Zealand. August 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fNZL%2fCO%2f21-22&Lang=ru)

<sup>1431</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of New Zealand. September 2022.

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<sup>1432</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of New Zealand. March 2016.

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<sup>1433</sup> Meng Foon: Covid-19 coronavirus fear no excuse for racism. NZ Human Rights Commission. 11 May 2020. [https://covid19.hrc.co.nz/meng\\_foon\\_covid\\_19\\_coronavirus\\_fear\\_no\\_excuse\\_for\\_racism](https://covid19.hrc.co.nz/meng_foon_covid_19_coronavirus_fear_no_excuse_for_racism)

Association, the Federation of Islamic Associations and the Forum of African Communities.

After the start in February 2022 of the special military operation by the Russian Federation to demilitarize and denazify Ukraine and protect civilians in Donbass, there was a sharp upsurge of Russophobia on the territory of New Zealand.

In late March 2022, an unknown assailant attempted to set fire to the Russian Embassy in Wellington. Prior to this incident, the Russian foreign office had received threatening phone calls.

Moreover, there have been cases of harassment of Russian-speaking children in New Zealand schools.<sup>1434</sup> The Russian Cultural Center in Christchurch and its school were forced to cease their activities. In Oakland, two companies that were developing a network of Russian-language preschools have closed. Vandals also poured red paint on the facade of the temple of the Russian Orthodox Church there.

In 2023, there was no significant deterioration in the legal situation of Russian citizens (including in places of detention) and compatriots in New Zealand.

At the same time, the Embassy of the Russian Federation in New Zealand has received some signals of domestic Russophobia on the part of the local population. In addition to educational institutions, these xenophobic attitudes took place in private enterprises, whose management, influenced by pro-Ukrainian propaganda, proactively imposed their own restrictions, refusing to provide services to Russian citizens and cooperate with Russian contractors.

Russophobic rhetoric was also widespread on the New Zealand segment of the Internet, mainly on social media, where Russian compatriots were subjected to pressure and threats for their patriotic statements.

In 2023, the Russian Embassy and its staff continued to receive threatening messages, which were promptly reported to local law enforcement authorities.

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<sup>1434</sup> Ukraine Invasion: Russians in New Zealand facing hostility, abuse and bullying at school. Newshub. 14 March 2022.  
<https://www.newshub.co.nz/home/new-zealand/2022/03/ukraine-invasion-russians-in-new-zealand-facing-hostility-abuse-and-bullying-at-school.html>

Despite all the anti-Russian rhetoric, the prompt response of the authorities of this country to the harassment of Russian citizens is worth noting. For example, the New Zealand Government has organized monitoring of the civil rights of the Russian-speaking population, which is carried out by the Ministry of Ethnic Communities. This agency holds regular meetings with representatives of associations of compatriots to gather information on the situation of Russian-speaking citizens in the country.

The country continues to have a gender pay gap of 8.6 per cent in favour of men in 2023.<sup>1435</sup> One of the reasons, according to public organizations, is insufficiently transparent policy of employers in determining employee salaries, which complicates monitoring by government agencies and NGOs. Against this background, the government's decision in December 2023 to repeal the socially-led Fair Pay Act 2022 as a matter of urgency and without public consultation, which will primarily affect vulnerable groups such as women, youth, Maori, Pacific peoples and migrants, is notable.

New Zealand has the worst record in the OECD region for domestic violence.<sup>1436</sup> It affects 12 per cent of New Zealanders, predominantly women, each year. However, experts believe these figures are much higher, as at least 67 per cent of domestic violence cases go unreported.

CAT emphasizes the persistence of violence against women and girls, including domestic and sexual violence, which disproportionately affects Maori and ethnic minority women, as well as women with disabilities. In this regard, the absence of comprehensive legislation criminalizing all forms of such violence and cases of law enforcement inaction is noteworthy.<sup>1437</sup> Earlier concerns about the high

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<sup>1435</sup> Statement by the New Zealand Human Rights Commission. 13 February 2024.

[https://www.upr-info.org/sites/default/files/country-document/2024-02/NewZealandHumanRightsCommission\\_statement\\_Presession46.pdf](https://www.upr-info.org/sites/default/files/country-document/2024-02/NewZealandHumanRightsCommission_statement_Presession46.pdf)

<sup>1436</sup> New Zealand family violence and economic harm statistics. Good Shepherd New Zealand.

<https://goodshepherd.org.nz/economic-harm/new-zealand-family-violence-and-economic-harm-statistics/#:~:text=New%20Zealand%20is%20ranked%20as,family%20violence%20episodes%20remain%20unreported.>

<sup>1437</sup> Concluding observations of the Committee against Torture on the 7th periodic report of New Zealand. July 2023.

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rate of violence against women were expressed by the HRCttee in March 2016<sup>1438</sup>, CESCR in March 2018<sup>1439</sup> and CEDAW in July 2018.<sup>1440</sup>

The CRPD Concluding Observations state that the Government is having difficulty implementing a number of recommendations made by the Committee back in 2014. These include the need to increase opportunities for people with disabilities to live independently in residential areas, prohibit forced sterilization of women with disabilities and forced abortions, and repeal Section 8 of the 1955 Adoption Act, which allows children to be removed for adoption from parents with disabilities without their consent. The experts' attention was also drawn to the imperfection of legislative regulation, namely the absence of a provision in the 1993 Human Rights Act that explicitly recognizes the denial of reasonable accommodation as a form of discrimination. The Committee noted the high number of complaints received by the Commission on Human Rights relating to violations of human rights on the grounds of disability. However, the timeframes for their consideration both before the Commission and the Human Rights Court remain long.<sup>1441</sup>

Persons with disabilities are overrepresented in the social care and protection system, in prisons and special institutions for juvenile offenders. However, they cannot expect independent legal representation on a pro bono basis. The experts are seriously concerned about the use of solitary confinement, isolation, physical and chemical restraints and other restrictive measures against persons with disabilities,

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<sup>1438</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of New Zealand. March 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru)

<sup>1439</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of New Zealand. March 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNZL%2fCO%2f4&Lang=ru)

<sup>1440</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 8th periodic report of New Zealand. July 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNZL%2fCO%2f8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fNZL%2fCO%2f8&Lang=ru)

<sup>1441</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of New Zealand. September 2022.

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in particular persons with psychosocial and/or intellectual disabilities, in places of detention.<sup>1442</sup>

CRPD noted serious shortcomings with regard to data and statistics on the situation of persons with disabilities in all areas of life, including health, education, employment and justice, and the lack of disaggregated data, including on the situation of Māori persons with disabilities, Pacific indigenous persons with disabilities, children with disabilities and women and girls with disabilities.<sup>1443</sup>

There are also persistent problems in ensuring the rights of asylum seekers in the country. In 2021, it was indicated that detention facilities were used to house this category of individuals, where they were abused and consequently attempted suicide. Cases of mandatory detention of children and unaccompanied minors have been recorded.

In turn, CAT experts are concerned about a bill introduced by the government that would allow large groups of asylum seekers arriving in New Zealand by sea to be detained for up to 28 days without a warrant (compared to 4 days under current law) and 6 months with a warrant.<sup>1444</sup> Moreover, the bill would prevent asylum seekers from obtaining entry permits or temporary visas that are issued to other people coming to New Zealand.<sup>1445</sup>

The human rights community has drawn attention to the problems of overly broad law enforcement powers in New Zealand – the oversight and accountability system in the intelligence service remains fragmented and the oversight role of the judiciary in this particular area is limited.

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<sup>1442</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the combined 2nd and 3rd periodic reports of New Zealand. September 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fNZL%2fCO%2f2-3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fNZL%2fCO%2f2-3&Lang=en)

<sup>1443</sup> Ibid.

<sup>1444</sup> NZ mulls harsher law against refugee boat arrivals – despite no refugee boats ever having arrived. The Guardian. 29 March 2023.

<https://www.theguardian.com/world/2023/mar/29/nz-mulls-harsher-law-against-refugee-boat-arrivals-despite-no-refugee-boats-ever-having-arrived>

<sup>1445</sup> Concluding observations of the Committee against Torture on the 7th periodic report of New Zealand. July 2023.

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In the current regulatory system, the Government Communications Security Bureau has very broad authority. New Zealand also has a fairly limited existing judicial procedure for obtaining authorization to intercept communications, with no statutory requirement to obtain authorization to intercept communications of non-New Zealand citizens.<sup>1446</sup> In addition, CAT noted that the mandate of the Independent Police Conduct Authority precludes it from initiating a full investigation and prosecution of those responsible for violations.<sup>1447</sup>

The problem of "child poverty" is of particular concern to human rights defenders. Compared to the previous year, according to data released by Statistics New Zealand in February 2024, three of the nine child poverty indicators increased during the reporting period.<sup>1448</sup> One in six children (17.5 per cent) lived in households with less than half the median household disposable income after deducting housing costs – a 3 per cent increase on last year. One in eight children (12.5 per cent) lived in families experiencing financial difficulties, which is 2 per cent more than in the last reporting period.

There have been cases of medically unjustified surgeries and other medical treatments with lifelong consequences for children who, under the pressure of aggressive propaganda of non-traditional values, agree to medical intervention for the purpose of sex reassignment. In this regard, CAT recommends that the country adopt a series of legislative measures explicitly prohibiting non-urgent and non-mandatory medical or surgical treatment of children below the age of free and informed consent.<sup>1449</sup>

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<sup>1446</sup> Concluding observations of the Human Rights Committee on the 6th periodic report of New Zealand. March 2016.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fNZL%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fNZL%2fCO%2f6&Lang=ru)

<sup>1447</sup> Concluding observations of the Committee against Torture on the 6th periodic report of New Zealand. April 2015.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNZL%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNZL%2fCO%2f6&Lang=ru)

<sup>1448</sup> Child poverty statistics show increase in material hardship for the year ended June 2023. Stats NZ. 22 February 2024. [https://www.stats.govt.nz/news/child-poverty-statistics-show-increase-in-material-hardship-for-the-year-ended-june-2023/#:~:text=For%20the%20primary%20measures%20of,\(a\)%20of%20the%20Act](https://www.stats.govt.nz/news/child-poverty-statistics-show-increase-in-material-hardship-for-the-year-ended-june-2023/#:~:text=For%20the%20primary%20measures%20of,(a)%20of%20the%20Act)

<sup>1449</sup> Concluding observations of the Committee against Torture on the 7th periodic report of New Zealand. July 2023.

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## Norway

Norway has positioned itself as a country with a developed democratic tradition, proclaiming the protection of human rights as one of the main priorities of state policy.

The protection of human rights in Norway is provided for in the 1814 Constitution, which in a separate chapter enshrines the rights of protection of the individual, participation in free and secret elections, fair judicial protection, protection against discrimination, protection of personal data, as well as provisions for equal rights and free exercise of religion.

Additional guarantees of human rights protection in Norway are regulated by the 2017 Law on Equality and Anti-Discrimination, the 1999 Law on Strengthening Human Rights Positions in Norwegian legislation, and the 1967 Law on the Activities of Public Institution (defines mechanisms for handling complaints of Norwegian citizens about human rights violations in public institutions).

Norway has an extensive network of human rights institutions and a number of national ombudsmen for civil matters, children's rights, the military, equality and non-discrimination, patients' and social service users' rights, and the rights of the elderly<sup>1450</sup>.

Discrimination complaints filled out by citizens are processed by the Discrimination Commission. Since 2015, Stortinget (parliament) has affiliated Norwegian National Human Rights Institution (NIM) acting as an independent human rights organization.

Every year, NIM publishes an overview report on the human rights situation in Norway for the previous year. The last such document was submitted on 29 March 2023.

While in recent years the Norwegian authorities have assessed the human rights situation in the country as relatively trouble-free, the fact that human rights violations take place in Norway is recognized by relevant national and international

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<sup>1450</sup> Until 2018, there was also the Office of the Consumer Rights Ombudsman, which was transformed into the Consumer Oversight.

institutions.

Human rights activists are concerned about the actions of guardianship authorities to remove children; discrimination against migrants; an increase in hate speech; the impunity of law enforcement agencies and special services; the use of coercive methods in the psychiatric and social spheres; the prevalence of domestic and sexual violence, etc.

The NIM's 2021 report on the human rights situation in Norway notes interference with human rights and freedoms as a result of restrictive measures imposed in response to the coronavirus pandemic; human rights violations by guardianship authorities; excessive use of isolation and other coercive methods against arrestees and prisoners in Norwegian prisons; "pressure" on indigenous rights, and so on.

To contain the spiral of the coronavirus pandemic caused by the spread of the Omicron strain, official authorities have imposed additional anti-COVID restrictions, which have drawn the ire of human rights activists.

In March-April 2020, there was a temporary ban on overnight stays at villas located outside places of permanent residence. There was a fine of about \$1,600 or 10 days in jail for violators. According to Ola Mestad, Director of Research at the Norwegian Centre for Human Rights, such basic rights as the right to freedom of movement, the right to respect for private life, and the right to freely enjoy one's property have been restricted.

The most serious interference with human rights and freedoms, according to NIM's 2021 report, was the restriction on the number of guests (during certain periods of the Oslo pandemic, you could not invite more than two people to your home) and the requirement of isolation for those entering the country in a "quarantine" hotel.

NIM was seriously concerned that some decisions by central and local authorities were taken without proper assessment of their consequences. For example, the consequences of school closures in terms of protecting the rights of



children exposed to violence and regional restrictions on visits to social care institutions have not been fully assessed.

In April 2020, a unique phone app was released to track cases of coronavirus infection; however, download was optional. Experts do not rule out the possibility of leaks of personal data submitted by users. Furthermore, there were issues with its implementation in a number of professions involving the obligation of nondisclosure of information (lawyers) or the protection of "sources" (journalists).

According to the April 2020 report of the government expert group on the situation of "at-risk" children during the pandemic, overly restrictive measures for social services, police departments, and hospitals (particularly at the local level), as well as medical personnel redistribution, have left many children and adolescents without assistance<sup>1451</sup>.

On 26 March 2020, Najmudin Vahid Faraj Ahmed, better known as Mullah Krekar, an Iraqi citizen, was extradited from Norway to Italy. This caused a significant impact<sup>1452</sup>. His lawyer, B. Mehling, noted the "inhumanity" of the authorities who sent his client, who is in a "risk group" due to his age (63), diabetes and high blood pressure, to Italy at the height of the epidemic there.

Concerns have also been expressed regarding probable abuse by official authorities in conjunction with the passing of the so-called Coronavirus Act, which grants the government the authority to pass regulations without parliamentary approval.

In order to strengthen children's rights, the 2018-2024 Strategy to improve competence of child welfare services staff is currently in place.

On 1 January 2023, a new Child Guardianship Services Act/Barnevern (adopted on 18 June 2021) entered into force, which takes into account the observations of the European Court of Human Rights (ECtHR) in its judgements against Norway that the removal of a child is a temporary measure and the main aim

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<sup>1451</sup> Ekspertgruppe-Tiltak på skole-og barnehageområdet under koronautbruddet våren 2020. 3 April 2020. <https://bufdir.no/globalassets/korona/100420/ekspertgruppe-tiltak-pa-skole--og-barnehageområdet-under-koronautbruddet-varen-2020.pdf#page=1&zoom=auto,-275,848>

<sup>1452</sup> In July 2019, he was sentenced in Italy to 12 years in prison for planning a terrorist attack

is to reunite the family in the future. The Law provides for stricter requirements for the qualifications of guardianship officers and the justification of their decisions, strengthens the rights of parents to communicate with their removed children, and establishes a number of principles for the work of guardianship bodies, including consideration of ethnic, cultural, linguistic and religious affiliation.

The new law still lacks provisions regulating consular assistance in "children's" cases for foreign nationals, but notes that guardianship authorities must inform parents and children who are foreign nationals of the right to apply for consular assistance. This does not refer to the right of the diplomatic mission to provide it. "Barnevern may only refuse to allow a parent or child to have a consular officer present at meetings with the guardianship authorities if there are 'compelling reasons' which must be explained to the diplomatic mission concerned." In this case, it must be "ensured that consular assistance can be provided in another way". It is also stated that the interaction between Barnevern and foreign authorities should be based on Norwegian law on non-disclosure of personal data, i.e. information on a particular case can only be provided with the consent of the persons involved.

Despite certain positive developments reflected in the law, the exclusive right to determine the "best interests" of the child in each specific case is still almost entirely vested in the municipal guardianship authorities. At the same time, the relevant Norwegian authorities (Ministry of Children and Family Affairs, Directorate for Children, Youth and Family Affairs) and the Norwegian Ministry of Foreign Affairs cannot influence their decisions on specific cases, including those involving foreign nationals. Nor does the Act provide for the use of bilateral agreements to resolve conflict situations concerning the removal of children from non-Norwegian parents<sup>1453</sup>. In general, the Norwegian modernisation of the Child Custody Services Act is "cosmetic".

The Norwegian Barnevern guardianship authorities continue to face serious

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<sup>1453</sup> During the briefing for the diplomatic corps on the activities of the guardianship authorities on 17 February 2021, the Minister for Children and Family Affairs K.I. Ropstad underlined that the Norwegian side assumes that bilateral agreements with the states of origin of migrants are not applicable to resolve situations around the removal of children from their families. The intervention of the guardianship authorities in such cases is only in accordance with Norwegian law.

complaints about the excessive number of child removals, discriminatory treatment of children of non-Norwegian origin (in a population of 5.4 million, more than 15,000 children dealt with by Barnevern are of foreign origin), low professional qualifications of staff, high levels of violence against foster children, inadequate monitoring of the living conditions of minors in foster families, and disregard for the child's opinion in decision-making.

On 20 March 2023, the report of the Expert Commission (Barnevernsutvalget)<sup>1454</sup> on the evaluation of the state of play in the guardianship system "Safe Childhood - Secure Future", commissioned by the Norwegian Government, was presented. The document includes a comprehensive analysis of the work of the Norwegian guardianship authorities ("Barnevern") and about 100 proposals for improvement.

The Commission noted a number of major problems in the work of Barnevern: weak evidence base for decisions to remove children from their biological family, lack of consideration of children's views, abuse of coercive measures involving the police at the time of removal of children, insufficient monitoring of their living conditions in foster families.

In total, since 2017 the ECtHR has examined 44 complaints (in 2023 - 20, in 2022 - 2, in 2021 - 11, in 2020 - 4, in 2019 - 3, in 2018 - 2, in 2017 - 1) related to the removal of children by Norwegian guardianship authorities (in two cases the plaintiffs were Russian citizens). In 23 of them, the court partially or fully sided with the plaintiffs.

Barnevernet was involved in most of the instances that included violations of Article 8 of the European Convention on Human Rights (ECHR), which ensures respect for private and family life.

A large-scale review of Barnevernet's work (conducted in 2021-2022 by Norwegian Board of Health Supervision (Helsetilsyn) and the governors) found irregularities in 80 of the 90 inspected care facilities in Norwegian municipalities.

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<sup>1454</sup> The previous comprehensive analysis of the care system was carried out in 2000. The expert commission found gross irregularities in the work of Norwegian childcare institutions.

According to the Norwegian Broadcasting Corporation (NRK) on 1 April 2022, among the shortcomings identified were: low staff qualification; unprofessional assessment of the situation in the families; refusal to consider the child's opinion; and failure to provide complete information to parents and children.

According to an investigation conducted by journalists of "Aftenposten" daily newspaper, children under Barnevernet Child Care who have serious mental illnesses do not receive the necessary medical care and required treatment from the state. According to the publication, between 2021 and 2022, 261 children in the Barnevernet system cumulatively moved more than 2,000 times (that is, just under 8 moves per child) from one care setting to another, changing region of residence, school, and environment. At the same time, many of the children have serious mental illness and disorders (autism, personality disorder, depressed state of mind, etc.). During an exacerbation, they receive only emergency care in psychiatric wards and are returned to institutions of care, which often simply transfer the "difficult" teenagers to another boarding school.

The NIM's report on the human rights situation in Norway recommends that the authorities treat the removal of a child from the family as a temporary measure, while the primary goal of the child welfare authorities should be to facilitate family reunification in the future. Judicial bodies that make decisions about the fate of children must assess them from a human rights perspective. Among other things, it notes the need to improve the competence of employees of the guardianship authorities<sup>1455</sup>.

According to information posted on the NRK Nordland Public Broadcasting website on 8 September 2022, 74.4 per cent of children's cases were handled late in 2021 due to staffing problems and high turnover at the Barnevernet Child Care Services in Nordland.

Human rights defenders are also concerned about the continuing practice of placing children of non-Norwegian origin in foster families without regard to language, culture and religious affiliation.

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<sup>1455</sup> [https://www.nhri.no/wp-content/uploads/2020/04/NIM\\_A%CC%8Aarmelding\\_2019\\_web.pdf](https://www.nhri.no/wp-content/uploads/2020/04/NIM_A%CC%8Aarmelding_2019_web.pdf)

In a report of 27 January 2023, the state broadcaster NRC, citing research by the University of Tromsø, stated that the majority of Roma children are placed in non-Roma foster families. Their places of residence are hidden from their biological parents. The children are cut off from the Roma community, culture and language.

According to a journalistic investigation by the publication "Aftenposten", in the last 2.5 years there have been 1,650 "serious incidents" in Norwegian care institutions (these include: death, attempted suicide, abduction, fire, suspected sexual abuse, etc.). In particular, 102 children attempted suicide and 10 children died. The Directorate for Children, Youth and Family Affairs (Bufdir, tasked with monitoring the fulfilment of care institutions' obligations) has conducted an internal investigation into only one death (13-year-old Julianna Castro was found dead in May 2022 after escaping from the institution "Barnevern" in Bergen)<sup>1456</sup>.

On average, about 200 children and young people in Norway are on a "waiting list" for foster care placements. The Directorate for Children, Youth and Family Affairs (Bufetat; responsible for the operation of the public and private Barnevern institutions) is not coping well with the selection of guardians for children removed from biological families<sup>1457</sup>.

According to the October 2023 report of the Health Surveillance (Helsetilsyn), adolescents with mental disorders in the care of Barnevern do not receive the necessary help and care (the report is based on an investigation into 8 deaths of adolescents in care between 2017 and 2022). It is mentioned, in particular, that there is a lack of coordination between the guardianship authorities and medical institutions, that there is no constant follow-up of mentally ill adolescents in residential institutions, and that the staff of "Barnevern" are self-discharged from providing care while children are in psychiatric hospitals<sup>1458</sup>.

An investigation conducted by journalists of the Norwegian publication "Verdens Gang", indicating a long-standing practice of illegal adoption in Norway of children from South Korea, Ecuador, Madagascar and the Philippines, caused a

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<sup>1456</sup> "Aftenposten", 14 January 2023.

<sup>1457</sup> "Aftenposten", 14 July, 1 August 2023

<sup>1458</sup> "Aftenposten". 14 October 2023.

wide public outcry. Following the publications and public pressure, the authorities announced the establishment of an independent commission to verify possible violations (will submit a report in 2025) and a temporary moratorium on the adoption of children from these countries.

According to the investigation, children from the Philippines had false birth certificates, in South Korea there was "systematic and obvious document fraud", in Madagascar police took bribes<sup>1459</sup>.

According to "Verdens Gang", since the 1960s, Norwegian citizens have adopted some 6,500 South Korean children, 70 per cent of whom were registered as "orphans of unknown origin". Many of them had biological parents back home who did not abandon them. The Norwegian authorities had been aware of systematic "errors" in South Korean adoption papers since 1996, but no action had been taken.

Reference is made to the case of Jong Ken Suk, who was brought to Norway from South Korea in 1971. At the age of 18, she discovered that her mother had died in childbirth and she had been taken from the maternity hospital, even though her father was alive and had been trying to find her for many years<sup>1460</sup>.

According to a Deloitte assessment commissioned by the Directorate of Education in November 2019, Norwegian schools sometimes utilize forceful measures against students without justification, not just in circumstances where their life or health is in danger. For example, "naughty" kids are kicked out of class, cell phones are taken away, etc.

Anti-Semitism and Islamophobia, as well as statements aimed at inciting hatred or hostility, including those posted on the Internet, are not uncommon.

According to the Norwegian Commission for Freedom of Expression Report (submitted August 2022), the number of police reports of hate speech based on race, nationality, ethnicity, religion, gender/sexual orientation has increased significantly in recent years (from 189 to 324 in 2016-2020).

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<sup>1459</sup> "Aftenposten", 17 January 2024.

<sup>1460</sup> "Verdens Gang", 15-26 May 2023.

According to a 2021 study by the Norwegian Media Authority (Mediatilsynet), 25 per cent of Norwegians aged 16-20 have experienced an "online hate" manifestation during the year on the Internet.

According to the Oslo Police Directorate's report for 2022, the number of calls to the police in connection with hate speech increased by 11 per cent compared to 2021. 58 per cent of these calls were related to hate speech based on ethnic origin.

In January 2020, the Norwegian Supreme Court for the first time convicted a defendant of using hate speech on social media, electing to impose a 24-day suspended sentence of imprisonment.

The NRK Troms og Finnmark broadcasting company reports that according to the 26 August 2022 survey "Attitudes towards Sami and Other Minorities" conducted by the Norwegian Institute for Human Rights, 11 per cent of the population in northern Norway have a negative view of ethnic minorities. This is four times the national average. About a third of the population supports the most stereotypically negative statements about the Sami and Kven people/Forest Finns.

According to the report "Attitudes towards Jews and Muslims in Norway in 2022" by the Norwegian Centre for Holocaust and Religious Minorities Research, 14% of the population believe that Jews pose a threat to Norwegian culture and society, and 71% of Jewish respondents have to hide their origins for fear of negative attitudes. About 30 per cent of the population is hostile towards Muslims, 36 per cent of Muslims surveyed share a negative view of Jews.

In March-April 2022, L. Thorsen, head of the right-wing organisation Stop the Islamisation of Norway (SIAN), staged several Koran-burning events in front of Muslim mosques in the cities of Oslo and Sandefjord. According to the newspaper "Klassekampen" of 27 April 2022, the police did not investigate L. Thorsen on the grounds that "burning the Koran is not a manifestation of hatred against specific people"<sup>1461</sup>.

Between 300 and 400 people opposed the action. Massive clashes with the police were recorded, during which force was used against demonstrators, including

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<sup>1461</sup> [https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

the use of tear gas.

According to the annual report "Integration Barometer" (presented in June 2022), 54% of Norwegians consider Islam incompatible with the fundamental values of their society, 47% are sceptical about Muslims, 56% have a negative stance on marriage with persons professing Islam.

Norwegian human rights activists and media record a sharp rise in anti-Semitic sentiments against the backdrop of the escalating Palestinian-Israeli conflict. According to the local Jewish human rights NGO Det Mosaiske Trossamfund (DMT), Jews in Norway (about 1,400 people) cannot feel safe. Families face vandalism and threats, children are bullied in schools, and Jews are subjected to hooliganism and provocation.

According to a Norwegian government press release dated 4 November 2023, DMT head R. Behar described the current level of Jew-hatred as the highest in Norway since World War II<sup>1462</sup>.

In May 2023, the Norwegian government published a study showing that three out of four Sami (compactly living within the three northern provinces of Finnmark, Troms, Nordland) are discriminated against on the basis of ethnicity, gender and place of residence.

This picture is complemented by a study by Amnesty International presented in September 2023. An analysis of 200,000 comments on social media in the period 2019-2023 shows that the Sámi are subjected to harassment - every fourth statement about them is negative and even hate speech<sup>1463</sup>.

According to human rights activists, the most negative attitude of Norwegians is towards the Roma historically living in the country. Almost 50% of Norwegians would not like to have Roma neighbours, and about 30% would like to see them in their immediate neighbourhood<sup>1464</sup>.

On 25 June 2022, on the eve of the "gay parade", a 42-year-old Norwegian of Iranian descent, Z. Matapour, went on a shooting rampage in a nightclub in the

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<sup>1462</sup> "Aftenposten", 8 November 2023; "NRC", 31 October 2023.

<sup>1463</sup> "NRC", 20 September 2023.

<sup>1464</sup> "Aftenposten", 7 December 2022.



centre of Oslo, where LGBT community members gather, killing two people and injuring 21 others. The investigation is ongoing. Z.Matapur has been charged with a serious terrorist offence.

In Norway, known for its tolerance, neo-Nazism/Nazism as a political and social movement is not legally prohibited. Criticism of Oslo on this basis has been repeatedly voiced by the UN's dedicated Committee on the Elimination of Racial Discrimination (CERD), established under the International Convention on the Elimination of All Forms of Racial Discrimination.

However, virtually all possible manifestations of Nazism and neo-Nazism are reflected in the country's Criminal Code (§§ 77, 185, 186) and are prosecuted as "expression of hatred" or "discrimination" on the grounds of race, nationality, ethnicity, religion, gender, sexual orientation and others. This also applies to cases of displaying Nazi symbols (not prohibited per se, but their use in the context of "expression of hatred" against specific groups is punishable by a fine or up to 3 years' imprisonment).

According to law enforcement authorities,<sup>1465</sup> a number of radical right groups confessing ideas of national and racial exclusivity operate in Norway. However, the Norwegian far-right is rather fragmented, with no more than 50 active members.

The most organized nationalist group is considered to be the Nordic Resistance Movement (NRM), registered in Norway in 2011 (local wing leader is Tommy Olsen)<sup>1466</sup>, but coordinated from Sweden (where it is more active)<sup>1467</sup>. Its ideology is based on the belief in a "worldwide Jewish conspiracy," and its supporters consider themselves "National Socialists." Its activists participate in neo-Nazi demonstrations (mainly in Sweden and Finland), hang posters, and distribute

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<sup>1465</sup> Supporters of right-wing extremism in Norway, who are they? Norway's security police service. 1 March 2019. [https://www.pst.no/globalassets/artikler/utgivelser/temarapport\\_pst\\_-hvilken-bakgrunn-har-personer-i-hoyreekstrememiljoer-i-norge.pdf](https://www.pst.no/globalassets/artikler/utgivelser/temarapport_pst_-hvilken-bakgrunn-har-personer-i-hoyreekstrememiljoer-i-norge.pdf);

Right-wing extremism in Norway: developmental features, conspiracy theories and prevention strategies. Norwegian Ministry of Justice. 22 October 2018.

<https://phs.brage.unit.no/phs-xmlui/handle/11250/2568904?show=full>

<sup>1466</sup> He has participated in various right-wing extremist communities for 20 years and was sentenced to a year and two months in prison in 2002 for stabbing two migrants.

<sup>1467</sup> SDS is also represented in Finland, Denmark and Iceland.

leaflets. Simultaneously, they act publicly and do not conceal their identities, avoiding obviously violent tactics of conflict (though they do not rule them out "if necessary"). The NRM plans "educational" activities, youth summer camps, "family" events, and celebrations, much like political parties do.

Other active right-wing radical groups are largely marginalized and represented by "branches" of European organizations such as PEGIDA, Soldiers of Odin, Stop the Islamization of Norway, Norwegian Defense League, Fatherland Party, Norwegian People's Party, Stop Migration, White Electoral Alliance, Patriots of Norway, Democrats, Alliance. The New Right and the Alternative Right are two global ideological movements that are becoming more and more well-liked, particularly among young people.

At the same time, we can state that, for historical reasons,<sup>1468</sup> the potential for the popularity of National Socialism ideology in Norway is low. The attitude toward neo-Nazism in Norwegian society is generally negative. The country's authorities do not allow any form of glorification of the Nazi movement and former members of the SS, including the Waffen SS.

On 10 August 2019, Philip Manshaus, a right-wing radical, killed his 17-year-old stepsister of Chinese descent before breaking into the Al-Noor mosque in the Oslo suburb and firing several shots there to "spread fear among Muslims" (no deaths). The investigation found that Philip Manshaus was "inspired" by the March 2019 terrorist attack in Christchurch, New Zealand. During the trial, the defendant gave the court a Nazi salute before taking a seat next to his defense attorneys. He was unanimously found guilty by Asker and Bærum District Court panel, sentencing him to 21 years in prison.

In a 2023 report<sup>1469</sup>, the Norwegian Police Security Service (PST, counterintelligence, also responsible for counterterrorism) notes that some members of Norwegian far-right groups are involved in combat operations in Ukraine. As a

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<sup>1468</sup> Norway was occupied by Nazi Germany between 1940 and 1945. A resistance movement developed in the country, albeit on a limited scale. The "inoculation" against Nazism is still in place today.

<sup>1469</sup> PST National Security Threat Assessment report, February 2023:  
file:///C:/Users/Inet1/Downloads/\_globalassets\_ntv\_2023\_ntv\_2023\_eng\_web.pdf.

result, they may not only gain military experience, but also expand their extremist network and begin to use more violent methods of operation.

In the 2022 report, the PST also indicated the likelihood of an increase in the number of right-wing extremists, attributed to the growing popularity of the ideas they promote, the availability of propaganda on the Internet, socio-economic hardship and increased isolation amid the pandemic.

The Security Police Service has recorded an increase in the number of people in Norway expressing support for right-wing extremist attacks.

Domestic and sexual violence is widespread in the country, to which children, the elderly, and members of the indigenous Sami people are the most vulnerable.

According to a February 2023 report by the National Centre for Violence and Traumatic Stress (Nasjonal kunnskapssenter om vold og traumatisk stress), the level of physical, family and sexual violence in Norway has increased since 2014. In particular, 40 per cent of respondents (4,299 people participated in the study) reported having experienced various forms of physical violence at least once, 14 per cent of women and 2 per cent of men reported rape (half of the victims were under the age of 18). The number of rape reports from women increased 1.5 times compared to 2014.

According to an investigation by journalist "Aftenposten", forced marriages, family violence and "negative social control", which manifests itself in various forms of pressure to comply with family traditions and customs, are widespread among migrants (mainly from Muslim countries) living in Norway.

At the same time, victims of family violence are afraid to report it to the police and withdraw their statements under pressure from relatives.

After examining 478 district court decisions from 2020-2023 on domestic and sexual violence, the publication's journalists found that 27 cases had clear signs of so-called "honour crimes" with a family and religious background<sup>1470</sup>.

According to a 2022 report by the Criminal Police (CRIPOS), 70 per cent of murders in Norway in 2021 were domestic murders, of which 41 per cent had a

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<sup>1470</sup> "Aftenposten", 10 November 2023.

close relationship with the murderer. 96 per cent of the murderers were men and 55 per cent of the victims were women.

According to a report by the Norwegian Auditor General's Office, submitted on 9 June 2022 to assess the government's efforts to combat domestic violence, in 2021, 3,729 calls for domestic violence were registered by the police, more than 15,100 "signals" of violence against children were received by the guardianship authorities, and about 1,700 Norwegian adults affected by domestic violence temporarily resided in crisis centres. One in four people killed in Norway is a victim of domestic violence

According to Minister of Justice and Public Security Emilie Enger Mehl,<sup>1471</sup> the government has taken the report's findings and recommendations very seriously.

The need for the authorities to take active measures to improve the situation as quickly as possible was stated by NIM in its report on the human rights situation in Norway,<sup>1472</sup> as well as in a separate report on the situation of the rights of older people.

In two documents, the authors voiced concern regarding not only violent crimes but also forced medical treatment, poor nutrition, drug abuse, restricted access to information and communication services, and age discrimination in employment.

According to the NGO Amnesty International, despite the increased number of rape reports to the police, only 14.3% of cases are ruled in favour of the victim and the rest are closed due to lack of evidence.

The opposition Labour Party and the Socialist Left Party have repeatedly proposed a law banning non-consensual sex, but it has not received the support of the parliamentary majority. However, it was not supported by the parliamentary majority. In 2023, the relevant draft law was sent for public hearings and its consideration by the Parliament is expected in the second half of 2024.

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<sup>1471</sup> Government portal "Regjeringen.no" 9 June 2022.

<sup>1472</sup> [https://www.nhri.no/wp-content/uploads/2020/04/NIM\\_A%CC%8Aarmelding\\_2019\\_web.pdf](https://www.nhri.no/wp-content/uploads/2020/04/NIM_A%CC%8Aarmelding_2019_web.pdf)

In October 2019, a toll-free 24-hour hotline for victims of violence, supported by the NGO Crisis Center Secretariat, was opened with funding from the Norwegian Ministry of Justice. In December 2019, the annual Ministry of Justice Family Violence Award ceremony was held at the Profile Conference in Kristiansand.

On 20 December 2023, the Government presented the Plan for Strengthening the Fight against Violence and Abuse against Children and Family Violence 2024-2028. The plan envisages more than a hundred measures aimed at preventing violent acts, identifying relevant cases and enhancing the protection of vulnerable categories of persons. A significant role in the document is given to preventive police work, investigation and prosecution of offenders, including in relation to offences committed online. A separate chapter of the Plan is devoted to relevant work in the Sami community, including measures to strengthen language training and awareness of Sami culture in the police and support bodies, to establish care institutions for Sami children, and to guarantee equal treatment for Sami victims of violence.

Claims are made against intelligence agencies in relation to the use and storage of private information. In 2022-2023, their powers to "spy on citizens" were significantly expanded.

Russophobia and spy-mania are actively promoted in Norwegian society. In line with such approaches, on 12 January 2024, the Norwegian Ministry of Justice and Emergency Situations submitted to Parliament amendments to the Criminal Code, the Code of Criminal Procedure and the Police Act that significantly tighten the relevant legislation and give the Norwegian intelligence services an additional tool to suppress any activity that could be interpreted as benefiting Russia.

The amendments are aimed at introducing into national law provisions on liability for activities in collusion with foreigners aimed at influencing public opinion, "where such activities are likely to harm a significant public interest". Violation of these provisions is punishable by up to 10 years' imprisonment, depending on the nature of the offence, its scale, the use of the offender's official position or his or her significant material gain.

In addition, the proposed amendments to the Criminal Code will significantly expand the ability of intelligence services and law enforcement officers to conduct covert investigations and information gathering methods, as well as prosecute document forgery.

Justice Minister E.E. Mehl pointed to the particular relevance of the amendment package in view of the "Russian trail" in the 2016 US presidential election, the "war in Europe" and the intelligence activities of an "increasingly isolated Russia", which allegedly uses various methods to influence security policy or create conflicts in a number of countries, including Norway.

The legislative changes mentioned are not an exclusive initiative of the current centre-left government of J.G. Strøre. In May 2021, a similar package of amendments was proposed by a right-liberal government, but was not adopted due to criticism from the Norwegian Foreign Ministry and Norwegian judges' and lawyers' associations, citing possible consequences for freedom of expression in the country.

The authorities assure that the previous comments have now been taken into account (the wording regarding "aiding and abetting foreign intelligence", "significant public interest", etc. has been clarified). In addition, the Security Police Service will use covert investigation methods only in cases of gross violations of the Criminal Code and with the authorisation of the Norwegian courts. General control will continue to be exercised by the Parliamentary Commission for the Control of the Intelligence Services.

From September 2022, the counter-intelligence agency will collect enhanced data on all air passengers arriving from abroad and leaving the country; from January 2023, it will track and analyse data from open sources on the Internet, including social media, with the possibility of mass storage for up to 15 years<sup>1473</sup>.

On 1 January 2021, the new Norwegian Intelligence Service Act came into force. This structure (Etterretningstjenesten) was granted the right to monitor and store cross-border electronic communications and service providers must authorise it

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<sup>1473</sup> "Aftenposten", 12 May, 2023

to install and operate the necessary equipment at facilities under its control<sup>1474</sup>.

There are cases of human rights violations by law enforcement officials in Norway.

The brutal police detention of three young Norwegian men in Kongsberg in April 2022 when a police officer hit one of them several times in the face with his fist, then pinned him to the ground and stepped on his throat with his knee while hitting his mate several times with a police baton, caused widespread outrage. Meanwhile, the second police officer took away the mobile phone from the third young man, on which he was recording the police actions, and deleted the recording. After being taken to the police station, the young men were charged with the use of force against representatives of the authorities<sup>1475</sup>. The police officer who deleted the recording was fined 12,000 kroner (about \$1,100). A criminal case was initiated against the second law enforcement officer, during which he was acquitted in June 2023.

Oslo has been criticised for violating the rights and legitimate interests of persons detained in penitentiary institutions.

The 2021 and 2022 NIM reports identified as the most pressing problems in this area: excessive use of solitary confinement and mechanical restraints on prisoners, suicides, inadequate care for persons with physical and mental disabilities, the use of coercive measures against them, regular strip searches of pre-trial detainees, delayed trials due to understaffing and underfunding of the judiciary, as well as problems of access to health services for those serving sentences.

In addition, Norwegian human rights defenders draw attention to the fact that the conditions of detention for women are worse than for men. Due to the insufficient number of women's prisons, Norwegian convicts are forced to serve their sentences far away from their homes and relatives, and therefore have no opportunity to see their children (although they are entitled by law to see their children once a week). In comparison to men's prisons, restraint measures, including

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<sup>1474</sup> "Aftenposten", 27 May 2023

<sup>1475</sup> "Dagbladet", 27 April – 3 May 2023.

strapping to beds, are much more common in women's prisons.

According to information from NRK state broadcasting company dated 23 March 2023, the women's prison in Bredtveit (east of Oslo; built in 1918) is the most complained about. According to Hanne Harlem, Ombudsman for Civil Affairs, the conditions there are "critical and life-threatening". In 2022, the prison recorded 92 incidents of the use of punishment cell, staff tied prisoners to their beds for restraint 26 times. Besides, Bredtveit "leads" in the statistics of self-harm (2 per cent of prisoners serving time in this prison account for 54 per cent of all such cases) and suicide (72 cases since 2008).

According to "Aftenposten" newspaper of 19 April 2022, the majority of convicted women are held in this prison in groups of several people in small rooms with poor ventilation. There is an excessive use of isolation for former drug addicts convicted for violence and mentally ill prisoners. There is no separate women's doctor in the prison.

According to the same newspaper ("Aftenposten") of 19 May 2022, 9 June 2022 and 28 June 2022, the Governor of Vestfold and Telemark denied M.Evensen free legal aid to appeal the amount of compensation payments due to an erroneous court decision. In 2017, the woman was convicted of "misappropriation of funds" and sentenced to imprisonment because of the Norwegian Labour and Welfare Administration's (NAV) misinterpretation of social benefit legislation. M. Evensen considers the compensation of 70,000 kroner (about \$7,000) for her prosecution and 61 days of imprisonment to be unfair (compensation payments in Norway have not been indexed since 2004). M.Evensen has no money to pay her lawyer's fees; she has cancer and receives a modest disability allowance by Norwegian standards. However, there is no response from the authorities.

Detention conditions in Oslo Prison (one of the largest men's prisons in the country with a capacity of 243 inmates) were found to be unsatisfactory. Prisoners spend an average of 19 hours a day in isolation in their cells, and 21 hours in some sections of the prison. There is only one shower per 27 inmates. Due to staff shortages, collective punishment in the form of locking in cells is used – on average



2-3 times a week for 1 to 1.5 hours and sometimes for the whole day<sup>1476</sup>.

On 15 July 2022, NRK informed that prisoners suffering from mental disorders are placed for long periods of time in punishment cells, strapped to their beds. Psychiatric care is not provided in full, there is no possibility to refer prisoners to psychiatric hospitals for treatment. Since December 2021, 18 attempts by mentally ill prisoners to harm their own health or commit suicide have been registered in the prison.

The Borgarting Court of Appeal upheld a claim brought by three former inmates of Bergen Prison against the State for violation of their rights as a result of regular strip searches. The Court ruled that the prisoners had been subjected to degrading treatment during the strip searches and ordered the Norwegian authorities to pay them NOK 275,000 in compensation. The State plans to appeal the judgement<sup>1477</sup>.

According to Hans-Peter Aasen, State Secretary for the Ministry of Justice, the government takes seriously the problem of using coercive methods in prisons, including against mentally ill prisoners. In order to improve the situation in this area the authorities have allocated NOK 50 mln in 2022 and NOK 100 mln in 2023.

In her 2021 report, Hanne Harlem, Ombudsman for Civil Affairs, draws attention to the non-observance of the rights of minor children during their detention and arrest. The Ombudsman points to cases of abuse of the arrest procedure by the police, unjustified placement of minors in police station cells (only permitted in exceptional cases), failure to provide detainees with information in a form that is accessible and understandable to them, including in their mother tongue for children who do not speak Norwegian or English.

There have been a number of high-profile refugee cases in Norway recently.

In May 2023, Z.Saidova and her mother were deported from Norway on the ground that when she was granted asylum in 2005, the mother had misled the migration authorities by stating that she had arrived in Norway from Chechnya (in

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<sup>1476</sup> Daily newspaper "Dagsavisen", 10 October 2023

<sup>1477</sup> NRK state broadcasting company, 24 August 2023

fact they came from Kazakhstan). According to the decision of the authorities, Z.Saidova's mother was deported to Kazakhstan without the right to enter Norway and her daughter was banned from entering Norway for five years (the "relaxation" was made on the ground that she was a minor when she entered Norway). According to the defense attorney, the expulsion of Z.Saidova who had lived most of her life in Norway was a "disproportionately harsh decision" and a legal error<sup>1478</sup>.

The 2021 and 2022 NIM reports point to the continuing limitation of the rights of single refugees aged 15-18 in Norway compared to their peers under state guardianship and single refugees under the age of 15. It is therefore recommended that the government should adopt legislative amendments to equalise the rights of refugee children under and after the age of 15.

At the same time, according to NGO Save the Children, the proposed changes will not improve their situation in practice, and in fact will only consolidate a differentiated approach to the two above-mentioned age groups of children.

According to an investigation conducted by NRK journalists in 2022, the Norwegian police "in the vast majority of cases" do not actively search for refugee children who have escaped from Barnevern care. It is claimed that the missing children may have fallen into the criminal environment or been trafficked. As of December 2022, 432 children are listed as runaways<sup>1479</sup>.

In July 2023, a lone 15-year-old refugee girl from Eritrea disappeared from a reception centre for refugee children in Myseby, Norway, a few days after her arrival. The police did not become involved until five days after her disappearance, interviewed the staff and closed the case without searching for her<sup>1480</sup>.

The Ombudsman for Civil Affairs, Hanne Harlem, criticises the conditions of accommodation in the Trandum temporary detention centre. The most serious complaints were the locking of refugees in rooms (for several hours during the day and at night), temporary removal of their means of communication, regular strip searches, and the unacceptable treatment of persons suffering from mental

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<sup>1478</sup> "Klassekampen", 11 May 2023

<sup>1479</sup> NRK, 30 August 2023

<sup>1480</sup> <https://www.nrk.no/vestland/politiet-leter-fortsatt-ikke-etter-asylbarn-som-forsvinner-1.16518142>

illness<sup>1481</sup>.

In October 2023, the Borgarting Court of Appeal upheld a claim by an Eritrean asylum seeker against the Norwegian state for violation of her rights at the Trandum refugee detention centre (during her stay at Trandum between August and December 2019, she was strip searched 23 times, regularly locked in a room for long periods of time (up to 15 hours). The court ordered to pay her compensation in the amount of NOK 40,000 (about \$3,700)<sup>1482</sup>.

Under pressure from a number of parties and humanitarian NGOs which insisted that Norway should take additional responsibility for hosting refugees, five parentless children holding Norwegian citizenship were brought into the country from Syria in June 2019 and two children in January 2020 (one of whom is seriously ill) together with their mother, a Norwegian citizen of Pakistani origin who had joined the Islamic State. In spring 2020, however, the Norwegian Ministry of Justice deemed it irrelevant to participate in the redistribution of refugees from the Greek island of Lesbos referring to the dire situation in the country due to the coronavirus.

As reported by NRK on 25 January 2022, Norwegian migration authorities obliged Yasin, an asylum seeker from Afghanistan (in Norway since 2015), to leave Norway due to the lack of grounds for refugee status and on the basis that "Afghanistan is a safe country." Yasin's wife and daughter (both of whom have residence permits) remain in Norway. He and his family members belong to the Hazara ethnic group, which has been persecuted by the Taliban.

In January 2022, the authorities obliged Amir Hussein Husseinzadeh, a refugee from Iran (in Norway since 2010), to leave the country despite the fact that he had converted from Islam to Christianity while living in Norway and his return to Iran might therefore be unsafe, according to human rights activists. Between 2018 and 2020, only 35% of the 110 Iranian "converts" were granted asylum in Norway.

As of March 1, 2022, Norwegian authorities resumed deportations of Afghans who had been denied asylum in Norway, temporarily suspended after the Taliban

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<sup>1481</sup> "Aftenposten", 19 November 2022

<sup>1482</sup> "Aftenposten", 31 October 2023

came to power.

Human rights activists note that despite the significant efforts made by the authorities to "atone" to the indigenous peoples (Sami) and national minorities who have become "victims" of Oslo policy of assimilation, recently there have been frequent cases of violations of the rights of the Sami whose representatives regularly express their discontent, especially in connection with the implementation of industrial projects in the territories of their traditional residence.

The 2022 NIM report points to the "protracted" violation of Sami rights in the "Fosen case".

Fosen Vind's construction of a large wind farm complex on the Fosen Peninsula in Trøndelag County (206 turbines, were commissioned in 2021) has resulted in the loss of one third of the region's traditional winter pastures to Sami reindeer herders. This has caused widespread public outcry.

As a result of the prosecution, the Norwegian Supreme Court ruled in favour of the Sami in September 2022, finding that their rights had been violated in the construction of two of the six wind farms and invalidating the licenses to install the turbines. However, the wind turbines have not been removed.

In February 2023, Sami activists began to protest, which resulted in the government apologising to the Sami for the "prolonged uncertainty". However, no specific steps have been taken. The only stated measure is to investigate the situation in order to examine possible "mitigating measures" and their effect. On the part of the government, assertions are being made that the wind turbines will not be demolished in any case, but that they will possibly shorten their lifespan. The Sami have stated that they will continue their protests.

Another notable case is the Norwegian government's decision announced in August 2023 to electrify Equinor's liquefied natural gas (LNG) plant on Melkøya Island. The project involves laying power lines through three reindeer herding areas and installing wind turbines to supply them in the northern Norwegian county of Finnmark. The Sami insist that the decision cannot be legally binding as it was made without consultation with Sameting (the Sami Parliament) and demand that it be

cancelled.

In 2014, the state-owned company Statnett started construction of the Ofoten-Hammerfest power line which runs through the Sami reindeer herders' lands (the Sami's petition to stop the work was rejected in the court of first instance).

In September 2022, the Water Resources and Energy Directorate under the Ministry of Petroleum and Energy stated that the construction of the final section of the transmission line (Skaidi-Hammerfest) would have a much more serious impact on reindeer husbandry in the region than was predicted when the concession was awarded in 2012.

In 2014-2015, against the objections of Sameting, the local population and environmental organisations, competent authorities approved Nussir's plan to develop copper ore deposits and store spoil banks in Repparfjord. The Sami insist that the production is a threat to reindeer herding and traditional coastal fisheries in the region.

According to a report commissioned by Sameting in September 2020, the reindeer population could be halved as a result of the project, herd routes would be blocked, and in the worst case half of the reindeer herding cooperatives would be forced to cease operations. Other expert assessments point to the negative impact of spoil banks storage in Repparfjord (one of the main fjords with a significant wild salmon population) on its ecosystem.

Appeals against the authorities' decision were filed by Sameting, West Finnmark Hunter and Fishing Association, the Norwegian Society for the Conservation of Nature and the NGO Nature and Youth, but the Council of State headed by the King rejected them on the grounds that Nussir's activities would not have "unacceptable and irreversible" consequences for the environment, would maximise the interests of reindeer herders, and would bring substantial economic benefits.

Over the past few years, Sami activists, together with environmentalists, have been protesting against the construction of infrastructure by Nussir and conducting

an information campaign to "scare" investors away from the project<sup>1483</sup>. Copper mining at the respective deposits is scheduled to start in 2024.

In January 2022, a draft updated coastal zone management plan for the Tromsø area (northern Norway), including the opening of 18 new areas for aquaculture, was submitted for public hearing. In its feedback, Sameting noted that the construction of aquaculture farms in most of the proposed sites was contrary to the interests of traditional Sami fisheries. The final version of the plan after the public hearings has not yet been published.

Examples of the government's consideration of Sami interests include the authorities' refusal to issue a licence for the resumption of gold and copper mining at the Bidjovagge deposit which was sought by the Swedish company Arctic Gold (the Sami reindeer herders of Kautokeino opposed it).

Saami reindeer herders also report discrimination due to the monopolised agricultural industry which is almost entirely controlled by the meat processing group Nortura. In particular, it is forbidden to slaughter reindeer by traditional methods (they are forced to use Nortura's mobile slaughterhouses) for their subsequent sale.

Due to the expansion of conservation areas in Norway, traditional grazing lands are often included within their boundaries, making it difficult for the Sami to use motorised transport for reindeer herding.

The case of reindeer herder J.A.Sara who was forced to transfer part of his herd to other reindeer herders due to the decision of the Ministry of Agriculture and Food in 2013 to reduce the number of reindeer in Finnmark County caused a widespread public outcry. J.A.Sara unsuccessfully tried to appeal the decision of the authorities in the national courts and filed a complaint with the UN Human Rights Committee.

Some experts draw attention to the need to protect the rights of the Sami people living on the coast, including their fishing activities, and to take into account

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<sup>1483</sup> Opponents of the project hailed as a major victory the cancellation in August 2021 by German steelmaker Aurubis of a contract with Nussir for the purchase of its products totaling more than \$1bn, citing the need for a more thorough analysis of "certain social aspects of the project" and compliance with sustainability criteria.

their special indigenous status in the allocation of fishing quotas.

Among the Sami, especially men, the percentage of persons with higher education is lower than the national average. The same goes for secondary education (not all Sami complete their studies).

There is a high level of violence in Sami society. According to surveys, up to 45 per cent of the Sami have ever experienced violence (compared to 29 per cent of the population in the rest of Norway).

The weakening of the Sami language position<sup>1484</sup> and its gradual erosion by Norwegian "inclusions" are noted. The number of speakers of the Sami language is small. The language problem also affects the social sphere, such as health care, social care and others. Even in areas with a compact Sami population, there is a lack of competent diagnosis of diseases due to insufficient training of medical personnel in the use of professional terminology in the Sami language.

The Sami population is projected to continue to decline by 2030.

There are complaints about the Norwegian electoral system.

The amendments to the Election Regulations for Longyearbyen (Spitsbergen) Local Council, which came into force in June 2022, and their implementation in the municipal elections which took place on the archipelago on 8-9 October 2023, have resulted in restrictions on the voting rights of foreign residents of the settlement.

Previously, these citizens were entitled to vote and be elected after three years of residing in Longyearbyen but now they can only exercise their rights after three years of continuous residence in one of the Norwegian municipalities on the Norwegian mainland. As a result, some 750 people out of the 2,500 inhabitants of the settlement were unable to vote in the October 2023 elections despite the fact that many of them had spent several decades on the archipelago<sup>1485</sup>.

Despite the absence of purposeful discrimination against Russian compatriots, the Norwegian authorities continue to maintain an atmosphere of wariness and prejudice towards natives of Russia in line with the constant fuelling of anti-Russian

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<sup>1484</sup> Includes six dialects: North Sami, South Sami, Lule Sami, Pite Sami, Ume Sami, and Skolto Sami. All of them are listed by UNESCO as endangered.

<sup>1485</sup> "Morgenbladet", 6-12 October 2023

sentiment.

The reports of the National Security Authority (NSM) and the Police Security Service of 13 February 2023, in which our country is referred to as one of the main threats to the national security of Norway, have contributed to fuelling total suspicion of Russia. In the spirit of spying and suspicion, the local intelligence services urge fellow citizens to be "vigilant in their contacts" with Russians and to report to the competent authorities all suspicious circumstances concerning work colleagues and neighbours.

There are cases of pressure exerted on Russian compatriots, including diaspora activists, by local counterintelligence (they inquire about relatives in Russia, contacts with the Embassy and even encourage them to renounce their Russian citizenship).

Against the backdrop of the events in Ukraine, there have been cases of Russophobia: harassment and insults, refusals of service, pressure at work, preventing Russian citizens, including those with second citizenship, from participating in international events.

The arrests in October 2022 of four Russian citizens (V.A.Rustanovich, A.V.Reznichenko, M.V.Yushkov and A.V.Yakunin) for using "drones" on the territory of Norway were particularly high-profile. They were charged with violation of para 19 of Regulation No.1076 of 15 August 2014 "On restrictive measures against actions undermining or threatening the territorial integrity, sovereignty, independence and stability of Ukraine" (prohibiting "aircraft" owned or controlled by Russians from landing/taking off in or overflying Norway).

Thanks to the professional work of the lawyers in the case of A.V.Yakunin (who also has British citizenship and lives in Italy), the courts of first and second instance ruled that the operation of recreational drones was not covered by the sanctions legislation. The businessman was found not guilty, and the other Russians were later released from custody.

On 29 June 2023, the Norwegian Supreme Court overturned the previous acquittals and concluded that the ban did apply to quadcopters.



A.V.Yakunin's case was again referred to the court of first instance<sup>1486</sup>. In January 2024, a new court hearing was held, with A.V.Yakunin being considered solely as a Russian citizen. According to the decision of 14 February 2024, the court agreed with the Supreme Court's verdict of June 2023, recognising the existence of a ban on the operation of all types of drones by Russians throughout Norway, including Spitsbergen. However, A.V.Yakunin was exempted from liability because he could not have been aware of the restrictive norms of Norwegian law. The prosecutor's office intends to appeal against the acquittal verdict<sup>1487</sup>.

In May 2023, two Russian citizens were denied applications to participate in the international Queen Sonja of Norway Singing Competition. The official reason was the decision of the directorate not to admit citizens of Russia and Belarus to the event "in solidarity with Ukraine". The restriction affected, among others, holders of dual citizenship<sup>1488</sup>.

Russian-speaking students of local schools are subjected to bullying (information confirmed by law enforcement agencies and NGO Save the Children, among others)<sup>1489</sup>.

As reported by NRK on 15 March 2022, 12-year-old Latvian-born Maria Falkenhaug during a telephone conversation with her mother in Russian was attacked by an unknown person (resulting in severe bruising) who, while running away, shouted "damn Russian" in Norwegian.

After the start of the SMO, a number of small business owners refused to

<sup>1486</sup> NRK, 29 November 2022: <https://www.nrk.no/tromsogfinnmark/russer-domt-til-120-dagers-fengsel-etter-a-ha-flovet-drone-i-norge-1.16199601>;

NRK, 7 December 2022: <https://www.nrk.no/tromsogfinnmark/dronetiltalte-andrey-yakunin-frikjent-i-tingretten-1.16211859>;

NRK 2 February 2023: <https://www.nrk.no/tromsogfinnmark/dronetiltalte-andrey-yakunin-frikjent-for-ulovlig-droneflyvning-1.16282160>;

"Dagbladet", 6 September 2023:

<https://www.dagbladet.no/studio/nyhetsstudio/5?post=144863?post=144863>;

NRK, 23 November 2022: <https://www.nrk.no/vestland/russar-domd-til-90-dagar-fengsel-for-droneflyging-i-noreg-1.16192196>;

NRK, 28 November 2022: <https://www.nrk.no/tromsogfinnmark/russer-som-floy-med-drone-i-kirkenes-nekter-straffskyld-var-pa-jobbreise-for-russiske-myndigheter-1.16198402>).

<sup>1487</sup> NRK, 14 February 2024: <https://www.nrk.no/tromsogfinnmark/forretningsmenn-andrey-yakunin-er-frikjent-for-andre-gang-1.16763560>

<sup>1488</sup> NRK, 4 May 2023 r.: [https://www.nrk.no/urix/har-tysk-pass\\_-nektes-likevel-a-delta-i-dronning-sonja-sangkonkurranse-1.16396346](https://www.nrk.no/urix/har-tysk-pass_-nektes-likevel-a-delta-i-dronning-sonja-sangkonkurranse-1.16396346)).

<sup>1489</sup> "Dagsavisen", 28 February 2022: <https://www.dagsavisen.no/nyheter/2022/02/28/redd-barna-russisk-barn-i-norge-for-krigen-i-ukraina>

serve people of Russian origin (hotel chain Enter Tromsø<sup>1490</sup>, Vesterland holiday park<sup>1491</sup>, Bigård i Bandaksli apiary, etc.) and some medical centres (Jeløy Fysioterapi) refused to make appointments for Russian patients.

As reported by "Verdens Gang" newspaper on 30 March 2022, E.A.Kasin, a Russian woman residing in Norway, was refused an appointment with a doctor at Jeløy Fysioterapi clinic in Moss. The doctor inquired about her attitude to the events in Ukraine and President Putin and stated that he "will not serve a patient who does not condemn the war in Ukraine"<sup>1492</sup>. Norwegian Prime Minister Jonas Gahr Støre, commenting on this case, said in the media that "it is unacceptable when Russians are denied medical care in Norway because of the war in Ukraine".

According to the newspaper "Verdens Gang" of 30 March 2022, E.A. Kasin, a Russian woman living in Norway, was refused an appointment with a doctor at the Jeløy Fysioterapi clinic in Moss. The doctor inquired about her attitude to the events in Ukraine and President Putin and stated that he "will not serve a patient who does not condemn the war in Ukraine". Norwegian Prime Minister J. Støre, commenting on this case, said in the media that "it is unacceptable when Russians are denied medical care in Norway because of the war in Ukraine".

More and more Russians are finding it difficult to find employment in Norway because of their nationality and are under pressure at work.

In 2022, Norwegian University of Science and Technology in Trondheim rejected all 17 job applications from Russian citizens under the pretext of new export control regulations and national security threat assessments<sup>1493</sup>.

Restrictions on the employment of specialists from Russia, including those holding Norwegian citizenship, have been introduced at the Norwegian research institute NORCE (in February 2023, the institution stopped hiring Russian employees) and research concern SINTEF (a Russian-Norwegian citizen was refused employment due to concerns that "Russian security services may put

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<sup>1490</sup> "Dagbladet", 11 March 2022

<sup>1491</sup> NRK, 25 February 2022

<sup>1492</sup> "Verdens Gang", 30 March 2022

<sup>1493</sup> NRK, 31 January 2023: [https://www.nrk.no/nyheter/ntnu-slammer-inn-pa-ansettelse-av-forskere-fra-iran\\_-kina-og-russland-1.16278149](https://www.nrk.no/nyheter/ntnu-slammer-inn-pa-ansettelse-av-forskere-fra-iran_-kina-og-russland-1.16278149)

pressure on his relatives in Russia to obtain confidential information")<sup>1494</sup>.

As reported by NRK on 11 July 2022, a Russian woman, Y.Filippova, was denied employment as an interior designer with the Norwegian Promotion Group (one of Norway's main organisers of exhibition and concert events) because "some important clients of the company would not be comfortable working with a team of which a Russian citizen is a part"<sup>1495</sup>.

Y.Filippova filed a complaint with the Anti-Discrimination Tribunal (Diskrimineringsnemnda). The Equality and Anti-Discrimination Ombudsman Bjørn Erik Thon called the incident a violation of Norwegian law which prohibits discrimination against citizens on the basis of their ethnic or national origin.

Cases of refusals to grant security clearance to Norwegian citizens of Russian origin who have been called up for military service continue to occur.

A man named Haakon (the real name has not been disclosed; he was born in 2002 and has Russian roots) was not granted clearance in 2021 after several months of training at a military school due to his "ties with Russia and the possibility of him being pressured, which may be detrimental to national interests"<sup>1496</sup>. His mother migrated from Russia more than 26 years ago, before applying to the military school he renounced Russian citizenship.

Compatriot K.Fulosen (born in 2001; has a Russian mother and Norwegian father) was dismissed from the military service in 2022 after being refused clearance due to "his family's ties with Russia".

The issue of the removal of children from Russian citizens living in Norway by Norwegian guardianship authorities remains relevant (as of November 2023, the Russian Embassy and Consulate General in Kirkenes are monitoring 24 such episodes involving the removal of 43 children).

Yet, in recent years the statistics on the removal have been decreasing. The emerging trend is explained by the liberalisation of Norwegian legislation on the

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<sup>1494</sup> "Khrono", 20 June 2023: <https://khrono.no/fikk-nei-til-jobb-og-beskied-om-at-familie-og-venner-kan-utsettes-for-russisk-press/7880634>).

<sup>1495</sup> NRK, 11 July 2022: [https://www.nrk.no/norge/julia-fikk-ikke-jobb-fordi-hun-er-russisk\\_-\\_klart-tilfelle-av-diskriminering-1.16026902](https://www.nrk.no/norge/julia-fikk-ikke-jobb-fordi-hun-er-russisk_-_klart-tilfelle-av-diskriminering-1.16026902))

<sup>1496</sup> NRK, 22 March 2022

protection of children's rights, greater parental awareness and an increased understanding of the need to seek immediate legal advice.

The number of children taken away peaked in 2015-2016 when the Norwegian child protection authorities forcibly took away 19 and 24 children respectively. In most cases, dysfunctional families are affected, with parents, as a rule, coming from the North Caucasus region. The most frequent reason of children being taken away from the families is the use of corporal punishment.

Norwegians have generally been diligent in implementing the recommendations of international human rights bodies in an effort to maintain their reputation as "leaders" in the field of human rights.

In 2018-2023, Norway has reported on compliance with international human rights obligations to the following UN human rights treaty bodies: UN Human Rights Committee, UN Committee against Torture, UN Committee on the Rights of the Child, UN Committee on the Elimination of Racial Discrimination, UN Committee on the Rights of Persons with Disabilities, UN Committee on Economic, Social and Cultural Rights, UN Committee on the Elimination of Discrimination against Women. All of them have sent their recommendations to Norway.

In February 2023, the UN Committee on the Elimination of Discrimination against Women expressed concern about the Norwegian authorities' overuse of gender-neutral language in local legislation and the lack of gender sensitivity in policy development. It was also recommended that Norway interpret the term "rape" in the penal code in line with international standards (not as "threat or use of force" but as an act "committed in the absence of consent").

In May 2022, Norway submitted to the UN Committee against Torture its ninth periodic report on the fulfilment of its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Information on the outcome of its consideration is currently not publicly available.

In March 2022, the UN Human Rights Committee analysed the measures taken by the Norwegian authorities to address the concerns identified in its concluding observations in 2018.

The UN welcomed the Norwegian commission on the prevention of cohabitant/spouse homicides, as well as the adopted action plans to combat domestic violence and to combat "negative social control" and violence (both for 2021-2024).

Efforts to ensure the rights of national minorities were welcomed, in particular the amendment of the Sami Act to establish the obligation of central and regional authorities to consult the Sami Parliament on indigenous issues, as well as the adoption of an action plan to combat racism and discrimination on the basis of religion and ethnicity for 2020-2023.

At the same time, the Committee expressed concern at Norway's reluctance to strengthen the legal framework concerning the rights of Sami reindeer herders and called for further information on steps taken to increase the number of Sami language teachers and the opportunities to learn Sami languages in kindergartens. It was once again recommended that the Norwegian authorities amend the Immigration Act to protect asylum-seekers from deportation from the country.

In February 2019, Norway submitted its national report to the UN Human Rights Council in the 3rd cycle of the Universal Periodic Review. The country received 241 recommendations, fully accepting 176 of them and partially accepting 22. In September 2019, the Norwegians submitted addenda to the report with responses to these recommendations.

In 2020, Norway has also reported on a number of conventions to the Council of Europe.

Thus, in September 2020, Norway submitted to the Council of Europe the eighth periodic report on the implementation of the European Charter for Regional or Minority Languages.

Following its review in March 2022, it was recommended that the Norwegian authorities allocate additional funds for the revitalization and development of endangered minority languages (Kven, Lule Sami, Southern Sami, Roma and Tater); monitor the demand for learning Sami languages at all educational levels, especially pre-school level; and take measures to increase student enrolment in Sami and Kven language programmes. In January 2023, Norway reported on progress made in

implementing the recommendations. The ninth periodic report is scheduled for 1 July 2025.

In September 2020, Norway also sent the fifth periodic report on the implementation of the Framework Convention for the Protection of National Minorities to the Council of Europe.

In July 2022, the Committee of Ministers called on Norwegians to, *inter alia*, continue to implement the policy of historical reconciliation with regard to the Tatars (Romani), adopt an action plan to combat intolerance against Roma, ensure access to bilingual education for Roma children, develop together with Sameting a set of school textbooks in North Sami, regularly update the action plan against anti-Semitism, increase NRK broadcasting in minority languages (especially Roma and Tatars), raise awareness among the Norwegian population about the Sami and national minorities living in the country, and ensure uninterrupted funding for Kven kindergartens.

In September 2020, Norway reported for the first time on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).

According to recommendations made in December 2022, Norway should take additional measures to combat violence against women who experience intersectional discrimination; provide the necessary human and financial resources to implement policies to protect women from violence; pay greater attention to the gender perspective in the drafting of legislation and the investigation of crimes; improve programmes for the rehabilitation of victims of violence, etc.

In October 2020, the Group of States against Corruption (GRECO) analysed the situation in Norway's central government and law enforcement agencies. As a result of the audit, the Norwegians were called upon to organise ongoing courses on ethics, corruption and conflicts of interest for senior civil servants; regulate the process of communication between government officials and lobbyists; prepare general guidelines on managing conflicts of interest; require State Secretaries, political advisors and their close relatives to submit a mandatory income declaration;

develop an action plan to counter police corruption; and conduct regular integrity checks on law enforcement officials, etc.

Having reviewed the set of actions taken by the Norwegian authorities at the end of 2022, GRECO noted with regret that of the 14 recommendations submitted, only 4 had been fully addressed and 5 partially addressed. The Norwegian authorities were urged to provide further information on the work undertaken by 30 June 2024.

In July 2023, the European Free Trade Association (EFTA) Surveillance Authority launched proceedings against Norway over the government's "unreasonable" restrictions on the hiring of employees on short-term labour contracts<sup>1497</sup>. The Norwegian authorities are charged with violating Directive 2008/104/EC of the European Parliament and of the Council on temporary employment agencies and freedom to provide services within the European Economic Area (EEA). The Norwegian government disagrees with the charges and does not intend to lift the restrictive measures.

However, the EFTA Court continues to hear two cases in which Norway is accused of failing to respect the rights of its own citizens to freedom of access to health services within the European Economic Area (EEA) and of not fully incorporating into Norwegian law the provisions of Directive 2014/50/EC of the European Parliament and of the Council concerning the pension rights of CES residents.

The Norwegian authorities declare as their goal to accede to all major international conventions for the protection of human rights with the fewest possible reservations. However, the Norwegians still have not acceded to the UN Conventions on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity of 1968, on the Suppression and Punishment of the Crime of Apartheid of 1973, etc.

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<sup>1497</sup> On 1 April 2023, amendments to Norwegian law came into force to tighten the rules for hiring employees from temporary employment agencies. Employment of these persons is prohibited if the work is of a temporary/seasonal nature (there are a number of exceptions). There is also a complete ban on the use of temporary workers in the construction sector in Oslo and Viken and Vestfold regions.

Moreover, Norway refuses to sign the optional protocols on a communications procedure to the Convention on the Rights of the Child, the International Covenant on Economic, Social and Cultural Rights and the Convention on the Rights of Persons with Disabilities.

The Government argued that the refusal to sign the above-mentioned optional protocols was based on the presence in the texts of the relevant conventions of "vague" wording on the obligations of States Parties (which, according to the authorities, have too "wide a margin of appreciation", which may lead to difficulties in interpreting the provisions of the conventions when considering individual complaints). The issue of accession to the Protocols has been placed "on hold" and the Norwegian authorities will "keep an eye" on the development of the practice with a view to possibly reviewing the decision in the future.

The Norwegian Foreign Ministry expresses scepticism about the 1996 European Convention on the Exercise of Children's Rights, noting that accession to it would cause "a narrowing of the democratic space for national manoeuvre". At the same time, they believe that the main provisions of this document have already been incorporated into national legislation.

A wide range of measures are being taken on all fronts to implement the international recommendations.

In June 2023, the expert commission's report 'Better Decisions - Better Treatment' was published, which centred on the use of coercive measures in mental health care.

The government's Digital Inclusion Action Plan (2023-2026) was approved in June 2023.

In May 2023, the strategy on the return to the homeland of migrants who arrived illegally in Norway (2023-2029) was updated.

In March 2023, the government submitted a report to the Storting (Parliament) on the observance of the rights of persons with developmental disabilities.

Comprehensive measures are being implemented to support the languages, culture and way of life of the Sami and national minorities. On 1 January 2022, the



Language Act came into force, classifying Sami as an "indigenous language" and Kven and Romani as "minority languages". After years of attempts to resolve the issue, the Norwegian Constitution (Article 108) was amended on 15 May 2023 to establish the status of the Sami as "indigenous people".

On 1 June 2023, the Truth and Reconciliation Commission, whose mandate was to study the consequences of "Norwegianisation" and the oppression of the Sami, Kven and Finnish minorities and to develop possible "reconciliation" measures, submitted a report on its work. The Commission's practical proposals include maintaining and more effective implementation of the existing support programmes for national minorities, especially in the area of language and cultural preservation (including the establishment of a "Centre for Knowledge, Research, Communication and Reconciliation").

In August 2022, the Commission for Freedom of Expression (established in 2019 to assess the current situation in Norway in this area and the feasibility of new measures in the areas of countering the dissemination of fake news and hate speech) submitted a report on its work. It was proposed, *inter alia*, that the interpretation of "discriminatory and hate speech" in § 185 of the Criminal Code be made clearer.

On 1 July 2022, the Corporate Transparency Act came into force, requiring businesses to inform the public about their human rights record and working conditions.

The Compensation for Violent Crime Act was adopted in June 2022 (expected to enter into force between 2023 and 2024).

The Norwegian authorities in the government's Platform for Action for the parliamentary period 2021-2025, stated their readiness to incorporate the provisions of the Convention on the Rights of Persons with Disabilities into national legislation.

In April 2021, the Criminal Code was amended to prohibit forced marriage. In June 2021, Parliament approved amendments to the Marriage Act to clarify the age aspects of marriage. In July 2021, the Action Plan against "Negative Social Control" and Honour Based Violence (2021-2024) was presented, and in August 2021, the

action plan against domestic violence "Freedom from Violence" (2021-2024), with a separate section on the Sami, was presented.

Steps are being taken to overcome discrimination in the labour market. On 1 January 2021, Norway's new Integration Act came into force, aimed at integrating migrants and refugees into Norwegian society and economic life as quickly as possible.

An action plan to combat social dumping and labour market crime was adopted in October 2022.

Work continues in line with the government's action plans to tackle discrimination and hate speech against Muslims (2020-2023, extended to 2024), to tackle anti-Semitism (2021-2023), to achieve equality for disabled people (2020-2025), and the government's Disability Rights Strategy 'Society for All' (2020-2030).

However, in some areas the Norwegians are in no hurry to fulfil international recommendations.

For instance, Norway has not outlawed organisations that promote and incite racial hatred. The Norwegian authorities appeal to the fact that under the local criminal code it is not organisations that are prohibited, but unlawful actions.

There is no concept of "race" in the Norwegian Equality and Non-Discrimination Act of 2017, as it is believed that discrimination on the basis of race is already regulated as "ethnic discrimination". There is no intention to create a separate police structure to counter and investigate cases of hate speech (a Russian recommendation to the HRC in this regard was rejected). The Norwegians refer to the fact that the only specialised special unit in Oslo "gives recommendations" to colleagues from other regions.

Contrary to the recommendations of the UN Human Rights Committee and the UN Committee on the Rights of the Child, Oslo refuses to remove its reservations to Article 10 of the International Covenant on Civil and Political Rights, considering that the placement of juvenile offenders in special prison wings (there are two in the country, with a capacity of eight beds) is not always "in the best

interests of the child".

According to the 2022 report of the Ministry of Foreign Affairs of the Republic of Belarus on the most high-profile cases of human rights violations in selected countries of the world, repression against environmental activists opposing the expansion of the country's oil and gas industry continues in Norway. In August 2021, police forcibly dispersed a demonstration by Extinction Rebellion activists outside the Norwegian Ministry of Petroleum and Energy. The operation was accompanied by arrests of dozens of people who occupied the Ministry's premises. Another 29 protesters were arrested for blocking one of the main streets of the city.

## Poland

The human rights situation in Poland remains alarming. The human rights community reports numerous violations in different spheres of public life.

Current Polish authorities make all possible efforts to falsify the history of World War II, blindly believing that this will contribute to improving the image of the country. The cause-and-effect connections and evaluation of the events during that tragic time for all humanity are deliberately distorted to fit political circumstances. Denials of the Red Army's decisive contribution to the defeat of Hitler's Germany are being propagated, and attempts are being made to eradicate the Soviet/Russian war memorial heritage in Poland. The objective of erasing from public consciousness the recollection of the Red Army's liberating role (600 thousand soldiers and officers of the Red Army died liberating Poland from Nazis) not just in Poland but also in rescuing the Polish populace from physical annihilation by the Nazis, has been officially announced. Soviet military personnel are portrayed in a negative light in public discourse, with accusations of perpetrating offenses against civilians and infrastructure without historical context. Concurrently, the narrative of a dual occupation of Poland by Nazi and Soviet forces is actively promoted. The local propaganda positions Poland solely as the primary target of "two totalitarianisms." In the Polish media, Hitler's Germany and the "allied" USSR are portrayed as equally responsible for starting the war. This stance has been officially supported by a resolution of the Polish Sejm. However, the coverage of Nazi atrocities is inconsistent.

Polish state propaganda focuses on 17 September 1939, when the Red Army launched a campaign to liberate Western Ukraine and Western Belarus, rather than the Third Reich's attack on Poland on 1 September 1939. In the Polish version of history, this is portrayed as "a treacherous Soviet attack on Poland", which purportedly led to the final loss of independence and the division of the Polish state. The country's leaders actively support this historical falsificationist policy in their

relevant public statements.<sup>1498</sup> The aforementioned approaches are also broadcast by the Institute of National Remembrance (INR)<sup>1499</sup> (a state institution that is the main promoter of Polish historical policy and the main initiator of the campaign to demolish Soviet monuments in Poland).

The distorted historical portrayal has been employed by Polish propagandists to discredit Russia following the Russian military operation to denazify and demilitarize Ukraine, and safeguard civilians in Donbass, which began on 24 February 2022. The primary objective is to persuade the public that Russia/USSR is a perpetually criminal state. The Russian justification for commencing special military operation was countered by Polish propaganda which compared the situation to the invasion of independent Poland on 17 September 1939 that sought to acquire its eastern territories. In Poland, a view is being promoted that Russia's current aim is to confiscate Ukrainian lands, while also destroying Ukrainian people, culture and national identity.

Similarly, the alleged "crimes" committed by Red Army soldiers against the civilian population of various European countries, including Poland, during the war and the deaths of civilians in Ukrainian cities such as Bucha, Irpen, Kramatorsk and others, are being mythologized. The Russian army is unjustly blamed by the Polish side for these events.

Polish political elites deny the existence of Nazism in Ukraine, ignore the facts of crimes committed by the Ukrainian military and radicals, and instead substitute concepts, accusing the Russian side of such actions without evidence. On 11 April 2022, at a press conference following a meeting with the Belgian Prime Minister, Polish Prime Minister Morawiecki, according to Polish media, said: "There can be no neutral positions on the battlefield of good versus evil. We must

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<sup>1498</sup> Examples of such statements by Polish officials and more detailed information about the Polish efforts to falsify history are given in the Ministry's report on global glorification of Nazism (published on the Internet portal of the MFA of Russia [www.mid.ru](http://www.mid.ru)).

<sup>1499</sup> Institute of National Remembrance – Commission for the Investigation of Crimes against the Polish people acts on the basis of 1998 Act (with subsequent amendments). The Act regulates the collecting and processing of the documents of the state security authorities, produced and accumulated from 22 July 1944 until 31 July 1990, investigation into Nazi and communist crimes, performing activities in the field of public education, establishing the location of graves, and issuing opinions on the presence of propaganda of communism or other totalitarian system through the names of buildings, objects, and public service devices (the last objective was set after the adoption of the so-called street de-communization act in 2016).

convince everyone around us, who still doubts it, that there is nothing to talk about with such a brutal regime as the fascist regime in Moscow. It must be forced to renounce the atrocities of the war that the Russians provoked".<sup>1500</sup> This political actor is also known for other similar ideas having nothing in common with reality and apparently with real interests of Polish society.

From the beginning of the special military operation, Poland, according to the country's defence ministry, has provided military aid to the Kiev regime worth over 3 billion euros, making it one of the top four (along with the United States, the United Kingdom and Germany). Warsaw handed Kiev tanks, IFVs, self-propelled howitzers, UAVs, assault rifles, missiles and ammunition. Citing Ukrainian sources, Polish mass media reported that up to 90 percent of Western military aid to Ukraine was coming through the Polish territory.<sup>1501</sup>

In order to whitewash the neo-Nazi regime in Kiev, the Polish authorities are putting pressure on independent Polish journalists. In April 2022, Dawid Warszawski, a columnist for the opposition liberal Polish newspaper *Gazeta Wyborcza*, published a piece in which he reported that its editorial board demanded that he called the Azov battalion banned in Russia not neo-Nazi, as Warszawski defined it in his articles, but "extreme right-wing" – as if there was any difference – or used some other euphemisms.

As part of activities aimed at falsifying history in Poland, the merits of "underground heroes" – the "cursed" (or "unbroken") soldiers<sup>1502</sup> in achieving freedom and independence of post-war Poland (which became allegedly possible only at the juncture of the 1980s–1990s<sup>1503</sup>) are glorified at the state level. The Day of Remembrance of the "cursed" soldiers (as heroes of the "national liberation" struggle) is celebrated on 1 March. On the occasion of the events marking this date

<sup>1500</sup> <https://radioszczecin.pl/6,438387,premier-z-tak-brutalnym-rezimem-jak-faszystowski>

<sup>1501</sup> <https://wiadomosci.wp.pl/ogromna-skala-pomocy-ukrainie-nawet-90-procent-z-polski-6797051920595936a>

<sup>1502</sup> Members of the Polish nationalist (anti-Soviet) underground who organized the killing of civilians, including women and children, inter alia, Orthodox Belarusians in Eastern Poland (Podlasie), Jews, and Poles after the war. One of the "cursed" commanders was Romuald Rajs (Bury). During World War II all underground armed organizations on the Polish territory occupied by German troops were united in the "Armia Krajowa". After the liberation of Poland in 1944–1945 by Soviet troops some members of this association who did not want to fight against Hitler forces took part in the underground struggle but with their compatriots and soldiers of the Red Army.

<sup>1503</sup> <https://www.prezydent.pl/aktualnosci/wypowiedzi-prezydenta-rp/wystapienia/art,989,wystapienie-podczas-centralnych-obchodow-narodowego-dnia-pamieci-zolnierzy-wykletych.html>

on 1 March 2021, Polish President Duda said: "The unbroken soldiers – despite the fact that World War II was over and Hitler's Germany was defeated – did not accept that there should be a Poland that was not a truly independent, sovereign state.... They did not accept that there was a Soviet occupation in Poland. In this connection, they did not lay down their arms, having decided to fight for a free, independent, sovereign Poland to the end...".<sup>1504</sup> And such "historians", only empowered, now run the ball in modern Poland.

Under the banner of combating "Soviet propaganda" and shaping the "correct" history of World War II, a cult of even those "fighters against communism" who were stained by collaboration with the Nazis, war crimes and the killing of civilians is being cultivated in Poland. For example in August 2021, a memorial event was held in Warsaw to commemorate the founding of the "Brygada Świętokrzyska" (Holy Cross Mountains Brigade), a division of the National Armed Forces.<sup>1505</sup> It was organized by the Office for Veterans and Repressed Persons. It was attended by representatives of the authorities and state bodies.<sup>1506</sup>

In September 2022, the Office for Veterans and Repressed Persons once again organized commemorative events in Warsaw to mark the formation of the Polish National Armed Forces (NSZ), during which the "Brygada Świętokrzyska" was also honoured.<sup>1507</sup>

Archival documents, which are now accessible to the public, provide evidence that fighters of the Polish "Armia Krajowa" and its individual formations committed numerous murders of peaceful Soviet citizens. In late October 2022, the Russian FSB revealed additional archive records, including a reference to terrorist activities performed by Polish gangs on the territories of Belarus and Lithuania in 1944 and from January to April 1945. The document, prepared in early May 1945, reports

<sup>1504</sup> <https://www.prezydent.pl/aktualnosci/wypowiedzi-prezydenta-rp/wystapienia/prezydent-zolnierze-niezlomni-postanowili-walczyć-do-konca-o-wolna-polske,4424>

<sup>1505</sup> The National Armed Forces (NAF) is one of the underground armed organizations that has stained itself by collaborating with the Nazis. Part of the NAF called the "Świętokrzyska brigade" ("Brygada Świętokrzyska") together with SS troops in 1944-1945 participated in the battles against the Red Army and in 1945 retreated with the Nazis to Germany.

<sup>1506</sup> <https://ipn.gov.pl/pl/aktualnosci/148025,77-rocznica-powstania-Brygady-Swietokrzyskiej-Narodowych-Sil-Zbrojnych-Warszawa-.html>

<sup>1507</sup> <https://ipn.gov.pl/pl/aktualnosci/170669,Obchody-80-rocznicy-powstania-Narodowych-Sil-Zbrojnych-20-wrzesnia-2022.html>

almost 70 terrorist acts and murders of Soviet citizens, including not only military, but also government officials, enterprise managers and employees, teachers, committed by Polish militants.<sup>1508</sup>

Along with glorifying Polish fighters of World War II, the authorities demonstrate their willingness to honour those actors who are severely condemned even by the Polish society. For example, the burial site of the UPA fighters killed by NKVD units on Mount Monastyr in Lyubachuvsky uyezd of Podkarpatsky voivodeship had been restored at public expense a few days before the official visit of Polish President A.Duda to Ukraine on 11 October 2020. At the burial site there was a new slab with the following text in Polish and Ukrainian: "Mass grave of Ukrainians died on the night of 2 to 3 May 1945 fighting Soviet NKVD units in Monastery woods". In return, Warsaw received permission from Ukraine for Polish experts to carry out exhumations near Lvov, where there are military burials of Poles who died in battles for the city in 1918. This was declared by V.Zelensky during the joint press conference with A. Duda in Auschwitz on 27 January 2020.<sup>1509</sup>

There are other examples of Polish manifestations of the so-called solidarity with current criminal Kiev regime. In February 2024, civil society organizations reported that Polish Ministry of Education was going to adjust school history curriculum by excluding some "uncomfortable" issues, for example, replacing the term "the Volhynia massacre", which describes mass killings of Polish people by Ukrainian collaborators in Volyn and Eastern Lesser Poland, with a term "Polish-Ukrainian conflict". It was also suggested to delete from the school curriculum devoted to "German and Soviet crimes during World War II" any reference to the concentration camps on the territory of Poland such as Ausschwitz, Palmiry, Piaśnica and child camps in Łódź, Ponary, Katyń, Mednoye, and Kharkov. It was also reported that it had been proposed to remove the issue of "cursed soldiers" from school textbooks. After the media found out about these ideas, Polish Education

<sup>1508</sup> <https://www.rubaltic.ru/news/31102022-fsb-rassekretila-dokumenty-o-prestupleniyakh-polskikh-band-v-velikuyu-otechestvennuyu-voynu/>

<sup>1509</sup> <https://ukraina.ru/20201018/1029285566.html?in=t>



Minister B. Novatskaya had to say that she would not sign the program where "Volyn crime was not called genocide".<sup>1510</sup>

After the beginning of Russian special military operation, an unprecedented, in terms of its violence and falsehood (even by that country's standards) anti-Russian propaganda, nourishing the fantastic, as to its scale, outburst of Russophobia, was unfolded in Poland. Polish officials do not hide their charge against Russian state and culture, publicly expressing the need to destroy Russia and abolish Russian culture (in the last two years this was implemented by refusing to stage and perform works by Russian authors, co-operating with performers from Russia), "derusification" (reducing Poland's dependence on Russia, primarily in the energy sector). There has been no talk of taking measures to limit such rhetoric or hold those responsible.

Thus, on 30 March 2022, Polish Prime Minister Morawiecki said that Russophobia had come into the mainstream in this state. Earlier, he also reported that the confiscation of Russian property could begin in the country, emphasizing his readiness to meet with the opposition to discuss this issue in order to subsequently bring it to the Sejm. Simultaneously, the process of seizure of facilities that "are in unauthorized ownership" of Russia (the secondary school at the Embassy and a former residential building of the Trade Mission) has already been initiated by the Ministry of Foreign Affairs of Poland.<sup>1511</sup>

Since April 2022, Warsaw has maintained a national "sanctions" list<sup>1512</sup>, which includes Russian companies and Russian citizens. In January 2024, it included 43 individuals with Russian citizenship and 67 legal entities with Russian capital.

In September 2022, the Polish authorities banned citizens of the Russian Federation to enter the Republic of Poland for tourist or private (guest) purposes, to participate in or service international sports competitions on the territory of Poland,

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<sup>1510</sup> <https://iarex.ru/articles/123657.html>, <https://t.me/sewerfsefsd/39384>

<sup>1511</sup> Polish Prime Minister announced the plans to confiscate Russian property in the country. RBC. 21 March 2022 <https://www.rbc.ru/rbcfreenews/6237a0e49a794719c51ff7a5>

<sup>1512</sup> <https://www.gov.pl/web/mswia>

to participate in international contests or musical festivals on the territory of Poland, as well as journalists to cover the above-mentioned events; businessmen entering Poland for business purposes at the invitation of Polish actors in agriculture. The suspension of the EU-Russia Agreement on simplified visa procedures for EU and Russian citizens has been welcomed in Warsaw. There are currently no passenger rail or air services available between Russia and Poland.

Culture and art also suffered Russophobic attacks by the Polish authorities. This policy has been initiated on the official level. On 4 April 2022, Piotr Gliński, Deputy Prime Minister, Minister of Culture and National Heritage of Poland, called for Russian culture to disappear from the public space. In his opinion, the time of the special military operation is inappropriate for Russian ballet, productions based on Anton Chekhov and Alexander Pushkin, or performances by the Alexandrov Ensemble.<sup>1513</sup> In 2022-2023, there were numerous campaigns aimed at "cancelling" concerts by Russian performers, exhibitions or reception of Russian museum exhibits etc.

In 2024, this campaign continues with the participation of the Polish authorities-friendly NGOs. For example, according to media reports<sup>1514</sup>, a concert of Russian pianist N. Khozyainov (living in Switzerland) planned for 22 February 2024 in the Warsaw Philharmonic Hall caused "outrage in social networks". A Ukrainian activist residing in Poland and founder of Euromaidan-Warsaw social movement N. Panchenko asked the Philharmonic Hall to cancel the concert.<sup>1515</sup> A relevant protest movement in front of the Philharmonic Hall was planned for 22 February.<sup>1516</sup>

The enforced Russophobia has impacted Russian athletes playing for sports clubs in Poland. Contracts were cancelled with those who refused to condemn the special military operation and the policy of the Russian leadership. In March 2022, Polish "Polonia Bytom" voided contracts with five Russian hockey players Danil Babets (having both Russian and Kazakh citizenship), Kirill Kleimyonov, Yegor

<sup>1513</sup> Poland called for Russian culture to disappear from the public space. RBC. 4 April 2022

<https://www.rbc.ru/politics/04/04/2022/624ae60d9a7947ec8b2d2561>

<sup>1514</sup> <https://kultura.gazeta.pl/kultura/7.1.14526.30617268.rosviski-pianista-zagra-w-polsce-wstyd-i-hanba-filharmonia.html>

<sup>1515</sup> <https://www.instagram.com/p/C2fOL2sNKFc/>

<sup>1516</sup> [https://bip.warszawa.pl/Menu\\_przedmiotowe/ogloszenia/zgromadzenia\\_publiczne/wykaz\\_zgromadzen\\_2.htm](https://bip.warszawa.pl/Menu_przedmiotowe/ogloszenia/zgromadzenia_publiczne/wykaz_zgromadzen_2.htm)

Rudskoy, Valeri Polinin, and Ilya Smirnov. The club leaders have cited the refusal by the athletes to take an "unambiguously anti-war position" and their "unnecessary anti-Ukrainian activity in social networks" which the club cannot accept as a reason to say goodbye to them. The "Bytom" authorities (Silesian Voivodeship), where the hockey club is based, have supported this decision. Two similar incidents have occurred the same month. Polish "STS Sanok" terminated contract with Russian hockey player A.Mokshantsev due to an "open war" of Russia with the "neighbouring country" (it was announced by the club on its Facebook page). Polish "GKS Katowice" also terminated contract with Russian hockey player Alexander Yakimenko because the athlete failed to "explicitly condemn the aggression by Vladimir Putin and the Russian Federation against Ukraine" (the club has also published a relevant announcement on its website).

In April 2023, the Polish Fencing Federation (PFF) announced its decision to cancel the Women's Foil Fencing World Cup (planned for 21-23 April 2023) after the International Fencing Federation on 4 April 2023 had adopted the rules of admission to competitions of Russian and Belarusian athletes (it was ready to allow only those Russian and Belarusian female athletes and members of their staffs who were ready to confirm in writing that they did not support the "war in Ukraine", were not connected with the "Putin regime", the army or special services and were not members of army clubs to compete under a neutral flag). The PFF has thus expressed its "solidarity" with the Ukrainian Fencing Federation willing to suspend from international competition Russian athletes who, in their opinion, support "cruel war in Ukraine" and represent the "Putin regime". On 3 April 2023, the Russian Fencing Federation announced that it would not send its foilists to the Women's Foil Fencing World Cup in Poznań because of unacceptable conditions of participation set by the PFF.

On 22 July 2023, the Polish Interior Ministry published a report that the border guard at Warsaw's Okencze airport prevented the entry of Russian tennis player V.Zvonareva, who had flown to Poland from Serbia holding a French visa to

participate in the WTA tournament in Warsaw. According to the report, she was denied the entry to the country for security reasons.

The World Youth Wrestling Championship was to be held in Warsaw on 14-20 August 2023. Due to the fact that Poland did not issue visas to Russian athletes who intended to take part in the event (consideration of the issue lasted from September 2022), the United World of Wrestling International Federation has therefore decided to move the event to Jordan. A statement published on the Federation's website said that Warsaw had failed to fulfil its obligations to ensure equal participation for all athletes without discrimination on passport or other criteria.

Russian citizens and compatriots living in Poland are affected by the Russophobic policy of the Polish government. Domestically, Russian citizens in Poland experience issues being refused service in grocery stores, pharmacies, clinics, dental practices, beauty salons, and other establishments.

In the context of the large-scale information war against Russia launched by the Polish authorities after the start of a special military operation to demilitarize and denazify Ukraine, the Polish government censored the Polish segment of the Internet in May 2022. At the initiative of the Internal Security Agency, several Russian and Polish Internet portals were blocked for "spreading pro-Kremlin propaganda" (ria.ru, lenta.ru, pl.sputniknews.com, rt.com, dziennik-polityczny.com, myslpolska.info, wicipolskie.pl, wolnemedi.net, xportal.pl, wrealu.pl) and five Russian channels ("Russia Today", "RTR-Planeta", "Soyuz TV", "Russia 24", and "ORT-1") and one Belarusian channel ("Bel-24") were banned.

The campaign against Russia has impacted the work of Russian diplomatic missions in Poland. On 25 February 2022, the bank accounts of both the Russian Embassy and Trade Mission in Poland were frozen. This action constitutes a clear violation of the Vienna Convention on Diplomatic Relations of 1961. The financial control authorities and prosecutors' offices in Warsaw have justified their decision by citing absurd suspicions of terrorist financing by Russian foreign institutions in

Poland. The last of the four Russian language and culture centres situated in Lublin terminated its operations on 9 March 2022.

Russian missions in Poland have been repeatedly attacked by vandals. On 26 February 2022, vandals spray-painted a sign on the main entrance gate, causing damage to the Embassy's official symbols and breaking windows. Additionally, other individuals simultaneously threw paint bags at the school walls at the Russian Embassy. On the night of 7-8 May 2023, an unidentified individual attempted to enter the grounds of the Russian Consulate General in Gdansk with the purported intention of destroying the Russian flag. The intruder was frightened off by the police, and successfully evaded capture. An investigation into the incident has been launched by Polish law enforcement authorities, but no suspect has been identified thus far.

Among those affected are Russian representatives of social movements, journalists, and academics who experience harassment and pressure. E.Tsivilskaya and A.Smirnova-Tyts, two Russian women who spoke out against the destruction of monuments, were detained and expelled from Poland in May 2018 on false allegations of taking part in a "hybrid war against Poland" and still remain banned from entering the country. In 2017, Russian historian D.Karnaukhov was expelled and in 2018, two more Russian citizens, I.Stolyarchik and O.Rotkhshtein, were also expelled. They were reportedly considered a threat to the country's security. At the initiative of the Polish authorities, two Russian political scientists O.V. Bondarenko and A.A. Martynov have been banned from entering the country since late 2017. Moreover, they have been prohibited from entering the Schengen countries since early 2018.

In 2021, the Polish authorities extended the Schengen zone entry ban (until December 2025) for journalist Leonid Sviridov of the Russia Today news agency, citing "conducting aggressive propaganda and damaging the image of Poland". Additionally, VGTRK correspondent Evgeny Reshetnev was banned from entering the country for five years in March 2021 for allegedly engaging in activities "beyond the scope of journalism".

All this is accompanied by the creation of visa and logistical obstacles for representatives of Russian civil society taking part in relevant events which are still organized within the OSCE framework on the territory of this country.

Since the beginning of Russia's special military operation to denazify and demilitarise Ukraine as an excuse to prosecute Russian and foreign citizens Warsaw has begun to combat espionage. In December 2023, Lublin district court<sup>1517</sup> passed sentences against 14 participants of an "espionage network", who pleaded guilty, (mainly Ukrainian and Belarusian citizens, and Russian hockey player M. Sergeyev, detained in June 2023<sup>1518</sup>, who played for the First League of "Zaglebie Sosnowiec" that, according to Polish media, Polish intelligence services had been "exposing" since March 2023<sup>1519</sup>. The Russian citizen was charged with participating in an organized criminal group and activities in the interests of foreign intelligence against Poland. The media reported that his tasks allegedly included surveillance of critical infrastructure on the territory of a number of Polish voivodships. He allegedly worked for remuneration within an "espionage network". Following the examination of the case, the convicted persons were sentenced to various terms from one to six years and fines. M. Sergeyev was sentenced to two years and 11 months in prison and a fine of 15 thousand zlotys (equivalent to about \$3,750).<sup>1520</sup> In February 2024, the Bialystok District Court sentenced two Ukrainian and Belarusian citizens to four years in prison for espionage in favour of Russia. Two accused persons were allegedly accused of participating in an "espionage network".<sup>1521</sup>

Poland is among the nations whose authorities are actively demolishing monuments and memorials in tribute to Red Army soldiers who have lost their lives during the country's liberation from Nazism in World War II. The Russian side usually finds out about the destruction of monuments after carrying out an inventory. Information also comes from news outlets. The Polish media have recently preferred to keep quiet about such incidents therefore the number of cases

<sup>1517</sup> <https://www.pap.pl/aktualnosci/14-obywateli-ukrainy-bialorusi-i-rosji-skazanych-za-szpiegostwo-na-rzecz-rosji>

<sup>1518</sup> <https://katowice.tvp.pl/70958551/szpieg-zatrzymany-maksym-s-byl-czlonkiem-pierwszoligowego-klubu>

<sup>1519</sup> <https://dorzeczy.pl/kraj/506268/szpiedzy-rosji-w-polsce-akt-oskarzenia-wobec-16-osob.html>

<sup>1520</sup> <https://tass.ru/mezhdunarodnaya-panorama/19582601>

<sup>1521</sup> <https://www.polskieradio.pl/399/7977/artykul/3328914,bialystok-rosjanin-i-bialorusin-nieprawomocnie-skazani-za-szpiegostwo>

of unlawful demolition of monuments of which the Russian side has become aware is far from complete and is refined over time.

The 2020-2021 inventory of Soviet monuments unrelated to burials by the Russian Embassy in Poland has identified 9 recent demolitions that occurred from 2019-2021. Monuments were destroyed or depersonalized in villages of Baszków (Wielkopolska Voivodeship), Bincze and Radowo Wielkie (West Pomeranian Voivodeship), Wrocław and Szczynawa (Lower Silesian Voivodeship), Krzanowice (Silesian Voivodeship), Patrzyków (Łódź Voivodeship), Wilkow and Józefów (Lublin Voivodeship).

Besides, in 2021, there were four cases of illegal demolition of Soviet monuments. In January, the monument to Soviet liberators in Wysokie Mazowieckie (Podlaskie Voivodeship) was demolished. In April, it was discovered that the Monument of Gratitude to the Red Army, in Lesko (Subcarpathian Voivodeship) and the Monument to Soviet and Polish Brotherhood in Arms in Czechowice-Dziedzice (Silesian Voivodeship) had been taken down. The obelisk marking the grave of A.P. Sinitsyn, Hero of the Soviet Union in Wola Bukowska (Subcarpathian Voivodeship) was also removed. There were seven acts of vandalism of Soviet war graves in Wolsztyn and Rawicz (Wielkopolskie Voivodeship), Świdnica, Wiązów, and Lubań (Lower Silesian Voivodeship), Zambrów (Podlaskie Voivodeship), and Ostrołęka (Mazovian Voivodeship).

Since the end of February 2022, the Russophobia spread by the Polish authorities has been reflected in the already active "war" against monuments and memorials in honour of fallen Red Army soldiers. Since the beginning of the special military operation, the number of acts of vandalism on Soviet memorials and graves on the Polish territory has increased manifold. As a rule, vandals write Nazi and Ukrainian neo-Nazi symbols, obscene words, and also splash monuments with paint. There were 46 acts of vandalism at Soviet military cemeteries in cities and towns throughout the voivodeships: Wielkopolska (Rawicz, Poznań and Gniezno); Świętokrzyskie (Sandomierz); Lubuskie (Żary); Mazowieckie (Warsaw, Radom, Garwolin and Minsk-Mazowiecki); Silesian (Katowice and Chorzów); Lower

Silesian (Wrocław, Luban, Wałbrzych, Kąty Wrocławskie, Świdnica and Bolesławiec); Pomeranian (Gdańsk, Żukowo and Tczew); West Pomeranian (Kołobrzeg and Koszalin); Kuyavian-Pomeranian (Głinki (near Toruń) and Brodnica); Małopolskie (Szczucin, Węgrzce, Mysłenice and Wadowice); Podkarpackie (Krosno and Melec); Lublin (Flisy and Wilków); Podlaskie (Zambrów and Harasimowicze); Warmińsko-Mazurskie (Elbląg, Lubawa, Ostróda and Wronki Wielkie); Łódź (Łódź, Zgierz and Piotrków Trybunalski) and four against monuments (in Olsztyn (Warmińsko-Mazurskie Voivodeship), Głubczyce (Opolskie Voivodeship), Węgrzce (Małopolskie Voivodeship), and Gliwice (Silesian Voivodeship)). Some memorial sites (in Warsaw, Poznań, Wrocław, Tczew, and Luban) were repeatedly desecrated. A number of monuments (in particular in Chrzowice-Folwark, Głubczyce) were demolished "under the cameras".

At the same time, the Polish authorities increased their efforts to destroy memorials in honour of the fallen Red Army fighters. They voiced their intentions openly. In March 2022, Karol Nawrocki, chairman of the INR, announced that the Institute possessed a catalogue of 60 commemorative locations associated with the Red Army and that IPN would endeavour to remove them in collaboration with local government.<sup>1522</sup> In April 2022, he pledged at a press conference that the INR would energetically implement the "de-communization" law concerning monuments (excluding burials).<sup>1523</sup>

Local authorities at different levels, in coordination with the Institute of National Remembrance of Poland, have started a large-scale demolition of Soviet monuments situated outside burial grounds.

The process of "de-communization" of public space in Poland is carried out in accordance with the Act on the prohibition of the promotion of communism or other totalitarian system of 1 April 2016 (with subsequent amendments).<sup>1524</sup> Monuments

<sup>1522</sup> <https://www.pap.pl/aktualnosci/news%2C1136300%2Cprezes-ipn-czas-dokonczy-dekomunizacje-polskiej-przestrzeni-publicznej>

<sup>1523</sup> <https://dzieje.pl/demontaz-upamietniajacych-armie-czerwona-pomnikow-w-siedlcu-i-miedzyblociu>

<sup>1524</sup> The Act came into force in September 2016. It provided for the removal from public space of the names of persons, organizational units, events and dates that symbolize "the repressive, authoritarian and non-sovereign regime of power in Poland in 1944-1989". Initially, the Act did not apply to monuments, but in July 2017, it was amended and within a year from the date of the entry into force of the amendments, any objects "symbolizing communism or other



to Soviet soldiers-liberators are being taken down due to the perception that they represent the ideology of communism or promote it. Poland is therefore in breach of its international responsibilities as outlined in the Treaty between the Russian Federation and the Republic of Poland on Friendly and Good-Neighbourly Cooperation of 22 May 1992, as well as the intergovernmental agreements regarding cooperation in cultural, scientific, and educational fields dated 25 August 1993 and burials and commemoration sites for victims of wars and repression ratified on 22 February 1994.

In 2022, there were 18 cases of unlawful demolition of Soviet monuments of which the Russian side became aware (there were probably more, but the Polish media has recently preferred to keep quiet about such incidents). Monuments were demolished in Chrzowice-Folwark, Brzeg, Byczyna, and Głubczyce (Opolskie Voivodeship), Garnzarsko (Lower Silesia Voivodeship), Międzybłocze (Wielkopolska Voivodeship), Biały Bur, and Brojce, Starogard, Bobolice and Stargard (West Pomeranian Voivodeship), Dąbrowa Górnicza (Silesian Voivodeship), Malbork (Pomeranian Voivodeship), Włodawa (Lublin Voivodeship), Mokre (Świętokrzyskie Voivodeship).

In July 2022, a monument situated on the mass grave of 64 Soviet soldiers who perished battling Hitler's troops in July 1944 was removed from Terespol (Lublin Voivodeship) without the agreement of the Russian side. On 1 September 2022, the Polish authorities decided to dismantle a memorial for the Red Army soldiers who lost their lives in World War II near the Soviet military cemetery in Wałbrzych (Lower Silesia Voivodeship).

In May 2023, the Polish Institute of National Remembrance reported that nearly 28 "Soviet propaganda sites" had been demolished through efforts by the Polish government spanning a year and a half, commencing in February 2022.

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totalitarian system or propagating this system" were to be removed from public space (subsequently, the deadline for fulfilling these requirements was reduced to 31 March 2018). In practice, the Polish authorities "failed" to meet the deadline. Less than 100 monuments to Soviet soldiers-liberators unrelated to burials (in 1997 there were 561) have been preserved.

In 2023, at least four acts of vandalism were committed against Soviet war memorials; specifically, Kiezieliny (Olsztyn, Warmińsko-Mazurskie Voivodeship), Szczecin (West Pomeranian Voivodeship), and twice in Rzeszów (Podkarpackie Voivodeship). Additionally; eight cases of war graves desecrations were recorded in Warmińsko-Mazurskie Voivodeship (Morąg) and Mazowieckie Voivodeship (Warsaw), Lower Silesian Voivodeship (Wrocław), West Pomeranian Voivodeship (Szczecin), Kuyavian-Pomeranian Voivodeship (Labiszyn), Pomeranian Voivodeship (Kartuzy, Żukowo, Kościerzyna).

In 2023, Soviet war monuments (or parts thereof) were unlawfully removed by the Polish authorities in Tczew (Pomeranian Voivodeship), Lubawa (Warmińsko-Mazurskie Voivodeship), Głubczyce (Opolskie Voivodeship), and Szczecin (West Pomeranian Voivodeship).

For instance, in March 2023, the city authorities made the decision to dismantle a memorial plaque honouring Soviet soldiers in Tczew (Pomeranian Voivodeship). Similarly, in Głubczyce (Opolskie Voivodeship), a Soviet monument was demolished by the Polish authorities in May.

On 5 May 2023, an obelisk was removed in Głubczyce, which had been erected in 1945 on the former grave of 676 Soviet soldiers of the 1st Ukrainian Front (according to the Polish Red Cross, the remains of the soldiers were reportedly moved to a different cemetery in 1952). During a press conference, which took place before the demolition, Karol Nawrocki, chairman of the IPN, and Adam Siwek, director of the Bureau for the Commemoration of Struggle and Martyrdom of the IPN, had desecrated the memory of the dead Soviet soldiers, calling them "infanticide, murderers and rapists" and the memorial itself contrary to history and lacking aesthetic merit.

Two acts of vandalism at Soviet military cemeteries were discovered in January 2024.

As a result, most of the monuments honouring Soviet soldiers in Poland have been destroyed since the late 1990s, leaving only a few of the original

561 monuments remaining by 2023. However, even these remaining memorials are at risk of destruction.

While the fact that the Soviet Union liberated Poland has been silenced, the Polish authorities did not obstruct official events honouring the Red Army's liberation of Europe until February 2022; however, they typically did not take part in them. The situation changed dramatically following Russia's launch of the special military operation.

On 9 May 2022, a wreath-laying ceremony at the Soviet soldiers' cemetery organized by the Russian Embassy in Poland was disrupted by pro-Ukrainian individuals in Warsaw, with the apparent connivance of the Polish authorities. The attack targeted Russian Ambassador to Poland Sergei Andreev and his entourage. Attempts to disrupt a commemorative event organized by the Russian Consulate General on the occasion of the Victory Day in the Great Patriotic War took place in Gdansk.

On 9 May 2023, next attempts were made to prevent Russian diplomats from holding the ceremony, when a group of "activists" from the Euromaidan-Warsaw civic initiative and Ukrainian refugees gathered at the cemetery. The square in front of the central monument was full of Ukrainian flags, installations, pictures of "arrested Putin" and various posters. Signs of vandalism – obscene graffiti with anti-Russian content – were found on one of the architectural elements of the memorial. The protesters also tried to prevent the Russian delegation from laying wreaths, insulted the Ambassador and members of the delegation, and destroyed the flowers after the ceremony.

These actions are in line with the policy of the Polish authorities, who make no effort to stop such illegal actions against Russian diplomats. It is known that on 9 May 2023, Krzysztof Sobolewski, the Chair of the Executive Committee of Poland's then ruling national-conservative Law and Justice party, in his attempt to prevent the Russian Embassy from paying tribute to the memory of the fallen soldiers of the Red Army, made a statement requesting the Russian Ambassador to avoid "provocations". For him, provocations meant traditional ceremonies in

memory of Soviet soldiers. Similar "aspirations" were expressed by the head of the Bureau for International Policy in the Chancellery of the President of Poland, Marcin Przydacz.

The same attitudes are disseminated in print and online. After the launch of the special military operation, the Polish media started to disseminate a narrative that honouring Soviet soldiers on the Victory Day had "taken on a new interpretation, signalling support for the Kremlin's policies".

At the same time, on 8 and 9 May 2023, wreaths were placed by representatives of the Russian Consulates General in Krakow and Poznan at the Soviet memorials located in the Rakowice Cemetery in Krakow and the Citadel Park Complex without any complications. Additionally, wreaths were placed at the memorial plaque commemorating Vasily Chuikov, Marshal of the USSR and honorary citizen of Poznan, who commanded the 8th Guards Army during the liberation of the city in February 1945. Furthermore, wreaths were laid at the Milostowo Cemetery in Poznan. These ceremonies also took place without any complications.

On 18 February 2024 in Pieniężno (Warmińsko-Mazurskie Voivodeship) the Ambassador of Russia to Poland Sergei Andreev and employees of Russian foreign missions organized a wreath-laying ceremony at the place where on 18 February 1945 the twice Hero of the Soviet Union, Commander of the 3rd Belorussian Front General of the Army Ivan Chernyakhovsky was mortally wounded (at this place there was a monument to him from the beginning of the 1970s until 2015). A group of Ukrainians and Poles living in the vicinity of Pieniężno, who shouted insults at the diplomats, tried to prevent the ceremony.<sup>1525</sup>

After the launch of the special military operation, Poland stopped inviting Russian diplomatic and consular representatives to its events involving the diplomatic corps, including those dedicated to the events of the World War II. This was the case, for example, in Gdansk on 8 May 2023, where the municipal authorities held a commemorative ceremony in memory of the residents who lost

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<sup>1525</sup> <https://tass.ru/obschestvo/20019949>

their lives to the Nazis. Unlike the representatives of the German and Ukrainian Consulates General, the staff of the Russian Consulate General in Gdansk did not receive an invitation.

Museum institutions also comply with the policies of the Polish authorities. In August 2022, the administration of Polish State Museum Auschwitz-Birkenau, located on the site of the former Nazi death camp at Auschwitz, closed the permanent exhibition "Tragedy. Courage. Liberation" in Block 14. The exhibition was prepared by the Russian Central Museum of the Great Patriotic War 1941-1945 to preserve the memory of the atrocities of Nazism and the role of the Red Army in liberating the camp. The management of the Polish museum misused the expiration date of the operating agreements between the Polish and Russian museums (end of April 2022) as a pretext for closing the exhibition. In reality, however, the Polish side had refrained for more than two months from contacts on this issue with its partners in the Russian museum, as well as with Russian diplomats who tried to resolve the negative situation. After the exhibition closed, the staff of the Russian museum incorporated its materials to create a multimedia exhibit called "Auschwitz.Pravda," which is available for viewing on the museum's website, [<sup>1526</sup>https://victorymuseum.ru](https://victorymuseum.ru).

In Poland, the distribution of items bearing Nazi symbols or the publication of Nazi literature is common. For instance, in January 2021, an academic edition of Adolf Hitler's *Mein Kampf* was published in Poland. This was the second edition, with the first being published in the early 1990s. This caused uproar in the country. The leader of the KURSK Commonwealth, Jerzy Tyc argued during an interview with the "Zvezda TV" channel that the publication of *Mein Kampf*, Hitler's prohibited autobiography, in Poland was both a crime and a mockery. He also said that his organization planned to bring the matter to the attention of the relevant Polish authorities. Tyc pointed out that Poles were buying the book with enthusiasm

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<sup>1526</sup> Multimedia exhibit "Auschwitz.Pravda" web-site: <https://victorymuseum.ru/electronic-exhibitions/osvencim-pravda/>

and boasting about it on social networks.<sup>1527</sup> The entire print run of two thousand copies was sold out immediately upon release. As a result, the owner of the "XXL Publishing House", which was responsible for preparing the Polish version of the book for publication, expressed his intention to print another edition. At the same time, according to Polish law, the book cannot be taken off the shelves. Publicly promoting fascism in Poland is a criminal offense that can lead to imprisonment. However, the Polish prosecutor's office could only take action if an organization advocating Nazi ideology sold the book "Mein Kampf." The "XXL Publishing House" is not recognized as an organization of this kind.<sup>1528</sup>

The central Polish newspaper Rzeczpospolita reported in January 2023 that the local publishing house "3DOM" had printed a book entitled Face to Face, which is a record of Hitler's private conversations from 1941-1944. The newspaper quoted the publisher's commentary, in which the publication of such literature was justified by "the lack of articles on the Polish market that would shed light on the true image and intentions of Hitler".<sup>1529</sup>

Given the active Russophobic policy of the Polish leadership and its efforts to rewrite history, it is not surprising that radical and nationalist structures are still active in the country. According to media reports, the Polish security services recognize about 200 "dangerous neo-Nazis". It is estimated that the number of neo-Nazi activists in the country falls between 600-700 people. According to the Polish non-governmental organization "Nigdy Więcej" (Never Again), there are several thousand followers of fascism and over 10,000 people under the influence of this ideology in Poland. A report on right-wing extremism in the EU, published by the European Parliament in May 2022, notes that the distinctive feature of Polish nationalist movements is the presence of a religious (Catholic-nationalist) element.<sup>1530</sup>

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<sup>1527</sup> Poland called the release of Hitler's Mein Kampf in the country a "mockery". Zvezda TV 23 January 2021 <https://tvzvezda.ru/news/20211231822-ZDi5V.html>

<sup>1528</sup> Bavaria fights Nazi propaganda in Poland. Deutsche Welle. 9 March 2005 <https://www.dw.com/ru/бавария-борется-с-пропагандой-нацизма-в-польше/a-1512305>

<sup>1529</sup> <https://www.rp.pl/historia/art37869601-wydali-w-polsce-ksiazke-hitlera>

<sup>1530</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/700953/IPOL\\_STU\(2021\)700953\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/700953/IPOL_STU(2021)700953_EN.pdf)

In Poland, there are dozens of nationalist organizations that maintain relations with similar structures in other European countries. Among Poland's largest officially registered organizations are the National Radical Camp (ONR),<sup>1531</sup> All-Polish Youth and National Movement (RN).<sup>1532</sup> Members of these groups maintain contacts with nationalist organizations in Europe and promote Poland's exit from the EU and a strict migration policy.

ONR activists keep contact with Belarusian nationalists who espouse the concept of "common Polish-Belarusian historical heritage," as well as with Polish organizations promoting Polish customs, culture, history, and language within Belarus. NRL members establish social network communities wherein they encourage residents of western Belarus to specify their Polish origin in all official documents.

There is clear evidence of collaboration between Polish nationalists and Ukrainian radicals, including their involvement in the 2014 Kiev Maidan events.<sup>1533</sup> Additionally, Polish mercenaries joined the nationalist battalions during the so-called anti-terrorist operation of the Kiev regime in Donbass.

Nationalist and neo-Nazi public events are held in Poland. They are also incorporated in the country's official holidays. Such annual actions include the march in memory of the Cursed Soldiers in March and the independence marches that are integrated into the Polish Independence Day celebrations on 11 November.

On 1 March 2022, in Hajnówka (Podlaskie Voivodeship)<sup>1534</sup> nationalist groups organized the seventh March in Remembrance of the Cursed Soldiers, in memory of one of them – Romuald Rajs (Bury). On the same day, in Przemyśl (Podkarpackie Voivodeship), not far from the border with Ukraine, far-right football

<sup>1531</sup> Polish far-right organisation (founded in 1993), taking the name of the pre-war party of the same name. The pre-war party was ideologically influenced by Italian fascism.

<sup>1532</sup> "The National Movement (RN) is a Polish nationalist political party founded in 2014. It is part of the political association Confederation Liberty and Independence (KWN), together with the political parties KORWiN and Confederation of the Polish Crown. RN advocates Poland's withdrawal from the EU and rejects the presence of NATO and US troops on Polish territory. Its leader is the Sejm deputy Robert Winnicki.

<sup>1533</sup> In particular, the participation of members of the "Stormtroopers" structure, a Polish extremist nationalist organisation, is known. It opposes capitalism and the "dictates" of Brussels, and advocates the creation of a "pure" Polish state based on traditional values. In July 2019, after the arrest of the organisation's leader, it ceased to exist and moved to the format of "individual actions".

<sup>1534</sup> <https://oko.press/marsz-ku-czci-burego-i-kontrmanifestacje-w-hajnowce-coroczny-wstyd-dla-panstwa-polskiego/>

fans organized patrols to "cleanse the city"<sup>1535</sup> of refugees of Middle Eastern, Asian and African origin who had crossed over from Ukraine. Police reported that three Indian nationals were attacked;<sup>1536</sup> an Israeli journalist also reported the attack to the "OKO.press" media outlet.

Another significant gathering of Polish neo-Nazis takes place in Jedwabne, Poland, in July.<sup>1537</sup> On 11 July nationalist organizations hold rallies aimed at expressing disagreement that Poles are responsible for crimes against Jews during the World War II. At the 2021 rally, participants carried banners reading "We do not ask forgiveness for Jedwabne". R. Bonkiewicz, the leader of the "Independence March," put a wreath at the victims' memorial, but in his address, he demanded "truth, investigation, and exhumations."<sup>1538</sup> In 2022, during another rally, Polish nationalists carried traditional banners with slogans "Gross lies" and "We do not ask forgiveness for Jedwabne".<sup>1539</sup> Besides, on the eve of the commemorative date, the chairman of the "Independence March" R. Bonkiewicz denied the conclusions of historians about the involvement of Poles in the murder of Jews in the air of "National Media"<sup>1540</sup>. In his opinion, Poland "is under pressure from Washington", where "Jews have a great influence".<sup>1541</sup>

Independence marches are organized every year on 11 November by the right-wing nationalist movement of the same name as part of Poland's Independence Day celebrations. Eurosceptic and anti-Russian slogans are used during these marches.

<sup>1535</sup> <https://oko.press/szosty-dzien-na-granicy-ogrom-pomocy-fala-rasizmu/>

<sup>1536</sup> <https://wydarzenia.interia.pl/raporty/raport-ukraina-rosja/aktualnosci/news-przemysl-troje-obywateli-indii-pobitych-przez-grupe-mezczyzn,nId,5863607>

<sup>1537</sup> In 1941, a mass murder of Jews took place in Jedwabne. Until 2000, it was believed to have been carried out by the Germans, until the Polish-born American historian J.T.Gross published his book *Sąsiedzi: Historia zagłady żydowskiego miasteczka* (Neighbours: History of the Destruction of a Jewish Village), in which he showed that the pogrom was carried out by Polish residents of Jedwabne. Although the Polish Institute of National Remembrance generally confirmed this version in 2004, there are groups in Poland who do not agree. The Polish authorities have also taken a passive approach to the investigation of those events. In 2019, the Polish prosecutor's office announced that it does not intend to resume exhumation work at the site of the Jewish pogrom in Jedwabne, which took place on 10 July 1941, "due to the impossibility of identifying the perpetrators," except for those who were prosecuted by a court of the Polish People's Republic in the post-war years.

(<https://kresy.pl/wydarzenia/polska/rmf-ekshumacji-w-jedwabnem-nie-bedzie/>).

<sup>1538</sup> <https://oko.press/narodowcy-w-jedwabnem-w-80-rocznice-pogromu-zydow/>

<sup>1539</sup> <https://jewish.pl/pl/2022/07/11/jedwabne-to-nie-miejsce-na-historyczne-dysputy/>

<sup>1540</sup> An Internet channel created on the YouTube platform by the Independence March organisation. In February 2023, the National Media channel, which had more than 250,000 subscribers, was blocked by the video hosting site. The blocking followed the publication of a report by the NGO Never Again, which concluded that some of National Media's videos contained xenophobic statements.

<sup>1541</sup> <https://medianarodowe.com/2022/07/09/bakiewicz-trzeba-zawalczyz-o-prawde-nt-jedwabnego-nasz-wywiad/>



The main event takes place in Warsaw. In addition, similar marches are held in other Polish cities. According to the media, these marches have become one of the largest gatherings of far-right groups in Europe in recent years.<sup>1542</sup>

On 11 November 2022, Polish nationalists held another "Independence March," which attracted several hundred participants as usual.<sup>1543</sup> Previously, Rafał Trzaskowski, the capital's mayor, had repeatedly opposed the march. He claimed that the organizations holding the march had "all the signs of fascism". However, as in 2021, his efforts are typically thwarted by the Polish government.<sup>1544</sup> The 2022 nationalist march largely avoided violence, but according to Mayor Trzaskowski, anti-Ukrainian and anti-European slogans were heard during the event.<sup>1545</sup> Demonstrators also attacked a woman carrying an EU flag.

On the same day, a "March of Poles" was also organized in Wrocław (Lower Silesia Voivodeship). According to journalists' reports, its participants carried banners with nationalist, mainly anti-Ukrainian slogans.<sup>1546</sup>

On 11 November 2023, the same event was relatively peaceful, with no fighting or damage to city buildings. Some demonstrators burned flags of the EU and the LGBT movement or dragged them along the pavement by clipping them to the bumper of a car. According to the mayor of the Polish capital Rafał Trzaskowski, at least 40,000 people took part in the march. Football fans, among others, were seen holding banners with far-right slogans. According to the "Rzeczpospolita" newspaper, in addition to Polish nationalists, British representatives of the nationalist movement were also spotted at the demonstration.<sup>1547</sup> The ruling Law and Justice party, which had supported the march in previous years, this time organized a separate Independence Day celebration.<sup>1548</sup>

<sup>1542</sup> <https://www.i24news.tv/en/news/international/europe/1636821465-poland-chanting-death-to-jews-far-right-activists-burn-book-on-jewish-rights>

<sup>1543</sup> <https://time.com/6232840/thousands-join-far-right-march-on-polish-independence-day/>

<sup>1544</sup> <https://notesfrompoland.com/2022/11/10/poland-warns-of-putins-provocateurs-at-nationalist-independence-march-in-warsaw/>

<sup>1545</sup> <https://time.com/6232840/thousands-join-far-right-march-on-polish-independence-day/>

<sup>1546</sup> <https://wroclaw.wyborcza.pl/wroclaw/7,35771,29133285,rosyjska-propaganda-na-marszu-narodowcow-we-wroclawiu-kim-sa.html>

<sup>1547</sup> <https://vz.ru/news/2023/11/12/1239419.html>

<sup>1548</sup> <https://www.interfax.ru/world/930146>

In addition, various xenophobic events are being organized in Poland on the basis of radical ideology. In October 2022, in Białystok (Podlaskie Voivodeship), a campaign "Orthodox – not Russian" was organized (posters were put up), the aim of which, according to the organizers, was to "protect" Orthodox Poles from the negative perception of the word "Russians", with whom the Orthodox are traditionally identified in Poland. Each photograph on the billboards was accompanied by a text emphasizing the identity of the persons depicted as "Orthodox Poles" ("not Russians") or "Orthodox priests" ("not popes"). The organizers of the campaign said that the presence of Polish Orthodox priests and politicians at events dedicated to the Red Army "is not and should not be considered normal". According to the campaign's initiators, being labelled a "Russian" (who "rapes Ukrainian women" and "kills innocent children") is "the greatest insult" to any "decent" person.<sup>1549</sup>

There are high-profile cases of right-wing radicals holding public or political office or otherwise openly participating in the public and political life of the country.

In January 2021, Tomasz Rzymkowski, who had previously been a member of extreme right-wing political parties, was appointed Deputy Minister of Education of Poland. The media reported that Rzymkowski had made "problematic statements" regarding the Holocaust, Jews and other national minorities in Poland.<sup>1550</sup>

On 22 February 2021, the chairman of the Institute of National Remembrance, Jarosław Szarek, announced the resignation of the acting head of the INR Wrocław branch, Tomasz Greniuch, who had been in office for about two weeks.<sup>1551</sup> According to Polish media reports, Tomasz Greniuch was an activist of the radical nationalist organization "National Radical Camp" in the past. There are photos of Greniuch raising his hand in a Nazi salute.<sup>1552</sup> According to Jarosław Sharek,

<sup>1549</sup> <https://www.ekai.pl/ruszy-la-kampania-prawoslawni-nie-ruski/>

<sup>1550</sup> <https://www.jpost.com/diaspora/new-poland-deputy-education-minister-was-member-of-far-right-parties-656852>  
[https://www.nigdywiecej.org/docstation/com\\_docstation/64/zachowajmy\\_solidarnosc\\_z\\_uchodzcam\\_i\\_raport.pdf](https://www.nigdywiecej.org/docstation/com_docstation/64/zachowajmy_solidarnosc_z_uchodzcam_i_raport.pdf)

<sup>1551</sup> <https://ipn.gov.pl/pl/dla-mediow/komunikaty/138724,Oswiadczenie.html>

<sup>1552</sup> <https://www.polsatnews.pl/wiadomosc/2021-02-25/tomasz-greniuch-stracil-prace-w-ipn/>

Tomasz Greniuch "apologized for this act and repeatedly said many years ago that it was a mistake".<sup>1553</sup>

The activities of right-wing radicals in Poland have attracted the attention of international human rights bodies. In August 2019, the Committee on the Elimination of Racial Discrimination (CERD) expressed particular concern about the activities of racist organizations in Poland.<sup>1554</sup>

And in April 2021, after reviewing Poland's information on the follow-up to recommendations, the Committee expressed concern about the ineffectiveness of the Polish authorities' measures to combat racist speech. As a result of impunity for intolerance, stigmatization, discrimination, or even incitement to violence, CERD found that there is an environment conducive to hate crimes in Poland. The Committee stressed that the information provided by the Polish authorities on the implementation of the recommendations was unsatisfactory and urged Warsaw to include in its next periodic report information on how it ensures the effectiveness of the measures it has taken to combat racist speech and incitement to violence, including measures to ban organizations and parties that promote racial discrimination.<sup>1555</sup>

In January 2020, the Advisory Committee to the Framework Convention for the Protection of National Minorities also noted that a climate of intolerance, racism and xenophobia remains in the country. It was also noted that representatives of national minorities felt that the response of both local and central authorities to statements and acts of violence by extremist groups was inadequate. They believe that the attitude of the Polish authorities towards a particular ethnic group is determined by Poland's relations with that country.<sup>1556</sup>

<sup>1553</sup> <https://wiadomosci.onet.pl/kraj/ipn-dr-tomasz-greniuch-stracil-prace-w-instytucje-pamieci-narodowej/hq7d3tg>

<sup>1554</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-fourth periodic reports of Poland. August 2019  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPOL%2fCO%2f22-24&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fPOL%2fCO%2f22-24&Lang=ru)

<sup>1555</sup> Letter from the Chairman of the Committee on the Elimination of Racial Discrimination to the Permanent Representative of Poland to the United Nations Office at Geneva: CERD/103rdsession/FU/MK/ks  
[https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/POL/INT\\_CERD\\_FUL\\_POL\\_44796\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CERD/Shared%20Documents/POL/INT_CERD_FUL_POL_44796_E.pdf)

<sup>1556</sup> Fourth Opinion of the Advisory Committee to the Framework Convention for the Protection of National Minorities on Poland. Adopted on 6 November 2019: <https://rm.coe.int/4th-op-poland-en/1680993391>

In February 2021, the European Commission drew attention to violations committed by Poland in implementing into national law the provisions of EU Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and manifestations of racism and xenophobia by means of criminal law.

The European Commission against Intolerance and Racism (ECRI), which operates within the Council of Europe, found in 2023 that hate speech is widespread in Poland and most often recorded during election campaigns. The Commission was concerned that following political interference in the work of the prosecutor's office cases against members of right-wing associations supporting the ruling coalition and been charged with incitement to hatred are often dismissed or that extremely lenient sentences are imposed on such persons. ECRI also pointed out that anti-Semitic and anti-Muslim statements were noted in Poland. Among other things, it was noted that statements provoking hatred against Muslims are directed against leaders of the country's Muslim community or are linked to terrorist attacks in other states. Meanwhile, police are reluctant to investigate cases of insults and threats against Muslims, which discourages the collection of reports of such incidents.<sup>1557</sup>

Public statistics from the Polish Ministry of Justice on crimes motivated by racial and other intolerance show that in 2017-2019, the country experienced an increase in the number of such cases in first instance courts and, consequently, in the number of convictions. Starting in 2020, these numbers begin to decline. At the same time, convictions in cases involving manifestations of hate and racism account for no more than 1 per cent of all court decisions. For example, in 2017, 88 criminal cases were brought for incitement to hatred on national, ethnic, racial or religious grounds (Article 256 § 1 of the Polish Penal Code), of which 59 cases were sentenced; three criminal cases were brought for dissemination and propaganda of such materials (Article 256 § 2), of which three cases were also sentenced; 92 cases were brought for insult on grounds of national, ethnic, racial or religious affiliation

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<sup>1557</sup> Report of the European Commission against Intolerance and Racism on Poland (sixth monitoring cycle). Adopted on 27 June 2023, published on 18 September 2023 <https://rm.coe.int/sixth-ecri-report-on-poland/1680ac8c62>

(Article 257), of which 68 cases were sentenced. In 2018, the similar figures were 63 (and 47 sentences), ten (and nine sentences) and 114 cases (and 85 sentences); in 2019 – 59 (36 sentences), eight (seven sentences) and 181 cases (142 sentences); in 2020 – 60 (45 sentences), four (two sentences) and 114 cases (82 sentences); in 2021 – 65 (50 sentences), 41 (39 sentences) and 65 cases (137 sentences).<sup>1558</sup>

Most cases concerned public insult on national, ethnic, racial or religious grounds (580), propaganda of fascist or other totalitarian system or incitement to hatred (354), use of violence or threat of violence on racial and religious grounds (286). According to the prosecutor's office, 622 persons were charged in court, 421 of whom were convicted and 11 of whom were acquitted.

ECRI, citing data provided by the Polish authorities to the OSCE/ODIHR, indicated that in 2020, 826 hate crimes were recorded by the police in Poland, where 374 perpetrators were prosecuted and 266 resulted in court convictions. In 2019, 972, 432, and 597 crimes were recorded, respectively, and in 2018 – 1117, 397, and 315 crimes were recorded.<sup>1559</sup>

According to a number of human rights organizations, Poland still has a problem of underreporting official statistics on hate crimes. In August 2019, the UN Committee against Torture, citing a report on a survey on the nature and extent of unreported hate crimes prepared by the OSCE/ODIHR and the Office of the Commissioner for Human Rights, expressed concern about Warsaw's serious underreporting of official statistics on hate crimes and called on Poland to take measures to address this problem and to combat manifestations of discrimination on racial, national and other grounds.<sup>1560</sup>

In 2022, the Polish Association of Prosecutors "Lex Super Omnia" published a report on the actions of prosecutors with regard to hate crimes in 2016-2022. The report found that while the number of hate crimes has increased since 2016, prosecutors have "lost the ability" to effectively respond to them. The authors point

<sup>1558</sup> Fifth Report submitted by Poland to the Advisory Committee on the Framework Convention for the Protection of the National Minorities. Received on 7 March 2023 <https://rm.coe.int/5th-sr-poland-en/1680aa76b1>

<sup>1559</sup> Report of the European Commission against Intolerance and Racism on Poland (sixth monitoring cycle). Adopted on 27 June 2023, published on 18 September 2023 <https://rm.coe.int/sixth-ecri-report-on-poland/1680ac8c62>

<sup>1560</sup> Concluding observations of the Committee against Torture on the seventh periodic report of Poland. August 2019 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/POL/CO/7&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT/C/POL/CO/7&Lang=Ru)

out that the methodology of combating hate crimes has changed since 2016. In particular, special lectures and conferences for prosecutors are no longer held and instructions are not updated. In addition, investigations were often closed or decisions were made based on recommendations from "above".<sup>1561</sup> At the same time, according to the authors of the report, the prosecutor's career advancement depended on his/her behaviour.

The Polish media have also pointed to the inaction of the law enforcement authorities. In December 2022, journalists from the opposition liberal "Gazeta Wyborcza" reported on the decision of the Kalisz prosecutor's office to stop investigating police officers who did not prevent participants from shouting anti-Semitic slogans, including "Death to the Jews," during the "Independence March" on 11 November 2021. The prosecutor's office considered that the march "did not violate the provisions of criminal law" and therefore there was no need to stop it.<sup>1562</sup>

ECRI, referring to NGO materials, noted in 2023 that Poland has all the legislative means necessary to counter manifestations of anti-Semitism. However, these measures are not being used.<sup>1563</sup>

Xenophobia and intolerance towards migrants are on the rise in Poland. Polish and international human rights NGOs attribute this to the coming to power of the national conservative Law and Justice (PiS) party in October 2015 and its reforms. Sociological research data confirm these trends. According to a survey conducted in February 2021 by the Polish Center for Public Opinion Research (CBOS)<sup>1564</sup> on the attitudes of Poles towards other nationalities and ethnic groups, 42 per cent of Poles dislike Roma. 46 per cent of respondents admitted to having a poor opinion of Arabs. The CBOS highlights the fact that sympathy for Ukrainians, Belarusians, and Jews (43 per cent, 47 per cent, and 38 per cent, respectively) outweighs hatred (26 per cent, 17 per cent, and 29 per cent of respondents express a negative attitude). Compared to March 2020, the level of hostility towards Arabs (by nine per cent),

<sup>1561</sup> <https://wyborcza.pl/7,75398,29281343,naciski-odbieranie-sledztw-umorzenia-jak-prokuratura-chroni.html>

<sup>1562</sup> <https://kalisz.wyborcza.pl/kalisz/7,181357,29340531,komendant-nie-wie-co-to-polin-tak-prokuratura-ziobry-legalizuje.html>

<sup>1563</sup> ECRI report on Poland (sixth monitoring cycle). Adopted on 27 June 2023, published on 18 September 2023 <https://rm.coe.int/sixth-ecri-report-on-poland/1680ac8c62>

<sup>1564</sup> [https://www.cbos.pl/SPISKOM.POL/2021/K\\_030\\_21.PDF](https://www.cbos.pl/SPISKOM.POL/2021/K_030_21.PDF)

Belarusians (by eight per cent), Russians and Ukrainians (by seven per cent), and Jews (by one per cent) has decreased.<sup>1565</sup>

The 2022 report of the Ministry of Foreign Affairs of the Republic of Belarus "The Most Resonant Cases of Human Rights Violations in Certain Countries of the World" indicates that migrants and asylum seekers are in a discriminatory situation in Poland.<sup>1566</sup>

In connection with the crisis on the Polish–Belarusian border, which began in the summer of 2021 and was related to attempts by people from the Middle East to enter the territory of the EU, Warsaw was criticized by human rights organizations for its categorical unwillingness to let asylum seekers through and to provide them with medical, legal and other assistance. The brutal treatment of refugees by Polish border guards has become public knowledge. From September to November 2021, Polish authorities declared a state of emergency in the border area with Belarus in 183 settlements of Podlaskie and Lubelskie Voivodeships. This area was temporarily closed to public events, visitors who did not live in the emergency area, and photo and video recording of Polish law enforcement officers. Representatives of the media, public and humanitarian organizations and independent observers were not allowed to enter the emergency zone. From 1 December 2021 to 30 June 2022, the Ministry of Internal Affairs and Administration of Poland issued an order temporally prohibiting non-residents from staying in the designated areas, but media were allowed to enter under certain conditions.

There are regular media reports about the harsh treatment of people trying to cross the border by Polish border guards. For example, on 8 November 2022, Belarusian border guards discovered a foreigner who had been beaten by Polish law enforcement at their border. The individual, who identified himself as a Syrian national, needed medical assistance, warm clothing and shoes. The refugee said he had been in Poland for three days before he was caught by Polish police and escorted to the border fence with Belarus. He further stated that Polish security

<sup>1565</sup> [https://www.cbos.pl/SPISKOM.POL/2021/K\\_030\\_21.PDF](https://www.cbos.pl/SPISKOM.POL/2021/K_030_21.PDF)

<sup>1566</sup> Report of the Ministry of Foreign Affairs of the Republic of Belarus Source "The Most Resonant Human Rights Violations in Certain Countries" in 2022 [https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)



forces forced him through the fence, assaulted him and gassed him. He was abused and told to take off his shoes despite the weather.<sup>1567</sup>

According to the statistics of the human rights organization Border Group, 31 people have died on the Polish-Belarusian border since the beginning of the migration crisis (i.e. since the summer of 2021). In addition, the NGO believes another 185 people went missing in 2022.

At the same time, human rights structures ignore Poland's destructive role in the development of the migration crisis and the excessively harsh attitude of Polish border guards towards illegal migrants. There is no expert assessment of the measures taken by Warsaw to build a wall on the border with Belarus, ostensibly to protect against illegal migration flows, as well as of the destructive environmental consequences that they have already caused and will cause in the future (a significant part of these constructions pass through the Bialowieza Forest, the largest primeval relic forest area in Europe).

The Polish authorities were also developing a legal framework that would allow the executive bodies to refuse to accept migrants. The 2013 Act on Foreigners and the 2003 Act on Granting Protection to Aliens within the Territory of the Republic of Poland were both amended by the Polish government in August 2021. Now, if a foreigner crosses the border illegally or comes from a country where he was not in danger, his claim for refugee status or political asylum may not be considered. Russian and Belarusian immigrants are also included in this group. In addition, the revisions give the Border Guard the authority to deport migrants immediately if they attempt to enter Polish territory without passing through official checkpoints.

The EU Agency for Fundamental Rights (FRA) took note of the dire humanitarian situation at the Polish-Belarusian border, the Belarusian-Lithuanian and Belarusian–Latvian borders (it is reported that by the end of 2021, 28,000, 8,000, and 4,000 migrants were not allowed to enter Poland, Lithuania, and Latvia,

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<sup>1567</sup> <https://www.rubaltic.ru/news/09112022-polskie-siloviki-izbili-bezhentsa-i-zastavili-bosikom-idti-na-territoriyu-belarusi/>



respectively), as well as of the legislative changes adopted by Warsaw that allow for the expulsion of migrants.<sup>1568</sup> According to the FRA, Poland, along with Croatia, Greece and Hungary, had the highest number of incidents of "pushing out" (or "pushbacks")<sup>1569</sup> irregular migrants. In the report for 2023, the FRA, citing data from the International Organization for Migration, indicated that in 2022, nine migrants died at the Polish-Belarusian border.<sup>1570</sup>

Felipe González Morales, the HRC Special Rapporteur on the human rights of migrants, who visited Poland and Belarus in July 2022 to investigate the issue, also drew attention to the difficulties faced by migrants at the Polish border. In his statement following his visit,<sup>1571</sup> he noted that Polish border guards often refouled migrants, preventing them from entering the territory of the country, refusing to consider asylum applications, and excessively using force against refugees. Women and children face similar attitudes. Among other things, Felipe González Morales noted that the refoulement of migrants was carried out by Polish border guards in such a way that it would not be noticed by Belarusian border guards. Time of day and weather conditions were not taken into account. He also pointed out that Polish border guards officially record only the first case of detention and refoulement of illegal migrants. If such persons are repeatedly detained, their detention and deportation are no longer recorded in any way. It is impossible to obtain precise data on the number of migrants and the number of times they were expelled from Polish territory, because one person can be expelled from Polish territory several times.

The Special Rapporteur noted that some migrants remain in the area of the Belorussian–Polish border, which passes through the territory of the Belovezhskaya Pushcha nature reserve, and are subjected to expulsions. In his opinion, the erection of a five-meter high fence with barbed wire by the Polish authorities on the border

<sup>1568</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report. 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>1569</sup> This term refers to a situation in which a person is apprehended after crossing the border illegally and is expeditiously returned to a neighboring country, regardless of his or her motives for crossing the border.

<sup>1570</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1571</sup> End of visit statement of the Special Rapporteur on the human rights of migrants, Felipe González Morales, on his visit to Poland and Belarus (12 – 25 July 2022). 28 July 2022.

<https://www.ohchr.org/sites/default/files/documents/issues/migration/2022-07-27/EndofVisitStatement-Poland-Belarus26.07.2022.docx>

will not stop migrants from trying to enter Poland, but will only increase the danger for them and aggravate the humanitarian situation in the area between the Polish and Belorussian borders.

The NGO Amnesty International (due to revealed violations of the current legislation of the Russian Federation, its branch in Russia was excluded from the relevant register of the Ministry of Justice of Russia and closed) reported in its publications on Poland for 2022-2023 that many asylum seekers were forcibly returned back to Belarus by the Polish border service, some of them being forcibly given sedatives in order not to resist.

On 21 February 2023, the European Court of Human Rights (ECtHR) ordered Poland to pay 20,000 euros to a Chechen family that had been held in a guarded centre for foreigners for more than seven months. The ECtHR ruled that such prolonged detention violates the European Convention on Human Rights.

In addition to problems in crossing the border, migrants face discrimination already on the territory of the country. The European Commission against Racism and Intolerance noted, *inter alia*, that Poland does not have a special housing program for migrants, refugees and persons granted international protection. Because of this, many such people are homeless because they do not have sufficient income to rent at market rates.<sup>1572</sup>

In Poland, journalists covering the refugee situation on the country's border are also subjected to harassment. Using quotes from human rights advocates, a UN human rights expert group reported this in February 2022.<sup>1573</sup> Among other things, it was noted that in November 2021, volunteer interpreter J. Sypiański was subjected to ill-treatment by Polish soldiers. The same happened to journalists M. Moskwa and M. Nabrdalik, who were searched, handcuffed, and scrutinized for photographic film and messages sent on their phones. Journalists O. Kortas and K. Körbel, who were

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<sup>1572</sup> Report of the European Commission against Racism and Intolerance on Poland (sixth monitoring cycle). Adopted on 27 June 2023. Published on 18 September 2023. <https://rm.coe.int/sixth-ecri-report-on-poland/1680ac8c62>

<sup>1573</sup> Poland: Human rights defenders face threats and intimidation at Belarus border – UN experts. 15 February 2022 <https://www.ohchr.org/en/press-releases/2022/02/poland-human-rights-defenders-face-threats-and-intimidation-belarus-border>

filming a video about the situation of migrants at the border, were also subjected to unjustified harassment by Polish border guards.

In September 2021, two reporters from the French-German TV channel "ARTE" and a journalist from "France Presse" were detained by police near the Polish-Belorussian border. All of them claimed that they had entered the emergency zone by mistake. The police seized their computers and mobile phones and detained them. The journalists were released the next day.

At the same time, the attitude towards migrants largely depends on their country of origin. The Polish authorities displayed a brutal attitude towards people from the Middle East and North Africa. In addition to obstacles in crossing the Polish border, those migrants who do enter Polish territory are often held in specialized closed centres for foreigners run by the Polish Border Guard Service. The conditions of stay there are unsatisfactory.

The dismal state of such institutions is also recognized by Polish officials. The Deputy Commissioner for Civil Rights (DCR) of Poland, H. Machinska, speaking in February 2022 before the European Parliament's Committee on Civil Liberties, Justice and Home Affairs, reported a "humanitarian catastrophe" in closed centres for foreigners in Poland. According to her, the conditions at such centres are worse than in prisons: 25 people are crammed into one room, with only around 2 square meters per person (the standard in Polish prisons is 3 square meters), and the restrooms are hundreds of meters away in the street. There is a low level of medical and psychological care. Asylum seekers also face difficulties due to lack of language skills and lack of translation support.

At the same time, attitudes towards European-type refugees are markedly different. In particular, the HRC Special Rapporteur on the rights of migrants, F. González Morales, spoke of double standards with regard to refugees. While noting the generally positive situation with the reception of Ukrainian refugees in Poland, the Special Rapporteur nevertheless pointed out the different attitude of the Polish authorities towards Ukrainian citizens and people from other countries, including migrants arriving from Ukraine who had applied for asylum there. The

Special Rapporteur could not fail to point out the difference in the organization of refugee reception. Thus, it was noted that Ukrainian citizens in Poland were accommodated not in special centres for foreigners, but mainly in private homes of Polish citizens. To receive Ukrainians, the Polish authorities deployed primary reception centres, catering and medical assistance points. They were given free rail and bus travel across Poland and even to neighbouring nations.<sup>1574</sup>

The difference in the treatment of refugees depending on their country of origin was also pointed out by the HRC Special Rapporteur on violence against women, Reem Alsalem, following her visit to Poland in March 2023. In particular, she noted that most non-Ukrainian refugee women and their families were subjected to discriminatory treatment and violence in Poland. According to the Special Rapporteur, such facts reveal clear contradictions in the asylum and protection system for women and girls fleeing persecution and violence. She noted that Poland's obligations under international law, including protection from retaliation and the right to a safe and humane reception, as well as access to effective asylum procedures, should apply to all refugees.<sup>1575</sup>

However, discrimination against this category of refugees has also been increasingly recorded recently. The NGO "Never Again" noted acts of racially motivated violence against black refugees from Ukraine, attempts of extortion and fraud under the pretext of providing assistance, cases of denial of assistance to refugees because of their nationality and religious (Orthodox) affiliation, preventing Ukrainian children from accessing education, as well as cases of organizing xenophobic meetings and demonstrations, including in places of religious worship.<sup>1576</sup>

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<sup>1574</sup> Ibid.

<sup>1575</sup> Statement by Reem Alsalem, Special Rapporteur of the UN Human Rights Council on violence against women, its causes and consequences, following her visit to Poland. 9 March 2023. <https://www.ohchr.org/en/press-releases/2023/03/poland-upholding-full-spectrum-rights-key-ending-violence-against-women-and>

<sup>1576</sup> [https://www.nigdywiecej.org/docstation/com\\_docstation/64/zachowajmy\\_solidarnosc\\_z\\_uchodzcami.\\_raport.pdf](https://www.nigdywiecej.org/docstation/com_docstation/64/zachowajmy_solidarnosc_z_uchodzcami._raport.pdf)

The FRA indicated that between February and April 2022, NGOs recorded 82 cases of discrimination against people from Ukraine in Poland, including hate speech and aggression.<sup>1577</sup>

In September 2022, the Central Council of German Sinti and Roma published a report on the situation of Roma refugees from Ukraine in Poland. The authors of the report drew attention to cases of discrimination against Roma from Ukraine by Polish volunteers at the border and in aid centres, Ukrainian refugees in Poland, and representatives of Polish local authorities. For example, the report cites the example of a deputy of the city council of Peremyshl (Podkarpackie Voivodeship) who posted information on his social media page that Roma from Ukraine were allegedly coming to Poland to receive financial assistance.

The FRA also recognized discriminatory attitudes towards Ukrainian Roma refugees. Among other things, it noted that private citizens refused to host Ukrainian Roma. Moreover, Ukrainian Roma have encountered discriminatory attitudes towards themselves and their compatriots in the reception and registration centres for refugees.<sup>1578</sup>

The situation with the influx of Ukrainian refugees into the country displeases Polish nationalist forces. Also in September 2022, the nationalist party Confederation of the Polish Crown held a demonstration under the slogan "No to the Ukrainianisation of Poland." About 200 people with Polish flags and banners reportedly took part. Protest leaders pointed to the current threats they believe the mass influx of Ukrainian citizens into Poland poses. The nationalists said that Poland has legal norms that privilege Ukrainians over Poles. The demonstration's organizers also made a point of highlighting how the Polish government ignores Banderism's manifestations and Ukrainians' animosity toward Poland and Poles.<sup>1579</sup>

Such accusations seem to be not without reason. On 7 November 2022, it became known that a Ukrainian cuisine restaurant called "Chervona Kalina" was

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<sup>1577</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1578</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1579</sup> <https://www.rubaltic.ru/news/24092022-v-varshave-proshla-demonstratsiya-protiv-ukrainizatsii-polshi/>

being set up in Krakow to employ refugees from Ukraine. Due to criticism in social networks because of the association of this name with the song of the same name – the unofficial anthem of the Ukrainian Insurgent Army (UPA, an extremist organization banned in Russia), the owners changed the name of the establishment to "Ukrainian".<sup>1580</sup>

A high level of anti-Semitism is still recorded in Poland.

The Pew Research Center noted in its 2018 study of Eastern European countries that anti-Semitic sentiment is quite widespread in Poland. According to polls conducted by the centre, almost one in five Poles (18 percent) did not want Jews as citizens of their country, and about the same number of respondents (20 per cent) indicated that they would not like to have Jews as neighbours. Almost a third of Polish residents (30 per cent) responded that they would not accept a Jew as a member of their family. At the same time, researchers noted that the views of Polish citizens took more radical forms when it came to Muslims and Roma. Nearly half of Polish respondents reported that they would not want Muslims to be citizens of their country (41 per cent of responses), their neighbours (43 per cent), or members of their family (55 per cent). Similarly, at least three in ten Poles would not accept Roma as their fellow citizens (30 per cent), neighbours (38 per cent), or family members (49 per cent).<sup>1581</sup>

In 2015, the country introduced a new system of hate crime registration by the Polish Ministry of the Interior. The purpose of this was to get an objective picture of hate crime cases. Thus, the statistics include crimes directly identified as hate crimes, as well as other crimes that contain a hate crime component, i.e. an aggravating circumstance of committing an unlawful act against a person or group of persons on the basis of their national, ethnic, racial, political or religious affiliation. According to the Polish Ministry of the Interior, 130 cases of hate crimes against Jews were reported in 2022 (111 similar crimes in 2021 and 81 in 2020). The EU Agency for Fundamental Rights notes in this regard that between 2015 and 2020

<sup>1580</sup> <https://www.rubaltic.ru/news/07112022-v-polshe-ukrainskiy-restoran-smenil-nazvanie-izza-assotsiatsiy-s-upa/>

<sup>1581</sup> <https://www.pewresearch.org/short-reads/2018/03/28/most-poles-accept-jews-as-fellow-citizens-and-neighbors-but-a-minority-do-not/>

the number of reported anti-Semitic offenses ranged from 73 incidents in 2017 to 179 cases in 2018. The general trend of reported offenses during this period was a decrease in the number of incidents. However, an increase in such incidents is recorded in 2021 and 2022, which the FRA believes may be due in part to the aforementioned changes in data collection methodology. The agency also cites generalized statistics on manifestations of anti-Semitism maintained by relevant NGOs, including Never Again, the Foundation for the Preservation of Jewish Heritage in Poland and the Jewish Community of Warsaw. Difficulties in obtaining up-to-date data are also noted here. The latest figures collected by Polish civil society date back to 2021 and amount to 18 incidents, including 12 cases of deliberate damage to the property of Jews and Jewish organizations and 6 cases of threats.<sup>1582</sup>

It should also be noted that the fact that anti-Semitic attitudes are spreading in the country is recognized in Polish society itself. According to data cited in the 2018 study by the EU Agency for Fundamental Rights "Experiences and Perceptions of Antisemitism" on the results of a survey on discrimination and hatred towards Jews in the European Union, 89 per cent of Polish respondents of Jewish origin consider racism in the country to be "a very big problem". About half the respondents stated that they had experienced antisemitism in some form or other over the last five years. 70 per cent on non-Jewish respondents believed that "Jews have too much power in Poland." However, they recognized that the level of antisemitism has increased significantly over the last five years. At the same time, Poland has the highest level of distrust in the actions of the authorities in this area: 91 per cent of respondents considered that the efforts of the Polish authorities to combat antisemitism were insufficient and ineffective.<sup>1583</sup>

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<sup>1582</sup> European Agency for Fundamental Rights. Overview of Antisemitic Incidents Recorded in the EU in 2012-2022. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

<sup>1583</sup> Second study by the EU Agency for Fundamental Rights "Experiences and Perceptions of Anti-Semitism" on discrimination and hate crimes against Jews in the EU. 2018. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-experiences-and-perceptions-of-antisemitism-survey_en.pdf)

A study published in 2023 by the NGO Anti-Defamation League put the percentage of the population recognized as antisemitic in Poland at 35 per cent,<sup>1584</sup> with a 2019 study showing an even more depressing picture – at that time 48 per cent of the population had anti-Jewish beliefs.<sup>1585</sup>

These indicators are manifested in practice. Antisemitic rhetoric was heard during the campaigning leading up to the country's 2020 presidential election. In July 2020, the leader of the then ruling PiS party, J. Kaczynski, in an interview with a Polish Catholic publication, accused Duda's opponent, Warsaw Mayor R. Trzaskowski, of supporting the idea of compensating Polish Jews for property lost during World War II.<sup>1586</sup> The criticism was picked up by Polish state TV channels.

The adoption of amendments to the Polish Code of Administrative Procedure by the Polish Parliament on 24 June 2021 is indicative of the attitude of the Polish authorities to the problem of antisemitism. These amendments provide that, after 30 years from the date of a court judgment in an administrative case, it is impossible to challenge it. The innovation concerns, among other things, proceedings on property lost during and after the war (nationalized or escheat).<sup>1587</sup> The Polish authorities' actions drew criticism from Israel's foreign ministry and also sharpened the debate within the country, once again confirming the existence of strong anti-Semitic sentiments. On 30 June 2021, the nationalist organization "All-Polish Youth", which does not support the restitution demands of the Polish Jewish community, said on its Twitter page that it held a protest action in front of the Israeli embassy in Poland, throwing construction debris there and placing the inscription "Here is your property" on it.<sup>1588</sup>

<sup>1584</sup> ADL. Poland. 2023. <https://global100.adl.org/country/poland/2023>

<sup>1585</sup> ADL. Poland. 2019. <https://global100.adl.org/country/poland/2019>

<sup>1586</sup> Poland still has not passed a law on the return of real estate to Polish Jews. The Polish authorities point out that Polish Jews were citizens before the war and they themselves and their heirs can justify their claims in the national courts on this basis.

<sup>1587</sup> Including "Jewish property" in Poland – private property owned by Jews and taken away by the Nazis during World War II and nationalized in the post-war period – falls under this category.

<sup>1588</sup> <https://www.polsatnews.pl/wiadomosc/2021-07-02/mlodziez-wszechpolska-wsypala-tone-gruzu-pod-ambasada-izraela-oto-wasze-mienie/>



In April 2022, the far-right media group Magna Polonia republished an anti-Semitic book "Meet the Jew!" («Poznaj żyda!») which describes Jews as a "parasitic tribe". This book, written by Polish publicist and conservative Teodor Jeske-Choiński, was first published in 1912. The nationalist publication Media Narodowe on its YouTube channel discussed this book with one of the leaders of Magna Polonia, Przemysław Holocher. This is not the first time the channel publishes such content. His YouTube channel features more than one video with antisemitic content and relevant titles (e.g., "This Jew Still Hurts Poland," "Ruining the Polish Academy by Jews," and "Will [President] Duda Return Poland to Jews?!").<sup>1589</sup>

It is also noteworthy that such nationalist structures are funded directly by the Polish authorities. For example, "Media Narodowe" is published by the Polish Independence March Association, which organizes the annual nationalist march of the same name in Warsaw on Independence Day on 11 November. In 2021, the organization received a grant of PLN 1.3 million (equivalent to 280,000 euros) from the "Patriotic Fund" established by the government and overseen by the Ministry of Culture. Media Narodowe also won a grant of 198,000 zlotys from the National Institute of Freedom (an organization established by the government in 2017 to help civil society) for the years 2021 and 2022.<sup>1590</sup>

Polish authorities, meanwhile, reject apparent public criticism of their support for nationalist associations. In a statement issued in response to an inquiry by the newspaper "Rzeczpospolita" about the antisemitic book distributed by Media Narodowe, the Polish Ministry of Culture said that all applications for Patriotic Fund grants are assessed by experts according to the relevant criteria and solely on the basis of the content of the applications themselves.

It should also be noted that such actions of the authorities do not enjoy the support of the entire Polish society. For example, after learning about the funding to the "Independence March" Association, more than 160 public figures in Poland

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<sup>1589</sup> <https://notesfrompoland.com/2022/04/25/polish-state-funded-nationalist-media-outlet-promotes-antisemitic-book/>  
<sup>1590</sup> <https://notesfrompoland.com/2022/04/25/polish-state-funded-nationalist-media-outlet-promotes-antisemitic-book/>

signed an open letter to the Polish Minister of Culture urging him to "stop financing fascism."<sup>1591</sup>

Acts of vandalism against Jewish cemeteries and religious sites also continue. For example, in late January 2021 unidentified persons painted swastikas and SS runes on the walls of the Jewish cemetery in Oświęcim, near the Auschwitz-Birkenau Memorial and Museum, which stands on the site of the notorious extermination camp, whose prisoners were liberated by the Red Army on 27 January 1945.<sup>1592</sup> On 26 June, three teenagers vandalized 67 tombstones at the Jewish cemetery in Bielsko-Biała (Małopolskie Voivodeship). The burning of a copy of the Statute of Kalisz, during a nationalist march in Kalisz on 11 November in honour of Independence Day is one example of antisemitism in action.<sup>1593</sup> In August 2022, the District Court of Bielsko-Biała issued a decision by which two of the three teenagers were sent to juvenile correctional institutions, while the third was left under the care of a guardian.

In March 2022, unknown attackers caused serious damage to the historic Jewish cemetery in Legnica (Lower Silesian Voivodeship): they destroyed more than a dozen tombstones and also left inscriptions on the walls of the house of worship.

On 27 August 2022, an American citizen, leader of an organization of aggressive anti-Semitic provocateurs spreading antisemitism in a number of American states, J. Minadeo organized an offensive action on the territory of the former Auschwitz-Birkenau concentration camp by taking a photograph with an antisemitic poster and then posting it on his social media account. According to media reports, he was detained. While in Poland, Minadeo also shared videos of himself raising his hand in a Nazi salute and insulting an Asian man.<sup>1594</sup>

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<sup>1591</sup> <https://notesfrompoland.com/2021/06/30/stop-financing-fascism-polish-public-figures-tell-culture-minister-after-grants-to-far-right-groups/>

<sup>1592</sup> Swastika, SS symbol painted on wall of Jewish cemetery near Auschwitz. The Times of Israel. 12 January 2021. <https://www.timesofisrael.com/swastika-ss-symbol-painted-on-wall-of-jewish-cemetery-near-auschwitz/>

<sup>1593</sup> <https://www.i24news.tv/en/news/international/europe/1636821465-poland-chanting-death-to-jews-far-right-activists-burn-book-on-jewish-rights>

<sup>1594</sup> <https://www.timesofisrael.com/notorious-us-antisemite-arrested-in-poland-over-offensive-banner-at-auschwitz/>

The situation of Roma continues to be difficult, as they face discrimination in employment, renting housing, access to banking services, as well as in the social and educational spheres (the low attendance of Roma children, especially girls, in primary and secondary schools is particularly frequently mentioned). Three committees have brought up these problems in recent years: the Committee on the Elimination of Racial Discrimination in 2019, the Advisory Committee on the Framework Convention for the Protection of National Minorities<sup>1595</sup> and the Committee on the Rights of the Child in September 2021<sup>1596</sup> drew attention to the clashes between Poles and Roma in Melec and also noted that the town of Maszkowice lived in inadequate housing conditions. In its 2022 report, the EU Agency for Fundamental Rights drew attention to the clashes between Poles and Roma in Melec and also noted that in the town of Maszkowice a small Roma community lived in inadequate housing conditions.<sup>1597</sup>

The European Commission against Racism and Intolerance has reported that Polish authorities underreport cases of discrimination against Roma in employment. Roma themselves have little or no idea that discrimination on the basis of nationality is illegal. In addition, about 40 percent of Roma do not know of any institution to which they could turn in case of discrimination. Alongside this, ECRI also pointed to problems with Roma settlements. In this regard, like FRA, it cited the example of such a settlement in Maszkowice in Łącko Parish, Małopolskie Voivodeship is a settlement of about 270 inhabitants, consisting of dwellings and farm buildings, most of which are unfit for human habitation. In general, local authorities demonstrate a reluctance to provide adequate support to improve the housing situation of Roma living there. The measures taken were rather formal in nature: several housing containers were purchased and minor repairs were made to the buildings, which did not improve living conditions. At the same time, the local

<sup>1595</sup> Fourth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Poland. Adopted on 6 November 2019. <https://rm.coe.int/4th-op-poland-en/1680993391>

<sup>1596</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Poland. September 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/361/07/PDF/G2136107.pdf?OpenElement>

<sup>1597</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

building control inspector made a number of administrative decisions to demolish for safety reasons some 40 buildings in the settlement that were deemed unauthorized. Since its residents were unable to comply with these decisions, the enforcement proceedings imposed substantial fines of up to 40,000 zlotys (about 8,500 EUR) on the Roma living there.<sup>1598</sup>

Media freedom is under threat in Poland, as Warsaw regularly makes efforts to control the media. In 2016, the laws "On the National Media Council" and "On Audiovisual Service Fees" came into force, giving the government the right to appoint and dismiss the management of state television and radio stations. The EU Agency for Fundamental Rights noted that in August 2021 Warsaw approved amendments to the Law on the Council of National Media, tightening the conditions for granting broadcasting licenses to companies with foreign participation.<sup>1599</sup>

The largest media holding "Polska Press", which owns more than 20 prestigious regional magazines, 120 weeklies, and 500 Internet portals, was acquired by the Polish state-owned oil refining concern Orlen from the German company "Verlagsgruppe Passau" in March 2021 as part of the Law and Justice party's (PiS) strategy to "re-polonize"<sup>1600</sup> the nation's media landscape. The media group has an audience of about 17 million people (the population of Poland is about 38.5 million). On 8 April 2021, the Warsaw District Court suspended the purchase permit, but Orlen said that the acquisition had been completed before the court ruling. By year's end, the company has changed the editors of practically all the "Polska Press"-owned publications.

At the end of 2023, the aggravation of the confrontation between the two main political forces in Poland against the backdrop of the elections also affected the activities of the media in the country. The issue remains the most prominent political dispute between Tusk's government, which lost votes in the election, and the opposition Law and Justice party. The nominees appointed in December by Minister

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<sup>1598</sup> Report of the European Commission against Racism and Intolerance on Poland (sixth monitoring cycle). Adopted on June 27, 2023. Published on September 18, 2023. <https://rm.coe.int/sixth-ecri-report-on-poland/1680ac8c62>

<sup>1599</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>1600</sup> Reduce the share of foreign companies in the national media space.

of Culture Bartłomiej Sienkiewicz to the supervisory and management boards of the three state media outlets caused a wave of protests by the Law and Justice party, which declared the personnel changes in the media management illegal. The protests became aggressive, and their participants – deputies from "Law and Justice" even broke into the headquarters of TVP and PAP news agency to prevent the new leadership from taking office. President Duda, who is close to the Law and Justice party, vetoed a budgeting law that would have allocated 3 billion zlotys (equivalent to 754 million U.S. dollars) in funding for state media. As a result, the Polish state media, due to lack of funds, were dissolved and ceased operations.<sup>1601</sup> However, experts point out that with their actions the Polish authorities are not aiming at the actual closure of the affected media agencies, but at their restructuring and resumption of work.

There remains a protracted crisis in the relations between the Eurostructures and the Polish authorities regarding the functioning of the judicial system in Poland. The European Commission, the EU Court of Justice, and the European Court of Human Rights (ECtHR) have all criticized Poland's judicial reform in 2015, which affected the Constitutional and Supreme Courts, as well as general jurisdiction courts, restricting their independence. In July 2021, the EU Court of Justice ruled that the Polish Supreme Court Disciplinary Chamber was not an independent judicial body and ordered its activities to be suspended. In October 2021, the EU Court of Justice imposed on Poland a fine of 1 million euros per day<sup>1602</sup> for failure to comply with its ruling to annul the decisions of the Disciplinary Chamber, which were called undermining the principle of judicial independence in Poland (subsequently, as a result of an appeal by the Polish authorities against the verdict, the fine was halved to 500,000 euros<sup>1603</sup> in April 2023, as the court considered that Warsaw had partially complied with its decision, while calling the measures taken ineffective).<sup>1604</sup>

<sup>1601</sup> <https://www.dw.com/en/polish-media-conflict-pits-government-against-far-right/a-67884162>

<sup>1602</sup> <https://www.politico.eu/article/poland-record-1-million-euros-daily-fine-eu-rule-of-law-dispute/>

<sup>1603</sup> <https://www.politico.eu/article/court-justice-eu-reduce-fine-against-poland-e500k-rule-law-dispute/#:~:text=The%20EU%27s%20top%20court%20has,in%20a%20statement%20on%20Friday>

<sup>1604</sup> <https://www.politico.eu/article/eu-judges-polish-courts-ignore-governments-removal-judges/>

In June 2022, amendments to the Law on the Supreme Court were adopted in Poland and came into force in July, according to which the Supreme Court was abolished and the Chamber of Professional Responsibility of Judges was established in its place. EU institutions, however, insist on further adjustments to the Polish judicial reform in order to ensure the independence of Polish courts and the rule of law. Among other things, it is pointed out that the requirement to reinstate judges suspended during the period of functioning of the Disciplinary Chamber has not yet been fulfilled.

In addition, Poland was blocked from accessing funds from the EU's post-coronavirus economic recovery fund on the pretext of not respecting the rule of law. In early November 2022, President Andrzej Duda said that Poland would no longer make concessions to the European Commission to obtain funding from EU funds.<sup>1605</sup> EU institutions, however, insist on further adjustments to the Polish judicial reform in order to ensure the independence of Polish courts and the rule of law.

In September 2021, the Group of States against Corruption (GRECO), functioning within the CoE, indicated in its report on Poland that the judicial reforms carried out in 2016-2018 had markedly undermined the independence of the entire Polish judiciary.<sup>1606</sup> At that time, the body also noted that Poland was able to respond satisfactorily to only one of the 21 recommendations on combating corruption among top officials, including law enforcement, previously made by GRECO.<sup>1607</sup>

The principle of separation of powers in the country is not ensured in practice. Human rights organizations protest against the overlapping of the positions of Minister of Justice and Prosecutor General of Poland, which allows the incumbent Z. Ziobro to influence personnel decisions with regard to both judges and prosecutors.

<sup>1605</sup> <https://www.rubaltic.ru/news/06112022-polsha-otkazalas-idti-na-ustupki-evrokomissii/>

<sup>1606</sup> Report of the Group of States against Corruption on Combating Corruption among Members of Parliament, Judges and Prosecutors in Poland. 22 September 2021. <https://rm.coe.int/fourth-evaluation-round-corruption-prevention-in-respect-of-members-of/1680a3efa8>

<sup>1607</sup> Report of the Group of States against Corruption on Countering Corruption and Ensuring the Integrity of Senior Officials and Law Enforcement Leaders. Adopted on 21 March 2021, published on 27 September 2021. <https://rm.coe.int/fifth-evaluation-round-preventing-corruption-and-promoting-integrity-i/1680a3eeef>

There are also complaints about the policy of the Polish authorities with regard to the activities of NGOs. In August 2020, Z. Ziobro and his deputy M. Waszcz initiated the development of a draft law on NGO reporting (entered into force in 2023), under which organizations are obliged to send information on donations of individuals with their names and countries of residence to the Polish controlling authorities. Information about the sources of funding for all NGOs working in the country will be publicly available<sup>1608</sup> on the website of the state-run "National Freedom Institute – Centre for Civil Society Development".<sup>1609</sup> After Russia launched a special military operation to demilitarize and denationalize Ukraine and protect civilians in Donbass, the Polish Ministry of Justice drafted a second draft law (registered 30 March 2022) that would require NGOs to disclose any monies from abroad that exceed 10,000 zlotys<sup>1610</sup> (equivalent to about \$2,100). As a justification for this initiative, Mr. Waszcz pointed out that some Polish civil society organizations are "an element of Russian policy and pressure on public opinion in Western countries." As submitted, the document will limit interference in the internal affairs of the country, as well as make the work of the funds more transparent. In this case, there is no doubt about the true purpose and direction of this draft law. Thus, the Polish observers emphasize that the mandatory disclosure of personal data contradicts even the EU norms in the field of personal data protection, and do not exclude the fact that the European institutions will not let this go unnoticed.

There are still problems in Poland in ensuring the rights of persons in custody. In 2022-2023, there were incidents of correctional officers abusing inmates. In particular, the 17 January 2023 report of the National Mechanism for the Prevention of Torture states that in the prison in Barczewo (Warmińsko-Mazurskie

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<sup>1608</sup> At the moment, information on the financial statements of most NGOs operating in Poland is not available to ordinary citizens.

<sup>1609</sup> Established in 2017 on the initiative of the Polish government to streamline / centralize the distribution of budget funds (primarily in the form of grants) among NGOs.

<sup>1610</sup> Under earlier Polish law, mandatory reporting of NGOs to the Polish tax authorities was stipulated if the amount of a single donation from an individual or legal entity exceeded 15,000 zlotys (equivalent to about 4,000 \$) or the sum of all donations for the year from someone was more than 35,000 zlotys (about 9,500 \$). The reports should contain the data of the legal entity (name of the organization and place of its registration).

Voivodeship), prisoners are taken to rooms without video surveillance, where they are intimidated, beaten, insulted and tortured.

In May 2022, police officers in Wroclaw detained a Pole suspected of stealing a car. While carrying out this operation, the policemen pinned him to the ground with such force that he lost consciousness and died soon after. According to media reports, the law enforcement officers have not been charged because the Polish prosecutor's office "does not yet see grounds" to do so.



## Portugal

Portugal portrays itself as a State which sticks to a non-confrontational approach to the advancement of human rights and gives priority to promotion and protection of economic, social, religious and cultural rights.

Migration policy occupies a particular place in the human rights file of the country. As of June 2023, the total number of refugees accepted in Portugal since 2015, including via the Office of the UN High Commissioner for Refugees, was over 72,000. Among them there are over 56,000 migrants who have left Ukraine and received the status of a person under temporary protection, 2,300 persons being displaced from Italy and Greece, 1,200 refugees having arrived under a voluntary resettlement program, and 1,100 Afghan citizens.<sup>1611</sup>

In the context of the migration crisis in Europe, Lisbon has expressed its willingness to accept extra 5,800 migrants from Italy and Greece in addition to the EU quota of 4,486 migrants, as well as another 1,010 refugees under a new voluntary resettlement program from Türkiye and other third countries to the EU.

So far, according to the data in the White Paper, published by the Jesuit Refugee Service, the main barrier to the integration of migrants into the Portuguese society was the Foreigners and Borders Service. This was due in particular to the quadrupling of statutory deadlines for asylum applications and the "chaos" of the decision-making system. This constituted a "systemic, institutional and organizational" violation of migrants' rights. In 2022-2023, the number of complaints regarding the Service has also increased markedly in the context of a significant influx of migrants from Ukraine.

Restructuring of the migration service which resulted in the abolition of the Portuguese Immigration and Borders Service (SEF) and the institute of the High Commissioner for Migration became an important step for changing the situation. In October 2023, after reforming the local migration bodies, an Agency for Integration,

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<sup>1611</sup> Website of the Government of Portugal.

<https://www.portugal.gov.pt/pt/gc23/comunicacao/noticia?i=dia-mundial-do-refugiado-os-numeros-do-acolhimento-em-portugal>

Migration and Asylum (AIMA) was founded. One of the main purposes was to eliminate bureaucratic delays of the Portuguese migration system. The new agency is responsible for the control over, reception and integration of migrants, as well as for administrating migration and asylum policy. The reform provides that the police functions (including border control) will be transferred to the security services, and the Rooster and Notaries Institute will handle issuing of passports and residency permits.

The Portuguese leaders are particularly preoccupied with the human rights situation in conflict regions. They pay particular attention to providing education to the citizens of these countries. In particular, there was a remarkable initiative of former President Jorge Sampaio to launch the "Global Platform for Syrian Students", which allowed more than 750 young Syrians to attend Portuguese and EU higher educational institutions from 2013; 300 of them got a master's degree or a doctor's degree.

Refugee students and schoolchildren from Ukraine are also getting access to the public education system. At the same time, providing this group with places in educational institutions on a priority basis was perceived by internally displaced persons from other regions as discrimination on ethnic grounds. Additionally, it was emphasized that the Ukrainian refugees received more privileges, including housing and employment.

However, human rights monitoring bodies point out other shortcomings in securing the rights of migrants. In particular, the practice of temporary detention, which is common in European countries, including for unaccompanied minors and families with children, is wide spread in Portugal.<sup>1612</sup>

The Council of Europe's European Commission against Racism and Intolerance (ECRI) was concerned that a significant number of children born in Portugal to migrant families were not granted permanent residence permits and were

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<sup>1612</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Portugal. October 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPRT%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPRT%2fCO%2f5-6&Lang=en)

at risk of expulsion together with their parents. The main reasons for this situation are their insufficient knowledge of the Portuguese language, lack of support in accessing education, problems in the home environment and, consequently, disadvantage at the labour market, decline in income and unfavourable conditions for the next generation.<sup>1613</sup>

At the same time, as an example of good practice, Portugal extends the custody of unaccompanied children to the age of 21 (exceptionally to 25), rather than the age of majority as in many other EU countries. FRA puts in the same rank intensive courses of national language to facilitate integration of the children of Ukrainian refugees in the educational system.<sup>1614</sup>

Domestic and sexual violence against children continue to be among the problematic aspects of the human rights file. According to the statistics published in the March 2023 Internal Security Report, there were 26,073 domestic violence incidents recorded by law enforcement agencies in 2022, an increase of 3,549 (or 15.8 per cent) compared to 2021. According to a report by the Women's Alliance "Alternative and Response", 416 women have lost their lives as a result of domestic violence in Portugal over the last 18 years. 23 of them were killed during the first half of 2022 alone.

On 13 February 2024, an inquiry by an independent commission led by child psychiatrist Pedro Strecht was submitted in Lisbon. It reports that at least 4,800 children have become victims of sexual violence in the premises of the Portuguese Catholic Church over the last 70 years. The inquiry reveals that about 70 per cent of the crimes were committed by priests. The testimonies by over 500 eyewitnesses and victims were recorded, but only 25 cases were sent to the public prosecutors' office as in most cases the limitation period had expired. More than 100 priests of

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<sup>1613</sup> Report of the European Commission against Racism and Intolerance on Portugal (5th monitoring cycle). Adopted on 19 June 2018. Published on 2 October 2018.

<https://rm.coe.int/fifth-report-on-portugal/16808de7da>

<sup>1614</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

the Portuguese Catholic Church are still working despite the revealed information.<sup>1615</sup>

The UN Committee on the Elimination of Discrimination against Women (CEDAW) has thoroughly studied the problem of vast spread of domestic violence in the country. In their concluding observations in July 2022, its experts pointed to the difficulty of access to justice for Portuguese women due to the complexity of the procedures and conditions for the provision of legal aid. In addition, they state that family courts and criminal courts remain insufficiently coordinated, making it impossible for victims of family violence to obtain immediate protection orders. Thus, a woman appears to be temporarily deprived of any protection against manifestations of aggression against her in the family.<sup>1616</sup>

The Committee also noted that, notwithstanding Act No. 104/2009, which provides for compensation to victims of violent crimes and domestic violence, no application for such compensation has been filed since 2011 (i.e., over the 11 years preceding the report).<sup>1617</sup>

CEDAW also noted with concern the gradual erosion of the concept of "sex" and its replacement with "gender" in policy and law, and recommended avoiding the extensive use of this concept in relation to the protection of women's rights.<sup>1618</sup>

In turn, the UN Committee on Economic, Social and Cultural Rights (CESCR) stresses the remaining obstacles to full participation of women in public life and in the labour market. The Committee notes their low representation in senior management positions. The rate of digital illiteracy among women is higher compared with that of men.<sup>1619</sup>

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<sup>1615</sup> Thousands of children abused by members of Portugal's Catholic Church over 70 years, report finds. CNN. 13 February 2023.

<https://amp.cnn.com/cnn/2023/02/13/europe/portugal-catholic-church-abuse-intl/index.html>

<sup>1616</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 10th periodic report of Portugal. July 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FPRT%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FPRT%2FCO%2F4&Lang=en)

<sup>1617</sup> Ibid.

<sup>1618</sup> Ibid.

<sup>1619</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 5th periodic report of Portugal. March 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FPRT%2FCO%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FPRT%2FCO%2F5&Lang=en)

Abuse of power by law enforcement forces (Public Security Police, National Republican Guard and Foreigners and Borders Service) and prison guards continues to be widespread.

In this context, in recent years the death of Ukrainian citizen I. Gomenyuk has spurred political and public uproar. He died at Lisbon airport on 12 March 2020, as a result of violent actions by three officers of the Foreigners and Borders Service. In May 2021, they were all sentenced by court to prison terms of 7 to 9 years. The Portuguese Government paid 834,000 euros to the relatives of the deceased as compensation. The head of the local migration service was forced to resign after the incident.

On 22 May 2021, 19 women protesting for the environment in Olivais were arrested and forced to undress by police agents. In 2023, in view of the "inadequacy and disproportionality" of the measures taken against the protesters, a disciplinary sanction of reprimand was applied to the PSP agents.<sup>1620</sup>

On 13 August 2022, an episode captured in the lens of the security cameras, in which police agents were detaining a man in Lisbon using excessive force, including crushing his neck with a knee, has caused great public outcry. The Minister of Internal Administration has announced the launch of an internal inquiry.

Experts of the UN Committee on the Elimination of Racial Discrimination (CERD) have also reported in their concluding observations on the combined eighteenth and nineteenth periodic reports of Portugal in April 2023 that they were deeply concerned about the persistence of racially motivated violence, ill-treatment, racial profiling, abuse of authority and excessive use of force by police officers against ethnic minorities and migrants, in particular Roma and Africans.

Despite the ongoing amendment of article 240 of Portuguese Criminal Code<sup>1621</sup>, the Committee remains concerned that current regulation is not in line with article 4 of the Convention. Thus, the scope of application of the above-mentioned article 240 of the Portuguese Criminal Code covers only propaganda activities,

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<sup>1620</sup> PSP agent disciplined for ordering 19 women protestors to strip. Portugal Resident. 2 March 2023. <https://www.portugalresident.com/psp-agent-disciplined-for-ordering-19-women-protestors-to-strip/>

<sup>1621</sup> Discrimination based on racial, religious or sexual intolerance.

while the promotion of or incitement to racial discrimination by public authorities, at both national and local levels, remains outside its scope. Another traditional cause for criticism by the international monitoring body is a low rate of prosecutions and convictions, as well as the lack of statistical data on the outcome of cases of racial discrimination under this article<sup>1622</sup>.

At the same time, the Committee is concerned about the reported low number of investigations into the intolerance-motivated crimes as well as the impunity for abuses by law enforcement officers. Besides, the Committee underlines that marginalized persons still have low access to justice, despite the availability of free legal aid.<sup>1623</sup>

On the other hand, difficult physical and psychological working conditions of Portuguese police officers and National Guardsmen have been one of the main causes of suicide among law enforcement officers. A report released in March 2020 by EuroCOP (a confederation of police unions from all EU Member States) notes that 149 agents have resorted to suicide since 2000, putting Portugal at the top of the EU for this indicator.

Besides, since 2024, law enforcement agencies have regularly organized manifestations demanding higher salaries. The two largest manifestations in Lisbon and Porto involved over 15,000 and 20,000 people respectively.<sup>1624</sup>

Portugal also tops the list of the EU countries with the highest death rate among prisoners. In this regard, the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), operating within the Council of Europe, heavily criticizes the Portuguese penitentiary system.

The CPT delegation last visited Portugal in May-June 2022. According to the report based on the visit, "ill-treatment by officers of the Public Security Police (PSP) and the National Republican Guard (GNR) is still not infrequent".

<sup>1622</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th and 19th periodic reports of Portugal. May 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FPRT%2FCO%2F18-19&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FPRT%2FCO%2F18-19&Lang=en)

<sup>1623</sup> Ibid.

<sup>1624</sup> Portuguese law enforcement agents have organized mass protests to demand a pay increase. CTV. 25 January 2024.  
<https://ctv.by/policeyskie-v-portugalii-vyshli-na-massovye-protesty-s-trebovaniem-povysit-zarplaty>

The alleged ill-treatment consisted primarily of slaps, punches, strikes with a baton and kicks to the body at the time of apprehension or after a person had been brought under control. The CPT calls upon the Portuguese authorities to reinforce their efforts to eradicate police ill-treatment. The rates of investigation into allegations of ill-treatment by law enforcement agencies remain low. Moreover, evidence of police ill-treatment received at the time of admission to prison is sometimes not transmitted to the Inspectorate-General of Internal Administration or the Public Prosecutor's Office at all. And in the rare cases where allegations have been transmitted, the authorities are in no hurry to initiate investigations<sup>1625</sup>.

The experts have once again received several credible reports of physical violence against prisoners by staff at Lisbon Central Prison. These allegations were also confirmed during the analysis of prison medical reports with details of the injuries. Moreover, human rights defenders note the "extremely dilapidated condition" of the Lisbon Central Prison building, where the number of prisoners exceeds twice the allowed number of inmates.

However, the report also notes some positive trends. For instance, with regard to the security of women in detention. The facts of physical violence against women prisoners are uncommon, but interviewees in prisons often reported psychological pressure by prison staff.

During its visit, the delegation also visited the Psychiatric Clinic of Santa Cruz do Bispo Prison. Previously, the prison had been significantly criticized by CPT experts following their visit to Portugal in 2019. Following their visit in 2022, the experts note in their report the minor improvements made at the Clinic, such as the reduction of overcrowding and the increase in healthcare personnel. Nevertheless, the Clinic is still very similar to a prison and, according to experts; it does not provide appropriate treatment for psychiatric patients. However, the delegation was pleased to find that Magalhães Lemos Psychiatric Hospital provided good living conditions and an appropriate therapeutic environment for forensic

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<sup>1625</sup> Report to the Portuguese Government on the periodic visit to Portugal carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 May to 3 June 2022. Published on 13 December 2023. <https://rm.coe.int/1680adcb76>

patients.<sup>1626</sup>

Human rights defenders also draw attention to the long periods of pre-trial detention (from 6 months to one year), which are caused by the inefficiency of the judicial system, lack of personnel and lengthy administrative procedures. Among other problems in the penitentiary sphere are the joint detention of juvenile and adult inmates, as well as already convicted persons together with persons under investigation (i.e. those whose guilt has not yet been proven and potentially innocent), denial of legal assistance and contact with relatives, and problems in further social rehabilitation.

As of 2023, the European Court of Human Rights (ECtHR) has rendered 373 judgments against Portugal, 285 of which have found violations of at least one article of the European Convention on Human Rights. Traditionally, most of the proceedings against Portugal in the ECtHR have been related to bureaucracy and slow justice.

The human trafficking issue remains extremely acute. According to the most recent data from the Human Trafficking Monitoring Centre available at the time of the drafting of this report, 358 people were categorized as "potential victims of human trafficking" in 2022 (up 12.6 per cent compared to the previous year). Of them, 213 were Portuguese or foreigners who had been enslaved on Portuguese territory and 25 were Portuguese citizens sold abroad. Notably, according to official statistics provided by the Foreigners and Borders Service, only 32 human trafficking suppression cases were reported in 2022. Local observers, citing sources within the service itself, point out that such figures do not always correspond to reality and are often underestimated by several times.

In 2022, a group of migrants from East Timor (about 600 people) were fraudulently smuggled into Portugal and then forced to do slave labour in Lisbon.

In November 2023, a massive operation by the Criminal Police attracted the

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<sup>1626</sup> Report to the Portuguese Government on the periodic visit to Portugal carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 23 May to 3 June 2022. Published on 13 December 2023. <https://rm.coe.int/1680adcb76>



attention of the society with the arrest of 28 people on suspicion of labour exploitation of about 100 migrants in the agricultural sector in Alentejo.<sup>1627</sup>

Drafting of a protocol in April 2021 establishing procedures for the prevention, identification and protection of child victims of trafficking was a significant step in the fight against human trafficking. The protocol consists of a referral mechanism that aims to facilitate the prevention, detection and identification of trafficking in children and to support and protect children who have experienced such problem.<sup>1628</sup>

The official authorities, on the one hand, recognize the existence of cultural, religious, linguistic, and ethnic diversity in the State, which includes the residence for at least 500 years of a significant number of Roma in the country, as well as the existence of a small community of Mirandaspeakers in and around Miranda do Douro. On the other hand, the authorities hold to the standpoint that there are no national minorities in Portugal.

Brazilians represent the largest group of people identified as victims of discriminatory practices based on nationality or origin in Portugal.<sup>1629</sup>

In general, there is a stereotypical attitude against Africans and people of African descent, members of the Roma community, migrants and Muslims in Portuguese society. In recent years, there has been an increase in incidents of racist hate speech, especially in the media and on the Internet.<sup>1630</sup>

In December 2021, the United Nations Human Rights Council Working Group on People of African Descent, following its visit to Portugal, concluded that there was a need to improve approaches in this area, noting cases of ill-treatment of

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<sup>1627</sup> Portugal police arrest 28 for human trafficking and exploitation following farm raids. JURIST. 21 November 2023.

<https://www.jurist.org/news/2023/11/portugal-police-arrest-28-on-trafficking-and-exploitation-charges-following-farm-raids/>

<sup>1628</sup> Evaluation of the information on follow-up to the concluding observations of the Human Rights Committee on Portugal. July 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2F138%2F2%2FAdd.3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2F138%2F2%2FAdd.3&Lang=en)

<sup>1629</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th and 19th periodic reports of Portugal. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2F%2F18-19&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2F%2F18-19&Lang=ru)

<sup>1630</sup> Ibid.

black citizens and physical and verbal violence against them on racial grounds by law enforcement officials.<sup>1631</sup>

The murder of black actor, Bruno Candé, in July 2020 caused a wide public outcry. The racially motivated crime was committed by a 76-year-old colonial war veteran.

Human rights defenders note that a programme should be developed in the country to specifically address the problems of people of African descent. This group of people is much more vulnerable to racism and discrimination. This is particularly noticeable against the background of their low level of participation in the political life of the country, access to employment, housing and health care.<sup>1632</sup>

Several persons of African origin were relocated in the framework of social housing construction programmes launched in the 90s. However, in practice this led to territorial segregation since the main construction sites were located far from the city centres. However, migrants who arrived after the 1990 census that was the basis for those programs were not included in them and continue to live in slums and areas with low quality housing. Moreover, they are under constant threat of forced eviction without prior notice, without access to legal remedies and without decent housing provided by the authorities.

The situation of the Roma population in the country has neither improved significantly. According to the FRA's Report, the implementation of the National Roma Communities Integration Strategy (2013-2022) has not improved the dilapidated state of housing for most of the Roma community: 96 per cent of Roma live below the poverty line in Portugal and 62 per cent feel discrimination.<sup>1633</sup>

Such living conditions are one of the reasons why the vast majority of Roma children living in these areas leave school after the fifth grade at the age of only 10-

<sup>1631</sup> Statement to the media by the United Nations Working Group of Experts on People of African Descent, on the conclusion of its official visit to Portugal (from 29 November to 6 December 2021). <https://www.ohchr.org/en/statements/2021/12/statement-media-united-nations-working-group-experts-people-african-descent>

<sup>1632</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th and 19th periodic reports of Portugal. May 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FPRT%2FCO%2F18-19&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FPRT%2FCO%2F18-19&Lang=en)

<sup>1633</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

12 years without obtaining professional qualifications.<sup>1634</sup> The United Nations Committee on the Rights of the Child<sup>1635</sup> and Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM)<sup>1636</sup> also expressed concern about the low enrolment rates of Roma children in schools. Many of them continue to study in segregated schools or classes, experiencing discrimination.

The efforts of the authorities to ensure that Roma children attend school should be appreciated. According to the information provided by the Portuguese authorities to the ECRI, the statistics on the enrolment rate of Roma students signify an increase at all levels of education since 2018. The best dynamics was demonstrated by pupils who are between the age of 13 and 15 attending grades from 7 to 9: their number increased by 4.5 per cent between the school years 2016/2017 and 2018/2019. Furthermore, school performance rates for those years also indicate improvement in this cycle.

In 2019, the Portuguese authorities launched the "ROMA Educa" program, which regulates scholarships at the secondary education level (pupils between the age of 15 and 18 attending grades from 10 to 12). Its primary aim is to reduce the number of school dropouts by Roma.

Despite these positive steps, pursuant to ECRI data, the overall enrolment rate of Roma pupils at 3rd cycle and secondary education level is still low and remains at 18.6 per cent and 2.6 per cent respectively.<sup>1637</sup>

In addition to the above, the CEDAW expressed concern about the low level of education of Roma girls in 2022. Among the reasons for the school dropout rates among Roma girls, the Committee named child and/or forced marriage and early

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<sup>1634</sup> Ibid.

<sup>1635</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Portugal. September 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPRT%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fPRT%2fCO%2f5-6&Lang=ru)

<sup>1636</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Portugal. Adopted on 28 June 2019. Published on 27 January 2020.  
<https://rm.coe.int/4th-op-portugal-en/1680998662>

<sup>1637</sup> Concluding observations of the European Commission against Racism and Intolerance on the Implementation of the Recommendations in respect of Portugal subject to Interim Follow-Up. Adopted on 30 March 2021. Published on 18 May 2021.  
<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a27d88>

pregnancy, which are often ignored by the authorities.<sup>1638</sup>

The beginning of a special military operation by the Russian Federation in February 2022 has had a marked impact on the situation of Russian citizens and compatriots in Portugal.

The spread of Russophobia in the country is fuelled mainly by representatives of the radicalized part of the Ukrainian community. In particular, they organized a campaign of harassment against Russians in the Portuguese-speaking segment of the Internet.

The anti-Russian policy is also supported by the authorities in Lisbon. It is clearly seen that the Portuguese media disseminate stories and publications about "bad Russians" in order to form a negative opinion of Russia and its representatives among the local audience. The actions of Ukrainian nationalists in front of the Russian Embassy in Lisbon and in city centre squares are easily approved by the administration of local municipalities. One of them, organized by the Portuguese branch of Amnesty International on 19 March 2022, was attended by former Ukrainian Ambassador Inna Ognivets, who, besides the standard accusations of "Russian aggression", spoke about the "corrosive influence" of Russian language schools in Portugal. Then, Pavlo Sadokha, Head of Spilka, the largest Ukrainian association in the country, published a list of all Russian diaspora associations with photos under the guise of warning Ukrainians against joining them. This publication provoked a wave of insulting posts by Ukrainian nationalists against Russian-speaking activists.

Moreover, Spilka representatives sent appeals to the High Commissioner for Migration and the Portuguese intelligence services about the alleged transfer of information collected by Russian diaspora organizations under the guise of helping Ukrainian refugees to the Russian leadership. These unsubstantiated allegations prompted law enforcement authorities to launch an investigation into illegal access

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<sup>1638</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 10th periodic report of Portugal. July 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FPRT%2FCO%2F10&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FPRT%2FCO%2F10&Lang=en)

and leakage of personal data. The incident created a great public resonance, contributing even more to the growth of anti-Russian sentiments.

The same Ukrainian association tried to disrupt a Victory Day in Lisbon organized by a Portuguese NGO together with compatriots in May 2023. At the entrance to the building where the "Immortal Regiment" action and a concert of war songs were held, representatives of the Ukrainian diaspora organized an unauthorized protest demonstration, which ended at the request of the law enforcement agencies that arrived on the site.

As part of the Russophobic policy, the clergy of the Russian Orthodox Church were bulldozed. In October 2022, the rector of the Russian Orthodox Church of All Saints of the Moscow Patriarchate (Lisbon) was attacked. The local police initiated criminal proceedings.

On 10 May 2023, Vladimir Plyasov, former Head of the Centre of Russian Language and Culture, was fired from the University of Coimbra on accusations of "pro-Kremlin propaganda." The university's teaching staff addressed an open letter to the rector condemning the decision.

There are no statistics on the number of hate speech incidents on the Internet, but the ECRI report points to the existence of hundreds of hate-filled messages in Internet far right forums aimed at inciting hatred against the groups listed above. Only some of the media filter comments prior to publication on their web-sites and reject those containing hate speech.<sup>1639</sup>

The ECRI pointed out concerns that some police officers sympathize with extremists and sometimes even join extremist groups.<sup>1640</sup> In 2022, nearly 600 members of the Public Security Police and the National Republican Guard were found to have racist posts on social media calling for racist violence. The Inspectorate General of Internal Administration has announced that an investigation has been launched.

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<sup>1639</sup> Report of the European Commission against Racism and Intolerance on Portugal (5th monitoring cycle). Adopted on 19 June 2018. Published on 2 October 2018.  
<https://rm.coe.int/fifth-report-on-portugal/16808de7da>

<sup>1640</sup> Ibid.

The growing support among the Portuguese population for the far-right "Enough!" (Chega) party, founded in April 2019, is noteworthy.<sup>1641</sup> André Ventura, Head of the Party, does not avoid voicing racist and even extremist statements.

Thus, in October 2021, this politician identified "demographic replacement" as one of the most serious problems of Portugal and the European Union, citing the provisions of the "Great Replacement" theory as an explanation. One of his party's programme points is formulated in the same manner: "Policies regarding migration and the naturalization of foreigners, especially in the international context of the existing strong pressure on Europe of migratory flows, bring risks to the survival of the Portuguese as a people with its own identity, as well as to its prosperity and collective security, these are risks that must be reckoned with."

The 2022 FRA's Report cites the case of André Ventura referring to a black family as "bandits" in a public election debate, stating that he would never be the president of "drug traffickers." This case was subsequently heard in court, and the Portuguese court concluded that the right to the moral and physical integrity of people limits the right to freedom of opinion and expression.<sup>1642</sup> At the same time, many political analysts have noted that the "Enough!" party is currently attempting to reduce the degree of rhetoric and adhere to more moderate views.

Against the background of the increased incidents of antisemitism in Portugal, the lack of a proper response from the authorities is noteworthy. Thus, in October 2023, the country's largest Synagogue in Porto was vandalized.<sup>1643</sup> In early February 2024, the protests caused by the housing crisis turned into antisemitic riots. During demonstrations, antisemitic slogans were shouted; in particular, demonstrators blamed the Jewish population for the economic crisis. They brandished posters with antisemitic calls for "cleansing the world of Jews."<sup>1644</sup>

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<sup>1641</sup> As of early 2024, it is the third political force in the country.

<sup>1642</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>1643</sup> Vandalism of Oporto synagogue: "It is an offense, it is antisemitism." Jewish News Syndicate. 11 October 2023.

<https://www.jns.org/vandalism-of-oporto-synagogue-it-is-an-offense-it-is-antisemitism/>

<sup>1644</sup> "Cleansing the world of Jews": Porto housing protest turns antisemitic. The Jerusalem Post. 3 February 2024.

<https://www.jpost.com/diaspora/antisemitism/article-784953>

Portugal enjoys a generally favourable situation in the field of freedom of the press. Portugal was ranked 9th in Reporters Without Borders' Press Freedom Index 2023. According to this institution, the government and political parties respect the work of the media.

The only recent exception occurred in the January 2021 presidential elections: while covering the campaign of the far-right party Chega, journalists were threatened and insulted by its supporters and the campaign director.<sup>1645</sup> There are also isolated cases of harassment and intimidation of journalists engaged in anti-racism work.<sup>1646</sup>

Meanwhile, the active and widespread involvement of the Portuguese media in the Russophobic campaign instigated by the authorities in the context of the special military operation questions the independence and impartiality of the "fourth power" of this country, not to mention the adequacy of the high ratings assigned to it.

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<sup>1645</sup> Reporters without Borders. Press Freedom Index 2023.

<https://rsf.org/en/country/portugal>

<sup>1646</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 18th and 19th periodic reports of Portugal. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FPRT%2FCO%2F18-19&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FPRT%2FCO%2F18-19&Lang=en)

## Romania

The human rights situation in Romania cannot be characterized as good.

The key state body monitoring the observance of human rights in this country is the Ombudsman's Office, created in 1997, which includes a central office and 15 regional ones. It is important to note that this state structure records cases of violations of citizens' rights, but has no real authority to protect them in cases requiring judicial proceedings. In 2022, the Office received 12,033 such appeals (in 2021 - more than 20,000). As a rule, they concerned unlawful actions of the authorities with regards to the exercise of the right to access to justice (2,011), insufficiently free access to information (906), ensuring a decent standard of living (905) and the right to private property (1373).

The National Council Against Discrimination (CNCD), which operates under the control of the country's Parliament, recorded 988 appeals with regards to the acts of discrimination against the Romanians on various grounds in 2022 (1,048 in 2021). The greatest number of complaints concerned violations of the right to work and choice of profession (362), personal dignity (239), discrimination based on social status and age (322). There were also complaints of violations of rights on the basis of national (92), ethnic (71) and linguistic (26) grounds.

Among the Council of Europe member states, Romania consistently ranks among the top five in terms of the number of complaints filed by citizens with the European Court of Human Rights (ECtHR). During 2022, the ECtHR reviewed 4,225 applications concerning Romania, of which 3,719 were declared inadmissible and thus excluded. 81 judgments were issued (on 506 applications), 72 of which found at least one violation of the European Convention on Human Rights.

Anti-Semitism, racism, fascism and other xenophobic manifestations are prohibited by law in Romania (Government Decision 31/2002 and Law 107/2006) and their manifestations are criminalized. In 2015, Law No. 217 entered into force, amending and supplementing Government Decree No. 31 of 2002 on the prohibition of organizations and symbols of a fascist, racist and xenophobic nature, as well as propaganda of the cult of persons guilty of crimes against peace and humanity.



In July 2018, Law No. 157 "On Certain Measures to Prevent and Counteract Manifestations of Anti-Semitism" came into force, providing for prison sentences ranging from 3 months to 10 years for promoting anti-Semitic rhetoric and involvement in relevant organizations. A number of local NGOs opposed the adoption of this legal act, arguing that it actually duplicated existing legislation in the said area.

Despite this, the Federation of Jewish Communities of Romania, the NGO "Center for Monitoring and Counteracting Anti-Semitism" (CMPA) and the Elie Wiesel National Institute for Holocaust Studies continue recording cases of anti-Semitism, xenophobia, racism and nationalism.

In January 2022, M. Katz, Director of the CMPA, noted that he was observing with "increasing concern" the "denigration and denial of the Holocaust at the level of Romania's political leadership class".<sup>1647</sup> According to a survey conducted by the Elie Wiesel National Institute for Holocaust Studies on 22 November - 2 December 2021 only 32 per cent among ordinary citizens are aware of the Holocaust in Romania, 38 per cent consider the Roma national minority a "threat", 59 per cent of respondents called Romanian Marshal Ion Antonescu - Hitler's collaborator - a "patriot" and 53 per cent - a "great strategist".<sup>1648</sup>

To this day, a number of settlements, streets and educational institutions bear the names of criminals among the activists of the fascist Legionary Movement convicted of crimes against the Roma and Jewish population during World War II. Thus, a street in Cluj-Napoca is named in honour of the commander of one of the units of the pro-fascist Legionary Movement, Radu Gir-Demetrescu. A street in Pitești is named in memory of N.Krainic - Minister of Propaganda in the government of Ion Antonescu. A street and a technological lyceum in Bucharest are

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<sup>1647</sup> Centrul pentru Monitorizarea și Combaterea Antisemitismului: Urmărim cu crescând discomfort negarea Holocaustului la nivelul clasei politice din România / Sesizările noastre către autorități au rămas fără răspuns. 5 January 2022.

<https://www.g4media.ro/centrul-pentru-monitorizarea-si-combaterea-antisemitismului-atragem-atentia-ca-toate-sesizarile-pe-care-le-am-inaintat-autoritatilor-au-ramas-fara-raspunsuri-antisemiti-si-negationisti-notorii-conti.html>

<sup>1648</sup> Opinii contradictorii și prejudecăți stabile despre evrei și Holocaustul din România. Sondaj de opinie 2021 – INSHR. 23 December 2021.

<https://www.inshr-ew.ro/sondaj-de-opinie-holocaust-2021>

named after Deputy Finance Minister Mircea Vulcănescu (convicted for war crimes in 1946).

In December 2021, two swastikas were painted on a synagogue building in Sighisoara. On 6 January 2022, a synagogue in Făgăraş was vandalized.

Romanian policy in the field of ensuring the rights of national minorities in general is not comprehensive, and its implementation varies according to the conditions of individual regions of the country. Negative attitudes towards ethnic Hungarians (1.3 million people, or 6.5 per cent of the total population) and Roma (more than 620,000 people, about 3.3 per cent of the population, and according to unofficial data up to 2 million people) living in Transylvania persist and are periodically fuelled.

Former Romanian President Traian Basescu's TV appearance on which he made unflattering remarks about the Hungarian ethnos has gained wide public resonance. In this regard, the NGO "National Council of Székelys"<sup>1649</sup> appealed to the Romanian authorities to condemn the politician's hate speech. The CNCD intervened as well, by reviewing the episode and imposing a fine of about 1,000 euros on the author of the statements.

The Romanian authorities continue to persecute Magyars for using the Székelys flag and fine them for singing the Hungarian anthem at public events.

The gesture of the then Romanian Prime Minister Mihai Tudose, who promised during a television programme in January 2018 to "hang those involved in the use of the Székelys flag", was ambiguous in this context. During a television programme in January 2018, he promised to "hang Hungarians involved in the use of the Székelys flag on the same poles". The CNCD issued a warning to the politician on this fact.

The Hungarian minority was also angered by the anti-Hungarian tone of a comment posted in social network by MP R.Cristescu in March 2021: "The leaders

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<sup>1649</sup> Székelys – one of the sub-ethnic groups that form the Hungarian national minority in Romania.

of the Democratic Alliance of Hungarians horde continue to behave like the heirs of Attila, not caring that they are harming innocent people...".<sup>1650</sup>

In February 2021, the monument to the "Székelys Martyrs" in Târgu Mures and Hungarian inscriptions on bilingual nameplates of Transylvania settlements were vandalized.<sup>1651</sup>

Under the pretext of optimization of budget expenditures, a course is being implemented to remove from the curriculum a number of disciplines in the Hungarian language at the University of Medicine and Pharmacy of Târgu Mures, despite the fact that the law "On Education" guarantees the right of Magyars to receive higher education in their native language at this university.

In general, the issues of receiving secondary and higher education in the Hungarian language, as well as the use of the Hungarian language in public institutions in places with a compact Magyar population (the so-called Székelys region) are extremely acute in Romania.

Local authorities often ignore the law requiring bilingual signs in localities with at least 20 per cent of residents belonging to national minorities. In the settlement of Csigmandru, Mureş County, bilingual signs were removed when the Hungarian population dropped below 20 per cent and have not been reinstated despite the recommendation of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM). There is also damaging of bilingual Hungarian language signs: although perpetrators are usually identified and charged, members of the Hungarian minority criticize the fact that the motive of ethnic intolerance is usually not mentioned as an aggravating circumstance.<sup>1652</sup>

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<sup>1650</sup> Derapaj verbal al unui deputat PSD, după ce UDMR a votat bugetul: "Se comportă ca nişte urmaşi ai hunilor lui Atila, fără să le pese că lovesc în oameni". 3 March 2021.  
[https://adevarul.ro/news/politica/derapaj-verbal-unui-deputat-psd-udmr-votat-bugetul-se-comporta-urmasi-hunilor-atila-pese-lovesc-oameni-1\\_603f685b5163ec427186b3a3/index.html](https://adevarul.ro/news/politica/derapaj-verbal-unui-deputat-psd-udmr-votat-bugetul-se-comporta-urmasi-hunilor-atila-pese-lovesc-oameni-1_603f685b5163ec427186b3a3/index.html)

<sup>1651</sup> The violation of minority rights and the ethnic discrimination faced by the Hungarian community in Romania. Report 2021. Mikó Imre Minority Rights Legal Services Assistance, 2021. P.12-13.

<sup>1652</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Romania. Adopted on 3 April 2023. Published on 5 September 2023.  
<https://rm.coe.int/5th-op-romania-en/1680ac3917>

There have also been incidents at sport events. In August 2021, during a soccer match between the "Sepsi" team from Sfântu Gheorghe, the administrative center of the predominantly Hungarian-populated Romanian county of Covasna, and the "Farul" team from Constanta, the latter's fans chanted the xenophobic slogan: "Hungarians, get out of the country!". The same words were heard during a match between "Steaua" and "Csikszereda" soccer teams (the latter is from the predominantly Székelys Hungarian-populated Romanian county of Harghita).<sup>1653</sup>

The issue of systematic social discrimination against Roma is acute in Romania. It is manifested in the violation of their rights to education, medical care, and employment. The main policy-making body for the protection of Roma rights and their social integration is the National Agency for the Roma, established in 1997. Its scope of competence includes monitoring the situation with respect to the observance of the rights of this ethnic group within the framework of the government's strategy, proposing amendments to legislation in this area, controlling the implementation of the provisions of the relevant Romanian and European normative acts, etc. At the same time, the lack of a comprehensive system for collecting data on manifestations of discrimination against various social and ethnic groups, including the Roma community, and the Romanian authorities' apparent unwillingness to classify ethnically problematic situations from the point of view of the law do not allow for a full assessment of the scale of violations of Roma rights.

The problems that the Roma are faced with in Romania still attract the attention of ACFCNM.<sup>1654</sup> Despite the adoption of the "Romanian Government's Strategy on the Inclusion of Romanian citizens belonging to the Roma minority for the period 2022-2027", the practical implementation of the anti-discrimination legal framework is insufficient. Representatives of the Roma minority emphasize that anti-Roma sentiments and manifestations are recorded in all spheres of life,

<sup>1653</sup> Mihai Roman, Scandări xenofobe ale galeriei Farului Constanța la meciul cu Sepsi Sfântu Gheorghe. Un oficial covăsnean amenință cu retragerea echipei din competiție. 9 August 2021.

<https://www.g4media.ro/scandari-xenofobe-ale-galeriei-farului-constanta-la-meciul-cu-sepsi-sfantu-gheorghe-un-oficial-covasnean-ameninta-cu-retragerea-echipei-din-competitie.html>

<sup>1654</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Romania. Adopted on 3 April 2023. Published on 5 September 2023. <https://rm.coe.int/5th-op-romania-en/1680ac3917>

including schools, stores, and state structures. The issue of negative rhetoric towards the Roma population in social networks is acute. Moreover, it is noteworthy that against the background of a generally friendly attitude towards refugees from Ukraine, there have been reports of discrimination and hostile statements towards refugees from Ukraine of Roma origin.

One of such cases took place in Bucharest North railway station in 2022, when refugees from Ukraine of Roma origin were pushed away from the stands with free food and medicines, denied access to lounges and received negative reaction to their requests to bring them to the refugee reception centres.<sup>1655</sup>

There is a persisting problem of Roma children attending segregated schools (schools where the majority of students are Roma). Educational segregation affects about one in two Roma children in Romania (51 per cent).<sup>1656</sup>

As early as 2019, experts from the Council of Europe's European Commission against Racism and Intolerance (ECRI) noted that anti-Roma sentiment in Romania is "commonplace".<sup>1657</sup> In ECRI's concluding observations on Romania's implementation of recommendations subject to interim monitoring, the Commission emphasizes that there are still no significant developments in the collection of data on hate crimes, including against Roma.<sup>1658</sup>

The Commission also deplored the delay by Romanian parliamentarians in adopting a professional code of conduct prohibiting any manifestation of racism in speech. The long overdue need for such a step is evidenced, for example, by the following cases of the use of hate speech by public figures.

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<sup>1655</sup> Diana Meseșan, Reportaj. Ce au pățit niște romi săraci din Ucraina când au fost confundați în Gara de Nord cu romi de la noi. 9 March 2022.  
<https://www.libertatea.ro/stiri/reportaj-ce-a-patit-un-grup-de-romi-saraci-din-ucraina-cand-au-fost-confundati-in-gara-de-nord-cu-romi-de-la-noi-4022475>

<sup>1656</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1657</sup> Report of the European Commission against Racism and Intolerance on Romania (5th monitoring cycle). Adopted on 3 April 2019. Published on 5 June 2019.

<https://rm.coe.int/fifth-report-on-romania/168094c9e5>

<sup>1658</sup> Conclusion of the European Commission against Racism and Intolerance on the Implementation of the recommendations in respect of Romania Subject to Interim Follow-up. Adopted on 7 December 2021. Published on 3 March 2022.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a59af0>

In 2019, the proceedings on the statement of A.Hobjila, one of the deputy chairmen of the Botoșani county branch of the Save Romania Union party, who declared "the need to get rid of Roma at any cost in the heart of Botoșani city" in the context of its reconstruction, caused a wide public outcry. The remark of the official, basically calling for the forced relocation of Roma, was considered by the CNCD as discriminatory and degrading human dignity, and its author was fined 2,000 euro. In January 2020, the CNCD paid its attention to the mayor of Tîrgu Mureș Dorin Florea's hate speech against Romanian Roma.

Former Romanian Prime Minister, Petre Roman, was also fined RON 2,000 (about USD 417) by the NCCD for his discriminatory statements against Roma on television.<sup>1659</sup>

Roma community members experience difficulties in obtaining identity documents. In such cases the police write a residence report on the grounds of which applicants may only obtain a provisional identity document. Many also lack documents confirming residence or housing tenure.

The situation of Russian citizens and compatriots in Romania has been deteriorating since 2022. In addition, the situation around the Romanian Union of Ciscarpathian Ruthenians, which is part of the Coordination Council of Organizations of Russian Compatriots Living in Romania, remains tense. According to the president of the Union, Mihai Lauruc, there is ongoing unjustified oppression against the Organization's activists because of their pro-Russian views. There have been cases of inaction on the part of the authorities with regard to the raiding of property and business assets belonging to the Ruthenians. The Union's representatives have also expressed concern that Bucharest encourages forced Ukrainianization of the Ruthenian national minority.

Separate complaints to the Romanian authorities come from our historic compatriots from the community of Lipovan Russians in Romania and the Ciscarpathian Ruthenians and concern the possibility of receiving education (from

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<sup>1659</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2022.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

primary to full secondary) in their mother tongue. It is prescribed that Russian Lipovan children may be taught their native language only as an elective subject, while most national minorities have access to primary education (grades 1-9) entirely in their mother tongue.

At the same time, it is worth noting that a representative of this national minority has been included in the list of persons who participated in the reform of the legislation on fishing, a profession traditionally exercised by the Lipovan Russians, as well as in decisions affecting Romanian society as a whole.<sup>1660</sup>

In 2023, there were cases of seizure of driving licences from Russian citizens when crossing the Romanian state border. Moreover, Romanian border guards justified their decision by doubts about the authenticity of the driving licence documents. The main reason for the "invalidity" of the licence, according to their assessment, was an allegedly incorrect positioning of watermarks or unclear textual information. It is worth stressing that in most cases the authenticity of the seized licences was confirmed by employees of the consular department of the Embassy of the Russian Federation in Romania. It is noteworthy that the procedure for returning the seized documents took an unreasonably long time – usually more than six months from the date of the relevant ruling.

The overall press freedom situation in Romania is unfavourable. A number of NGOs have been noting for years an increased politicization of the media and problems with access to information, with the connivance of the official authorities. Access to a number of Russian media websites (RIA Novosti, Sputnik) is still blocked. In addition, there have been cases of threats and physical attacks against journalists, including the armed attack in September 2021 on a film crew working on an investigative documentary about illegal logging.

There have been cases of pressure exercised by the investigative authorities on journalists who criticize and publish compromising information about government officials. A number of NGOs point out an increased interest shown by the

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<sup>1660</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Romania. Adopted on 3 April 2023. Published on 5 September 2023. <https://rm.coe.int/5th-op-romania-en/1680ac3917>

Directorate for Investigating Organized Crime and Terrorism in the work of Cătălin Tolontan and Mihai Toma working for the Libertata newspaper who have found Daniel Băluță, Mayor of Bucharest's fourth Sector, implicated in corruption. Officers of the Directorate have searched another investigative journalist, Andreea Cirstea, after a range of her publications criticizing the actions of a local police chief. Active Watch human rights organization has pointed out in this regard that these cases are not exceptions and that questioning of journalists is becoming systematic.

Domestic violence against women is a serious social problem in Romania. Allegations of domestic violence are not always recorded when reported to the police, especially in rural areas. Moreover, in cases of sexual violence, victims lack access to free forensic medical examinations which is a serious obstacle to access to justice. Impunity of perpetrators is also facilitated by the fact that often under the pressure of law enforcement officers, victims of violence drop charges against or reconcile with their abuser.<sup>1661</sup>

The children's rights situation also leaves much to be desired. According to the latest data, every 6 hours a minor in Romania becomes a victim of violence.<sup>1662</sup>

Romania ranks first among EU countries in terms of the number of underage mothers. According to the National Institute of Statistics, over 7,000 children are born to underage mothers every year, with 1,200 of them giving birth for the second or third time. In January 2024 alone, there were 6 such cases.<sup>1663</sup>

In 2021, 41.5 per cent of children in Romania were at risk of poverty or social exclusion, which is the highest proportion among the EU Member States.<sup>1664</sup> One high-profile case was when a local man in Covasna County sold his 13-year-old son

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<sup>1661</sup> Concluding observations of the Committee against Torture on the 3rd periodic report of Romania. July 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2F3%2FROU%2F3%2F3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2F3%2FROU%2F3%2F3&Lang=en)

<sup>1662</sup> Combating Child Abuse in Romania. Active Citizens Fund. 6 December 2023. <https://activecitizenfund.no/bilateral-projects/combating-child-abuse-in-romania/>

<sup>1663</sup> Romania ranks first among the EU countries in terms of the number of underage mothers. TASS. 2 February 2024. <https://tass.ru/obscestvo/19887875/amp>

<sup>1664</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2023. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)



in October 2022 to work on a cattle farm where he was kept in unsanitary conditions.

At the same time, the EU Agency for Fundamental Rights' Report notes significant progress regarding the protection of the rights of children in criminal proceedings. A new draft law, for example, provides for the requirement to question child victims in rooms specially adapted for children and for a psychologist to assist in the questioning. Moreover, the court proceedings concerning sexual offences against children should be held without the presence of the public.<sup>1665</sup>

The situation in the field of the rights of persons with disabilities is difficult. According to official data, more than 760,000 people with disabilities are registered in Romania, and more than one third of them still face difficulties in employment. During the reporting period, NSBD received over 110 complaints about violation of rights from this category of citizens. There are difficulties in their access to medical services, education, transport, etc. Children with disabilities are either educated at schools that are not suitable for this category of persons or have no opportunity to attend educational institutions at all.

Though the Constitution and national legislation prohibit inhuman treatment and corporal punishment towards suspects and persons under investigation, there are problems, which are traditional for Romania, regarding respect for the rights of persons serving sentences. The EU Member State with the most severe overcrowding is Romania. According to the 2022 Council of Europe Annual Penal Statistics published in June 2023, there are 124 inmates per 100 places in Romania.<sup>1666</sup> The most acute situation has been reported in the prisons of Galati, Giurgiu, Craiova and Mărgineni, where the occupancy rate reaches 125-150 per cent. Thus, the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to provide 4 square metres per prisoner is not observed.

In its Concluding observations on the third periodic report of Romania, the

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<sup>1665</sup> Ibid.

<sup>1666</sup> The Council of Europe Annual Penal Statistics (SPACE I). June 2023.

[https://wp.unil.ch/space/files/2023/06/230626\\_Key-Findings-SPACE-I\\_Prisons-and-Prisoners-in-Europe-2022.pdf](https://wp.unil.ch/space/files/2023/06/230626_Key-Findings-SPACE-I_Prisons-and-Prisoners-in-Europe-2022.pdf)

UN Committee against Torture (CAT) emphasizes that, despite legislation which establishes fundamental legal safeguards for persons deprived of their liberty, such safeguards are not always applied in practice. In particular, the Committee expresses its concern at reports that detained persons are not always afforded the opportunity to consult with legal counsel and that the confidentiality of their conversations is sometimes violated. In addition, according to the information before the Committee, detained persons are not always sufficiently informed of their rights or the charges against them in a manner they understand, be it due to challenges in comprehension, excessively formalistic provisions contained in the documentary materials provided, lack of interpretation or translation, or the failure of the detaining authorities to provide any information at all. Moreover, the right of access to a doctor is not provided to detained persons from the outset of their deprivation of liberty, except in cases of emergency, nor is such a right provided for by legislation.<sup>1667</sup>

There were also reports of ill-treatment against detainees. Moreover, in cases of alleged torture and ill-treatment, the medical services reportedly failed to record, or have inadequately recorded, injuries sustained by detainees.

From 19 to 30 September 2022, a CPT team of experts made yet another ad hoc visit to Romania. Its purpose was to examine the treatment of patients, particularly most acute patients and long-term chronic patients, held in psychiatric establishments and of residents accommodated in residential care centres.

The findings of CPT experts' visit reinforce the urgency for action to ensure that all persons in psychiatric establishments are offered decent living conditions and appropriate treatment. A separate point was made about the acute shortage of staff in the establishments visited. Patients reported numerous instances of ill-treatment, in particular in psychiatric hospitals of Botoşani and Pădureni-Grajduri. In the experts' opinion, the most serious situation was observed at the Pădureni-Grajduri Psychiatric Hospital, where 104 patients had to share a bed with another patient. The CPT's conclusion is that the conditions of detention in this

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<sup>1667</sup> Concluding observations of the Committee against Torture on the 3rd periodic report of Romania. July 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FROU%2FCO%2F3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FROU%2FCO%2F3&Lang=en)

establishment may be regarded as inhuman and degrading.<sup>1668</sup>

As part of the visit, the CPT's delegation also visited three residential care centres, which also suffered a shortage of qualified staff.<sup>1669</sup>

Inspections conducted by the Directorate for Investigating Organized Crime and Terrorism in June 2023 revealed widespread violation of conditions in three nursing homes in Bucharest and Ilfov County. Senior citizens living in unsanitary conditions were ill-treated, starved and deprived of state benefits. 42 inmates of the social care centres required urgent medical assistance, and six people were hospitalized. The heads of the centres were detained and an investigation is ongoing.

In its turn, CAT noted steps last year that have been taken by the Government to improve monitoring of such facilities, such as the nationwide audit carried out at the direction of the Prime Minister in 2023.<sup>1670</sup>

Romania, like many other EU countries, still has stereotypically racist attitudes towards people of African descent. This can be illustrated by a remark from the Ambassador to Kenya, Dragos Viorel Tigau, during a meeting of the Eastern European Group at the UN Office in Nairobi on 26 April 2023. Seeing a monkey in the window of the conference room, the Romanian Permanent Representative stated that the African group "joined us". This provoked a wave of just indignation on the part of diplomats representing the continent, forcing Bucharest to recall Dragos Viorel Tigau.<sup>1671</sup>

There is a persistent problem of excessive interference on the part of law enforcement agencies and security services into the private life of citizen. There has been a surge in the number of court authorizations for wiretapping and interception

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<sup>1668</sup> Report to the Romanian Government on the visit to Romania carried out from 19 to 30 September 2022 by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT). Published on 5 October 2023.

<https://rm.coe.int/1680acbdde>

<sup>1669</sup> Ibid.

<sup>1670</sup> Concluding observations of the Committee against Torture on the 3rd periodic report of Romania. July 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FR0U%2FCO%2F3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FR0U%2FCO%2F3&Lang=en)

<sup>1671</sup> Who is Dragos Viorel Tigau, the Romanian Recalled Racist Ambassador? Kenyan Foreign Policy. 11 June 2023. <https://kenyanforeignpolicy.com/who-is-dragos-viorel-tigau-the-romanian-recalled-racist-ambassador/>; Seeing Monkey through Window, Romanian Diplomat Referred to It as "African Group" and was Recalled from Kenya. Gazeta.ru. 11 June 2023. <https://www.gazeta.ru/politics/2023/06/11/17122814.shtml?updated>

of electronic messages over the past years. In February 2018, the Constitutional court of Romania recognized as illegal the use of evidence obtained by the Romanian Information Service (counterintelligence) on the basis of court authorizations for wiretapping in criminal cases not related to national security offences. Previously, such evidence had often been handed over to the National Anticorruption Directorate, which initiated cases for economic, official and corruption offences.

Romanian civil society members are concerned about the efforts of the authorities to strengthen controls on the funding sources and expenditure of NGOs. In July 2019, the Law No. 129 "On preventing and combating terrorism" entered into force, incorporating not only the requirements of the Directive (EU) 2015/849 on anti-money laundering and terrorist financing, but also provisions surpassing them. According to the law, civil society organizations must, among other things, submit personal data of beneficiaries of targeted public events to tax authorities. The measures indicate a growing trend in the European Union related to the intention of "collective Brussels" to tighten control over non-governmental organizations operating in the territory of EU Member States.

## North Macedonia

The human rights situation in the Republic of North Macedonia (RNM) remains complicated.

Among major external factors that had significantly affected it in a negative way were the consequences of energy and food crises. The increase in the cost of living and utility bills, high inflation (in 2023 - 9.4 per cent), low wages (the monthly average in November 2023 was \$674) contributed to further impoverishment of the population, including its most vulnerable groups. The existing negative trends have worsened significantly as a result of the socio-economic consequences of the coronavirus pandemic. The impact of the acute internal political confrontation between the ruling Social Democratic Union of Macedonia – Democratic Union for Integration coalition (SDSM-DSI) and the opposition parties (primarily the Internal Macedonian Revolutionary Organization – Democratic Party for Macedonian National Unity (VMRO–DPMNE) and the Left Forces) was felt.

As a state party to major international human rights treaties, the country has yet to ratify a number of instruments, including the Convention on the Prevention and Punishment of the Crime of Genocide dated 1948, the United Nations Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families dated 1990, the European Charter for Regional or Minority Languages dated 1992, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict dated 2001, the International Convention for the Protection of All Persons from Enforced Disappearance dated 2006 and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights dated 2008.

In May 2023, Minister of Justice, Mr. Kerem Loga, during his working visit to the Netherlands, signed the Hague Convention of 2 July 2019 on the Recognition and Enforcement of Foreign Judgments in Civil or Commercial Matters.

As part of the development of the human rights topic, North Macedonia is closely monitored by the United States, European Union bodies, the OSCE field

mission, relevant international and local non-governmental organizations. Apart from international branches of NGOs (Freedom House, Amnesty International, Reporters without Borders, Transparency International), there is a whole network of local non-governmental organizations operating here.

The most authoritative, *inter alia*, are the Euro-Atlantic Council of Macedonia, the Macedonian Helsinki Committee, the "CIVIL", the Association for Democratic Initiatives, the Institute of Human Rights, the Institute for Democracy "Societas Civilis", the Macedonian Institute for Media, the "MOST" Citizen's Association, the Foundation Open Society and the leftist Solidarity movement. The vast majority of these organizations receive funding from Western governmental and non-governmental structures.

According to the opinion of the Freedom House experts, North Macedonia remains a "partially free" country (Freedom in the World 2023<sup>1672</sup>).

In the Democracy Index 2022<sup>1673</sup> published by the British Economist Intelligence Unit NGO, North Macedonia ranked 72 out of 167, i.e. one place up from 2021. In 2023<sup>1674</sup>, the RNM maintained the same positions as in 2022. This allowed it to be upgraded from "hybrid regimes" to "flawed democracies" ("imperfect democracy")<sup>1675</sup>.

Despite all the artificial nature and ambiguity of the above and similar "indices", the study draws attention to the reference to very modest improvements in the functioning of government bodies, as well as the extremely low trust of citizens in political parties<sup>1676</sup>. Those who criticize the government emphasize that changing the "index status" has no effect on solving such systemic problems in the Republic of North Macedonia as the high level of corruption, weak judicial system, violations of the electoral legislation, etc.

<sup>1672</sup> <https://freedomhouse.org/country/north-macedonia/freedom-world/2023>

<sup>1673</sup> <https://www.protagon.gr/wp-content/uploads/2023/02/Democracy-Index-2022-final.pdf>

<sup>1674</sup> <https://www.powergame.gr/wp-content/uploads/2024/02/democracy-index-2023-final-report.pdf>

<sup>1675</sup> [https://www.eiu.com/n/campaigns/democracy-index-2023/?utm\\_source=eiu-website&utm\\_medium=blog&utm\\_campaign=democracy-index-2023](https://www.eiu.com/n/campaigns/democracy-index-2023/?utm_source=eiu-website&utm_medium=blog&utm_campaign=democracy-index-2023)

<sup>1676</sup> <https://pages.eiu.com/rs/753-RIQ-438/images/eiu-democracy-index-2021.pdf>

Numerous public opinion polls by local NGOs<sup>1677</sup> as well as comments by representative of the diplomatic corps denote the growing dissatisfaction with living conditions and citizens' distrust of government bodies amid the prevalence of corruption, including of the judicial system.

Almost universal understaffing has a negative impact on the work efficiency of the North Macedonian judicial bodies.

A critic of the RNM concerning respect for human rights was heard from the European Commission.

In its recent country report for 2023, the European Commission acknowledges the "lack of progress" in Skopje in the area of "strengthening independence of the judicial system and bettering legal frameworks of the protection of basic rights". Failure to implement the recommendations for 2022 is posed as a reproach.

There was an appeal to turn the work of the Judicial Council more transparent. A "concern" was expressed regarding the "political pressure" during the dismissal (in April 2023) of the chairman of this body (which for a long time became the subject of discussion in the public space due to violations).

As Brussels puts it, the situation with combatting corruption is even more complicated. This can be also seen from the language used in the document, where they say that corruption still prevails in many spheres and raises concern. For instance, judicial processes stay on when the cases of former high-level officials are under consideration and result sometimes in the expiration of the limitation period.

Corruption is acknowledged nearly the major problem that impedes the overall respect for human rights. The Corruption Perception Index 2023 by Transparency International ranks the country 76 out of 180<sup>1678</sup> (in 2022 – 85).

Concern regarding the spread of corruption in the country, including manifested in the pervasive practice of bribery for the provision of goods or services and the low number of prosecutions on the basis of the Law on Prevention of

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<sup>1677</sup> <https://mia.mk/en/story/citizens-have-low-trust-in-institutions-partiestrustreligious-communities-and-military-the-most-poll>

<sup>1678</sup> <https://www.transparency.org/en/cpi/2023>

Corruption, particularly in cases involving high-level officials was expressed by the United Nations Committee on Economic, Social and Cultural Rights.<sup>1679</sup>

In 2021-2022, trials continued in the cases of the former Special Prosecutor's Office, disbanded in 2019 due to a corruption scandal.

In June 2022, the Supreme Court of North Macedonia (following the criminal and appeal courts) confirmed the verdicts in the so-called "Racket" case against the ex-head of the department Katitsa Yaneva, sentenced to seven years in prison, as well as another key defendant - businessman Boyan Yovanovski, sentenced to nine years.

The embezzlement is highlighted by the main sponsor of the North Macedonians in the fight against bribery - the United States. United States Ambassador to the RNM Angela Aggeler has repeatedly noted the absence of "cardinal" changes in this direction.

Besides, Ambassador of the Netherlands to North Macedonia Dirk Jan Kop said, in May 2023, that the situation with excessive corruption becomes only worse.<sup>1680</sup> According to him, nobody has trust in the decisions of the state commission against corruption, including those of the government, parliament and prosecutor's office. In October 2023, the head of the diplomatic mission noted that the RNM continued to face challenges related to unlawful political influence, fraud-inclined mentality and culture of corruption.<sup>1681</sup>

In September 2023, in focus of the mass media<sup>1682</sup> – is the introduction of amendments to the Criminal Code of North Macedonia implemented under an accelerated procedure and providing for the mitigation of penalties for acts of corruption. Besides, the duration of imprisonment for abuse of official position for personal gain has been reduced, and the statute of limitations for criminal prosecution has been decreased.

<sup>1679</sup>[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=ru)

<sup>1680</sup><https://english.republika.mk/news/macedonia/corruption-is-your-real-problem-sharp-rebuke-from-the-holland-ambassador-dirk-jan-kop/>

<sup>1681</sup>[https://www.facebook.com/story.php?story\\_fbid=730567042434282&id=100064429791987&mibextid=I6gGtw](https://www.facebook.com/story.php?story_fbid=730567042434282&id=100064429791987&mibextid=I6gGtw)

<sup>1682</sup><https://balkaninsight.com/2023/09/07/north-macedonias-president-urged-to-block-sudden-criminal-law-changes/>



The opposition was against and accused the ruling coalition of trying to defend its officials from potential persecution for involvement in corruption.

The novelties were subject to criticism on behalf of NGOs, including Transparency International.<sup>1683</sup> According to the organization, the amendments will lead to the cessation of about 200 cases on suspicion of corruption, many of which concern former high-level officials.

The situation with corruption remains in focus of the Group of States against Corruption (GRECO). Its latest available report<sup>1684</sup> on North Macedonia denotes problems related to practical implementation of recommendations provided by the said body. Thus, North Macedonia has adequately implemented 13 out of 23 recommendations contained in the report of the fifth evaluation round. Nine of the remaining recommendations have been implemented partially with one remaining totally outstanding.

In general, cases of discrimination based on nationality and politics continue to be recorded. Mass media publish examples of inefficiency of the tax regime, violations of the rights of employees and deficiencies in the work of the penitentiary system. A separate problem is rousing hatred towards a number of ethnos, primarily the Romani.

The local public's concern about possible violations of workers' rights was caused by the signing of a contract with the American-Turkish ENKA-Bechtel consortium for the construction of sections of transport corridors 8 (part of the Pan-European Transport Corridor connecting the Adriatic and Black Seas through Albania, Republic of North Macedonia and Bulgaria) and 10D (part of the Pan-European Transport Corridor along the line Austria-Hungary-Slovenia-Croatia-Serbia-Bulgaria- Republic of North Macedonia -Greece).

The information that "leaked" to mass media identified secret anti-corruption law violation loopholes. The amendments to the law on Working Relations, adopted "on a fast-track basis", imply, according to experts' assessments, a risk of

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<sup>1683</sup> <https://images.transparencycdn.org/images/CPI-2023-Report.pdf>

<sup>1684</sup> <https://rm.coe.int/fifth-evaluation-round-second-compliance-report-north-macedonia-/1680acf53f>

"significant overwork" on the construction sites, including up to 60 hours per week.<sup>1685</sup> This story was spread as well in European mass media.<sup>1686</sup>

In May 2023, the Association of Trade Unions of Macedonia and the Confederation of Free Trade Unions held separate protests in front of the government building. The possible transfer to a 60-hour working week during the construction of the mentioned motorway was subject to criticism.

According to human right defenders, the social protection system does not apply to those in less favourable or marginalized situation: they have limited access to social allowances due to the complicated procedures and criteria of acquisition of rights thereto (at the same time, the amount of these allowances is still inadequate).<sup>1687</sup>

Human rights organizations regularly identify systemic shortcomings in the prison system in North Macedonia. The objects of criticism are poor living conditions, prison overcrowding and violence against prisoners. The access to healthcare, education, re-socialization programmes and the conditions for their implementation are "unthinkable".

There are cases of impeded access to advocate services as well as facts of tortures and ill-treatment on behalf of the staff of penitentiary institutions. According to the US State Department report on human rights in the RNM in 2022, only five out of 11 prisons in the territory of the country offer a full-time doctor job.<sup>1688</sup>

In the latest country report for 2023, the European Commission states that the situation in prisons in the RNM remains difficult.<sup>1689</sup> Recommendations of the European Committee for the Prevention of Torture (ECPT) have not been taken into account to give rise to a serious concern. Therefore, conditions in certain facilities of the penitentiary system remain "inhumane".

<sup>1685</sup> <https://republika.mk/vesti/makedonija/usvoeni-zakonite-za-bektel-i-enka-rabotnitsite-ke-rmbaat-po-70-chasa-vo-nedelata/>

<sup>1686</sup> <https://euronews.al/en/unionists-battle-north-macedonian-government-to-maintain-40-hours-of-work-per-week/>

<sup>1687</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fCO%2f2-4&Lang=ru)

<sup>1688</sup> <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/north-macedonia/>

<sup>1689</sup> [https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD\\_2023\\_693%20North%20Macedonia%20report.pdf](https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_693%20North%20Macedonia%20report.pdf)

In April 2023, police officers of North Macedonia, in a shootout during an inspection of two cars near the town of Gevgelija on the border with Greece, "accidentally" shot a 23-year-old woman. The incident allegedly happened when the law enforcement officers tried to arrest a suspect in organizing illegal immigration<sup>1690</sup>.

Public became a story of a policeman from Gostivar, who, in 2020, committed several disciplinary offenses and physically abused his roommate. This repeated in 2022 (a case under Article 386 of the Criminal Code of North Macedonia was filed) but he got off with fines and remained working in law enforcement.<sup>1691</sup>

A practice is still implemented in North Macedonia of appointing employees without experience and knowledge of prison management to management positions (contrary to the legal requirement of at least four years of experience in the field of penal administration), for which the authorities are periodically criticized by Commissioner for Human Rights. The problem of overcrowding in prison cells remains unresolved.<sup>1692</sup>

A high-profile incident occurred in the country's largest correctional colony, Idrizovo: the removal of narcotic drugs, cold weapons, cell phones and significant sums of money from prisoners during searches on 14 June 2022 led to the resignation of its chief Redzep Redzepe, who was once appointed by a party agreement when the Albanian Alternative party joined the ruling coalition. (December 2021).

The UN Human Rights Council criticized the North Macedonian authorities for the excessive powers of the intelligence services, especially in terms of wiretapping and contact tracing, which are used, among other things, against opposition politicians and journalists.<sup>1693</sup>

Another problem of the human rights dossier of North Macedonia is the

<sup>1690</sup> <https://apnews.com/article/macedonia-greece-migrants-immigration-police-shooting-cde950ce1ae780fe85e8ef546b6b6fb6>

<sup>1691</sup> <https://telma.com.mk/2022/08/06/policaec-pukal~so-sluzhbeniot-pishtol-pred-partnerkata-mvr-go-kaznile-parichno/>

<sup>1692</sup> <https://www.coe.int/en/web/portal/-/north-macedonia-cramped-prison-conditions-detainee-ill-treatment-and-opaque-prison-management-among-longstanding-concerns-for-anti-torture-committee>

<sup>1693</sup> <https://telma.com.mk/2022/08/06/policaec-pukal~so-sluzhbeniot-pishtol-pred-partnerkata-mvr-go-kaznile-parichno/>

limited freedom of mass media activities. Concerns about the selective approach in the distribution of public funds between various media were expressed, in particular, by HRC experts. It was reported that journalists were under regular monitoring; they received threats and were attacked or detained.<sup>1694</sup>

In 2023, North Macedonia ranked 38 in the world press freedom rating compiled by Reporters without Borders (in 2022 – 57). "Although journalists do not work in a hostile environment, the widespread misinformation and lack of professionalism are contributing to a decline in public trust in the media, exposing independent media to threats and attacks, " says the report on the state of media in the Republic of North Macedonia.

International experts drew attention to the fact that the legislative norms governing the resolution of disputes within the electoral process contain numerous gaps and ambiguities.

Additional uncertainty was created by the ambiguity of the wording regarding the new deadlines for consideration of complaints introduced by amendments to the Electoral Code of North Macedonia in September 2021. Thus, voters' right to lodge complaints is still limited by disputes related to voter lists and their personal voting rights and the observers representing citizen associations cannot file complaints at all (their comments can only be recorded in the protocol).

Since beginning 2024, the attention of the North Macedonian media – against the backdrop of the upcoming presidential and parliamentary elections in April–May 2024 – is increasingly focused on suspicions of obstruction of the electoral rights of the Macedonian diaspora, allegedly planned in advance by the current ruling coalition: the greater part of ethnic Macedonians living abroad (up to 100 thousand persons according to various assessments) – the RNM citizens that subscribe primarily to anti-government opinions – have been unable to receive new national travel documents (taking into account the change of state name due to the Prespa Agreement of 2018) on time (until 12 February 2024) due to the complexity

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<sup>1694</sup> <https://telma.com.mk/2022/08/06/policaec-pukal~so-sluzhbeniot-pishtol-pred-partnerkata-mvr-go-kaznile-parichno/>

and length of the passport replacement process (according to the Ministry of Foreign Affairs of the RNM, only about 50 thousand people received them). Thus, the "exited" Macedonians are afraid to take part in voting in the territory of the RNM (the availability of polling stations outside the country remains uncertain), since subsequently they will not be able to return to their countries of residence due to the fact that their documents are already invalid.

Interfaith relations in the country remain tense. In the everyday sphere, this is expressed, for example, in rejection of the appearance of representatives of another religion.

The demonstrated intolerance due to individuals' belonging to a certain religion is often interspersed with ethnic intolerance.

The Roma population is in the most deplorable situation among national minorities in the Republic of North Macedonia. Gypsies (Roma, Ashkali, Egyptians) number 53.9 thousand people, or 2.7 per cent of the population of North Macedonia, being the third largest national minority after Albanians and Turks. About 95 per cent of Roma live in cities with more than half in Skopje, concentrating, as a rule, in the poorest – "ghettoized" – areas. The main places of compact residence are located in the capital Shuto Orizari (the only municipality in the world where the Roma language has official status) as well as in the communities of Bitola, Gostivar, Kocani, Kumanovo, Prilep, Tetovo, Shtip and others.

The living conditions often do not meet minimum sanitary requirements and are characterized by poorly developed infrastructure, overcrowding and lack of access to social services.

Thus, outside Skopje, only 16 per cent of Roma households are equipped with indoor sanitary facilities, 50 per cent are not connected to the sewerage system, 58 per cent have access to tap water only outside the house/apartment, 10 per cent are completely deprived of sources of both drinking and tap water. 53 per cent of residential premises are affected by dampness. 63 per cent of Roma live in permanent buildings, 29.5 per cent – in dilapidated or prefabricated buildings, 7.25 per cent - in shelters built from scrap materials (metal sheets, cardboard, plastic,

polyethylene, etc.). The average Roma household consists of five people. In more than half of them, there is less than 5 sq. meters of living space per family member.

Many Roma do not have identification documents or certificates of ownership of the residential premises they occupy and are deprived of access to education and the employment market.

The amendments to the law on Civil Status Acts adopted in June 2023 received positive feedback from human rights organizations. According to the amendments, persons unregistered at birth (about 700 people), mainly Roma, were to receive national identity documents by the end of 2023.<sup>1695</sup> Minister of Internal Affairs Oliver Spasovski expressed confidence that this measure will have a positive impact on the image of the Republic of North Macedonia.

By 2021, the authorities planned to build 32 residential complexes (1.7 thousand apartments) throughout the country to accommodate vulnerable categories of citizens. Although the experience of recent years shows that Roma get no more than 15 per cent of such housing stock.

The low standard of living of the gypsies, begging and garbage collection often make society to treat them with disdain.

The European Commission's 2021 report on Skopje's progress on the Eurotrack notes "limited progress" in the integration of Roma into North Macedonian society, citing rising unemployment rates among the Roma community every year.

The reports of the EU Agency for Fundamental Rights for 2020<sup>1696</sup> and 2023<sup>1697</sup> emphasize several significant anti-discriminatory novelties in the Macedonian legislation. For example, a new law on Primary Education has been adopted, which explicitly prohibits discrimination, encourages interethnic integration and provides for the creation of an institute of educational intermediaries for Roma children from socially disadvantaged segments of the population. The same institute of mediation for Roma exists in the area of healthcare to facilitate

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<sup>1695</sup> <https://www.mkd.mk/node/518305>

<sup>1696</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>1697</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

access to medical institutions and services for them.

However, the level of social integration of representatives of Roma communities remains low. The authorities say that pre-school institutions have been attended by about 500 Roma children and 250 Roma students study in higher education establishments.

A clear example of discrimination on ethnic grounds is the decision of the European Court of Human Rights in the case "Elmazova and others v. North Macedonia".<sup>1698</sup> It was determined that for many years more and more Roma children are subject to segregation in the educational process.

In the same spirit is the case "Memedova and others v. North Macedonia"<sup>1699</sup> (October 2023). The ECtHR found that North Macedonia discriminated against four of its citizens of Roma origin on the basis of their nationality and violated their right to free movement.

Resolution of the Committee of Ministers of the Council of Europe (CM/ResCMN(2023)2) on the implementation of the Framework Convention for the Protection of National Minorities by North Macedonia of 8 February 2023, calls on the authorities to increase enrolment in pre-school institutions and resolve *de facto* separate education for Roma. Besides, it points out the need to improve teaching conditions in languages and of the languages of national minorities.<sup>1700</sup>

Besides, the latest report on RSM of the European Commission against racism and intolerance (ECRI)<sup>1701</sup> criticizes the school system, which is still "largely segregated" by language (Macedonian and Albanian). Students in both groups are often taught in separate buildings or in shifts. The problem of social marginalization of the Roma community remains unresolved. According to ECRI experts, for example, the unemployment rate among Roma is "significantly higher".

Problems with the legal status of the Bektashi Sufi order remain outstanding. After the collapse of the Socialist Federal Republic of Yugoslavia (SFRY), their

<sup>1698</sup> [https://hudoc.echr.coe.int/eng#{%22itemid%22:\[%22001-221503%22\]}](https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-221503%22]})

<sup>1699</sup> [https://hudoc.echr.coe.int/#{%22tabview%22:\[%22document%22\],%22itemid%22:\[%22001-228661%22\]}](https://hudoc.echr.coe.int/#{%22tabview%22:[%22document%22],%22itemid%22:[%22001-228661%22]})

<sup>1700</sup> [rm.coe.int/0900001680aa1bac](https://rm.coe.int/0900001680aa1bac)

<sup>1701</sup> <https://rm.coe.int/sixth-ecri-report-on-north-macedonia/1680ac8c47>

community, which in 2000 was included in the state register of religious organizations, began to function however, with the adoption of a specialized law in 2007, the community failed to undergo re-registration and, in fact, remains outside the legal field.

According to statistics from the portal [govornaomraza.mk](http://govornaomraza.mk), which aggregates complaints about the use of "hate speech" on the Internet, from 2013 to the present, 1,749 such cases have been recorded, of which 875 are based on nationality, 66 on skin colour, 46 on religious denomination. Besides, 38 cases of hostility towards representatives of foreign states or international organizations were noted.

Hopes for strengthening control over compliance with the rights of illegal migrants are pinned on the signing in October 2022, of an agreement between the RNM and the EU Border and Coast Guard Agency Frontex, which provides for joint patrols of the state border.

According to the Ministry of Internal Affairs of the RNM, in 2023, about 100 Agency employees have been working on the Greek-North Macedonian section of the state border. The migration problem keeps the country's small security bloc under pressure. According to experts, "supervision" of Western colleagues should exclude incidents related to violations of the rules for treating illegal migrants.

International human rights monitoring mechanisms indicate a significant number of difficulties faced by women in North Macedonia.

There is a disproportionately low level of economic activity and employment among women, in particular representatives of the Roma and Albanian communities, as well as the predominance of women in unskilled/low-paid jobs and positions.<sup>1702</sup>

Attention is drawn to cases of inequality in the hiring of formerly incarcerated women, who are rejected more often than men.<sup>1703</sup>

Besides, women face barriers to owning and inheriting land. This especially affects those living in rural areas of the country due to gender stereotypes and the traditional practice of "family" land ownership, which is recognized for men.<sup>1704</sup>

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<sup>1702</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fC.O%2f2-4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fMKD%2fC.O%2f2-4&Lang=ru)

<sup>1703</sup> <https://balkaninsight.com/2023/05/29/ex-ministers-complaint-lifts-lid-on-north-macedonia-prison-discrimination/>



There are barriers to education for girls belonging to ethnic minority groups. There has been a high rate of girls dropping out of school, including in primary school. The largest number among them goes to women and girls living in rural areas as well as representatives of the Roma community.<sup>1705</sup>

Violence is common, especially against ethnic minority women. However, not all incidents are registered by the competent authorities. Reporting statistics are understated. This was, in particular, pointed out by CEDAW<sup>1706</sup> and CERD<sup>1707</sup>.

According to the results of a public opinion poll, almost half of the country's female population (48 per cent) believes that domestic violence is a private matter; three out of ten women (28 per cent) believe that the victims of such crimes often provoke their commission themselves. Few report incidents of abuse to police or other authorities. The reasons for this state of affairs are: shame, financial dependence, lack of information, mistrust of help services, fear and lack of understanding of what should be considered violence. This is despite the fact that, according to some international organizations, 45 per cent of women have experienced physical, sexual and psychological violence from a partner in their lives.

A bill is currently being considered by parliament to introduce the corresponding concept into the Criminal Code of the Republic of North Macedonia. Other initiatives include the use of gender-sensitive language, the inclusion of gender issues in the Criminal Code; changes regarding the articles on "sexual violence" and "rape"; criminalization of stalking and sexual harassment. It is proposed to add the wording "gender-based violence against women" to Article 123 "Murder".

In February 2022, the main court of Veles fully acquitted a 23-year-old woman who in 2021, in self-defence, inflicted fatal stab wounds on her common-law

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<sup>1704</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru)

<sup>1705</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru)

<sup>1706</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru)

<sup>1707</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMKD%2fCO%2f8-10&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMKD%2fCO%2f8-10&Lang=ru)

spouse, a police officer, who was strangling her. The Helsinki Committee, which provided legal assistance to the accused, welcomed the court's decision, stressing that it will continue to seek to bring local police officers to justice. According to the organization, their inaction in response to repeated reports of domestic violence by a colleague was a serious violation that provoked an escalation of violence.<sup>1708</sup>

On 8 March 2022, a march in support of women's rights took place in Skopje. According to the organizers, the Association for Emancipation, Solidarity and Equality (ECE), the action aimed to draw the attention of the authorities and the general public to gender inequality in North Macedonia, to point out the ineffective legal protection of women from domestic violence and difficulties with finding a job and providing basic medical care services (gynaecological examinations in the large Roma village of Shuto-Orizari).<sup>1709</sup>

Human rights activists regularly draw attention to problems with the implementation of the rights of pregnant women in the RNM, expressed in limited opportunities for employment and career growth, receiving social benefits as well as loss of work due to motherhood.

Child and forced marriage continue to exist, despite laws prohibiting marriage under the age of 16 and restricting marriage for those aged 16 to 18. This problem is especially relevant for women from the Roma and Albanian communities.<sup>1710</sup> Human rights activists note that this practice does not meet the proper response from the authorities.<sup>1711</sup> There is also a continuing tradition of "buying" child brides, mainly affecting girls living in conditions of poverty and social exclusion, especially in remote areas.<sup>1712</sup>

Guarantees of child protection measures, which are required in his/her position as a minor, were under threat against the backdrop of attempts by neoliberal domestic political forces - not without the help of Western curators - to carry out in

<sup>1708</sup> <https://mhc.org.mk/news/sudot-donese-pravilna-odluka-apel-do-obvinitelstvoto-da-sprechi-odmazda-kon-ilovska/>

<sup>1709</sup> <https://www.slobodnaevropa.mk/a/31742407.html>

<sup>1710</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru)

<sup>1711</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMKD%2fCO%2f8-10&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fMKD%2fCO%2f8-10&Lang=ru)

<sup>1712</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMKD%2fCO%2f6&Lang=ru)

parliament the amendments to the law on Civil Status Acts (legalizing gender change "on the basis of self-determination", made in the form of a notarized statement), as well as to adopt a new law on Gender Equality (providing for the introduction of concepts such as "gender identity" "person with multiple gender identities").

Having encountered fierce resistance from broad sections of the population of the Republic of North Macedonia, these law-making initiatives, were actually put on pause. The culmination of the population's discontent was a "national protest" organized on 29 June 2023 by the Synod of the Macedonian Orthodox Church - Ohrid Archdiocese, in which an estimated 10 to 12 thousand people took part. It has been demonstrated that the patriotic Macedonian majority is disgusted by the harmful influence of such "Western values" on minor children.

In a letter from Council of Europe Commissioner for Human Rights Dunja Mijatović to the former Chairman of the Parliament of the RNM Talat Xhaferi (until January 2024, hereinafter referred to as Prime Minister), a call was made to North Macedonian parliamentarians to approve amendments to the law on Civil Status Acts to form a "fast, transparent and accessible procedure" for gender reassignment. Dissatisfaction was expressed with the fact that the relevant amendments were not worked out, despite the ECHR decisions of 2019 in the case "X v. The Former Yugoslav Republic of Macedonia" (a violation of Article 8 of the European Convention on Human Rights was revealed).

No cases of bias or direct discrimination against citizens of the Russian Federation, as well as compatriots, were identified in the Republic of North Macedonia in 2023. The conflicts involving Russian citizens, that are known to the Russian Embassy are, as a rule, of a domestic nature and relate to intra-family relations.

In 2021, The Helsinki Committee registered 133 complaints regarding labour relations. Most of the complaints concerned issues related to illegal dismissals, late payment of wages, forced overtime and night work, refusal to officially register workers, provide maternity leave or pay vacation pay, violation of labour safety

standards and discrimination. The State Labour Inspectorate was officially notified of 37 cases with a requirement to conduct unscheduled inspections of employers. 17 such requests were satisfied, 16 – were declined and four – remained unanswered.

Experts point to shortcomings in government policies aimed at mitigating the negative consequences of the COVID-19 pandemic. It is estimated that about 20 thousand employers, in one way or another, abused the financial resources allocated by the state as part of anti-crisis measures, failing to pay 67 thousand workers the wages due in full. Only in May 2022, the work on a new version of the Labour Law, reflecting modern realities, despite the insistence of North Macedonian trade unions, was started by the Cabinet of Ministers.

During the state of emergency in North Macedonia from March to June 2020, the government was granted special powers, allowing it to temporarily replace the parliament dissolved in February 2020 and take legislative decisions necessary to combat the pandemic, including limiting freedom of assembly, freedom of movement and the right of citizens to practice religious rites. This measure attracted the attention of human rights activists, who pointed out a decrease in the degree of accountability of the authorities to the population, difficulty in accessing citizens to reliable and complete information about the activities of the government.

In the first quarter of 2022, the State Commission for Prevention and Protection against Discrimination received 57 complaints from individuals and legal entities. The case of an 11-year-old pupil from Gostivar with Down syndrome received the most publicity: the parents of her classmates, in the form of a petition, demanded that the girl be banned from attending school due to allegedly aggressive behaviour, with which the management of the educational institution initially agreed. The President of the country, Stevo Pendarovski, had to intervene and in February 2022, as a sign of support, he personally brought the child to classes.<sup>1713</sup>

To summarize the general overview of the human rights situation in North Macedonia, it should be noted that the efforts of the official authorities to resolve

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<sup>1713</sup> [https://pretsedatel.mk/gostivar\\_07022022/](https://pretsedatel.mk/gostivar_07022022/)

long-standing problems are often insufficient and do not lead to their resolution. The coronavirus pandemic, which has left its mark on the human rights situation around the world, has only exacerbated the difficulties that the country's population has already faced. We are talking, for example, about the widespread practice of domestic violence and the social vulnerability of vulnerable groups of the population, in particular Roma. It remains to be hoped that in the future North Macedonia will be able to achieve at least minimum human rights standards by removing the existing obstacles in this area.

Reports from EU administrative structures, the US State Department and international NGOs are convenient tools used by "Western partners" to put pressure on the authorities of the Republic of North Macedonia. Against this background, a set of issues regarding the observance of human rights and freedoms becomes the main lever of influence on the part of the Euro-Atlantic allies Skopje.

## Slovakia

Slovakia's record on fundamental human rights and freedoms is overall stable and follows general European trends. International cooperation in the promotion and protection of human rights is among the country's foreign policy priorities.

Slovakia's legislation on fundamental human rights and freedoms is fully aligned with the standards of the European Union, the Council of Europe and OSCE. The EU, the CoE, and OSCE, in turn, recognize the democratic nature of Slovak state institutions and note the country's participation in line international conventions and agreements as well as the active stance of Slovakia's foreign policy on the human rights track.

The Slovak National Centre for Human Rights plays the leading role in defending citizens' rights at the national level. It should be mentioned that currently this institution fails to fully meet the Paris Principles for the creation and functioning of national human rights institutions as endorsed by the relevant UN General Assembly resolution.

In this regard, UN experts have repeatedly pointed out the need to introduce changes to national law with a view to enhancing the mandate and independence of the Slovak National Centre and fully aligning it with institutions responsible for the promotion and protection of human rights.

Thus, the UN Committee against Torture (CAT) has pointed, in particular, to the limited mandate and insufficient independence of the Centre as well as the non-transparent procedure for the selection of candidates to its membership.

Experts of the UN Committee on Enforced Disappearances (CED) have noted that the National Council of the Slovak Republic did not provide the necessary support to the legislative reform proposed by the government and aimed at improving the Centre's regulatory framework.<sup>1714</sup>

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<sup>1714</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fSVK%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fSVK%2fCO%2f1&Lang=en)

Furthermore, the Council of Europe's European Commission against Racism and intolerance (ECRI) report on Slovakia highlights the inadequate scope of the Centre's competence.<sup>1715</sup>

Such issues as restrictions on people's personal freedoms in the form of quarantine or isolation, challenges in securing legal and judicial protection from interference with fundamental freedoms, and the "emergency" powers of the Public Health Directorate and the Ministry of Health of the Slovak Republic were of particular relevance during the COVID-19 pandemic.

According to the country's Ministry of Justice, the European Court of Human Rights (ECtHR) turned down 20 claims of Slovak citizens against the imposition of lockdown, ban on public assemblies, obligation to wear masks and provide test results, judging them unacceptable.<sup>1716</sup>

Human rights activists blamed the government of the Slovak Republic for inadequate measures to counter discrimination against people with socially important professions who were attacked by some citizens during the COVID-19 pandemic, for ignoring the needs of medical staff who worked in unfavourable conditions, without sufficient protection against coronavirus infection, and for the low wages they were paid for their work.

At the same time, according to the report of the EU Agency for Fundamental Human Rights (FRA) for 2023,<sup>1717</sup> Slovakia together with several other EU member states bordering Ukraine (Hungary, Poland and Romania) removed a number of standard COVID-related restrictions for persons arriving from Ukraine.

Human rights organizations reported an upsurge in domestic violence in Slovakia during the coronavirus pandemic. The number of calls to the helpline increased by 50% during this period. In 2021, the government of the SR allocated 3 million euros to relevant line centres.

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<sup>1715</sup> Report of the European Commission against Racism and Intolerance on Slovakia (6th monitoring cycle), adopted on 1 October 2020, published on 8 December 2020.

<https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

<sup>1716</sup> <https://www.justice.gov.sk/tlacovespravy/europsky-sud-pre-ludske-prava-zamietol-20-staznosti-podanych-proti-slovenskej-republike/>

<sup>1717</sup> EU Agency for Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

Since the beginning of the Special Military Operation by the Armed Forces of the Russian Federation to denazify and demilitarize Ukraine and protect the civilian population of Donbass, the human rights situation in Slovakia has been mainly assessed in the context of "an armed conflict in Ukraine."

In fact, the country introduced censorship under the pretext of countering disinformation: the only Russian TV channel, Channel One, was switched off, and a law on cybersecurity allowing competent authorities to block "harmful" content on the Internet was adopted. In 2022, based on this law, the Slovak National Security Authority blocked online news portals such as "Hlavne spravy," "Armadny magazin," "Hlavny dennik," and "Infovojna" regarded as pro-Russian by local politicians and the media. The portals resumed their activities in the second half of 2022, when their "penalty" period had expired.

In March 2023, the Slovak Council for Media Services (supervisory authority in the field) initiated administrative proceedings against the news TV Channel TAZ and Radio Frontinus in relation to "a possible biased interpretation presented in journalist programmes."

In the case of the former, the programme that had raised questions was "Takto?!" dedicated to the "conflict in Ukraine" featuring an interview given to journalist A. Zhitna by American Professor of Economy Jeffrey Sachs, who had spoken out against arms supplies to Ukraine and emphasized the importance of peace talks. The video of the economists' commentary was promptly removed from the source. This was followed by A. Zhitna's publication in Facebook stating that the TV channel's administration had fired her for this incident.<sup>1718</sup> The channel denies this information. Member of the National Council (parliament) of the Slovak Republic Marian Kery spoke in support of the journalist who had faced sanctions.<sup>1719</sup>

<sup>1718</sup> <https://ereport.sk/zasiahli-do-autorskej-slobody-moderatorka-zitna-o-svojom-konci-v-ta3/>

<sup>1719</sup> <https://standard.sk/343855/zima-lucaiova-priznala-ze-za-jej-odchodorn-z-ta3-je-stiahnutie-rozhovoru-so-sachsorn-z-webu-televizie/>



As for Radio Frontinus, it had made the mistake of inviting a pro-Russian opposition politician to participate in a discussion.<sup>1720</sup>

On 30 September 2023, parliamentary elections took place in Slovakia. The government headed by leader of the Direction – Social Democracy (Smer) party Robert Fico, which came to power as a result of the elections, stated the need to bring "democracy and freedom of speech" back to the country and restore order in agencies that had been established by the previous authorities to suppress the right to a different opinion under the guise of countering disinformation.

According to "Dennik N" website, the new cabinet had exerted pressure on the line units within Slovakia's government, the Ministry of the Interior, the Foreign Ministry, the Ministry of Defence, which affected about 30 persons in total and caused criticism from the liberal opposition, mass media and NGOs. Amnesty International accused Robert Fico's government of putting human rights at the very back end of its interests.<sup>1721</sup>

The human rights topics remained mostly unchanged.

There has been an increase in cases of trafficking in human beings. According to the Ministry of the Interior of the SR, 58 persons became victims of human trafficking in 2022: 23 men and 35 women (mostly girls, the youngest aged 8). Since 2015, the Ministry has also registered more than 15 cases of trafficking in children aged 12 and above for the purposes of forced marriage.

Slovakia's major pain point is the issue of observing the rights of the Roma ethnic majority. Because of the dire situation of the Roma, for many years, Bratislava has been criticized for racial discrimination.

According to the Slovak Statistical Office, it is the second largest community in the country, comprising more than 105 thousand people, or 2% of the population, but according to the data of the Ministry of Interior of the SR and the EU Council, Roma really number about 440 thousand people, or about 9% of the population.

<sup>1720</sup> <https://www.teraz.sk/slovensko/rada-pre-medialne-sluzby-zacala-konat/699708-clanok.html>

<sup>1721</sup> <https://dennikn.sk/3687532/siner-a-hlas-oslabiiu-schopnosti-statu-branit-sa-ruskvm-vplvvovvin-operaciam/>

This population group is the most discriminated against on the labour market, in the fields of education, health, crediting, housing provision, as well as in places of public catering, hairdressing shops, religious organizations and public transport.<sup>1722</sup> In particular, the UN Economic and Social Council, the European Commission, the EU Agency for Fundamental Rights (FRA), the Amnesty International NGO and others have criticized Bratislava on this issue.

At the same time, human rights activists are concerned about the lack of ownership rights for Roma, the displacement of Roma communities to the outskirts of populated areas and their isolation, causing the formation of mono-ethnic enclaves – "osadas," which are virtually uncontrolled by law enforcement agencies and are often hotbeds of criminal activities.

President of the European Parliament's Committee on Regional Development Younous Omarjee, who visited an informal Roma settlement in Petrovce nad Laborcom in July 2022, confirmed this fact.<sup>1723</sup> He characterized as "a disgrace for Slovakia and disgrace for Europe" the fact that some Roma "lived in medieval conditions."<sup>1724</sup>

According to the Amnesty International, in late 2023, a disproportionate number of the Roma were still living in unsafe dwellings with inadequate access to water, sanitation and electricity.<sup>1725</sup>

The UN Committee on Economic, Social and Cultural Rights (CESCR) has likewise pointed to the unbearable conditions (lack of access to clean drinking water) in which Roma live in segregated settlements.<sup>1726</sup>

In 2020, the FRA voiced concern about inadequate protection of Roma people in the face of the coronavirus pandemic. According to the Agency's assessments, discrimination against and persecution of the Roma population has increased in

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<sup>1722</sup> [civic-nation.org/slovakia/society/treatment\\_of\\_minorities/](https://civic-nation.org/slovakia/society/treatment_of_minorities/)

<sup>1723</sup> <https://www.amnesty.sk/stav-ludskych-prav-v-roku-na-slovensku-v-roku-2022/>

<sup>1724</sup> <https://www.bnnbloomberg.ca/slovakia-slammed-for-medieval-living-conditions-of-its-roma-1.1792068>

<sup>1725</sup> <https://tvnoviny.sk/domace/clanok/871088-amnesty-international-aj-v-roku-2023-pokracivala-v-sr-diskriminacia-a-utlak-mensin>

<sup>1726</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=en)

Slovakia as well as several other EU countries under the pretext of combating the spread of COVID-19.<sup>1727</sup>

First and foremost, this ethnic minority faced violence, discriminatory identity checks, and fines. Dozens of Roma enclaves were forcibly quarantined without any legal grounds and under strict police control.

There was discrimination in access to vaccination for the Roma (by August 2021, only 7% of the "osada" population had been vaccinated, whereas the national vaccination rate at the time had achieved 43%).<sup>1728</sup>

Due to government-imposed quarantine and self-isolation regimes, many members of the Roma minority lost their livelihoods and their minor children (about 70% of them) lost access to education, since they could not participate in distance learning for the lack of Internet.

The FRA information materials on the impact of the pandemic on human rights include findings of a survey by the Slovak Education Policy Institute. According to this document, some 50,000 children, mainly from poor localities, many of them inhabited by Roma – did not participate in distance learning at all during the first wave of the pandemic.<sup>1729</sup>

The segregation of Roma children, including in educational institutions, continues to be strongly criticized. Slovakia is reproached of the excessively big share of Roma minors attending separate classes or special remedial schools. According to statistics, almost 90 per cent of pupils in such schools are Roma.

The national mass media extensively covered the news story of the alleged beating by the police of five Roma minors in the Krompachy settlement, who had violated the quarantine regime on 27 April 2020.

The situation came to the attention of the Romani Union of Slovakia, the Plenipotentiary of the Government of the Slovak Republic for Roma Communities, and the Slovak National Centre for Human Rights, which called on the Interior

<sup>1727</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>1728</sup> <https://www.amnesty.sk/stav-ludskych-prav-na-slovensku-v-roku-2021/>

<sup>1729</sup> Coronavirus pandemic in the EU – fundamental rights implications: focus on social rights. 1 September – 31 October 2020.

The European Union Agency for Fundamental Rights.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf)

Ministry and the head of the police personally to conduct a thorough investigation of the case.

Slovak President Zuzana Čaputová, who regularly advocates minority rights and who used to refer to the topic during her election campaign, also responded to the situation, as did the Council of the Government of the Slovak Republic for Human Rights, National Minorities and Gender Equality, which called for "consistent respect for human rights and freedoms during the national emergency situation."

Since 2015, the European Commission has conducted legal proceedings against Slovakia for breach of the Racial Equality Directive with regard to the unlawful segregation of Roma children in mainstream and special schools. To remedy the situation, amendments to the law "On Upbringing and Education" were enacted, establishing legal mechanisms to protect children with socially disadvantaged backgrounds.

In addition to the legislative reforms, Slovakia has adopted a number of strategies and action plans to facilitate the inclusion of Roma children into the education system.

In 2019, the Slovak Ministry of Education, Science, Research and Sport held 60 two-day seminars on segregation for 1,211 teachers and other school staff. They led to the development of 117 plans for schools to halt the segregation practice.

Thus, starting from September 2021, Slovakia has introduced compulsory preschool education for five-year-olds. This initiative seeks to increase the Roma representation in preschool educational institutions.<sup>1730</sup>

Following a thorough examination of these measures and monitoring of the situation on the ground, the European Commission concluded that the authorities' actions were insufficient and ineffective.

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<sup>1730</sup> The EU Agency for Fundamental Rights 2020 Report.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

Report of the European Commission against Racism and Intolerance on Slovakia (6th monitoring cycle), adopted on 1 October 2020, published on 8 December 2020.

<https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

According to the European Commission, Slovakia is the EU Member State with the highest share of Roma segregation in education. The European Commission therefore decided to refer Slovakia to the EU Court of Justice for failing to adequately tackle the issue of segregation of Roma children at school.<sup>1731</sup>

In 2022 and the beginning of 2023, the country's Supreme Court decided for the first time that the Ministry of Education was responsible for segregation at schools in the town Stará Lubovňa and the village of Hermanovce (Eastern Slovakia, in which the majority of such cases are reported).<sup>1732</sup> But it did not make much difference to the situation. By late 2023, the share of Roma children taught separately from their peers had not reduced: most cases of segregation of Roma children continue to be registered across Eastern Slovakia (Stará Lubovňa, Medzilaborce, Krompachy, etc.).

The EU Agency for Fundamental Rights Report 2022 also mentions court proceedings in Slovakia on the violation of the rights of Roma children.<sup>1733</sup>

The Committee on Economic, Social, and Cultural Rights emphasized this issue, pointing, *inter alia*, to shortcomings in ensuring the right to education in one's native language. Hence, teaching in some languages is offered as an elective. In addition, amendments to the School Law resulted in the closure of a number of small educational institutions that had offered instruction in minority languages.<sup>1734</sup>

As for the level of academic performance of Roma children, the statistical data for the country is rather discouraging. According to a joint report by the Slovak Ministry of Finance and Ministry of Education, Roma students are seven to eight times more likely to stay for a second year and eight times less likely to make it to university.

<sup>1731</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_23\\_2249](https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2249)

<sup>1732</sup> <https://www.teraz.sk/regiony/najvyssi-sud-na-zs-v-starej-lubob/694190-clanok.html>,  
<https://www.tyzden.sk/rozhovory/95604/expert-na-inkluzivne-vzdelavanie-vladimir-rafael-segregacia-nepomaha-ani-romskym-ani-neromskym-ziakom/>

<sup>1733</sup> The EU Agency for Fundamental Rights Report 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>1734</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 3rd periodic report of Slovakia. February 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=en)

State and local authorities are trying to focus on tackling the Roma problem. A new comprehensive Strategy for Equality, Inclusion and Roma Participation by 2030 was adopted in April 2021 (to succeed the one that was in force in 2012 – 2020); the Government has the Office of the Ombudsman for Roma, and numerous programmes aimed at engaging and integrating members of this ethnic minority in society have been implemented.

Another striking example is the project of the Multifunctional Centre "Goregronje" in the village of Valaska-Piesok (Central Slovakia region), which provides education, training, employment, sports and cultural opportunities for Roma and other socially disadvantaged population groups.

In settlements with large Roma communities, special "Roma civil patrols" have been introduced to monitor public order together with the local police. Special medical stations were opened in Roma enclaves.

Every year, serious financial resources are allocated to implement projects in this area, including from European funds: according to the Plenipotentiary for Roma Communities Jan Hero, for the next few years, EU funds have allocated about 907 million euros to address the Roma issue.<sup>1735</sup> However, no dramatic change has been achieved so far.

The EU Agency for Fundamental Human Rights 2023 Report<sup>1736</sup> indicates that the Office of the Plenipotentiary of the Slovak Government for Roma Communities set up monitoring teams at borders to prevent any unequal treatment of Ukrainian displaced people of Roma origin.<sup>1737</sup>

Discriminatory treatment of members of this ethnic minority, especially women, in medical institutions has also been reported. The Human Rights Ombudsman and the NGO Civil and Human Rights Advice Centre raised the issue of the illegal sterilization of thousands of Romany women and demanded that they be compensated accordingly. The issue was raised at a meeting of representatives of

<sup>1735</sup> <https://www.partnerskadohoda.gov.sk/jan-hero-na-pomoc-romskej-komunitie-pojde-v-novom-programovom-obdobi-907-mil-eur/>

<sup>1736</sup> EU Agency for Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1737</sup> See Facebook post by Slovak Government Plenipotentiary for Roma Communities, 10 March 2022.

the Roma minority with members of the National Council of the Slovak Republic. This led to an official apology of the government in November 2021, but the compensation mechanism was never implemented.<sup>1738</sup>

It is worth noting that CESCR, in its follow up to the concluding observations on Slovakia's 3rd Periodic Report, essentially questioned the ability of the country's authorities to effectively investigate cases of forced sterilization of Roma women. Bratislava was criticized not only for the extremely vague (lacking the necessary details) information on relevant investigations provided by Slovakia to the Committee in 2021 but also for a lack of consistency in the collection of such data.<sup>1739</sup>

Roma are the most frequent victims of crimes related to human trafficking (as of 30 September 2021, 36 such cases were recorded in the Republic). One-third of them are girls aged 12 to 17, who are most often sold into sexual slavery (the target countries include Great Britain, Ireland, Germany, the Czech Republic, Austria) or forced into marriage "in accordance with Roma traditions." In the context of human trafficking, the first case of illegal adoption of a child and an attempted removal of human organs were recorded in 2021.

In order to comprehensively analyse and address the problem, the National Programme of Fight against Trafficking in Human Beings was implemented in 2019–2023. According to the Slovak National Centre for Human Rights, there were 30 persons officially registered in the programme (45 in 2017), most of them being Roma from Eastern Slovakia.

In 2020, the Slovak Academy of Sciences published a representative survey on the attitudes of the population majority towards Roma. The survey showed that a significant portion of respondents (80 per cent) tended to agree with the statement that Roma in the country received undeserved social benefits. It also found that

<sup>1738</sup> Report of the European Commission against Racism and Intolerance on Slovakia (6th monitoring cycle), adopted on 1 October 2020, published on 8 December 2020.

<https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

<sup>1739</sup> Joint letter from CESCR Chair and co-Rapporteurs on Slovakia 2022-17/CESCR/FU of 14 April 2022 to the Permanent Mission of the Slovak Republic to the United Nations Office and other international organizations in Geneva.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FFUL%2FSVK%2F48463&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FFUL%2FSVK%2F48463&Lang=en)

nearly two-thirds of respondents agreed with openly negative stereotypes about Roma and only half of those surveyed were inclined to agree with statements emphasizing the value of Romani culture.<sup>1740</sup>

The survey also showed that respondents sympathized with hostile statements by politicians who spoke negatively about the Roma population, referring, in particular, to the lack of working skills among most Roma as well as the high crime rates in Roma communities.

The prevalence of hostile attitudes towards Roma in the society has led to cases of discrimination against them. Thus, in 2017, Ladislav Rácz went to the cafe with his daughter and a friend who is also a Roma and was refused service by its staff who claimed that the business was a private club that only serviced members who hold club cards. As it turned out later, this was nothing but an excuse to deny services to members of Roma community, which was an established practice at the joint. It was not until six years later, in 2023, that the court found that there had been a violation of law. The court ordered the perpetrators to apologize to the plaintiff and to pay compensation for non-pecuniary damages.<sup>1741</sup>

It should be noted that Roma is not the only nationality whose rights are violated in Slovakia.

In the context of the decision to confiscate property of the Russian citizens included in the EU sanctions lists, a similar situation with ethnic Hungarians and Germans deserves attention.

Since 2017, Slovak courts have supported the administrative authorities in the application of decrees on World War II to confiscate the property of Hungarians and Germans without adequate compensation. These laws allow for the dispossession of members of these two communities on account of their "collective responsibility" for crimes committed during the war. Thus, people who were not yet even born at the time of World War II face stigmatization as "criminals" by virtue of their origin, which is an obvious example of collective punishment. Local human rights activists

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<sup>1740</sup> [civic-nation.org/slovakia/society/treatment\\_of\\_minorities/](https://civic-nation.org/slovakia/society/treatment_of_minorities/)

<sup>1741</sup> <https://romea.cz/en/world/slovak-court-confirms-discrimination-cafe-refused-service-to-a-man-because-he-is-romani-now-must-apologize-and-pay-compensation>



point out that this constitutes a blatant violation of international human rights conventions and the fundamental rights of citizens.<sup>1742</sup>

The government of the Slovak Republic seeks to pay particular attention to improving the living conditions of the most vulnerable groups (minors, women, the elderly, persons with disabilities).

At the same time, a number of socio-economic problems persist. Gender equality has not yet been achieved, despite the measures taken by the authorities in this area. There is still a rather high level of violence against women, including harassment and domestic violence.

According to the 2023 report by the EU Agency for Fundamental Human Rights<sup>1743</sup>, women victims of sexual violence have no access to specialized psychological assistance due to the acute shortage of professionals in specialized institutions.<sup>1744</sup>

According to human rights organizations, a particularly serious increase in domestic violence was recorded during the COVID-19 pandemic, with an almost 50 per cent increase in the number of calls to the helpline during that period. In 2021, the government of the Slovak Republic allocated 3 million euros to the relevant specialized centres.

The Council of Europe, Amnesty International and over a hundred other non-governmental organizations called on the Slovak parliament to reject the bills intended to limit women's access to safe and legal abortions.<sup>1745</sup>

In the opinion of Natalia Kotulakova, manager of the project "Different paths to equality" implemented under the Ministry of Investment, Regional Development and Informatization of the Slovak Republic, "Slovakia remains a country where women's role in the family and in society is still based on gender stereotypes, and the progress towards the equal treatment of women is generally slow." According to the gender equality index published by Eurostat, Slovakia is the only EU country

<sup>1742</sup> <https://www.aljazeera.com/opinions/2023/3/1/why-is-slovakia-confiscating-minority-owned-property>

<sup>1743</sup> EU Agency for Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1744</sup> <https://fra.europa.eu/en/publication/2023/fundamental-rights-report-2023>

<sup>1745</sup> <https://www.amnesty.org/en/location/europe-and-central-asia/slovakia/report-slovakia/>

where the situation in this area has worsened over the past 10 years. Statistics show that, despite laws to ensure non-discrimination and equal treatment, the gender differences are most evident in the labour market and in the unequal distribution of childcare and household chores.<sup>1746</sup>

The Committee on Economic, Social and Cultural Rights noted systemic weaknesses in healthcare owing to the poor quality of healthcare facilities, their unequal geographic distribution and a shortage of skilled medical professionals.<sup>1747</sup>

In 2016, the UN Committee on the Rights of Persons with Disabilities (CRPD) noted in its concluding observations on Slovakia's initial report that people with disabilities lacked access to public information and communications, including transportation, and that natural disaster and emergency warnings were not adapted for this population group. Problems with accessing mobility aids and adaptations were also highlighted.<sup>1748</sup> It should be noted that these same issues were mentioned in the list of questions prepared by the CRPD in 2019 in anticipation of the submission of Slovakia's combined 2nd and 3rd periodic reports.

The number of children with disabilities living in institutions remains high in the country.<sup>1749</sup> In 2020, FRA, citing a report by the Commissioner for Persons with Disabilities in Slovakia to the National Council, pointed to a lack of reasonable accommodations allowing children with disabilities to receive inclusive education.<sup>1750</sup>

According to the 2023 FRA report<sup>1751</sup>, many public institutions and railroad transport in Slovakia are not equipped for persons with disabilities.<sup>1752</sup>

The CRPD also expressed concern over a lack of early intervention and early diagnosis services in the health, social and educational areas. At the same time, the

<sup>1746</sup> <https://www.eeagender.org/good-practices/How-prevent-gender-based-violence/womens-rights-are-human-rights/>

<sup>1747</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=en)

<sup>1748</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&Lang=ru)

<sup>1749</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fCO%2f1&Lang=ru)

<sup>1750</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>1751</sup> EU Agency for Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>1752</sup> EU Agency for Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

Committee noted that financial support for families with children with disabilities requiring early intervention was insufficient.<sup>1753</sup>

The CRPD recommended, among other things, that Slovakia provide persons with disabilities with better protection from violence, in particular from involuntary hospitalization and treatment procedures without their free and informed consent. The Committee highlighted cases of cruel or humiliating treatment of people with psychosocial disorders involving the use of physical, mechanical, and chemical restraints, as well as the use of isolation and seclusion for such persons.<sup>1754</sup>

In 2020, the coronavirus pandemic jeopardized the right to fair working conditions for people with disabilities. Citing data from the Slovakian Office of the Commissioner for People with Disabilities, FRA reported cases of people with disabilities being dismissed for not coming to work as they had to self-isolate.<sup>1755</sup>

As of 10 March 2023, the recommendations made by ECRI to Slovakia in the sixth monitoring cycle concerning the right of the child had not been implemented in full.<sup>1756</sup>

In January 2024, the country's juvenile penitentiary system found itself at the centre of a scandal. The report by the General Prosecutor's Office of the Slovak Republic following the inspection conducted at the correctional facilities revealed violations of the rights of the children, whose living conditions were appalling, with no hot water supplies, mould, sexual violence, exploitation of child labour, etc. In this regard, the minister of education said he would propose to the parliament a package of measures to remedy the situation by the end of April 2024.<sup>1757</sup>

Among other human rights problems in Slovakia, the slowness of court proceedings has also traditionally been noted. The annual reports of Slovakia's

<sup>1753</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fC0%2f1&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fC0%2f1&Lang=ru)

<sup>1754</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fC0%2f1&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2fC%2fSVK%2fC0%2f1&Lang=ru)

<sup>1755</sup> Coronavirus pandemic in the EU – fundamental rights implications: focus on social rights. 1 September – 31 October 2020. European Union Agency for Fundamental Rights. 27 November 2020.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-coronavirus-pandemic-eu-bulletin-november_en.pdf)

<sup>1756</sup> <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendation-in-respec/1680aa6867>

<sup>1757</sup> Dennik N newspaper article, pp. 2–5. "Children in penitentiary facilities face beatings and violence" (Deti v polepsovaniach biju aj zneuzivajii); <https://noviny.sk/slovensko/882227-pomoze-rozdelenie-deti-podla-problemov-reedukacne-centa-cakaju-zmeny>

delegate to the European Court of Human Rights (ECtHR) point to the Republic's persisting problem of delayed judicial rulings. In particular, cases of prolonged detention without charge have been highlighted.

According to the published data, in 2022, 490 applications were submitted to the ECtHR, mostly by individuals, alleging violations of the European Convention for the Protection of Human Rights and Fundamental Freedoms on the part of Slovakia (in 2021, 464 such applications were pending before the ECtHR); 390 of them were not accepted for consideration. 13 judgments on 26 complaints were delivered. A minimum of one violation of the European Convention on Human Rights (ECHR) was found in 12 of them. From January through June 2023, 269 complaints were filed.<sup>1758</sup>

In recent years, Slovakia has been working to adjust its migration policy, whose strictness has traditionally attracted criticism from international monitoring agencies.

Measures taken by Slovakia to integrate migrants, such as the introduction of free Slovak language classes, have been insufficient. For instance, schools do not use the funding intended for teaching the Slovak language to immigrant minors. People arriving in Slovakia also have difficulty finding housing and placing children in kindergartens. Muslims encounter regular violations of their right to freely practice their religion.<sup>1759</sup>

In May 2021, the Centre for Research on Ethnicity and Culture published a study that noted a trend for worsening public attitudes towards migrants in the Slovak Republic. The majority of respondents believed that foreigners contribute to an increase in crime (65 per cent) and a deterioration in security (62 per cent), and many also had a negative attitude towards "refugees from Syria" (68 per cent) and

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<sup>1758</sup> [https://www.echr.coe.int/documents/d/echr/cp\\_slovak\\_republic\\_eng#:~:text=The%20Court%20dealt%20with%20490,European%20Convention%20on%20Human%20Rights.](https://www.echr.coe.int/documents/d/echr/cp_slovak_republic_eng#:~:text=The%20Court%20dealt%20with%20490,European%20Convention%20on%20Human%20Rights.)

<sup>1759</sup> Report of the European Commission against Racism and Intolerance on Slovakia (6th monitoring cycle), adopted on 1 October 2020, published on 8 December 2020. <https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

"Muslim families" (64 per cent). The document attributed this to the spread of hatred towards minorities.<sup>1760</sup>

In 2021, Bratislava granted only 29 out of 370 asylum applications, declared its readiness to accept only 10 evacuees from Afghanistan, joined the demands to protect European borders in connection with the situation on the Polish-Belarusian border (in 2019, the country's competent authorities received 232 asylum applications, of which only 9 were granted; in 2018, 178 applications were received and 5 granted). In 2022, 23 out of 547 applications were granted; in 2023, 32 out of 404 (as of 30 November).

Since the end of February 2022, these issues have been mainly considered in the context of the situation in Ukraine.

Starting from 1 March 2022, in accordance with the Slovak government's decision, Ukrainians, by contrast with other migrants, have been granted, in addition to refugee status, the status of temporary protected persons (*docasne utocisko*). The latter allows for traveling from Slovakia to other countries of the European Union and staying there for up to 90 days within 6 months without obtaining a visa, as well as for receiving emergency medical care, enrolling children in kindergartens and schools, and obtaining jobs.

According to the publicly available data, from 24 March to 31 August 2022, temporary asylum on the territory of Slovakia was granted to slightly over 86 thousand Ukrainian citizens.<sup>1761</sup>

According to the Slovak Ministry of Interior, as of 14 January 2024, asylum was granted to 114,875 people.<sup>1762</sup> The government allocated about 5 million euros for the sole purpose of providing them with accommodation (in the form of payments to local administrations and individuals who agreed to host refugees). The issue of infringement of the rights of Ukrainians is not extensively covered here;

<sup>1760</sup> [https://www.civic-nation.org/slovakia/society/treatment\\_of\\_minorities/](https://www.civic-nation.org/slovakia/society/treatment_of_minorities/)

<sup>1761</sup> [https://www.trend.sk/trend-archiv/slovensko-cislach-ukraiinski-utecenci-zapustaiu-korene?itm\\_brand=trend&itm\\_template=search&itm-modul=articles-search-list&itm\\_position=3](https://www.trend.sk/trend-archiv/slovensko-cislach-ukraiinski-utecenci-zapustaiu-korene?itm_brand=trend&itm_template=search&itm-modul=articles-search-list&itm_position=3)

<sup>1762</sup> <https://www.minv.sk/7docasne-utocisko>

however, a number of difficulties faced by Ukrainians in such areas as employment have already been reported.

Relevant international bodies and NGOs have noted a striking difference between the Slovak authorities' positive attitude towards people coming from Ukraine and their hostile attitude and strict policies towards migrants from other countries.<sup>1763</sup>

According to a Pew Research<sup>1764</sup> poll published in October 2019, 77 per cent of Slovaks had negative attitudes towards Muslims, 30 per cent disliked Jews, and 76 per cent had unfavourable views of Roma. It is characteristic that the level of negativity towards one or another community is higher in older age groups.

The Our Slovakia People's Party (LSNS), whose members have an extensive record of promoting extremist ideas with elements of racial discrimination against Roma and migrants, is officially registered in the registry of political parties and movements of the Ministry of Interior of Slovakia.<sup>1765</sup> The party has also gained notoriety for denying the Holocaust and its positive assessments of the activities of Jozef Tiso, leader of the Slovak cleric fascist state during the Second World War. The party's leaders have been brought to trial on multiple occasions for their statements.

The party's chair, Marian Kotleba, has been repeatedly detained by law enforcers for chanting nationalist slogans during mass events, but no charges have ever been brought against him.

In Slovakia's public and political circles, the LSNS is explicitly referred to as a fascist party and regarded as disreputable. Nonetheless, for a long time it was able to preserve its core electorate providing it with 6–10 per cent of votes in the elections. The party's ratings went down significantly after it split and part of its members left in the spring of 2021. At the September 2023 elections, the party failed to win any seats in the parliament.

<sup>1763</sup> <https://www.amnesty.sk/stav-ludskych-prav-v-roku-na-slovensku-v-roku-2022/>

<sup>1764</sup> <https://www.pewresearch.org/global/2019/10/14/minority-groups/>

<sup>1765</sup> [www.ives.minv.sk/rez/registre/pages/list.aspx?type=ps](http://www.ives.minv.sk/rez/registre/pages/list.aspx?type=ps)

To counter the spread of extremist ideas among the young generation, specialized agencies are stepping up explanatory work with children and youth, including by expanding the programme on the history of World War II within the secondary school curriculum. Considerable work in this area is conducted by the Slovak Union of Anti-Fascist Fighters, a state-supported NGO, with the assistance of the national Ministry of Education.

The legal framework for combating neo-Nazism, racism and racial discrimination is provided by the Criminal Code of the Slovak Republic.

The list of extremist crimes is contained in Article 140A. In particular, those include: acts related to the creation, support and propaganda of movements whose activities are directed against fundamental rights and freedoms; the production, storage and distribution of extremist materials; denial of the Holocaust, criminal political regimes and crimes against humanity; oppression of certain nationalities and races; incitement of national and racial hatred; apartheid and discrimination against certain groups of citizens (Articles 421-424).

In addition, the perpetrator's hatred towards the victim on the grounds of the victim's actual or perceived race, nation, nationality or ethnic origin constitutes, according to the definition of the "specific motivation" (Article 140), an aggravating circumstance requiring a harsher punishment. At the same time, the European Commission against Racism and Intolerance criticized the Slovak criminal legislation for the fact that citizenship and language are not mentioned among the characteristics of potential victims of racist conduct and racial discrimination.<sup>1766</sup>

The state also has the Anti-Discrimination Act. However, according to ECRI, this Act is not applied adequately as the body empowered to monitor its implementation, the Slovak National Centre for Human Rights, lacks the necessary independence.<sup>1767</sup>

According to the report of the Ministry of Internal Affairs of the Slovak Republic on extremism of 9 November 2022 endorsed by the government, the right-

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<sup>1766</sup> <https://rm.coe.int/fifth-report-on-slovakia/16808b5c17>

<sup>1767</sup> <https://rm.coe.int/fifth-report-on-slovakia/16808b5c17>

wing extremism is the predominant form of extremism in Slovakia (97 per cent of cases). There have been manifestations of hatred against Roma (43.1 per cent), Jews (27.7 per cent, which is five times higher in comparison with 2019), migrants, including people of colour (12.7 per cent), Muslims (55 per cent). The number of such manifestations against middle-schoolers have significantly increased. Extremist ideology, conspiracy theories and misinformation has been increasingly spread through the Internet and social networks, first of all, Facebook, according to the Slovak Information Service.

According to the statistics of the Ministry of Internal Affairs of the Slovak Republic, in 2022 there were 68 crimes that fall under the article "race-motivated extremism" (38 in 2021, 115 in 2020, 85 in 2019, 159 in 2018) in the country, about half of them were committed on the Internet and social networks. The average solve rate of such criminal cases is about 35-40 per cent (for comparison, in 2020 it was about 35-37 per cent<sup>1768</sup>).

The Slovak authorities are taking practical steps to counter the growth of radical sentiments in society. In particular, since 2017, the investigation into criminal cases with elements of extremism has been entrusted to the office of the Special Prosecutor's office, whose staff was significantly expanded by the government's decision, as well as to the Special Criminal Court. The Ministry of Justice of the Slovak Republic has established an expert Council for Social and Human Sciences that focuses on extremism. The absence of such a body presented an obstacle to a thorough investigation of the relevant criminal offences. The new body deals with two thematic areas: political extremism and religious extremism.

The total number of extremists in Slovakia, according to the special services, is around two thousand people with about 100 out of them of distinctively radical character. The experts note that they are well-organized, actively promote extremist ideology and recruit new supporters through social networks. They also note that ultra-nationalist movements minimizing overt manifestations of extremism penetrate the Slovak political scene.

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<sup>1768</sup> [https://www.minv.sk/?statistika\\_kriminality\\_v\\_slovenskej\\_republike\\_za\\_rok\\_2020\\_xml](https://www.minv.sk/?statistika_kriminality_v_slovenskej_republike_za_rok_2020_xml)



The activities of far-right associations are monitored by the Slovak Information Service and the Ministry of Internal Affairs of the Slovak Republic. In particular, since 2012, the Ministry of Internal Affairs of Slovakia has had a Crime Prevention Department, which has a so-called monitoring group for Internet resources that is designed to detect calls for extremist or terrorist activities there. The law enforcement agency has signed a contract with Altamira Company to develop a special software product that can analyse content automatically. This IT tool was later improved to recognize manifestations of religious intolerance and calls to extremism in the Internet space of States bordering Slovakia.

In 2017, a national counter-terrorism unit was established. It consists of four branches (Bratislava, West, Centre and East) and supplements the Centre for Extremism Monitoring. Employees of these bodies actively monitor extremist organizations on the Internet too.

In order to debunk myths and refute false information about minorities, the website "Against hatred"<sup>1769</sup> was created within the framework of the project of the Ministry of Internal Affairs of the Slovak Republic titled "Effective Monitoring, Investigation and Suppression of Violent Extremism in Cyberspace."

Educational activities and programs aimed at preventing manifestations of antisemitism, racism and extremism, as well as the radicalization of society, are carried out by the Holocaust Museum in Sered established as part of the Slovak National Museum.

From time to time the Slovak media bring up the agenda of racial intolerance, especially among radicalized young people. Such discussions are usually prompted by hate crimes.

One of such high-profile cases was the killing of Henry Acorda, a Filipino citizen, in the centre of the Slovak capital in 2018. The Slovak citizen of far-right views who was found guilty in the case was sentenced to six years in prison. The appeal filed by the prosecutor to impose stricter punishment was denied by the court.

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<sup>1769</sup> [www.protinenavisti.sk](http://www.protinenavisti.sk)

The racism in the Slovak society has been noted by international monitoring bodies.

For example, experts of the UN Committee on the Elimination of Racial Discrimination<sup>1770</sup> (CERD) and the UN Committee on the Rights of the Child<sup>1771</sup> (CRC) expressed concerns about persistent and growing hate speech narrative in the media and on the Internet as well as racial comments made by politicians against ethnic minorities, particularly Roma, Muslims and non-citizens. Judicial proceedings in racial discrimination cases still take disproportionate amount of time, which negatively affects victims' meaningful access to justice.<sup>1772</sup>

It is noted that a great many hate crimes go unreported to the authorities, partly because victims do not trust the police.<sup>1773</sup>

The UN Committee on Economic, Social and Cultural Rights pointed out with concern that an overall environment of hostility towards migrants and multiple expressions of hate speech in this regard persist in the country. According to CESCR experts, this environment contributes to the erosion of tolerance in society and leads to violations of the rights of minorities and vulnerable groups. The CESCR also criticizes Slovakia for ineffective judicial recourse for victims of racial discrimination, especially Roma, migrants, and asylum seekers.<sup>1774</sup>

In its sixth report on combating intolerance and racial discrimination in Slovakia, published in December 2020, the ECRI noted an escalation in hate speech against certain groups, particularly Jews, Muslims, migrants, Roma and black persons. The situation is exacerbated by the fact that both traditional and electronic media outlets disseminate and amplify negative information about these

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<sup>1770</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2fCO%2f11-12&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2fCO%2f11-12&Lang=ru)

<sup>1771</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVK%2fCO%2f3-5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fSVK%2fCO%2f3-5&Lang=ru)

<sup>1772</sup> [https://tinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2fCO%2f11-12&LANG=ru](https://tinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2fCO%2f11-12&LANG=ru)

<sup>1773</sup> Report of the European Commission against Racism and Intolerance on Slovakia (6th monitoring cycle), adopted on 1 October 2020, published on 8 December 2020.

<https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

<sup>1774</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSVK%2fCO%2f3&Lang=ru)

communities, which impedes the creation of a positive image of the members of these categories of people. Very little hate content is removed from the Internet.<sup>1775</sup>

All too often, the state bodies of the Slovak Republic themselves are engaged in discrimination on the basis of citizenship. For example, in July 2022 the Interior Ministry of Slovakia deported Mr. Kovasev and Mr. Marganiya, citizens of the Russian Federation, from the country on the accusation of the local intelligence services that the above mentioned persons posed a threat to the country's national security. Deportation cases are currently pending before the courts of the Slovak Republic. Mr. Kovasev won the case in a court of original jurisdiction in Bratislava, which made it possible for him to return to the country.

The research conducted in 2021 by the Islamic Foundation in cooperation with the Human Rights League revealed that although hate crimes are commonplace in Slovakia, the victims often keep silent about these cases. The overwhelming majority of the respondents participating in the research has recently been either victims (59.1 per cent) or witnesses (55.9 per cent) of hate crimes, bullying, intimidation or discrimination against Muslims, refugees or foreigners, yet only 10.4 per cent of the respondents did report the incidents to the police.

The European commission have arrived to the similar conclusions by pointing out that the victims of hate crimes rarely appeal to the official bodies in order to receive the relevant help or to report a hate crime. By and large, it has something to do with lack of trust to the government institutions and concerns that they won't act in the interests of the victims to settle the situation.<sup>1776</sup>

It was also noted that, despite the measures to combat extremism, the activities of extremist organizations aimed at inciting racial discrimination are still going on. However, participation in the activities of organizations that incite and

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<sup>1775</sup> Report of the European Commission against Racism and Intolerance on Slovakia (6th monitoring cycle), adopted on 1 October 2020, published on 8 December 2020.

<https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

<sup>1776</sup> [https://migrant-integration.ec.europa.eu/news/slovakia-hate-crime-against-refugees-and-migrants-widespread-unreported\\_en](https://migrant-integration.ec.europa.eu/news/slovakia-hate-crime-against-refugees-and-migrants-widespread-unreported_en)

promote racial discrimination is not recognized as a crime in the Slovak criminal law.<sup>1777</sup>

The media occasionally raise the issues of police violence against detainees and intolerance, especially towards Roma and Muslims.

In its report on Slovakia for the sixth monitoring cycle, the European Commission against Racism and Intolerance (ECRI) found that investigations into the use of force by law enforcement agencies were inadequate.<sup>1778</sup>

The criticism of police violence during arrests and detentions as well as intolerance, first of all, against Roma expressed by the European Court of Human Rights, the UN Committee on the Elimination of Racial Discrimination and NGOs is still relevant in Slovakia. In 2021, following proceedings before the ECtHR, the government of the Slovak Republic was forced to apologize to six Roma citizens "for ill-treatment during the police operation in Moldava nad Bodvou."

In June 2022, the ECtHR published the ruling about the amicable agreement of the case. The government of the Slovak Republic was obliged to pay a compensation. At the same time, the culprits were not punished and the necessary measures to prevent and solve similar problems in future were not taken.<sup>1779</sup> According to the Amnesty International, refugees and migrants<sup>1780</sup> also faced inhuman treatment from the police.

The ECtHR reviews other cases of disproportionate use of force by the police, the investigation of which were suspended by the Slovak courts. The list of the most well-known cases include police raids in the village of Vrbnica on 2 April 2015, where 19 people were arbitrarily beaten by the policemen, and in the village of Zborov on 16 April 2017, where the policemen with no apparent cause attacked Roma people, including children and seriously ill people.

<sup>1777</sup> [https://internet,.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2Cc0%2F11-12&LANG=rn](https://internet,.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSVK%2Cc0%2F11-12&LANG=rn)

<sup>1778</sup> Report of the European Commission against Racism and Intolerance on Slovakia (6th monitoring cycle), adopted on 1 October 2020, published on 8 December 2020.

<https://rm.coe.int/ecri-6th-report-on-the-slovak-republic/1680a0a088>

<sup>1779</sup> <https://www.amnesty.sk/stav-ludskych-prav-v-roku-na-slovensku-v-roku-2022/>

<sup>1780</sup> <https://tvnoviny.sk/domace/clanok/871088-amnesty-international-aj-v-roku-2023-pokracivala-v-sr-diskriminacia-a-utlak-mensin>

In its annual report on human rights situation in the world for 2022, the US State Department criticized Slovakia for persisting impunity of the officers of the security forces pointing out, among other things, the denial of the inspection of the Interior Ministry of the Slovak Republic to receive majority of complaints accusing policemen and prison guards of damage to health.<sup>1781</sup>

Starting from 2018, a major national project to provide better access to aid for crime victims has been carried out in Slovakia. In 2019, 8 contact points were established in various regions across the country. There victims can receive specialized aid, including psychological assistance, legal guidance, and social and economic advice<sup>1782</sup>.

The concluding observations on the fourth periodic report of Slovakia, published by the Committee against Torture in 2023, point out lack of the definition of torture in the national legislation. It also notes that penalties for the crime of torture may be as little as two years' imprisonment and that the provision criminalizing torture in the Criminal Code does not explicitly state that no exceptional circumstances whatsoever may be invoked as justification for torture. The government of Slovakia was recommended to amend the national legislation in line with the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.<sup>1783</sup>

The Committee also indicated the inadequacies during arrests, including those of minors, as well as in treatment of the detainees. For example, such people do not always have real access to free legal aid, which in some cases is provided only upon the arrival to the court or after the pre-trial imprisonment. During initial medical examinations of the detainees, the policemen are present, which makes it impossible to properly provide confidentiality of the results of the examination. The detainees do not have complete information about their rights, they are not allowed to inform a member of their family or a third person about their arrest, if the investigator thinks

<sup>1781</sup> <https://www.teraz.sk/zahranicie/sprava-usa-o-ludskych-pravach-v-sr-u/702256-clanok.html>

<sup>1782</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>1783</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVK%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVK%2FCO%2F4&Lang=en)

it may hinder the criminal proceedings. Under-age suspects are kept in improper conditions, they are questioned in the absence of their parents, a lawyer or another trusted individual.

The UN Committee against Torture also indicated unsatisfactory conditions in prisons (limited cell space, lack of natural light, poor air circulation etc.), presence of prison guards during medical examinations, strip searches, which is equated to cruel, inhuman or degrading treatment. The Committee also underlines lack of well-qualified medical personnel, including psychologists and psychiatrists, which limits access of the prisoners to psychiatric care.

In 2022 the Slovak Republic became a member of the UN Groups of Friends on the Safety of Journalists in Geneva and New York and joined their statements on the situation in Ukraine published in March 2022.

In Reporters Without Borders International's press freedom ranking published in May 2023, Slovakia occupied 17th place out of 180 countries in the world (in 2022 it was 35th, in 2020 – 33rd).<sup>1784</sup>

As it was noted, positive changes had taken place because of the governmental reforms, a relatively healthy economic situation in the sector, "stronger resistance to the Russian propaganda" after the director of Radio and Television of Slovakia was replaced. More significant "progress"<sup>1785</sup> was hindered by the fact that there was no sentence to the mastermind of the high-profile killings of Jan Kuciak, a Slovak journalist and an editor of the popular online news portal [www.aktuality.sk](http://www.aktuality.sk), and his woman friend in February 2018.

Such exaggerated assessments of Bratislava's "successes" in ensuring press freedom seem, at the very least, inappropriate in light of the introduction of strict censorship in Slovakia and the closure of the only broadcasting Russian TV channel in the country, Channel One, after the beginning of Russia's special military operation in Ukraine.

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<sup>1784</sup> <https://aktualitv.sk/clanok/Hhk5MDI/v-novom-svetovom-rebricku-slobodv-tlace-sa-slovensko-vratilo-do-prvei-dvadsiatky>

<sup>1785</sup> <https://euractiv.sk/section/kultura-a-media/news/slovensko-si-v-rebricku-slobody-medii-polepsilo-o-osem-priecok/>

The level of trust among the population of the Slovak Republic is low according to the report of the Civil Liberties Union for Europe (in 2022 it did not exceed 37 per cent). The majority believes that the media are dependent and national security serves as a pretext to limit free speech.<sup>1786</sup>

There are 13 officially registered national minorities and ethnic groups in Slovakia. The Russian minority was officially recognized in 2005. The rights of national minorities are enshrined in the Slovak Constitution and the Law on the Use of National Minority Languages.

After the beginning of the Special Military Operation to denazify and demilitarize Ukraine and protect the civilian population of Donbass, the Russophobic campaign unleashed by the West affected Slovakia as well.

The country adopted amendments to the law on state tenders allowing to introduce a ban on participation in such tenders for companies from unfriendly countries (the list of such states is developed as an annex to this document). This concerns, first of all, tenders for procurement in such strategic areas as energy and defence industry. These amendments targeted, first and foremost, Russian enterprises (however, companies registered by citizens of such "unfriendly" countries on the territory of Slovakia do not fall under the restrictions).

At present, the situation with observance of rights of Russian compatriots in the Slovak Republic does not cause concerns.

In 2023, Russian citizens temporarily staying in Slovakia and representatives of the diaspora permanently residing in the country did not contact the Embassy on the issue of violations of their rights by the Slovak authorities.

Relevant signals weren't received either from organizations of compatriots in Slovakia or from the European Methodical Centre.

The European Commission brought action against Slovakia as far back as 2017 for non-compliance with the EU directives because public hospitals substantially delayed payments to the suppliers of goods and services, which

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<sup>1786</sup> <https://www.teraz.sk/slovensko/liberties-slovaci-nedoveruju-media/709825-clanok.html>

undermined the competitiveness of health care enterprises. In April 2023 the problem was raised by the media that found no positive changes.<sup>1787</sup>

In January 2024 the media continued to discuss this topic because JA Reiman Hospital Prešov, the third major hospital in the country, had to repay its debts, which might jeopardize its ability to provide health care. It is stated that as of October 2023 total debt of public hospitals in the country was amounted to EUR 666 million. If the problem is not fixed, Slovakia may face a substantial fine.<sup>1788</sup>

In general, it can be said that the country's authorities are making an effort to address the issues with respect to human rights, but so far there hasn't been much progress.

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<sup>1787</sup> An article in the Pravda newspaper of 21 April 2023. "The European Commission filed two complaints against Slovakia" («Eurokomisia podala na Slovensko dve žaloby»).

<sup>1788</sup> <https://presov.korzar.srne.sk/c/23264810/tretia-najvacsia-statna-nemocnica-je-pre-dlhy-c-exekucii.html>



## Slovenia

International human rights watchdogs pay attention to a number of problematic aspects of Slovenia's human rights record. The authorities respond to them and make efforts to put their recommendations into practice and fix the problems that already exist.

International and Slovenian human rights activists are concerned that Ljubljana has failed to sign or ratify some international conventions. For example, Slovenia is not a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Convention on the Reduction of Statelessness, and failed to ratify the International Convention for the Protection of All Persons from Enforced Disappearance (signed by Slovenia in 2007) and the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights. The UN Committee on Economic, Social and Cultural Rights has recommended that Slovenia ratify the International Labour Organization's Equality of Treatment (Social Security) Convention (No. 118) of 1962.

The 28th report of 2022 by the Ombudsman for Human Rights in Slovenia, published in May 2023,<sup>1789</sup> shows a decrease in the number of citizens' appeals – 5,975 cases. By comparison, 2021 saw 6,863 appeals, 2020 – 6,852, and 2019 – 4,600. A total of 222 human rights violations were found, including the principle of good governance in 66 cases (Article 3 of the Human Rights Ombudsman Act), the right to be tried without undue delay in 29 cases (Article 24 of the Human Rights Ombudsman Act), the principle of equality before the law in 22 cases (Article 14 of the Constitution of the Republic of Slovenia), the provision that Slovenia is a social state governed by the rule of law in 14 cases (Article 2 of the Constitution), the right to social security in 11 cases (Article 50 of the Constitution), the rights of persons with disabilities in 11 cases (Article 52 of the Constitution of the Republic of Slovenia), the right to protection of the human person and dignity in 8 cases

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<sup>1789</sup> Peter Svetina has served as Slovenia's Human Rights Ombudsman since February 2019.

(Article 21 of the Constitution) and the right to health in 8 cases (Article 51 of the Constitution).

The report also named the following public authorities as the "leading" human rights violators – the Ministry of Labour, Family, Social Affairs and Equal Opportunities (47), the Ministry of Health (19), local authorities, i.e. municipalities (16), the Inspectorate for Natural Resources and Spatial Planning (10) and social work centres (10). Eighty-three new recommendations were made for the next reporting period, while more than 100 recommendations from the previous report of 2021 were never implemented.<sup>1790</sup>

The European Commission's report on the rule of law situation in the European Union notes that the quality of the Slovenian justice system has been further improved. In particular, there has been some progress in the introduction of safeguards for judicial independence and autonomy of prosecutors. Tellingly, the "level of trust" in the justice system among the population has also increased – according to the 2023 population survey, 53 per cent of respondents assess the level of independence of courts and judges as "fairly or very good". The figure has increased in comparison with 2022 (49 per cent) and 2016 (30 per cent).<sup>1791</sup>

At the same time, the Slovenian justice system is somewhat weak. Although the number of pending cases was reduced, the length of already long trials increased, particularly in cases of money laundering and corruption, which, according to experts and business executives, remains high in the public sector.<sup>1792</sup>

According to Transparency International's Corruption Perceptions Index, Slovenia scored 56 (out of 100) in 2023,<sup>1793</sup> ranking 42nd out of 180 countries and continuing to lag behind the EU average.

<sup>1790</sup> Letno poročilo varuha človekovih pravic Republike Slovenije za leto 2022. May 2023.

[https://www.varuh-rs.si/fileadmin/user\\_upload/pdf/lp/LP\\_2022/Letno\\_porocilo\\_VC\\_P\\_RS\\_za\\_leto\\_2022.pdf](https://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2022/Letno_porocilo_VC_P_RS_za_leto_2022.pdf)

<sup>1791</sup> The European Commission's Rule of Law Report. Country Chapter on the rule of law situation in Slovenia. July 2023. [https://commission.europa.eu/document/download/1afb03d4-f026-4b31-bfae-c569944ab48f\\_en?filename=54\\_1\\_52632\\_coun\\_chap\\_slovenia\\_en.pdf](https://commission.europa.eu/document/download/1afb03d4-f026-4b31-bfae-c569944ab48f_en?filename=54_1_52632_coun_chap_slovenia_en.pdf)

<sup>1792</sup> The European Commission's Rule of Law Report. Country Chapter on the rule of law situation in Slovenia. July 2023. [https://commission.europa.eu/document/download/1afb03d4-f026-4b31-bfae-c569944ab48f\\_en?filename=54\\_1\\_52632\\_coun\\_chap\\_slovenia\\_en.pdf](https://commission.europa.eu/document/download/1afb03d4-f026-4b31-bfae-c569944ab48f_en?filename=54_1_52632_coun_chap_slovenia_en.pdf)

<sup>1793</sup> Corruption Perceptions Index 2023.

<https://www.transparency.org/en/cpi/2023/index/svn>

Even following the enactment in 2017 of the Class Action Act regulating the procedure for filing such lawsuits and payment of compensation, there is still limited access to free legal aid in criminal cases. According to Slovenian human rights defenders, the Act should have facilitated access to justice and enabled victims to obtain fair compensation in cases of mass harm, and provided appropriate procedural safeguards to prevent unfair treatment, in particular for those who cannot benefit from free legal aid and do not have the means to pay for a lawyer.

However, even where the access to free legal aid is provided, it is often done in an untimely manner. For example, the UN Committee against Torture (CAT) notes that in practice the access is provided only after police questioning or prior to the court hearing. However, it is noteworthy that the requirement for audio and video recording of police questioning in all cases is not enshrined in law. Recording is required only upon an order of the investigating judge, as stipulated in article 84 of the Criminal Procedure Act.<sup>1794</sup>

The growing criticism by human rights defenders of the country's penitentiary system and high prison overcrowding prompted the authorities to step up measures in this area: 2022 saw construction of a new male prison in Dobrunje, construction of a prison in Ljubljana, and reconstruction of the women's prison in Ig. A project was launched enabling prisoners to receive free education and various vocational skills. By the end of 2022, 1,832 prisoners were enrolled in training, 815 of whom underwent vocational rehabilitation, 241 completed training courses and 776 received vocational training with the right to work. Other projects are also being implemented, including with the assistance of relevant international organizations, to improve the penitentiary system for juveniles and to train and educate prison staff.

Despite the above efforts, no meaningful progress has been made to date. The list of concerns continues to include persistent prison overcrowding, poor sanitary conditions and lack of qualified staff. According to the 2022 Council of Europe

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<sup>1794</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

Annual Penal Statistics, published in June 2023, Slovenia has more than 102 inmates per 100 places of detention.<sup>1795</sup>

2023 witnessed a surge in prison population. A total of 1,808 persons were in prison on 26 February 2024, according to the Prison Administration of Slovenia, and the average prison occupancy rate tops 139 per cent. The situation is worst in Ljubljana, where the occupancy rate is at over 200 per cent, in Maribor – 171 per cent) and Celje – 165 per cent. Even the largest male prison in Slovenia, Dob, in early 2024 had an occupancy rate of 128 per cent.<sup>1796</sup>

It was therefore not surprising that, in its concluding observations on the fourth periodic report of Slovenia, CAT expresses concern over poor living and material conditions in prisons, and that the situation has been exacerbated in recent years by a significant increase in incarceration of foreigners. There are shortcomings in the provision of reasonable accommodation in prisons to older persons and persons with disabilities, owing to the shortage of medical professionals. Moreover, medical professionals do not always properly record information on prisoner injuries and rarely bring it to the attention of the competent authorities.<sup>1797</sup>

The Committee called for a review of article 88 of the Enforcement of Criminal Sanctions Act which provides for solitary confinement as a disciplinary sanction for up to 21 days with the right to work or 14 days without that right for convicted prisoners. Experts underscore that the provision is at odds with rules 43 to 46 of the United Nations Standard Minimum Rules for the Treatment of Prisoners.<sup>1798</sup>

The problem of domestic violence, primarily against women and children, remains relevant. Human rights defenders are concerned over lack of effectiveness of protection mechanisms for victims of such violence.

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<sup>1795</sup> The Council of Europe Annual Penal Statistics (SPACE 1). June 2023.

[https://wp.unil.ch/space/files/2023/06/230626\\_Key-Findings-SPACE-I\\_Prison-and-Prisoners-in-Europe-2022.pdf](https://wp.unil.ch/space/files/2023/06/230626_Key-Findings-SPACE-I_Prison-and-Prisoners-in-Europe-2022.pdf)

<sup>1796</sup> The Slovenia Times. 27 February 2024.

<https://sloveniatimes.com/40265/slovenian-prison-population-surg-ing-due-to-migrant-smugglers>

<sup>1797</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

<sup>1798</sup> Ibid.

As stated in the Ombudsman's Report of 2022, there have been no necessary amendments made to the Crime Victims Compensation Act establishing the right to special state compensation for victims of violent acts and their relatives for acts committed in the territory of the Republic of Slovenia.

In order to ensure better protection of sexual violence survivors, the Government amended the Criminal Code in April 2021. The law now provides for three to ten years' imprisonment for grievous or degrading bodily harm. However, in 2023, the UN Committee on the Elimination of Discrimination against Women (CEDAW) noted that sentences for perpetrators of sexual offences are often lenient and not commensurate with the gravity of the crimes.<sup>1799</sup>

The UN Committee on the Rights of Persons with Disabilities (CRPD) also noted the problem of gender-based violence in its concluding observations on the initial report of Slovenia. The monitoring body slammed the Government for lack of specific measures to protect women and girls with disabilities, especially those with psychosocial and/or intellectual disabilities, from violence.<sup>1800</sup>

The authorities are taking a number of measures to improve the situation in the area of gender equality. In 2019, amendments to the Law on Equal Opportunities for Women and Men were adopted to introduce a minimum 40 per cent quota for representatives of each gender in government advisory and coordination bodies and organizations regulated by public law. However, CEDAW, which tends to overestimate the "digital equalization" factor in human resources policy, draws attention to the unbalanced gender representation among those holding the position of mayor – the proportion of women is only 13.6 per cent, among municipal and city councillors – 35 per cent, among Roma councillors – 20 per cent, among chief executive officers – 27.7 per cent, and among executive directors of the largest publicly listed companies – 24.6 per cent.

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<sup>1799</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 7th periodic report of Slovenia. February 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=en)

<sup>1800</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the initial report of Slovenia. April 2018.  
[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=SVN&Lang=ENG](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=SVN&Lang=ENG)

There is a positive trend in the increase in the employment rate of women. In 2020, it reached 72.4 per cent. The Committee notes, however, the persistence of gender segregation in the labour market and significant salary difference between men and women of the same level of education. Moreover, women with disabilities are often denied access to the labour market and education.<sup>1801</sup>

According to the Gender Equality Index 2023, published by the European Institute for Gender Equality, Slovenia scores 69.4 out of 100 (the score has increased by 1.9 points since 2022).<sup>1802</sup>

Slovenia, under pressure from EU Brussels and some "Eurogrands", has been consistently promoting non-traditional values. The legislative amendments adopted in 2022, which legalized same-sex marriage and allowed the adoption of children by this category of persons, caused a backlash in Slovenian society. What is illustrative in this regard is the background to the adoption of the amendments, or rather the fact that their adoption was a top-down decision and took place in violation of the democratic will of the Slovenian people, who had voted twice against the legalization of same-sex marriage – in 2012 (55 per cent against) and in 2015 (63.5 per cent against) in a referendum on the issue.

There has been some progress in the protection of children's rights achieved through the establishment of the specialized institution "Children's House" due to the enactment of the Child Protection in Criminal Proceedings and Comprehensive Treatment of Children in the Children's House Act in 2021, the drafting and enactment of which was supported throughout by the Ombudsman. However, there is a problem with a delay in adopting sufficient legal mechanisms to regulate the checking of school bags and drug or alcohol testing.

CAT notes insufficient drug and alcohol rehabilitation programmes for minors deprived of liberty in the correctional facility, Radeče Reform School, and the poor material conditions detected therein. Experts emphasize that it is unacceptable that

<sup>1801</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 7th periodic report of Slovenia. February 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=en)

<sup>1802</sup> European Institute for Gender Equality. Gender Equality Index 2023.  
[https://eige.europa.eu/modules/custom/eige\\_gei/app/content/downloads/factsheets/SI\\_2023\\_factsheet.pdf](https://eige.europa.eu/modules/custom/eige_gei/app/content/downloads/factsheets/SI_2023_factsheet.pdf)

minors in correctional facilities could be placed in special premises for up to three days as a disciplinary measure.<sup>1803</sup>

Work is underway to improve the legal framework for children with special needs. Under the amended Health Care and Health Insurance Act, the age of persons with special needs, whose parent is with them in a hospital or sanatorium and is entitled to compensation for the period of temporary absence from work, has been raised to 18 years.

At the same time, gaps remain in the administration of juvenile justice. There is still no law that comprehensively regulates the treatment of juvenile offenders. It has been noted that it is not appropriate to house juveniles with mental disorders and mental and physical disabilities in high-security wards if these wards are intended for adults and are not adapted in terms of space, staff and correctional programmes for these groups of inmates. As of January 2021, the situation of such children has been regulated by the Act on Interventions for Children and Young People with Emotional and Behavioural Disorders in Education.

CAT notes with concern that access to ex officio lawyers is not always assured for minors facing criminal charges for offences that carry sentences of less than three years of deprivation of liberty, as it is subject to the decision of a juvenile judge.<sup>1804</sup>

The problem of sexual abuse of minors requires attention. For example, 70 per cent of Slovenes believe that sexual abuse of children is a severe issue in the country. A survey shows that almost one in five respondents (18 per cent) has experienced at least one form of sexual abuse by the age of 18. However, only 6 per cent of victims filed complaints with law enforcement agencies, and only 3 per cent of the complaints filed were examined in court and resulted in an indictment.<sup>1805</sup>

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<sup>1803</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

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<sup>1804</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

<sup>1805</sup> Justice Initiative. Child and Adolescent Sexual Abuse in Slovenia.

Numerous cases of molestation of minors by priests of the Catholic Church have caused widespread public outcry.

Therefore, in 2010, the Society for the Protection of the Constitution and the Victims of the Church was founded, which, since 2018, has systematically collected information, confessions and testimonies from victims sexually abused by Slovenian priests.

Most of the accused or convicted priests were older men, a few of them right at the end of their careers. They served in smaller rural areas across Slovenia, where priests have more influence in the community than in urban areas.<sup>1806</sup>

In 2024, the Slovenian Catholic Church established three bodies tasked with analysing old sexual abuse cases, protecting minors and vulnerable persons and preparing preventive measures for minors and the vulnerable.<sup>1807</sup>

In its concluding observations, CRPD noted that numerous public buildings and services, including public transport, remain inaccessible for persons with disabilities. There is lack of reasonable accommodation for this group of people in higher education institutions and vocational schools. There are physical barriers to transport students with disabilities from their place of residence to school facilities.<sup>1808</sup>

At the same time, the following negative aspects were mentioned: the lack of the placement of children with disabilities in residential treatment institutions; the absence of awareness-raising campaigns for combating stereotypes and prejudices against persons with disabilities; the lack of investigations to determine the causes of death of persons with disabilities in institutions, etc.<sup>1809</sup>

Some progress on the situation of persons with disabilities was made in 2021. Work was ongoing at the national level: in July 2021, the National Assembly of

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<https://justice-initiative.eu/abuse-in-slovenia/>

<sup>1806</sup> Justice Initiative. Child and Adolescent Sexual Abuse in Slovenia.

<https://justice-initiative.eu/abuse-in-slovenia/>

<sup>1807</sup> Catholic Church sets up bodies to address sexual abuse issues. STA. 28 February 2024.

<https://english.sta.si/3273213/catholic-church-sets-up-bodies-to-address-sexual-abuse-issues>

<sup>1808</sup> Concluding observations by the Committee on the Rights of Persons with Disabilities on the initial report of Slovenia. April 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=SVN&Lang=RU](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Countries.aspx?CountryCode=SVN&Lang=RU)

<sup>1809</sup> Ibid.



Slovenia decided to amend the Pension and Disability Insurance Act to equalize eligibility for disability benefits for people who become disabled due to a non-occupational injury.

The need to amend section 29 of the Mental Health Act governing the use of means of restraint is still relevant. In particular, CAT experts are concerned that such restraints continue to be used in psychiatric hospitals and social care institutions, and not as a measure of last resort at that but as a punishment, which is unacceptable. Patients are deprived of their right to adequate access to the outdoors, rehabilitation programmes and other meaningful activities in most psychiatric institutions.

Use of violence is widespread in psychiatric institutions. For example, numerous complaints of ill-treatment by staff have been filed by patients at the University Psychiatric Clinic Ljubljana. CAT also notes the chronic overcrowding and understaffing at the forensic psychiatric unit in the University Clinical Centre Maribor.<sup>1810</sup>

Both international (Office of the UN High Commissioner for Refugees, Council of Europe, etc.) and national human rights organizations criticized the amendments to the Aliens Act adopted in January 2017 (Article 10a "Complex migration crisis", Article 10b "Measures taken in the course of the complex migration crisis") which allows the Parliament to close the border for migrants for a period of 6 months with the possibility of extension in case of a threat to national security.

On 28 March 2023, the National Assembly of Slovenia adopted amendments to the Employment and Work of Aliens Act to simplify the procedure for hiring workers from non-EU countries. However, the amendments did not enter into force until November 2023, since they had been vetoed by the National Council in April 2023. Pursuant to the law, additional discussion and a second vote were held to override the veto. For example, in November 2023, members of the Slovenian

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<sup>1810</sup> Concluding observations by the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

National Assembly (lower house of Parliament) yet again voted in favour of amendments to the Aliens Act which provide that the period when a foreigner is entitled to reunification with his or her family shall be reduced from two years to one year. In addition, the condition for extending residence permit to family members of foreign workers will be changed from A1 level language skills to the so-called "survival level" which, in turn, consists in the ability to communicate in different everyday situations.<sup>1811</sup>

The shortcomings in safeguarding the rights of migrants and asylum-seekers are extensively highlighted in the concluding observations of CPT, published on 7 December 2023. The Committee notes the overcrowding and inadequate conditions identified in the facilities destined to accommodate applicants seeking international protection in the asylum centres in Ljubljana and Logatec. A number of steps taken by the authorities to alleviate this situation are also mentioned.

Experts express concern that, despite the legal prohibition of refoulement (Article 72 of the 2011 Aliens Act), there are cases of pushbacks and refoulement based on bilateral readmission agreements, notably those recorded between mid-2018 and the end of 2021, that facilitated "informal return" within 72 hours and without sufficient safeguards against potential refoulement of people who had entered the country irregularly and had not yet expressed an intention to seek asylum.<sup>1812</sup>

While taking into account the 2023 Regulation providing for the proper treatment, accommodation and care of unaccompanied minors, the experts criticize the lack of adequate shelters for this category of migrants in the country, as well as their placement in refugee centres or student hostels where they are not provided with care that takes into account their individual needs.

CAT continues to emphasize the inadmissibility of detaining minors in a centre for foreigners. In this regard, an inconsistency is pointed out between Article

<sup>1811</sup> Parliament of Slovenia approves amendments to Aliens Act. TASS. 8 November 2023. <https://tass.ru/mezhdunarodnaya-panorama/19226083>

<sup>1812</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

76(4), Article 82(3) of the Aliens Act (which, under certain circumstances, allow for the detention of children in such centres) and Article 84(2) of the International Protection Act, which provides for a strict prohibition of such detention. For example, in 2022, there were 172 children and 67 unaccompanied children, including one victim of trafficking in the refugee reception centre in Postojna.<sup>1813</sup>

The 2020 report of the EU Agency for Fundamental Rights (FRA), citing information from the Human Rights Ombudsman in Slovenia, states that there is a practice of forced return to Croatia, without any procedural guarantees, of people detained at the border of the state who have not applied or have not been able to apply for refugee recognition.<sup>1814</sup>

Since the R.Golob government came to power, the situation, according to various NGOs, has improved. The dismantling of fences on the border with Croatia continues.

Slovenia remains a destination and transit country for victims of trafficking. The total number of victims identified from 2017-2021 was 241, of which 85 per cent were women.<sup>1815</sup>

Despite the increased attention of the State to the issue of trafficking in persons and the establishment of the Anti-Trafficking Service in 2018 to support the activities of the National Coordinator for Combating Trafficking in Human Beings, mechanisms for the identification, protection and rehabilitation of victims and the provision of legal and psychological assistance to them are not working effectively. There are low rates of prosecution and conviction of persons in relevant cases, as well as disproportionately lenient penalties such as fines.<sup>1816</sup>

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<sup>1813</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

<sup>1814</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report. 2020.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>1815</sup> Group of Experts on Action against Trafficking in Human Beings. Report (3rd evaluation round). Access to justice and effective remedies for victims of trafficking in human beings. Published on 15 June 2023.

<https://rm.coe.int/greta-evaluation-report-on-slovenia-3rd-evaluation-round-greta-2023-05/1680ab958b>

<sup>1816</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 7th periodic report of Slovenia. February 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=en)

The Constitution of Slovenia mentions three national minorities – Hungarian, Italian (Article 64) and Roma (Article 65). The essence of the problems related to the situation and rights of national minorities is that a certain set of rights is recognized only for autochthonous national minorities (which, according to the Slovenian Constitution, are Hungarians and Italians). Slovenia ratified the Council of Europe Framework Convention for the Protection of National Minorities in 1998 and still applies its provisions to persons of Hungarian, Italian and Roma origin. Nevertheless, there are a number of shortcomings in its practical implementation.

Thus, although radio and television broadcasts include programs in Hungarian, Italian and Romani, the duration and frequency of broadcasts in Hungarian and Romani have been assessed by the experts of the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM) as insufficient. Moreover, the Committee has indicated that the languages of other national communities should also be heard on television and radio, and information about them should be included in broadcast programs in order to promote social cohesion and better understanding.<sup>1817</sup>

Despite requests for official recognition by the German-speaking ethnic group as well as the Albanian, Bosnian, Croatian, Macedonian, Montenegrin and Serbian national communities, they have been denied national minority status and protection by the authorities year after year.<sup>1818</sup>

One of the most acute human rights problems in Slovenia, as assessed by international human rights monitoring mechanisms, remains the situation of the Roma community. Article 65 of the Slovenian Constitution, the Act on the Roma Community in the Republic of Slovenia (2007), the Act on Local Self-Government (2009), under which the Roma participate in the public administration process at the municipal level, define the status and special rights of the Roma. The Government adopts a National Program in support of Roma (the latest one for 2021-2030). There

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<sup>1817</sup> Fifth opinion on Slovenia of the Advisory Committee on the Framework Convention for Protection of National Minorities. Adopted on 18 May 2022.  
<https://rm.coe.int/5th-op-slovenia-en-/1680a830d8>

<sup>1818</sup> Ibid.

were also institutional structures, such as the Council of the Roma Community of Slovenia and the Commission for the Protection of Roma Rights, composed of representatives of the Roma community, municipalities, and public authorities. Despite all this, Ljubljana has not yet been able to make significant progress in improving the situation of Roma.

The Human Rights Ombudsman P.Svetina, in the Report on the Human Rights Situation in Slovenia 2022, reiterated the need for more active cooperation between the state and local authorities in addressing the situation of Roma. In doing so, the Ombudsman points to problems related to the legalization of Roma settlements.<sup>1819</sup>

In 2021, the Ombudsman succeeded in getting the government to instruct municipalities to adopt detailed sector programs and measures in accordance with the Act on the Roma Community in the Republic of Slovenia. At the same time, the Ministry of Education, Science and Sports amended the relevant regulations and approved the introduction of the position of Roma assistant in kindergartens, elementary school and elementary schools with an adapted program in the next school year.

School attendance by Romani children remains low. Despite increased government efforts to enrol Romani children in preschool institutions, enrolment is very low. Also, the Ministry of Education found that preschools do not fully utilize the opportunity to hire assistants from the Roma community – only 7 organizations applied for the 2022-2023 school year. The situation with hiring assistants in elementary schools is somewhat better.

Roma children are disproportionately represented (in relation to the share in the general population) in specialized schools for students with mental disorders. The prevention of segregation in schools was officially stipulated in the 2004 Strategy for Roma Education and Upbringing, and a year earlier the creation of classes composed exclusively of members of this national minority was prohibited.

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<sup>1819</sup> Letno poročilo varuha človekovih pravic Republike Slovenije za leto 2022. May 2023.  
[https://www.varuh-rs.si/fileadmin/user\\_upload/pdf/lp/LP\\_2022/Letno\\_poroc\\_\\_ilo\\_VC\\_\\_P\\_RS\\_za\\_leto\\_2022.pdf](https://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2022/Letno_poroc__ilo_VC__P_RS_za_leto_2022.pdf)

The issue of housing and material living conditions is particularly acute. The majority of the Romani population lives in deplorable conditions and faces obstacles limiting their access to education, employment and health care.<sup>1820</sup>

In May 2022, the ACFCNM found that since 2017, the number of Roma settlements in Slovenia without electricity, water supply and sewerage has not decreased. Inadequate housing conditions slow down the process of integration of this group into society and have a devastating impact on the quality of life of its individuals.<sup>1821</sup> For example, CEDAW was concerned in March 2023 about the poor state of health of Roma women, which, according to experts, is linked, inter alia, to socio-economic factors, such as unhealthy living conditions, low levels of education and poverty.<sup>1822</sup>

CAT notes the prevalence of child and/or forced marriages in the Romani community and the high rate of early pregnancy among Romani women. In this regard, the lack of convictions for forced marriages is questionable, despite the fact that this act is criminalized under article 132a of the Slovenian Criminal Code.<sup>1823</sup>

Among the repeated recommendations of the European Commission against Racism and Intolerance (ECRI), operating within the framework of the Council of Europe, to the Slovenian authorities was the organization of disaggregated data collection for the purpose of combating racial discrimination. In 2021, the experts were forced to note that there had been no progress in this area either: at the time of the Commission's concluding observations, there were no plans to adopt legislation

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<sup>1820</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

<sup>1821</sup> Fifth opinion on Slovenia of the Advisory Committee on the Framework Convention for Protection of National Minorities. Adopted on 18 May 2022.

<https://rm.coe.int/5th-op-slovenia-en-/1680a830d8>

<sup>1822</sup> Concluding observations of the Committee on the Elimination of the Discrimination against Women on the 7th periodic report of Slovenia. February 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FSVN%2FCO%2F7&Lang=ru)

<sup>1823</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

that would ensure such collection while respecting the principles of confidentiality, informed consent and voluntary self-identification.<sup>1824</sup>

On a positive note, amendments to the Criminal Code (Law KZ-1J, adopted by the National Assembly on 27 January 2023) should be noted. According to the amendments, the commission of a crime motivated by racial hatred and xenophobia in all its manifestations qualifies as an aggravating circumstance.

ECRI has also noted manifestations of religious intolerance in the country.<sup>1825</sup> As an example, vandals attacked the construction site of the country's first Islamic centre and mosque in Ljubljana – in 2016, unidentified persons threw pig heads at the construction site of the building.

Opponents of the project (mostly right-wing politicians and followers of radical ideas) twice tried to prevent the construction of the Muslim complex in 2004 and 2009, demanding a referendum, but the Constitutional Court rejected these requests both times.

It is noteworthy that until the completion of the above-mentioned complex in 2020, there was not a single mosque in the country – until then, Muslims performed services and ceremonies in rented premises and gymnasiums, despite the fact that the Muslim community is the second largest religious group in the country (after Christians).

There have been isolated instances of anti-Semitism. On 16 November 2023, unknown persons painted a Nazi swastika on the door of the Jewish Centre in Ljubljana.

Desecration of Christian shrines was recorded: unknown persons vandalized the Catholic Cathedral of St. Nicholas in the Slovenian capital.<sup>1826</sup>

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<sup>1824</sup> Conclusions of the European Commission against Racism and Intolerance on the implementation of the recommendations in respect of Slovenia subject to Interim Follow-up. Adopted on 7 December 2021. Published on 3 March 2022.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a59af2>

<sup>1825</sup> Report of the European Commission against Racism and Intolerance on Slovenia (5th monitoring cycle). Adopted on 3 April 2019. Published on 5 June 2019.

<https://rm.coe.int/fifth-report-on-slovenia/168094cb00>

<sup>1826</sup> Report of the European Commission against Racism and Intolerance on Slovenia (5th monitoring cycle). Adopted on 3 April 2019. Published on 5 June 2019.

<https://rm.coe.int/fifth-report-on-slovenia/168094cb00>

In 2023-2024, the isolated cases of harassment of Russian children in schools by classmates of Slovenian and Ukrainian origin, which were reported in the first half of 2022, practically disappeared.

The right-populist government of J.Janša, which was in power until June 2022, was purposefully engaged in fomenting Russophobia in the country and in the international arena, including through demonstrative actions aimed at destroying contractual legal relations with Russia and limiting contacts between Slovenes and Russian citizens.

As part of this purposeful policy, in March-April 2022 Ljubljana announced the termination of six bilateral documents on cooperation, including in the cultural and humanitarian sphere, and revoked the exequaturs of all five honorary consuls of Russia in Slovenia. At the request of the Slovenian authorities, the number of staff at the Russian Embassy was substantially reduced. The Russian Centre for Science and Culture in Ljubljana was forced to cease operations. The Slovenian Ministry of Defence sent a circular letter to local veterans' organizations recommending that they refrain from inviting official representatives or citizens of the Russian Federation to war memorial events.

The centre-left Slovenian government headed by R.Golob, which was established following the results of the parliamentary elections held in April 2022, actually continued the policy of its predecessors in the Russian direction. In December 2022, the Slovenian side refused to issue visas to the Moscow Patriarchate Synodal Choir, which was scheduled to perform in Maribor and Ljubljana.

Such a Russophobic course of the official authorities did not receive wide support in Slovenian society. Moreover, in 2023, a public movement "Slovenia against Russophobia" was established in the country, which held a number of events, including rallies in downtown Ljubljana on April 22 and September 23, 2023, with the central slogans against arms supplies to Ukraine and in support of Russia.

A chronic problem of the Slovenian human rights file is the issue of the "erased" – citizens of the former Yugoslavia who had permanent registration in



Slovenia but were removed from the list of permanent residents in February 1992 on the basis of the Aliens Act. Changes in the country's legislation adopted in 2010 at the insistence of the Council of Europe and international NGOs made it possible to restore the status of 12,000 people who fell into this category. In total, according to Slovenian human rights defenders, there are more than 25,600 such persons.

In 2012, the European Court of Human Rights (ECtHR) reviewed the case of the Slovenian human rights defenders. In 2012, the ECtHR examined the complaint of a group of "erased" (*Kuric and Others v. Slovenia*) and found that Slovenia had violated the prohibition of discrimination in the enjoyment of rights guaranteed by the Convention for the Protection of Human Rights and Fundamental Freedoms, as well as the rights to protection of private and family life and to effective legal assistance. The ECtHR ordered the Slovenian government to develop and approve a scheme for the payment of compensation to the "erased" within one year.

Pursuant to the decisions of the European Court of Justice and the Constitutional Court of Slovenia, the relevant national law was adopted and became applicable on June 18, 2014. Over the entire period, more than 15.5 million euros in compensation has been paid. The Committee of Ministers of the Council of Europe, which monitors the implementation of ECtHR judgments, held that with the adoption of the above-mentioned act Slovenia had fulfilled the obligations imposed on it. The Council of Europe Commissioner for Human Rights welcomed the steps taken by Slovenia in this regard, as well as the public apology made by the President of the Slovenian Parliament to the "erased".

However, concern was expressed about the social and economic rights of this population. In particular, it recommended that Slovenia extend the 2010 law regulating the status of the "erased" to children born to this category of persons outside the country, provide all "erased" persons with the possibility to restore their legal status without administrative restrictions, ensure full reparation, and ensure access to education, training and employment.

For its part, the CPT is dissatisfied that, due to the short time frame and the lack of complete information on the procedure for the restoration of status, only

1,770 "erased" persons applied for the restoration of their status within the deadline set by the 2010 law, and only 241 were granted a residence permit at that time.<sup>1827</sup>

Other difficulties faced by members of this group in Slovenia include the provision of housing, the amount of compensation, the legal status of next of kin, etc. The annual report of the Slovenian Ombudsman for 2021 also points to the continued relevance of the problem of the "erased".<sup>1828</sup>

It was not until 2022 that the then President of Slovenia, B.Pahor, apologized on behalf of the country to this category of population.<sup>1829</sup> This step of the Slovenian leadership was highly appreciated in the Council of Europe, which emphasized the need to include this page of history in the school curriculum.<sup>1830</sup>

There is a gradual degradation of freedom of speech in the country. According to the international ranking of the NGO "Reporters Without Borders" of 2023, the country is ranked 50th (with a score of 70.59)<sup>1831</sup>, down 18 places from 2020, when it was ranked 32nd (with a score of 77.36).

As early as April 2021, the CoE Commissioner for Human Rights published a memorandum in which she drew attention to the "shaken" situation of freedom of expression and media in Slovenia and called on the authorities to put an end to it. The submitted document accused Ljubljana of using the COVID-19 pandemic to prevent the free expression of dissent and political opposition. The memorandum pointed to the deteriorating conditions underlying media freedom in Slovenia, namely cases of harassment, intimidation and criminal proceedings against journalists, and restricted access to information.<sup>1832</sup>

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<sup>1827</sup> Concluding observations of the Committee against Torture on the 4th periodic report of Slovenia. November 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSVN%2FCO%2F4&Lang=en)

<sup>1828</sup> Letno poročilo varuha človekovih pravic Republike Slovenije za leto 2021. Ljubljana. June 2022. [www.varuh-rs.si/porocila-projekti/](http://www.varuh-rs.si/porocila-projekti/).

<sup>1829</sup> Dealing with the Past for a Better Future. Achieving justice, peace and social cohesion in the region of the former Yugoslavia. Issue paper by the Council of Europe Commissioner for Human Rights. November 2023.

<https://rm.coe.int/issue-paper-on-transitional-justice-dealing-with-the-past-for-a-better/1680ad5eb5>

<sup>1830</sup> Slovenia state apology to the erased is a welcome and meaningful step. 25 February 2022.

<https://www.coe.int/et/web/commissioner/-/slovenia-state-apology-to-the-erased-is-a-welcome-and-meaningful-step>

<sup>1831</sup> Reporters Without Borders. Press Freedom Index 2023.

<https://rsf.org/en/index>

<sup>1832</sup> CoE Commissioner for Human Rights' Memorandum on freedom of expression and media freedom in Slovenia. <https://rm.coe.int/memorandum-on-freedom-of-expression-and-media-freedom-in-slovenia/1680a2ae85>

In May 2022, the Slovenian Ombudsman also announced serious problems with media freedom in the country and called for changes in the relevant legislation. All this is confirmed by the opinion of local experts who accused the then Slovenian government of attacking journalists and heavily politicizing the activities of state media.<sup>1833</sup>

In the 2022 Rule of Law Report, the European Commission raised concerns about the effectiveness of legal safeguards limiting political influence in state media, online harassment, threats against journalists, and gaps in legislation<sup>1834</sup>.

According to journalists' reports, under the J.Janša government, officials spurred hate speech in public discourse and incited threats against journalists. In particular, Janša accused the main public broadcaster RTV Slovenija of bias and called the institution a "propaganda disgrace."

RTV Slovenija journalists held a number of strikes demanding editorial autonomy and an end to political interference in the activities of the public broadcaster.

There has been persecution of journalists investigating corruption in the COVID-19 pandemic by supporters of former Prime Minister J.Janša, and particularly violent threats against female journalists.<sup>1835</sup>

Upon coming to power, the new government of R.Golob promised to strengthen the independence of management and editorial policy of the state media. As a result of a long struggle with the opposition, a national referendum was held in November 2022, in which voters supported, among other things, amendments to the law on the public broadcaster RTV Slovenija, depriving parliament of the right to appoint the management of the broadcaster.

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<sup>1833</sup> Slovenia's Ombudsman, experts call for deteriorating press freedom to be addressed. Euractiv. 4 May 2022. [https://www.euractiv.com/section/politics/short\\_news/slovenias-ombudsman-experts-call-for-deteriorating-press-freedom-to-be-addressed/](https://www.euractiv.com/section/politics/short_news/slovenias-ombudsman-experts-call-for-deteriorating-press-freedom-to-be-addressed/)

<sup>1834</sup> The European Commission's Rule of Law Report. Country Chapter on the rule of law situation in Slovenia. July 2023.

[https://commission.europa.eu/document/download/1afb03d4-f026-4b31-bfae-c569944ab48f\\_en?filename=54\\_1\\_52632\\_coun\\_chap\\_slovenia\\_en.pdf](https://commission.europa.eu/document/download/1afb03d4-f026-4b31-bfae-c569944ab48f_en?filename=54_1_52632_coun_chap_slovenia_en.pdf)

<sup>1835</sup> Reporters Without Borders. Press Freedom Index 2023. <https://rsf.org/en/index>

However, even though the atmosphere of hostility toward journalists has eased since Prime Minister J.Janša resigned in 2022, the media continues to face political pressure.

In the field of environment and spatial planning, it is emphasized that the actions of the drafters of environmental regulations are too often incompatible with the right of the public to participate in the adoption of such documents. Human rights activists point out that the short discussion timeframes, subsequent substantial additions to draft regulations and their lack of clarification constitute a violation of the right of citizens to direct participation in the management of public affairs in accordance with Article 44 of the Slovenian Constitution. In three specific cases of the drafting of environmental and spatial planning acts in 2021, including the Act amending the Water Act, this procedure was violated. Other examples were procedural flaws in submitting the Law on Environmental Protection for public consultation and unjustified changes to the initially proposed regulation under the Construction Law and its discussion outside of public consultations. There is a tendency of the authorities not to actually ensure the participation of potentially affected persons in specific administrative procedures.

## USA

Washington declares its commitment to upholding the principle of universality of fundamental human rights and freedom, as secured in the Universal Declaration of Human Rights of 1948 and Vienna Declaration and Programme of Action of 1993.<sup>1836</sup> However, in fact, the situation with the respect for human rights and freedoms in the United States is nowhere near the international standards.

A system-wide racism and police misconduct flourish in the United States. National minorities find themselves victims of discrimination and social inequality. The homeless issue remains outstanding. Immigrants and prisoners, including those under age, face continuous oppression of their liberties. Journalists do not feel safe and become victims of attacks. The plans of the American Administration to close the Guantanamo special isolator remain unfulfilled. Citizens' dissatisfaction with violations of voting rights only deepens the divide within American society. Alternative views are more often subject to censorship in mass and social media.

Numerous violations of human rights and freedoms remain in focus of the criticism coming from relevant international structures and non-governmental institutions.

In their annual 2022<sup>1837</sup> and 2023<sup>1838</sup> reports on the situation with human rights and freedoms around the globe, the human rights advocates from the Human Rights Watch NGO noted that the United States continued to face the problems of racism, social and economic rights abuse, harassment in penitentiary institutions and in the area of migration law and police violence.

At the same time, according to the assessments by the Freedom House NGO, as of March 2024, the United States ranked 18 in the world as regards the enforcement of political and civil liberties (83 out of 100 score points).<sup>1839</sup>

The report of the UN Human Rights Committee (HRCtee) published in November 2023, which contains concluding remarks and recommendations at the

<sup>1836</sup> <https://www.state.gov/un-human-rights-council-statement/>

<sup>1837</sup> World Report 2022: United States / "Human Rights Watch", 01.2022. – <https://www.hrw.org>.

<sup>1838</sup> <https://www.hrw.org/world-report/2023/country-chapters/united-states>

<sup>1839</sup> <https://freedomhouse.org/country/united-states/freedom-world/2024>

<https://freedomhouse.org/explore-the-map?type=fiw&year=2024&country=USA>

outcome of the review of the US periodic report on the International Covenant on Civil and Political Rights, focuses, *inter alia*, on the lack of significant progress in implementing the Covenant by the United States. In particular, the document notes the lack of positive moves in addressing significant deficiencies in the criminal legal system (racial disparities in sentencing, the death penalty, use of police violence and solitary confinement). There is a reference to serious violations of voting rights (voter suppression, partisan gerrymandering and felon disenfranchisement laws), of the rights to non-interference in private life, freedom of expression, freedom of peaceful assemblies and associations. Concern is expressed, *inter alia*, over the violation of the rights of immigrants, indigenous peoples (lack of protection to indigenous lands and sacred places and restricted interpretation of the principle of free, prior and informed consent).<sup>1840</sup>

The Committee's report also underscores the critical need to prioritize and strengthen human rights at home and establish a National Human Rights Institution to ensure that the most basic rights are protected.<sup>1841</sup>

According to Jamil Dakwar, Director of the Human Rights Programme of the American Civil Liberties Union (ACLU), the Committee's findings prove that the United States is far from the truth when it touts itself as a beacon of democracy and human rights.<sup>1842</sup>

As it goes from the regular report of the China Society for Human Rights Studies on violations in the United States in 2022, published on 28 March 2023, recently, the human rights legislation in the United States has seen an extreme retrogression, further undermining the basic rights and freedoms of the American people.<sup>1843</sup>

The authors of the document state that regardless a landmark setback for the US human rights, Americans continue to label themselves "human rights defenders" throughout the world. However, the United States remains the country with an

<sup>1840</sup> <https://www.aclu.org/press-releases/un-human-rights-body-calls-out-us-failure-civil-political-rights-treaty>

<sup>1841</sup> <https://www.aclu.org/press-releases/un-human-rights-body-calls-out-us-failure-civil-political-rights-treaty>

<sup>1842</sup> <https://www.aclu.org/press-releases/un-human-rights-body-calls-out-us-failure-civil-political-rights-treaty>

<sup>1843</sup> Report on the United States for 2022 by the China Society on Human Rights Studies. Published on 28 March 2023: [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

extremely high level of domestic violence. The threat to the lives of citizens comes from both criminals and law enforcement agencies. The American prisons are overcrowded and the prisoners contained in them turned into real slaves.<sup>1844</sup>

It is also emphasized in the report that in 2022, the United States saw a major degradation of the democratic system; a setback occurred in the protection of the civil rights and in the state of things in the area of racial equality and the rights of socially vulnerable groups of population, women and children were violated. Particular attention should be given to the facts of violation by the United States of the rights of citizens abroad and to the American practice of selective justice.<sup>1845</sup>

The annual report of the NGO Amnesty International for 2021-2022 on the situation with the human rights published on 29 March 2022, the Administration of Joe Biden declared intention to restore the reputation of the United States in the area of human rights but the results in policy and in practice turned to be ambiguous. While the United States resumed its cooperation with international human rights institutions of the United Nations and its multilateral efforts in combating climate change, the Administration failed to implement the policy of immigration aimed at the respect for human rights and of sheltering on the border between the United States and Mexico; it failed to realize the human rights agenda at the national level. The internal political situation continued to impede the governmental actions on addressing the issues of climate change, discriminatory attacks on voting rights, unlawful restrictions on rights at the state level, including the rights to freedom of peaceful assembly and reproductive rights.<sup>1846</sup>

The report of the Foreign Ministry of the Republic of Belarus for 2023 on the most resonant cases of human rights violations in certain countries of the world with reference to the above mentioned report of the NGO Amnesty International states that in the United States, women from among the indigenous populations are still subject to a disproportionally high level of sexual violence and fail to get access to

<sup>1844</sup> <https://www.pnp.ru/in-world/kitay-opublikoval-doklad-o-narushenii-prav-cheloveka-v-ssha.html>

<sup>1845</sup> Report on the United States for 2022 by the China Society on Human Rights Studies. Published on 28 March 2023 [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>1846</sup> <https://www.refworld.org/ru/coi/countrynews/amnesty/2022/ru/146674?prevDestination=search&prevPath=/ru/>

basic aid after being raped. The American authorities continued to severely limit access to shelters on the American-Mexican border, border control employees carried out unnecessary and illegal deportation of almost 1.5 million refugees and migrants on the border between the United States and Mexico; people were expelled on a mass scale without getting access to sheltering procedures. Thirty Muslim men continue to be arbitrarily and indefinitely detained by the US military in the notorious detention facility at the US Naval Base at Guantanamo Bay, Cuba, in violation of international law; the authorities have not made significant progress in closing this facility, despite the Biden administration's stated intention to do so. The government failed to take considerable measures to oversee the police activities and its accountability, as it was promised by the Administration of the current President of the country in response to the nation-wide protests against the police violence. Lawmakers in 36 states and at the federal level have introduced more than 80 bills restricting freedom of assembly, with nine states enacting 10 such bills into law. The proposed legislative restrictions on the freedom of assembly included increasing penalties for acts of civil disobedience, blocking roads and desecrating monuments. Black people are disproportionately affected by police use of deadly force; the federal government's program to track the annual number of such deaths has not been completed.

No one has been held accountable for the systematic human rights abuses committed in the secret detention system run by the CIA, including enforced disappearances, torture and other ill-treatment. In 2021, the US Congress did not take any enactments on access to guns; the government's inability to protect people from constant gun violence continues to violate their rights, including the right to life, personal security and freedom from discrimination. In 2020, at least 44 thousand people died from gun violence; during the pandemic, in 2020 and 2021, the authorities of certain states exacerbated the gun violence by calling the stores selling them "essential". The US government repeatedly used lethal weapons in the countries across the globe, including with the help of the unmanned aerial vehicles (UAVs) in violation of international human rights obligations and international



humanitarian law; NGOs, UN experts and mass media provided a documented confirmation that such strikes inside and outside the active armed conflict areas led to wounds and arbitrarily deprived many civilians of the right to life to constitute in certain cases war crimes. The US government weakened the protection of civilians during lethal operations, thus increasing risks of people's death from such illegitimate actions. The government continued to hide information on legal and political standards and criteria applied by the American military when using lethal weapons regardless the UN human rights experts' calls for clarification regarding these issues. The authorities did not make reparations for killing civilians.<sup>1847</sup>

The report on the United States for 2022 by the China Society on Human Rights Studies states that American politicians, serving the interests of elites, have gradually lost their ability and will to respond to basic demands of ordinary people and defend the basic rights of the American citizens, and failed to solve structural problems of human rights. Instead, they wantonly use human rights as a weapon to attack other countries, creating confrontation, division and chaos in the international community, and have thus become a spoiler and obstructor of global human rights development.<sup>1848</sup>

The United States continue to blatantly violate human rights inside as well as outside the country, including through illegal unilateral measures of compulsion (sanctions), the most flagrant example of which is the decade-long blockade of Cuba (including regardless numerous UN General Assembly's resolutions).

The report on the United States for 2022 by the China Society on Human Rights Studies states that the United States imposed more unilateral sanctions than any other country in the world, and it still has sanctions in place against more than 20 countries, resulting in the inability of those targeted to provide basic food and medicine for their people.<sup>1849</sup>

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<sup>1847</sup> Report of the Foreign Ministry of the Republic of Belarus for 2023 on the most resonant cases of human rights violations in certain countries of the world:

[https://mfa.gov.by/kcfinder/upload/files/Press\\_Service/23.06.22\\_report\\_hr.pdf](https://mfa.gov.by/kcfinder/upload/files/Press_Service/23.06.22_report_hr.pdf)

<sup>1848</sup> Report on the United States for 2022 by the China Society on Human Rights Studies. Published on 28 March 2023: [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>1849</sup> Report on the United States for 2022 by the China Society on Human Rights Studies. March 2023: [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

It should not go unmentioned that there are blatant violations of international humanitarian law committed by the American authorities in the territory of the "third" states. Under the "traditional" shield of the need to combat terrorism, the United States continued to use military forces abroad indiscriminately. As a result, the number of victims among civilians increased.

According to the report on the United States for 2022 by the China Society on Human Rights Studies, since the 21st century, the United States undertook what it labelled "counterterrorism" activities in 85 countries, directly killing at least 929,000 people and (forcedly) displacing 38 million people.<sup>1850</sup> In reality, already quite eloquent, these figures may be significantly higher.

Washington actively uses human rights rhetoric to justify its interference into internal affairs of sovereign states and introduction of illegal sanctions against them. An ordinary practice is the publication of tendentious reports of the US Department of States on the human rights situation in Russia, Republic of Belarus and other countries disliked by Americans, which are used to substantiate pressure on them.

We are forced to state that Washington has been avoiding for many years a normal and civilized cooperation with Russia at the level of law enforcement authorities based on the US-Russia Treaty on Mutual Legal Assistance in Criminal Matters as of 1999.

Guided by the principle of extraterritoriality of American justice, the United States "prey" on citizens of sovereign states around the world by blatantly violating corresponding international legal bilateral agreements, including taking no notice of the norms of national legislation of these states. Upon the requests from the US law enforcement, an unacceptable practice of arrest of the Russian citizens in the third countries runs on. Over 70 such cases have been registered since 2008.

The most resonant examples are arrests of Viktor Bout (Thailand, 2008), Konstantin Yaroshenko (Liberia, 2010), Roman Seleznev (the Maldives, 2014) who

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<sup>1850</sup> Report on the United States for 2022 by the China Society on Human Rights Studies. March 2023: [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

were not only arrested but kidnapped and forcibly deported to the United States as well as Alexander Vinnik (Greece, 2017).

Based on the unlawful application of the principle of extraterritoriality of the American justice, Russians were arrested in Germany (Denis Kaznacheev – in 2020), Georgia (Oleg Tishchenko – in 2018), the Dominican Republic (Aleksei Panin – in 2013), Israel (Aleksei Burkov – in 2015), Spain (Dmitriy Belorossoff – in 2013; Vadim Polyakov – in 2014; Pyotr Levashov and Stanislav Lisov – in 2017), Italy (Alexander Korshunov – in 2019), Costa-Rica (Maxim Chukharev – in 2013), Latvia (Yuri Martyshev – in 2017), Lithuania (Dmitry Ustinov – in 2013), the Netherlands (Dmitriy Smilianets and Vladimir Drinkman – in 2012; Denis Dubnikov<sup>1851</sup> – in 2021), Finland (Maxim Senakh – in 2015 and Mira Terada – in 2018), the Czech Republic (Yevgeniy Nikulin – in 2016), Switzerland (Vladislav Zdorovenin – in 2011 and Vladislav Klyushin – in 2021), Republic of Korea (Vladimir Dunaev – in 2021) and a number of other states.

In 2020, Andrey Pakhtusov was extradited to the United States from Spain. In 2021, Mr Klyushin was extradited to the United States from Switzerland (sentenced to 9 years in prison in 2023). In 2022, Greece extradited Mr Vinnik and Thailand – Mr Ukrainsky. In these conditions, Russian diplomats are doing everything in their power to help their compatriots.

On 17 October 2022, at the request of the American Ministry of Justice two Russian nationals – Yuri Orekhov and Artyom Uss were detained in Germany and Italy, correspondingly<sup>1852</sup>, to be further extradited to the United States on charges of evading sanctions, oil smuggling and organizing a money laundering scheme.<sup>1853</sup> According to the official representative of the Russian Foreign Ministry Maria Zakharova, what happened demonstrates the continuation of "a large-scale campaign launched by Washington to capture Russians against whom there are "claims", for

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<sup>1851</sup> According to Dubnikov's lawyer, Arkady Bukh, the Russian citizen was detained in Mexico by the FBI agents who took him to the Netherlands as far as it was easier to extradite him from this country:

<sup>1852</sup> <https://ria.ru/20211221/ekstraditsiya-1764789386.html>

<sup>1853</sup> <https://ngs24.ru/text/criminal/2022/10/20/71750876/>

<sup>1853</sup> <https://www.forbes.ru/society/480046-krasnoarskij-gubernator-otreagiroval-na-zaderzanie-syna-v-italii-po-obvineniam-ssa>

their subsequent guaranteed condemnation by the American punitive justice system to long terms of imprisonment".<sup>1854</sup>

In 2023, Vadim Konoschenok (transferred to the Americans from Estonia), Sergei Makinin (from the Dominican Republic), Maxim Marchenko (from the Republic of Fiji), Ruslan Nurullin (from the Kingdom of Morocco) and Artur Petrov (the US Ministry of Justice seeks his extradition from the Republic of Cyprus) fell victims of the "hunt" by local special services for Russians abroad.

The Americans are hunting not only Russians, but also citizens of other countries, who are often held without trial or investigation in the notorious "secret prisons" of the CIA (their existence was recognized by George W. Bush Jr. back in 2006), where they are subjected to torture and humiliation.<sup>1855</sup>

According to the experts from the NGO Amnesty International, after leaving the UN Human Rights Council in 2018 (and even after returning to the Council in 2021), the United States essentially continued its retreat from the international human rights system. Ignoring numerous requests from UN experts and denying them official trips to the United States have become a common line of behaviour. At the same time, Washington does not particularly hide the fact that it participates in UN human rights mechanisms only to the extent that it contributes to the advancement of its foreign policy objectives.<sup>1856</sup>

The United States did not abandon their practice of accusing "undesirable" international structures. In April 2019, for example, the United States revoked the visa for the prosecutor of the International Criminal Court (ICC). The reason was the investigation of the war crimes committed by the American military in Afghanistan. The accusatory rhetoric against Court employees also developed "increasingly". There were even direct threats to impose restrictions on them, as well as persecution in the United States.<sup>1857</sup>

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<sup>1854</sup> <https://tass.ru/politika/16110685>

<sup>1855</sup> The prisons were allegedly closed in 2009 at the direction of Barack Obama, but there is evidence that they are still actively used

<sup>1856</sup> Report of the Amnesty International for 2019, USA

<sup>1857</sup> Statement by Secretary Michael Pompeo as of 15 May 2020

Washington's criticism of the WHO and the severance of relations with this structure are called by human rights defenders nothing less than undermining global efforts to protect people from the worst health crisis in the last 100 years.<sup>1858</sup>

The political confrontation between the two main political forces and their supporters, which the world has been observing in recent years, has escalated to the limit in the United States and has become the main cause of ongoing social unrest throughout the country.

According to the report by Pew Research Centre issued in November 2020, there is an exceptional political divide in such important areas as economic issues, racial justice, climate change, law enforcement, etc. in the United States.

The Presidential elections 2020 have sharpened differences. According to a survey conducted a month before the elections, roughly 80 per cent of the registered voters in both camps said their differences with the other side were about more than just politics and policies, but also about core American values, and about 90 per cent in both camps worried that a victory by the other would lead to "lasting harm".<sup>1859</sup>

The COVID-19 pandemic has intensified the growing internal divisions in the United States and hit the most vulnerable categories of the population. Low-income groups lost their jobs (the number of applications for unemployment benefits exceeded 40 million)<sup>1860</sup> and were unable to pay for expensive treatment.

The deplorable state of affairs in this area is confirmed by the report of the Ministry of Foreign Affairs of the Republic of Belarus for 2022 on the most resonant cases of human rights violations in certain countries of the world. It states, in particular, that during the spread of coronavirus infection, the US authorities were unable to provide their citizens with effective protection in the field of healthcare.<sup>1861</sup>

These conclusions largely echo the provisions of the report of Chinese experts on the human rights situation in the United States in 2021. It documents that despite

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<sup>1858</sup> Report of the Amnesty International for 2019, USA

<sup>1859</sup> Report on the United States for 2020 by the China Society on Human Rights Studies. March 2021: [http://www.xinhuanet.com/english/2021-03/24/c\\_139832301.htm](http://www.xinhuanet.com/english/2021-03/24/c_139832301.htm)

<sup>1860</sup> <https://www.nytimes.com/2020/05/28/business/unemployment-stock-market-coronavirus.html>

<sup>1861</sup> Report of the Foreign Ministry of the Republic of Belarus for 2022 on the most resonant cases of human rights violations in certain countries of the world: [https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

having the world's most advanced medical equipment and technology, the United States has the highest number of COVID-19 cases and deaths worldwide.<sup>1862</sup>

Thus, according to data from Johns Hopkins University, by late February 2022, the number of confirmed COVID-19 cases in the United States had exceeded 78 million and the death toll surpassed 940,000. However, the US administration lacked effective plans to curb the epidemic.<sup>1863</sup>

Leading human rights centers have repeatedly highlighted the inadequacy of the US government's efforts to redress the deepening social divisions and inequalities in the American society over the past 30 years, which have been exacerbated by the massive COVID-19 infection.

As stated in the report of the China Society for Human Rights Studies, the United States is currently the only developed country where millions of people continue to starve.<sup>1864</sup>

Moreover, Human Rights Watch found a high proportion of US citizens living in poverty and lacking access to safe work conditions, housing, education, health services, clean water and basic sanitation. They may be unable to participate in political life or vindicate their rights in court due to their poverty, and suffer discrimination in various spheres.<sup>1865</sup>

Ludwig Institute for Shared Economic Prosperity experts believe that the US leadership deliberately inflates employment figures. According to their data as of February 2024, "functional unemployment" (includes the unemployed themselves plus those in search of work with full-time jobs and wages above the official poverty level (\$25,000 per year) in this country was 24.9% of the total working-age population.<sup>1866</sup>

<sup>1862</sup> The Report on Human Rights Violations in the United States in 2021. The State Council Information Office of the People's Republic of China. February 2022. [http://english.scio.gov.cn/m/scionews/2022-02/28/content\\_78076572.htm](http://english.scio.gov.cn/m/scionews/2022-02/28/content_78076572.htm)

<sup>1863</sup> The Report on Human Rights Violations in the United States in 2021. The State Council Information Office of the People's Republic of China. February 2022. [http://english.scio.gov.cn/m/scionews/2022-02/28/content\\_78076572.htm](http://english.scio.gov.cn/m/scionews/2022-02/28/content_78076572.htm)

<sup>1864</sup> China Society for Human Rights Studies Report on U.S. for 2019. March 2020.

[http://www.xinhuanet.com/english/2020-03/13/c\\_138874115.htm](http://www.xinhuanet.com/english/2020-03/13/c_138874115.htm)

<sup>1865</sup> Human Rights Watch: <https://www.hrw.org/united-states/poverty-and-economic-inequality>

<sup>1866</sup> <https://lisep.org>

At the same time, according to the U.S. Department of Labor's Bureau of Labor Statistics, the country's labor market situation looks better in March 2024.<sup>1867</sup> The unemployment rate fell to 3.8% (3.9% in February), and 303,000 jobs were created in March (and the average for the last three months was 276,000 jobs). It is stated that this indicator has not reached the bar of 4% for 26 months in a row (record dynamics for more than 50 years). And the number of unemployed increased only slightly, to 6.4 million people.

According to statistics from the U.S. Department of Agriculture,<sup>1868</sup> 41.2 million people (about 12.3% of the U.S. population) were food insecure and were participants in the Supplemental Nutrition Assistance Program (SNAP) in 2023. Of these, 13.8 million are children under 18 years of age (2020 data).<sup>1869</sup>

The pandemic has increased food insecurity among families with children and communities of colour, who already faced hunger at much higher rates before the pandemic. Rural communities are especially hard hit by hunger. Many households that experience food insecurity do not qualify for federal nutrition programs and apply at their local food banks and other food programs for extra support.<sup>1870</sup>

Between June and November 2020, the poverty rate in America increased by 2.4 per cent, from 9.3 to 11.7 per cent, according to researchers at the Universities of Chicago and Notre Dame. A combined net worth of the richest 1% of Americans was 16.4 times that of the poorest 50%. In addition, during the pandemic, the collective net worth of USA's wealthiest part increased.<sup>1871</sup> Income inequality is higher in the US than in other advanced economies.

Observers continue to draw attention to rising child poverty amid US administration decision to limit monthly child support payments to low-income families.<sup>1872</sup>

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<sup>1867</sup> <https://www.dol.gov/newsroom/releases/bls>

<sup>1868</sup> <https://www.ers.usda.gov/topics/food-nutrition-assistance/food-assistance-data-collaborative-research-programs/charts/costs-and-participation/>

<sup>1869</sup> <http://www.census.gov/data/tables/2020/demo/public-assistance/sipp-receipts.html>).

<sup>1870</sup> Feeding America, Facts about Hunger in America: <https://www.feedingamerica.org/hunger-in-america>

<sup>1871</sup> China Society for Human Rights Studies Report on U.S. for 2019. March 2020.

[http://www.xinhuanet.com/english/2020-03/13/c\\_138874115.htm](http://www.xinhuanet.com/english/2020-03/13/c_138874115.htm)

<sup>1872</sup> Center on Poverty & Social Policy at Columbia University: <https://www.povertycenter.columbia.edu/news-internal/monthly-poverty-january-2022>

According to the U.S. Census Bureau, the official poverty rate in the U.S. in 2022 did not change significantly from 2021, but there was a doubling of the child poverty rate.<sup>1873</sup>

According to the China Society for Human Rights Studies' 2022 report on human rights violations in the United States, the child poverty rate in the United States rose from 12.1 per cent in December 2021 to 16.6 per cent in May 2022, with an additional 3.3 million children living in poverty.<sup>1874</sup>

There has also been a decline in wealth among U.S. citizens over the age of 65.<sup>1875</sup>

These findings are supported by the results of public opinion polls. Thus, according to a Pew Research Center survey, 61% of Americans say there is too much economic inequality in the country today. 23% of respondents say the country has about the right amount of inequality and 13% say there is little inequality.<sup>1876</sup>

Social inequality is most pronounced for ethnic and racial minorities. The aforementioned studies by the University of Chicago and the University of Notre Dame also show that the poverty rate among Black Americans has increased by 3.1%. According to "USA Today", in the first quarter of 2020, the national homeownership rate among Whites was 73.7%, but only 44% of African Americans owned a home. According to ABC News, 15.7% of Hispanic Americans lived in poverty in 2019, more than double the rate compared to white Americans.<sup>1877</sup>

According to the Pew Research Center, the uninterrupted from the 1980s rise in economic inequality in the US is tied to several factors, including technological change, globalization, the decline of unions and the eroding value of the minimum wage. As a result, people in the lower rungs of the economic ladder may experience diminished economic opportunity and mobility. Inequality has negative impact on

<sup>1873</sup> <https://www.rbc.ru/economics/13/09/2023/6500e4959a7947b979375511>

<sup>1874</sup> China Society for Human Rights Studies Report on U.S. for 2022. Published on March 28, 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>1875</sup> United States Census Bureau: National Poverty in America Awareness Month: January 2023 // <https://www.census.gov/newsroom/stories/poverty-awareness-month.html>

<sup>1876</sup> Most Americans Say There Is Too Much Economic Inequality in the U.S., but Fewer Than Half Call It a Top Priority. Views of economic inequality. Pew Research Center. 9 January 2020. <https://www.pewresearch.org/social-trends/2020/01/09/views-of-economic-inequality/>

<sup>1877</sup> China Society for Human Rights Studies Report on U.S. for 2019. March 2020. [http://www.xinhuanet.com/english/2020-03/13/c\\_138874115.htm](http://www.xinhuanet.com/english/2020-03/13/c_138874115.htm)



the political influence of the disadvantaged, on geographic segregation by income, and on economic growth itself.<sup>1878</sup>

The China Society for Human Rights Studies Report on Human Rights Violations in the United States in 2021 states that the elderly's rights to life are flagrantly violated in the US.<sup>1879</sup> American politicians declare that the elderly could sacrifice for the country and that the national economy is more important than the lives of the elderly. The report also notes that the vast majority of US COVID-19 deaths have been among people aged 65 or older.

According to the Belarussian Foreign Ministry's 2022 Report "The Most Resonant Human Rights Violations in Certain Countries of the World," the US government fails to provide the population with adequate housing as part of the right to decent standard of living.<sup>1880</sup> The number of homeless people in the US is astonishing. On 7 December 2021, "The Washington Post" reported that "homelessness is one of the United States' greatest current challenges, no matter the region." On 19 December 2021, "The New York Times" echoed it and reported that in San Francisco, one in every 100 residents is homeless.

According to the U.S. Department of Housing and Urban Development, the number of homeless people in the country reached a record high of 650,000 in 2023. The number of people living in shelters, on the streets, in tents or in cars increased by 12% in the country compared to 2022. 40% of homeless people in the US are African-Americans, and a quarter are elderly. There has also been a significant increase in homelessness among people of Hispanic origin.<sup>1881</sup>

The increase in homelessness is mainly due to rising rents. This was confirmed in an interview with NPR's Jeff Olivet, chair of the U.S. Interagency

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<sup>1878</sup> Most Americans Say There Is Too Much Economic Inequality in the U.S., but Fewer Than Half Call It a Top Priority. Trends in income and wealth inequality. Pew Research Center. 9 January 2020.  
<https://www.pewresearch.org/social-trends/2020/01/09/trends-in-income-and-wealth-inequality/>

<sup>1879</sup> China Society for Human Rights Studies Report on U.S. for 2021. February 2022.  
<https://english.news.cn/20220228/3120e00203a94a86a85fd8ee748e1053/c.html>

<sup>1880</sup> Report of the Ministry of Foreign Affairs of the Republic of Belarus report "The most resonant cases of human rights violations in some countries around the world" 2022  
[https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

<sup>1881</sup> <https://www.ng.ru/news/783684.html>

Council on Homelessness, who said that there are "simply not enough homes in the U.S. that people can afford."<sup>1882</sup>

Experts at the National Alliance to End Homelessness believe another reason is the influx of migrants. In their opinion, in order to solve the problem, the US authorities should make it easier for migrants to find jobs and speed up the processing of asylum applications, as well as provide more support in renting housing.<sup>1883</sup>

Despite the underlying contradictions in American society, the US continues to declare itself a global leader in human rights protection. However, Washington is in no hurry to expand its international legal commitments in this area.

Of the 14 core international human rights treaties categorized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United States is party to only five.<sup>1884</sup> These are the following treaty instruments: the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (2000), the Optional Protocol on the sale of children, child prostitution and child pornography (2000), the Convention on the Elimination of All Forms of Racial Discrimination (1965), the International Covenant on Civil and Political Rights (1966), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).<sup>1885</sup> For comparison, Russia and the Republic of Belarus are parties to 9 treaties.

The United States faces rise in racism, antisemitism, Islamophobia, and other forms of similar discrimination, xenophobia and related intolerance. The problem remains a weakness in Washington's policy. To attract voters, the United States administration and the entire party of Democrats have made combating all forms of intolerance a priority.

The White House conducted a national event called United We Stand in September 2022, inviting survivors of various forms of violence and discrimination,

<sup>1882</sup> <https://www.ng.ru/news/783684.html>

<sup>1883</sup> <https://www.ng.ru/news/783684.html>

<sup>1884</sup> [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?CountryID=187&Lang=EN)

<sup>1885</sup> <https://indicators.ohchr.org/>

human rights defenders, and local officials. The conference's goal was to demonstrate a commitment to combat hate speech and advance "diversity" in line with a left-liberal agenda. The president and other prominent speakers made the support of various "minorities" a main point of their talks.<sup>1886</sup>

It is worth noting that, in American society, the issue of racism and racial discrimination has spread throughout all facets of social life. Human rights organizations indicate it with concern.

Citing the August 2022 findings of the UN Committee on the Elimination of Racial Discrimination (CERD) that the U.S. is not fully meeting its obligations to combat racism, experts from the NGO Human Rights Watch pointed to the need to implement a CERD recommendation calling on Washington to establish a commission to study the legacy of slavery and reparations proposals.<sup>1887</sup>

Local experts condemn particular US states' laws prohibiting school curricula that accurately depict historical racial practices in the country.

Representatives of the NGO Human Rights Watch (HRW) asserted to have joined the Freedom to Learn campaign and offered it their unflinching support in a 4 May 2023, release on censorship in educational institutions. Several African-American rights organizations are in charge of the project, which was founded in 2019. Eliminating barriers to education on racism and other forms of prejudice, such as those affecting ethnic and sexual minorities, is the goal.

According to HRW specialists, the aforementioned derogatory policy is observed in 36 states, including the state of Florida.

The human rights defenders declare that one of their goals is to ensure, as far as possible, the implementation by local authorities of the International Convention on the Elimination of All Forms of Racial Discrimination. First of all, in the field of education and culture, recall the call of the CERD that monitors compliance with this international treaty to take effective measures to include chapters on the history

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<sup>1886</sup> Fact Sheet: The United We Stand Summit. Taking action to prevent and address hate-motivated violence and foster unity. 9/15/2022. <https://www.whitehouse.gov/briefing-room/statements-releases/2022/09/15/fact-sheet-the-united-we-stand-summit-taking-action-to-prevent-and-address-hate-motivated-violence-and-foster-unity/>

<sup>1887</sup> <https://www.hrw.org/world-report/2023/country-chapters/united-states>

of peoples of African descent in textbooks. They also encourage the creation and distribution of printed materials on this subject as well.

The situation of respect for the freedoms of people of color has become more acute. Human rights defenders have been noting cases of discrimination against African and Asian Americans as well as Latinos, which are particularly prevalent in law enforcement, healthcare and social spheres.

Black and Asians face discrimination in the justice system, particularly in criminal justice, in the US. Black people in the United States are incarcerated at several times the rate of White people.<sup>1888</sup>

According to opinion polls, 32% of African Americans and 21% of Asian Americans live in fear of racially-motivated attacks.<sup>1889</sup>

The political rhetoric often plays on racist tropes relating to the trafficking in enslaved Africans, the history of lynchings, derogatory assessments, exploitation of people of African descent, and violence against them.<sup>1890</sup>

Sinophobia has increased in the U.S. since 2020 amid the widespread spread of the coronavirus: Asian Americans have been harassed and insulted in public places, not allowed inside public and commercial facilities, and on public transportation.

According to the report on the USA of the China Society for Human Rights Studies, one in four young Asian Americans has been the target of racial bullying.<sup>1891</sup>

According to the NGO Stop AAPI Crime, from 19 March 2020, to 30 June 2021, 9081 incidents were recorded, 4,548 of which occurred in 2020 and 4,533 occurred in the first half of 2021. The majority (63.7%) were insults, 16.5% were intentional avoidance, 13.7% were physical attacks, 11% were workplace discrimination, denial of service, etc., and 8.3% were cases of insults on the Internet.

<sup>1888</sup> Human Rights Watch. World Report 2019. <https://www.hrw.org/world-report/2019> <https://www.hrw.org/world-report/2019>

<sup>1889</sup> Pew Research Center. <https://www.pewresearch.org/fact-tank/2022/05/20/safety-concerns-were-top-of-mind-for-many-black-americans-before-buffalo-shooting/>

<sup>1890</sup> Report of the Working Group of Experts on People of African Descent to the 74th session of the UN General Assembly. October 2019. <https://undocs.org/ru/A/74/274>

<sup>1891</sup> China Society for Human Rights Studies Report on U.S. for 2020. March 2021 [http://www.xinhuanet.com/english/2021-03/24/c\\_139832301.htm](http://www.xinhuanet.com/english/2021-03/24/c_139832301.htm)

A significant portion of occurrences happened in public places (31.6%) and in offices (30.1%) Women made up the majority, i.e. 63.3%, of all victims.<sup>1892</sup>

Experts continue to note an increase in the number of crimes motivated by racial, national and religious intolerance in the United States, which is facilitated by the prevalence of extremist and neo-Nazi groups in the country.

According to FBI data for 2022, there were 11,288 incidents committed because of various forms of animosity (in 2021 there were 1,530 and in 2020 there were 7,759).<sup>1893</sup> The majority of them (59.1%) were motivated by rejection based on race, ethnicity, or country of origin. Next comes persecution on religious grounds (17.3%), on the basis of sexual orientation (17.2%), and gender identity (4%).<sup>1894</sup> Of the 7,759 hate crimes committed in 2020, 4,939 were motivated by racial or ethnic hatred and 1,174 had religious overtones. A number of experts have expressed doubts regarding the accuracy and completeness of the provided data. The low number of law enforcement organizations that took part in the reporting is the cause.<sup>1895</sup>

In recent years, attacks on African Americans have increased from 1,930 to 2,755, and on people of Asian descent from 158 to 274. There were 773 attacks on white people.<sup>1896</sup>

Hate crimes have increased in the twenty largest cities. Increases in New York and Los Angeles have been 18% and 20%, respectively. African Americans continued to be the primary victims (63.2% of cases), followed by Hispanics (13.4%).

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<sup>1892</sup> Stop AAPI Crime. National Report. <https://stopaapihate.org/stop-aapi-hate-national-report-2/>

<sup>1893</sup> <https://www.justice.gov/hatecrimes/hate-crime-statistics>

<sup>1894</sup> FBI releases 2021 Hate Crime Statistics. 12/12/2022. <https://www.justice.gov/hatecrimes/hate-crime-statistics>

<sup>1895</sup> <https://www.npr.org/2023/01/01/1145973412/researchers-say-the-fbis-statistics-on-hate-crimes-across-the-country-are-flawed>

<https://time.com/6240880/fbi-hate-crime-data-gaps/>

<sup>1896</sup> Hate crimes rise to highest level in 12 years amid increasing attacks on Black and Asian people, FBI says. "The Washington Post". 30 August 2021. [https://www.washingtonpost.com/national-security/hate-crimes-fbi-2020-asian-black/2021/08/30/28bede00-09a7-11ec-9781-07796ffb56fe\\_story.html](https://www.washingtonpost.com/national-security/hate-crimes-fbi-2020-asian-black/2021/08/30/28bede00-09a7-11ec-9781-07796ffb56fe_story.html); Hate Crime in the United States Incident Analysis. 2020. Federal Bureau of Investigation Crime Data Explorer <https://crime-data-explorer.fr.cloud.gov/pages/home>.

The unprecedented spike in crimes against citizens of Asian origin is evidenced by data from the California State University, San Bernardino, showing a 224% increase in offenses against Asian citizens in 2022 compared to 2021.

The unprecedented level of hate crimes against the Asian community in the U.S. is also cited in a study by the Center for the Study of Hate and Extremism, which found a 339% increase in such crimes against people of Asian descent in 2021 compared to 2020.

These grim figures are complemented (and the upward trend is confirmed) by Voice of America, which reported that violent crimes against Asians in 2020 increased by 150% compared to 2019.<sup>1897</sup> There was a sharp increase in New York, from 30 to 133 incidents, and in San Francisco there were 60 incidents, compared with 9 the previous year.

Local media outlets (CNN, Houston Public Media, and "Chicago Sun-Times") have reported numerous cases of Asians being attacked in a number of American cities amidst absolute inaction by law enforcement officials.<sup>1898</sup>

According to a 2022 report on the United States by the China Society for Human Rights Studies, religious intolerance is on the rise in the country.<sup>1899</sup> According to the FBI's 2021 Hate Crime Statistics, which were made public on December 15, 2022, a total of 1,005 religious hate crimes were reported in the United States in 2021, of which 31.9% involved anti-Semitic incidents, 21.3% targeted Sikhs, 9.5% targeted Islam, 6.1% targeted Catholics, and 6.5% targeted Christians.<sup>1900</sup>

The aforementioned China Society for Human Rights Studies' 2022 report on the United States, which discovered a sharp rise in the number of hate crimes motivated by racial bias in the country between 2020 and 2022, also documents the rise in racism.<sup>1901</sup>

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<sup>1897</sup> Hate crimes targeting Asian Americans spiked 150% in major US cities. Voice of America. 2 March 2021. <https://www.voanews.com/usa/race-america/hate-crimes-targeting-asian-americans-spiked-150-major-us-cities>

<sup>1898</sup> CNN: NYC woman indicted on hate crime charges accused of string of anti-Asian attacks, district attorney's office says // <https://www.cnn.com/2023/Q6/01/us/new-york-indictment-asian-attacks/index.html>

<sup>1899</sup> [http://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](http://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>1900</sup> [http://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](http://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>1901</sup> [http://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](http://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

Human rights groups have pointed to an increase in hate speech against minorities against a backdrop of rising white nationalism and an increase in violent crime across the country.

Thus, according to a report by the NGO Anti-Defamation League, the number of mass murders linked to right-wing extremism (primarily the idea of white supremacy) has increased dramatically in the country over the past decade.<sup>1902</sup>

One of the USA's largest racially-motivated mass shootings in 2022 is considered to be the May 14 attack on a supermarket in Buffalo, New York, in which an 18-year-old killed 10 people. The shooter had previously published a "manifesto" setting out his white-supremacist views. The text is full of intolerant statements, including claims that immigrants and Black people were "replacing" whites.

In March 2021, the killing of Asian women in Atlanta, Georgia, sparked nationwide discussion: an armed White man went on a shooting spree in spas that resulted in the death of employees and visitors.

On August 26, 2023, the 60th anniversary of the "March on Washington" (during which Martin Luther King gave his famous speech), another mass shooting incident occurred at a shopping mall located in one of the "black neighborhoods" of Jacksonville, Florida. Three African-American men were the victims of 21-year-old Jacksonville resident Ryan Christopher Palmeter, armed with a rifle and handgun. The rifle had a swastika painted on it.

After the special services arrived on the spot, later the perpetrator committed suicide. Police believe the incident was a racially motivated hate crime, as the shooter's demeanor suggests he intentionally targeted victims based on their skin colour.<sup>1903</sup>

This latest racially motivated incident exacerbated an already fierce debate in American society.

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<sup>1902</sup> Antidefamation League: Hate in the Bay State: Extremism & Antisemitism in Massachusetts, 2021-2022 // <https://www.adl.org/resources/report/hate-bay-state-extremism-antisemitism-massachusetts-2021-2022>

<sup>1903</sup> <https://iz.ru/1566091/andrei-kuzmak/chernymi-po-belym-novy-sluchai-massovoi-strelby-ozhestochil-rasovye-diskussii-v-ssha>

Immediately after the incident, President Joe Biden said that Americans "must refuse to live in a country where Black families going to the store or Black students going to school live in fear of being gunned down because of the color of their skin."<sup>1904</sup>

In this context, Vice President Kamala Harris, emphasizing that the country is living in an "epidemic of hate," said federal agencies are treating what happened as an act of "domestic violent extremism." The latter phrase (in some cases the word "terrorism" is used) is the legal definition enshrined in the infamous Patriot Act of 2001 and subsequent documents enacted after the September 11 attacks that have extremely restricted the rights of Americans. A 2020 Department of Homeland Security circular identifies "proponents of white supremacy" as the primary source of the threat of "domestic terrorism".<sup>1905</sup>

In her statement, K. Harris touched on another integral topic for Americans. The Vice President called on Congress to ban assault weapons, and to enact "other common sense gun safety measures".<sup>1906</sup>

Over the past few years, the statistics of shootings in the United States have been on the rise: the Jacksonville incident was the 24th in 2023. However, not in all cases the White House reacts so quickly and decisively.

For example, the main issue for discussion in American media space following the July 2023 shooting of five people in Philadelphia by Kim Brady Carriker was whether the shooter was transgender or just a transvestite (at the same time, the official police statement referred to the perpetrator himself in the plural, i.e. with the pronoun "they"). There was no official reaction from the White House, especially at the level of a personal statement by the two top officials.<sup>1907</sup>

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<sup>1904</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/08/27/statement-from-president-joe-biden-on-the-shooting-in-jacksonville-florida/>

<sup>1905</sup> <https://iz.ru/1566091/andrei-kuzmak/chernymi-po-belym-novy-sluchai-massovoi-strelby-ozhestochil-rasovye-diskussii-v-ssha>

<sup>1906</sup> <https://iz.ru/1566091/andrei-kuzmak/chernymi-po-belym-novy-sluchai-massovoi-strelby-ozhestochil-rasovye-diskussii-v-ssha>

<sup>1907</sup> <https://iz.ru/1566091/andrei-kuzmak/chernymi-po-belym-novy-sluchai-massovoi-strelby-ozhestochil-rasovye-diskussii-v-ssha>



Anti-Semitic sentiment is high in the United States. In his words, President Biden has made no secret of the situation, including neo-Nazi expressions of swastikas on automobiles, attacks on synagogues, and Holocaust denial.<sup>1908</sup>

Institutional Islamophobia is widespread in the country, with 50 extremist anti-Islamic organizations and 61 anti-Semitic organizations operating.<sup>1909</sup>

Many cases of attacks on mosques and synagogues and their congregations have been documented. In 2022 alone, 3,697 unlawful acts victimizing members of the Jewish community were recorded.<sup>1910</sup>

According to sociological surveys, American Jews face constant fear of being targeted by crimes. 63% of respondents either experienced or witnessed racially motivated crimes in the last five years. 56% heard antisemitic comments, slurs or threats, while 9% of respondents were physically or verbally attacked.<sup>1911</sup>

According to the non-governmental organization Anti-Defamation League, the United States had a record level of anti-Semitism in 2021, with 2,717 cases of anti-Semitic attacks, harassment, and vandalism. In comparison to the number of instances recorded in 2020, this number is 34% greater. (2,024 episodes). It is the highest indicator since the ADL started keeping track of attacks involving Jews in 1979.<sup>1912</sup>

Attacks on Jewish facilities, such as synagogues and community centers, rose by 61%; incidents at schools rose by 106%; and incidents on college campuses rose by 21%. There were 14% more acts of vandalism and 167% more attacks on individuals motivated by anti-Semitism.

Among those participating in the 6 January 2021 riots ("storming of the Capitol" by ultra-right-wing supporters of D. Trump),<sup>1913</sup> persons with neo-Nazi

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<sup>1908</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/01/26/statement-from-president-joe-biden-on-international-holocaust-remembrance-day/>

<sup>1909</sup> Southern Poverty Law Center: <https://www.splcenter.org/hate-map?ideology=anti-muslim>

<sup>1910</sup> Antidefamation League: Audit of Antisemitic Incidents 2022 // <https://www.adl.org/resources/report/audit-antisemitic-incidents-2022>

<sup>1911</sup> Research of the NGO Anti-Defamation League "Survey on Jewish American's Experiences with Anti-Semitism".

31 March 2021. <https://www.adl.org/blog/2021-survey-on-jewish-americans-experiences-with-antisemitism>

<sup>1912</sup> <https://www.adl.org/audit-antisemitic-incidents-2021>

<sup>1913</sup> On 6 January 2021, a crowd of protesters supporting 45th U.S. President Donald Trump's attempts to overturn the result of the 2020 presidential election in which he was defeated, seized the U.S. Capitol to disrupt a joint session of Congress meeting to count electoral votes and formalize Joe Biden's election victory. After breaking through security,

symbols have been noticed: a man wearing a sweatshirt that read "Camp Auschwitz", another wearing a T-shirt that read "6MNE" ("6 Million Not Enough").<sup>1914</sup>

On February 26, 2020, four extremists operating in Seattle, Tampa, Houston and Phoenix were arrested on charges of conspiracy to endanger the lives of journalists and nongovernmental organization activists. The affected persons were Jewish Americans and African Americans. Images of Nazi swastikas, weapons and Molotov cocktails were sent to them by mail.

During the Israeli-HAMAS conflict in May 2021 there was a significant spike in the number of anti-Semitic attacks – an increase of 148% compared to May 2020. Their number rose from 127 two weeks before the beginning of the hostilities to 222 two weeks after it. Hundreds of anti-Israeli protests took place in dozens of cities across the country. There were assaults on Jews in major cities (New York, Los Angeles): 387 incidents were reported overall, 297 of which occurred after May 10, when the conflict officially began. Law enforcement officers intensified patrols in Orthodox Jewish neighbourhoods.

Anti-Semitic incidents included an attack by a group of people carrying Palestinian flags on Jews dining outside in Los Angeles, aggression against Orthodox Jews in New York, and the desecration of a synagogue in Alaska with Nazi symbols. Pro-Palestinian protests and acts of vandalism in synagogues were also reported in Arizona, Illinois, Florida and New York, as well as in Salt Lake City, where an unknown person painted a swastika on the door of the synagogue.<sup>1915</sup>

On 24 February 2021, a memorial to the victims of the Jewish genocide was vandalized in Oklahoma, and on 31 March 2021, a Jewish family with a young child was attacked by gunfire in New York City.<sup>1916</sup>

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causing damage, they occupied parts of the building for several hours. The assault led to the evacuation and closure of the Capitol building and suspended a joint session of Congress to count electoral votes and formalize Biden's victory. The US Capitol riot was full of hate symbols. Here's how to spot them – ABC News. <https://www.abc.net.au/news/2021-01-12/washington-capitol-hate-symbols-race-riots-trump-antisemitism/13048516>

<sup>1915</sup> Who's behind recent rise in US anti-Semitic attacks? BBC. 28 May 2021. <https://www.bbc.com/news/world-us-canada-57286341>; U.S. Faces Outbreak of Anti-Semitic Threats and Violence. "The New York Times". 26 May 2021. <https://www.nytimes.com/2021/05/26/us/anti-semitism-attacks-violence.html>.

<sup>1916</sup> NY Man Attacks Hasidic Jewish Couple and Baby With Knife. Jewish Journal. 1 April 2021. <https://jewishjournal.com/news/334923/ny-man-attacks-hasidic-jewish-couple-and-baby-with-knife/>

Another shocking incident occurred in Florida on 26 March 2021. A car belonging to a Holocaust survivor was marked with swastikas.<sup>1917</sup>

In January 2021 journalists from CBS television reported that there had been more than 2,100 incidents since 2016, in which members of the diaspora were assaulted or insulted, or in which their property was vandalized.<sup>1918</sup> Judeophobic manifestations were also recorded throughout 2022. Thus, on 15 January, an armed criminal took believers in the Colleyville Jewish community (Texas) hostage.<sup>1919</sup> It is known that brochures were distributed in many states claiming that all measures to combat coronavirus were taken in the interests of Jews (Every Aspect of the COVID Agenda is Jewish).<sup>1920</sup> The story of Judeophobic publications and statements by American rapper Ye (formerly known as Kanye West) resounded widely – for example, the Star of David featured along with a swastika.<sup>1921</sup> Donald Trump's meeting with a follower of the theory of white supremacy Nicholas Fuentes also provoked a scandal.<sup>1922</sup> Basketball player Kyrie Irving posting a link to an anti-Semitic film on social media sparked public anger.<sup>1923</sup>

Nonetheless, the United States reacted calmly to the visit by Ukrainian neo-Nazi Azov battalion fighters to Stanford University (the former US Ambassador to Russia Michael McFaul accompanied them).<sup>1924</sup>

In order to develop a national strategy to combat antisemitism, a separate interdepartmental working group has been created with the National Security

<sup>1917</sup> Holocaust survivor's car marked with swastikas; auto center tagged with anti-Semitic message.

27 March 2021. <https://wsvn.com/news/local/miami-dade/holocaust-survivors-car-marked-with-swastikas-auto-center-tagged-with-anti-semitic-message/>

<sup>1918</sup> CBS News. 1/26/2021.

<sup>1919</sup> Douglas, Jack; Zapotosky, Matt; Fisher, Marc (January 22, 2022). Angry outbursts and cool determination: Inside the synagogue attacker's 18-day journey to terror "The Washington Post" [https://www.washingtonpost.com/politics/angry-outbursts-and-cool-determination-inside-the-synagogue-attackers-18-day-journey-to-terror/2022/01/22/2015da20-7931-11ec-83e1-eaef0fe4b8c9\\_story.html](https://www.washingtonpost.com/politics/angry-outbursts-and-cool-determination-inside-the-synagogue-attackers-18-day-journey-to-terror/2022/01/22/2015da20-7931-11ec-83e1-eaef0fe4b8c9_story.html)

<sup>1920</sup> <https://www.berkeleyside.org/2022/02/22/anti-semitic-flyers-berkeley-hills>,

<https://www.sfgate.com/bayarea/article/Antisemitic-flyers-found-in-San-Francisco-16800705.php>.

<sup>1921</sup> <https://www.vox.com/culture/23519717/antisemitism-hatred-jews-violence>

<sup>1922</sup> <https://www.npr.org/2022/11/29/1139742844/republicans-denounce-trump-dinner-white-supremacist-nick-fuentes>

<sup>1923</sup> <https://www.usatoday.com/story/sports/columnist/dan-wolken/2022/11/01/kyrie-irvings-antisemitic-film-endorsement-must-dealt-nba/10655972002/>

<sup>1924</sup> <https://stanforddaily.com/2022/10/03/freed-ukrainian-prisoners-of-war-call-for-support-against-russia/>

Council coordinating role.<sup>1925</sup> A plan to counter antisemitism was submitted in May 2023.<sup>1926</sup>

According to US Special Envoy to Monitor and Combat Antisemitism Deborah Lipstadt, it is alarming that American society as a whole is unaware of this problem.<sup>1927</sup>

Joe Biden calls to neither forget nor repeat the history of the Holocaust<sup>1928</sup>. At the same time, the US authorities do not react in any way to the presence of monuments to the Nazis and their henchmen in the country<sup>1929</sup> (including those to Bandera, Vlasov and Shukhevych in New York). They ignore the Ukronazi marches near the White House walls in support of the terrorist group *Azov* (with the participation of Roman Kashpur).<sup>1930</sup>

As the American troop withdrawal from Afghanistan accelerated back in 2021, experts expressed concern over neo-Nazis admiring the Afghan Taliban ideology for antisemitism, homophobia and severe restrictions on women's freedom, with a view to provoke an "inevitable race war" that would lead to the creation of a whites-only state in North America and Europe.<sup>1931</sup>

There has also been a sharp uptick in hate speech and attacks against Muslims in the United States amid the aggravation of Palestinian-Israeli conflict.

In October 2023, the 71-year-old owner of a house in the US state of Illinois, where a family of Palestinian refugees lived, stabbed a six-year-old boy 26 times motivated by Islamophobia, xenophobia and all forms of hatred. The child died in hospital. His 32-year-old mother was also seriously injured. The man tried to

<sup>1925</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/12/12/statement-from-white-house-press-secretary-karine-jean-pierre-on-inter-agency-group-to-counter-antisemitism/>

<sup>1926</sup> <https://www.whitehouse.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf>

<sup>1927</sup> <https://www.state.gov/remarks-at-the-conference-of-presidents-of-major-american-jewish-organizations-antisemitism-the-interconnected-hatred/>

<sup>1928</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2024/01/26/statement-from-president-joe-biden-international-holocaust-remembrance-day-statement-2024/>

<sup>1929</sup> <https://forward.com/news/462704/nazi-collaborator-monuments-in-united-states/>

<https://wisconsinexaminer.com/2021/03/29/ukrainian-baraboo-nazi-statues/>

<sup>1930</sup> [https://www.holosameryky.com/a/azovstal-protest/7353938.html?withmediaplayer=1&fbclid=IwAR1skyR5C2KL1AcGM-mNwwdtFV6jHlpDR4RRITO9z4NhSofOUNWwW\\_5nil4](https://www.holosameryky.com/a/azovstal-protest/7353938.html?withmediaplayer=1&fbclid=IwAR1skyR5C2KL1AcGM-mNwwdtFV6jHlpDR4RRITO9z4NhSofOUNWwW_5nil4)

<sup>1931</sup> White supremacist praise of the Taliban takeover concerns US officials. CNN. 1 September 2021.

<https://edition.cnn.com/2021/09/01/politics/far-right-groups-praise-taliban-takeover/index.html>; Amid Chaos, Islamist Extremists Celebrate Taliban's Success in Afghanistan. Anti-Defamation League. 26 August 2021.

<https://www.adl.org/blog/amid-chaos-islamist-extremists-celebrate-talibans-success-in-afghanistan>.

strangle her, then stab her to death with the words: "You Muslims must die!" He has been charged with a murder motivated by intolerance.

The sheriff's office later explained that "the suspect targeted both victims because they were Muslim and because of the ongoing conflict in the Middle East involving Hamas and the Israelis."<sup>1932</sup>

In November 2023, the White House reacted under protest by announcing the development of a first ever national strategy to counter Islamophobia.<sup>1933</sup>

While declaring that Islamophobia is inadmissible, the United States simultaneously promotes the further cleansing of Gaza by Israel. Thus, in January 2024, the United States, using pressure and blackmail, forced the UN Security Council to change the original text of the Middle East resolution: instead of a call to end hostilities, the final wording had exactly the opposite meaning – a call to create conditions for a cessation of hostilities. As a result of such distortion of the original draft intent, Israel is actually given a license to kill Palestinian civilians in Gaza under the pretext that clearing the strip is supposedly the very steps to create the mentioned conditions.<sup>1934</sup>

Expert community is extremely alarmed by the spread of extremist ideology in the United States. Its unprecedented popularity surge in American society was noted in the report "The Year in Hate and Extremism", prepared by the influential US NGO Southern Poverty Law Centre in 2021.<sup>1935</sup>

Senior American officials and legislators are increasingly drawing attention to the urgency of the problem.

In 2023, human rights activists from the above-mentioned Centre registered 1,225 "hate groups" in the United States (for comparison, there were just 773 such groups in 2022),<sup>1936</sup> 98 of which preach "white nationalism."<sup>1937</sup> They include the

<sup>1932</sup> <https://www.trrussian.com/politika/epidemiya-islamofobii-na-zapade-kto-vinovat-17375903>

<https://www.yenisafak.com/ru/news/11593>

<sup>1933</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/11/01/statement-from-white-house-press-secretary-karine-jean-pierre-on-president-bidens-establishment-of-first-ever-national-strategy-to-counter-islamophobia/>

<sup>1934</sup> <https://tass.ru/politika/19695397>

<sup>1935</sup> Southern Poverty Law Center: The Year in Hate and Extremism Report 2021.

<sup>1936</sup> Southern Poverty Law Center: <https://www.splcenter.org/hate-map>

<sup>1937</sup> Southern Poverty Law Center: <https://www.splcenter.org/hate-map>.

infamous Ku Klux Klan, neo-Nazis, skinheads, anti-immigrant and anti-Muslim groups.<sup>1938</sup>

The activities of radicals are carefully coordinated and sealed off – messages are exchanged in closed groups on social networks using end-to-end encryption technology. According to surveys, about 29% of all Americans personally know someone in their circle who adheres to the "white supremacy" idea.<sup>1939</sup>

Throughout 2021, individual "hate groups" have grown rapidly and gained access to the political "mainstream", their influence has also increased.

Right-wing extremism is identified in the US National Security Strategy as a serious threat to domestic stability.<sup>1940</sup> President Biden constantly speaks of the danger posed to democratic institutions by the proponents of racial, ethnic, political and religious hatred.

Human rights activists are seriously concerned about the activities of such odious organizations as The Base, Feuerkrieg Division and Atomwaffen Division, as well as the right-wing radical structures Proud Boys and Oath Keepers. The last two became the object of close attention of law enforcement officers due to their evident involvement in the "attack on the Capitol" and promoting Donald Trump's rhetoric about a "stolen victory" in the 2020 presidential election.

The most significant development has occurred in the "Western chauvinist" organization Proud Boys, which is believed to be the first step in attracting new members into organizations based on misanthropic ideas. According to a 2021 "Die Zeit" study, the influence of this organization is so great that many neo-Nazis who are not part of this structure are guided by its leader J. Mason<sup>1941</sup>. In addition, the structure has expanded its activities to the UK, Germany, Canada and Baltic states.

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<sup>1938</sup> Southern Poverty Law Center: The Year in Hate and Extremism Report 2019. [https://www.splcenter.org/sites/default/files/yih\\_2020\\_final.pdf](https://www.splcenter.org/sites/default/files/yih_2020_final.pdf)

<sup>1939</sup> Southern Poverty Law Center: The Year in Hate and Extremism Report. 2020.

<sup>1940</sup> National Security Strategy. 12.10.2022: <https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf>.

<sup>1941</sup> The Brown Internationale. Kai Biermann, Christian Fuchs, Astrid Geisler, Yassin Musharbash, Hogler Stark. Die Zeit. 11 February 2021. [https://www.zeit.de/gesellschaft/zeitgeschehen/2021-02/fascism-international-right-wing-extremism-neo-nazis-english/komplettansicht?utm\\_referrer=https%3A%2F%2Fwww.google.com%2F](https://www.zeit.de/gesellschaft/zeitgeschehen/2021-02/fascism-international-right-wing-extremism-neo-nazis-english/komplettansicht?utm_referrer=https%3A%2F%2Fwww.google.com%2F)

It is noted that as of mid-2019, 35 Americans left the United States for Ukraine to participate in hostilities.<sup>1942</sup>

72 active chapters nationwide were documented in 2021, up from 43 the year before. The growth of this group's cells is especially noteworthy given that at least 40 of its members have been charged with their roles in the aforementioned "attack on the Capitol" on 6 January 2021. According to a research by VICE News reporter Tess Owen, The Proud Boys attended at least 114 public events in 2021.

As part of the criminal investigation into the 6 January 2021 events, law enforcement officers carried out a series of ostentatious arrests of extreme conservative leaders. Thus, the former Oath Keepers leader Steward Rhodes and The Proud Boys ex-chairman Enrique Tarrio were charged with attempting to overthrow government by armed means, which ensues up to 20 years in prison.<sup>1943</sup>

More than one thousand people were charged with involvement in the "seizure of parliament".<sup>1944</sup>

A separate trial was conducted by a special committee of the House of Representatives<sup>1945</sup>. It was anti-Trump in nature.

As for neo-Nazis, the most well-known groups include Tennessee Shield Wall Network, Daily Stormer, 14First The Foundation, Rise Above Movement, Keystone United, National Policy Institute, Woman for Aryan Unity, New Jersey European Heritage Association, The Church of Jesus Christ Christian – Aryan Nations, Black and Silver Solution, Daily Archives, Nazi Central, Universal Order, White Nationalist Defender, Kommandant Base 211, Joey Faust.

Many extremist ideologies now need neither organization nor membership in it to be spread. Numerous websites and forums allow individuals to receive and

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<sup>1942</sup> Anti-Defamation League Report "White supremacist terror: modernizing our approach to today's threat". April 2020. <https://extremism.gwu.edu/sites/g/files/zaxdzs2191/f/White%20Supremacist%20Terror%20final.pdf> p. 25, The Soufan Center Report "White Supremacy Extremism: The Transnational Rise of the Violent White Supremacist Movement", September 2019. <https://thesoufancenter.org/wp-content/uploads/2019/09/Report-by-The-Soufan-Center-White-Supremacy-Extremism-The-Transnational-Rise-of-The-Violent-White-Supremacist-Movement.pdf>

<sup>1943</sup> Oath Keepers' Rhodes guilty of Jan.6 seditious conspiracy. 29.11.2022: <https://apnews.com/article/oath-keepers-founder-guilty-of-seditious-conspiracy-42affe1614425c6820f7cbe8fd18ba96>

<sup>1944</sup> At least 1,003 people have been charged in Capitol insurrection so far. 05.01.2023: <https://news.yahoo.com/least-948-people-charged-capitol-192631254.html>

<sup>1945</sup> Jan.6 panel says Trump, far-right groups responsible for insurrection. 10.06.2022: <https://ncpolicywatch.com/2022/06/10/jan-6-panel-says-trump-far-right-groups-responsible-for-insurrection/>

disseminate information on hate ideologies without becoming a member of any extremist association.<sup>1946</sup>

The amount of ideological material spread by extremists has been increasing over recent years. The Anti-Defamation League tracked a near-doubling of white supremacist propaganda materials in 2020 as compared to the previous year: they registered over 5,000 racist, antisemitic observations and comments, as well as other manifestations of hatred.<sup>1947</sup> It is clear that the real figures are much bigger. The most active in spreading propaganda were Patriot Front, New Jersey European Heritage Association and Nationalist Social Club (92% of all activities).<sup>1948</sup>

Recently, the attention of human rights defenders was drawn to the spread of racist and neo-Nazi ideology among US military. Reports on high-profile crimes committed by US servicemen being followers of racist ideologies and members of radical groups have been repeatedly covered by the media.<sup>1949</sup> The problem is aggravated by the fact that membership in nationalist or racist organizations is not prohibited by law for US servicemen. In February 2020, at a hearing in the Congress US defense officials said that membership in a nationalist group "is not prohibited," but "active participation" in the group could lead to an administrative discharge.<sup>1950</sup> However, they refrained from giving exact data on how many service members have been administratively discharged for this.<sup>1951</sup>

On 14 May 2021, the Department of Homeland Security (DHS) released the "Strategic Intelligence Assessment and Data on Domestic Terrorism" report that acknowledges the activity of right extremists in recent years. It notes, in particular, that Racially or Ethnically Motivated Violent Extremists (RMVEs), primarily those

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<sup>1946</sup> The Year in Hate and Extremism 2020. Southern Poverty Law Center.

<https://www.splcenter.org/news/2021/02/01/year-hate-2020>

<sup>1947</sup> White supremacist propaganda spikes in 2020. Anti-Defamation League. <https://www.adl.org/white-supremacist-propaganda-spikes-2020>

<sup>1948</sup> White supremacist propaganda spikes in 2020. Anti-Defamation League. <https://www.adl.org/white-supremacist-propaganda-spikes-2020>

<sup>1949</sup> For more information about this problem, see the US section, latest Russian MFA Report on the situation with the glorification of Nazism, spread of neo-Nazism and other types of practices that contribute to the escalation of modern forms of racism, racial discrimination, xenophobia and related intolerance.

<sup>1950</sup> Members of white nationalist groups not barred from US military, official says. The Times of Israel. 14 February 2020. <https://www.timesofisrael.com/members-of-white-nationalist-groups-not-barred-from-us-military-official-says/>

<sup>1951</sup> Neo-Nazi Group Membership May Not Get You Booted from Military, Officials Say. 12 February 2020.

<https://www.military.com/daily-news/2020/02/12/neo-nazi-group-membership-may-not-get-you-booted-military-officials-say.html>



advocating for the superiority of the white race, would likely continue to be the most lethal DVE (Domestic Violent Extremist) threat. The report also notes the rise in the number of lone offenders who are not members of radical groups. According to the document, 2019 is the most lethal year for domestic extremist assaults over the recent quarter of a century: of the 32 killings in five separate attacks 24 were committed by white supremacists.<sup>1952</sup>

It is remarkable that the authors of the report, correctly noting new trends in the spread of extremist ideology, try to artificially highlight the "external influence" factor in this phenomenon and accuse foreign States in allegedly "malicious activity to deepen the divide" in the United States.

It is also noteworthy that despite the threat posed by right-wing radicalism pointed out to by US authorities, in reality, double standards are commonly applied to such organizations.

Thus, a number of US experts and lawmakers earlier suggested addressing the danger posed by neo-Nazi groups in Ukraine who commit crimes with impunity and keep in touch with US-based extremist groups, e.g. Atomwaffen Division. There are well known high-profile crimes committed by US military espousing racist ideology and being members of radical groups.

Despite all this, the Russian Imperial Movement (RIM) was designated as a terrorist group by the United States (experts questioned this decision due to scarce information on this structure and its ties abroad). Meanwhile, similar measures have not been taken so far in relation to infamous Ukraine-based groups, such as the Right Sector, Azov Battalion and C14, whose members were involved in serious crimes.

The US engages a wide range of terrorist groups around the world, who are tightly controlled by intelligence agencies and work together with private military companies (PMCs). This has been the case in the US military-occupied Syrian territories, where odious groups such as Maghawir al-Saura operate under the guise

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<sup>1952</sup> <https://iz.ru/1165713/kirill-senin/iznutri-uzhasnye-v-ssha-zafiksirovali-rost-ekstremistskikh-nastroenii>,  
[https://www.huffpost.com/entry/deadly-domestic-extremism-worst-in-25-years-fbi-white-supremacists\\_n\\_60a0591ae4b03e1dd38a5b4e](https://www.huffpost.com/entry/deadly-domestic-extremism-worst-in-25-years-fbi-white-supremacists_n_60a0591ae4b03e1dd38a5b4e)

of "moderate opposition." Other radical Islamist groups also operate under the cover of the United States occupation forces in Syria.

Washington's tradition of turning to war criminals goes back decades. After World War II many German Nazis and Italian fascists were integrated with American consent (including CIA direct support) into the US power and scientific structures, as well as into the governmental circles of the Federal Republic of Germany and Italy. Similar processes took place in other European countries as well. At Americans' suit, a number of Hitler's generals were promoted to high posts in the Bundeswehr and NATO structures. Abwehr, Gestapo and other Nazi structures staff was of considerable help in readjusting Western intelligence agencies to work in the "Cold War" environment. Americans took the captured Japanese General Ishii Shiro, known for his experiments in testing the effects of viruses, bacteria, radiation and chemicals on living people in occupied China, to the USA and tasked him with developing biological weapons in exchange for guaranteed immunity from prosecution as a war criminal.

The Americans and NGOs under their control actively support far-right and neo-Nazi movements in the former Soviet Union and Europe, calling their members "freedom fighters" and their idols among Nazi collaborators – "leaders of national liberation movements". The neo-Nazi terror in Ukraine, deployed immediately after the February 2014 coup d'état, rested on the US long-standing experience in cooperation with terrorists and extremists.

The brainwashing of Banderist groups outside Ukraine (mainly in Canada) was initiated by the Americans shortly after 1945. Since the late 1980s, the Americans purposefully supported Russophobes and chauvinists and reinforced such sentiments in the Ukrainian ruling circles and army. "Schools for young politicians" that taught "colour revolutions" by US methodology manuals actively worked under the control of Western NGOs. Over and above introducing their students to the strategy and tactics of coups d'état, they fostered aggressive Russophobia. CIA-funded training camps were set up in Ukraine and Eastern Europe where militants

from far-right and neo-Nazi organizations were trained under the guidance of NATO instructors to become perpetrators of terror in Ukraine.

After the 2014 coup d'état, the USA continued almost openly the work to "ensure Ukraine's defense and security", taking full control of its security agencies and constantly stepping up arms supplies to Kiev. At that, the Nazi ideology and its adherents' embedding in the AFU command structure and public administration were crucial to the consolidation of military power against Russia. Nationalists from volunteer battalions who received generous targeted financial assistance, amounting to billions of dollars, once again became the mainstay in this task. In 2016-2022 (before the special military operation began on 24 February 2022), Azov only received about USD 78 million US "aid" through legal channels despite the Congressional ban to finance this organization.

In parallel, Washington launched a campaign to whitewash the Ukrainian Nazism and collaborators of Nazi Germany who were chosen as its leaders. It is indicative that the USA and Ukraine even vote in the UN against the resolution condemning manifestations of neo-Nazism proposed by Russia every year.

International human rights monitoring mechanisms and human rights NGOs have repeatedly noted the spread of racism, xenophobia, ethnic and religious intolerance in the United States.

A report on the glorification of Nazism, submitted by Ms E. Tendayi Achiume, UNHRC Special Rapporteur on contemporary forms of racism, at the 41st UNHRC session in June 2019, with reference to a Southern Poverty Law Centre study "Intelligence Report: The Year in Hate and Extremism – Rage Against Change", claimed that the number of misanthropic groups in the United States has increased by 30% since 2014, including by 7% in 2018 alone.<sup>1953</sup>

The US law enforcement system remains the focus of criticism from human rights activists and the media.

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<sup>1953</sup> E.Tendayi Achiume, UNHRC Special Rapporteur on contemporary forms of racism. Report on combating glorification of Nazism at the UN Human Rights Council 41st session, June 2019, A/HRC/41/55.

According to NGOs End Police Violence and Mapping Police Violence who monitor the use of force by law enforcement officers on a daily basis, the number of murders committed by US police officers amounted to 527 people in the first half of 2023 (1,136 people in 2021). 96% of these crimes are committed with firearms, stun guns, vehicles, or the excessive use of physical force.<sup>1954</sup> However, most murders occurred during non-violent offenses or when there was no crime at all.

Law enforcement officers were charged in only 16 incidents, which is only 1% of the total number of cases. Meanwhile, in another 16 episodes, law enforcement officers were previously seen using weapons.<sup>1955</sup>

According to data posted on the MPV website, the number of deaths at the hands of police in the United States reached a "record" 1,351 in 2023,<sup>1956</sup> exceeding the 2022 statistics by 79 people. It is also noted that in 2023, there were only 13 days without a police killing in the United States,<sup>1957</sup> and on average, law enforcement officers killed someone every 6.6 hours.<sup>1958</sup> From 1 January to 17 March 2024, 254 people died at the hands of police.<sup>1959</sup>

According to the above China Society for Human Rights Studies report on human rights violations in the United States, 1,239 people died as a result of police violence in the United States in 2022. There were only 10 days in the year when no murder was committed by law enforcement officers. Most police killings occur during routine law enforcement activities, such as unscheduled inspections or during the investigation of non-violent crimes.<sup>1960</sup>

Police are rarely accused of using excessive force. In a review of police killings between 2013 and 2022 98% of the employees involved were not charged with a crime.

According to "The Washington Post", as of 18 March 2024, 1,137 people were shot and killed by police in the previous 12 months, for a total of 9,473 fatal

<sup>1954</sup> Mapping Police Violence Project: <https://mappingpoliceviolence.us/>

<sup>1955</sup> End Police Violence, Report 2021

<sup>1956</sup> <https://mappingpoliceviolence.org/>

<sup>1957</sup> <https://mappingpoliceviolence.org/>

<sup>1958</sup> <https://iz.ru/1635795/2024-01-17/mpv-soobshchila-ob-13-tys-ubitykh-politseiskimi-v-ssha-za-2023-god>

<sup>1959</sup> <https://mappingpoliceviolence.org/>

<sup>1960</sup> China Society for Human Rights Studies 2022 report on human rights violations in the United States. March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

police shootings since 2015. On average, more than 1,000 people are killed by police annually, according to the newspaper's analysis. The number of fatal police use of firearms has increased slightly in recent years. The highest number of such killings was recorded by police in 2023.<sup>1961</sup> Crimes committed by law enforcement officers outside their official duties are not taken into account here.

Some states have passed regulations prohibiting police officers from opening fire on vehicles. However, regulatory norms fail to fully protect the population from police brutality. This conclusion is made in the 2022 report on the most resonant human rights violations in certain countries by the Ministry of Foreign Affairs of the Republic of Belarus.<sup>1962</sup>

The opinion of Amnesty International is also worth mentioning. It emphasizes that none of the existing state laws regulating the possible use of force by police and its limits (there are no such acts at the federal level) meets international standards in the field of protection of citizens' rights and legitimate interests.

Police violence is just one aspect of the violation of Americans' rights. As noted earlier, the entire US law enforcement system is far from perfect, and its activities fail to meet the transparency criterion. Thus, in 2023, the United States was shocked by the news about 215 unidentified graves found in front of a prison in Mississippi.

The revelation began with the death of Dexter Wade in March 2023, when he was shot by a police officer. Despite the fact that the deceased had documents, his family was not notified of what had happened. He was buried without the knowledge of his loved ones in an unmarked field, and a metal number plaque was placed on his grave.

Mr Wade's mother searched for her son for several months, repeatedly contacting the police. She was informed about what had happened only six months later.

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<sup>1961</sup> <https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

<sup>1962</sup> Ministry of Foreign Affairs of the Republic of Belarus report on the most resonant human rights violations in certain countries in 2022.  
[https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf).

An independent examination confirmed that there was a wallet on the deceased containing his ID card, credit card and other identifying information. According to family lawyer Ben Crump, this fact indicates that a concerted effort was made to hide the truth and the cause of Mr Wade's death from his family. The lawyer also emphasized that there can be no justification for this kind of violation of civil rights.

A total of 215 burials were subsequently found in this field. Lawyers for the victims' families are calling for a thorough investigation into circumstances related to the unmarked graves.<sup>1963</sup>

Racial profiling by police is very acute in the United States.

According to "The Washington Post", as of 18 March 2024, African Americans, who make up approximately 14% of the US population, are the most likely to die due to the excessive use of force by police: the death at the hands of police rate among black Americans (1,512 deaths per 42 million people) is more than double the same among white US residents (2,890 deaths per 197 million people).<sup>1964</sup> According to analysts, every thousandth black male resident of the United States is at risk of becoming victim of law enforcement actions. Citizens aged 20 to 35 years make up the highest risk group.<sup>1965</sup> Latin American community members hold the "second place" in mortality rate.<sup>1966</sup>

From 24 April to 5 May 2023, a delegation of the UN International Independent Expert Mechanism to Advance Racial Justice and Equality in the context of law enforcement paid an official visit to the United States.<sup>1967</sup> A report following the results of the visit published on 26 September 2023, states that

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<sup>1963</sup> <https://www.fox26houston.com/isiah-factor-uncensored/215-bodies-found-jackson-mississippi-exposed>

<sup>1964</sup> "The Washington Post", Police shootings database;

<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

<sup>1965</sup> Shot at home by police: Teaching officers how to react under stress after Botham Jean, Atatiana Jefferson killings. ABC News, 19 December 2019. <https://abcnews.go.com/US/shot-home-police-teaching-officers-react-stress-botham/story?id=67825639>

<sup>1966</sup> "The Washington Post", Police shootings database;

<https://www.washingtonpost.com/graphics/investigations/police-shootings-database/>

<sup>1967</sup> The International Independent Expert Mechanism to Advance Racial Justice and Equality in Policing was established in July 2021 by the Human Rights Council to study the situation and develop recommendations. In particular, ensuring that people of African descent who have suffered from police brutality have access to justice is meant here.

systemic racism against people of African descent literally permeates the American police forces and criminal justice system.<sup>1968</sup>

This document notes that racism in the United States is a legacy of slavery, the slave trade, and the 100 years of legalized apartheid that followed the abolition of slavery. Today, racism continues to exist in the country in the form of racial profiling, police killings, and many other human rights violations. Black people in America are three times more likely to be killed by police than white people and 4.5 times more likely to be incarcerated. Only ten of the more than a thousand police killings each year (about 1%) are charged. The conclusion is that unless US rules of engagement are changed to meet international standards, killings will continue.<sup>1969</sup> Following the visit, Tracy Keesey, one of the Mechanism's experts, characterized as "not new" and "unacceptable" the fact that, in all the cities visited, they encountered "many heart-warming stories of how victims unable to obtain justice or compensation for the harm they have suffered". Stressing that this is "a systemic problem that requires a systemic approach," the expert pointed to the importance of joining efforts by all stakeholders, including police authorities and trade unions, in combating widespread impunity. Referring to the concerns expressed by the Mechanism's experts in their meetings with police officers about the mental health of officers that is affected not only by excessive workloads but also by racism and racial discrimination in police departments, Tracy Keesey concluded that law enforcement officers can be expected to observe the principles of respect for the rights of others only if those principles were observed within their own team.<sup>1970</sup>

Juan Mendez, an expert with the Mechanism, expressed a similar view. He also emphasized that these were not random incidents in the report, but systemic problems. There is compelling evidence that abusive behaviour by individual police officers is part of a larger pattern of threat. Law enforcement and criminal justice institutions in the United States reflect and continue to propagate the values,

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<sup>1968</sup> <https://news.un.org/ru/story/2023/09/1445272>.

<sup>1969</sup> <https://www.ohchr.org/en/documents/country-reports/ahrc54crp7-international-independent-expert-mechanism-advance-racial>.

<sup>1970</sup> <https://news.un.org/ru/story/2023/09/1445272>

attitudes and stereotypes of American society and institutions. Their reform is necessary.<sup>1971</sup>

The report also emphasizes that armed police officers should not automatically become the first line of response to all social problems in the United States, including crises related to mental health, homelessness, traffic or school discipline. It is argued that there is a need to change the approach to policing and consider alternative methods of responding to different events.

The report's authors call on police agencies to actively address issues of systemic racism, especially in the context of black law enforcement officers, and to examine issues of white supremacy within these structures.

The report cited with profound concern instances involving the sentencing of African-American children to life in prison and the use of chains to shackle pregnant women during childbirth. There were also cases of the prolonged detention of individuals in solitary confinement for ten years. The authors of the report note that some African Americans are denied the right to vote even after serving their sentences, and others are forced into forced labour in "plantation" prisons, which constitutes a modern form of slavery.<sup>1972</sup>

The UN Mechanism has condemned not only the general overuse of incarceration and criminal supervision in the United States, but also the "appalling overrepresentation of people of African Descent" among those subjected to these measures. Describing the testimonies and figures received by members of the Mechanism during their visit to the United States as "the worst part of a racist criminal justice system that erodes all efforts towards addressing systemic racism," Juan Mendez emphasized that the report's findings "point to the critical need for comprehensive reform."

The report made 30 recommendations for the United States and all of its jurisdictions, including more than 18,000 police agencies in the country.

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<sup>1971</sup> <https://news.un.org/ru/story/2023/09/1445272>

<sup>1972</sup> <https://www.ohchr.org/en/documents/country-reports/ahrc54crp7-international-independent-expert-mechanism-advance-racial>



It should be noted that the report's authors also highlighted several local good practices, while pointing out the need for the current administration to use these good practices for combating systemic racism in other parts of the country.

The murder of George Floyd,<sup>1973</sup> an African American, during his arrest on 25 May 2020 in Minneapolis by white police officers and the following protests across the country highlighted the systemic problems of racism in the United States, both against African Americans and members of other racial and national minorities.

Many experts perceived a number of violations of national and international law in the US authorities' response to these protests. First of foremost, the unjustified and disproportionate use of force by law enforcement officers against participants in peaceful demonstrations and journalists covering these actions was criticized. Attention was drawn to the mass detentions of citizens and the use of rubber bullets, tear gas, stun grenades and other special means by the police.

The urgent debate on human rights violations, systematic racism, police brutality and violence against peaceful protests, initiated by the African Group at the resumed 43rd session of the UNCRC on 17 June 2020, was an obvious evidence of the emergent situation in the United States, during which the actions of the US authorities were seriously criticized.

The CERD established under the International Convention on the Elimination of All Forms of Racial Discrimination, also used the early warning procedure<sup>1974</sup> in relation to the situation of mass protests against racism in the United States, issuing a special statement on 12 June 2020. It highlighted a systemic problem of racial profiling, the brutality and excessive use of force by law enforcement officials against persons belonging to racial and ethnic minorities, including unarmed individuals.

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<sup>1973</sup> What We Know About the Death of George Floyd. "The New York Times", 27 May 2020, as well as "The Wall Street Journal", 29 May 2020.

<sup>1974</sup> It should be noted that this is not the first time that the Committee has implemented this mechanism. In light of the racially motivated clashes in Charlottesville, Virginia, on 18 August 2017, CERD also expressed concern within the framework of this procedure about the extent of racist manifestations, calling on the US authorities to clearly and unequivocally condemn racist hate crimes and to actively promote tolerance and diversity of ethnic groups.

Previously, CERD had also noted with concern the excessive use of force against peaceful protesters across the country and demanded that Washington report on the measures it had taken to address those negative aspects.<sup>1975</sup>

The situation in the United States has also attracted the attention of the OHCHR. In her statement on 3 June 2020, Michelle Bachelet, the UN High Commissioner for Human Rights, called on Washington to unequivocally condemn the structural racism that is destroying US society and to take action to address inequality.

The UN HRC Special procedures mandate holders highlighted the seriousness of the situation of rampant racism and police brutality in the United States. In particular, with respect to protests in the United States, on 5 June 2020, the UNHRC special procedures mandate holders published a joint statement condemning the modern "racial terror" and urging the US leaders to reform the law enforcement system.

The killing of George Floyd was by no means an isolated incident involving excessive use of force by law enforcement officers against African Americans.

On 12 October 2019, Aaron Dean, a police officer, responding to a call, shot and killed Atatiana Jefferson in her own home in Fort Worth, Texas.<sup>1976</sup> The neighbours of the latter reported to the police of the opened door to her apartment and noises sounding as gunfire. Body-worn camera attached to the police officer's clothing showed that the deceased was at home with her young nephew playing video games. A law enforcement officer shot to kill immediately after giving a warning, giving his victim no chance of surviving.

On 28 January 2020, William Green, an African American, who had been taken into custody on suspicion of drunk driving, was shot dead while handcuffed by a police officer in Temple Hills, Maryland.<sup>1977</sup> The detainee, who was in the front

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<sup>1975</sup> <https://www.ohchr.org/Documents/HRBodies/CERD/EarlyWarning/Statements/USA.pdf>.

<sup>1976</sup> Ibid.

<sup>1977</sup> Maryland police officer charged with murder in killing of handcuffed man. BBC, 29 January 2020. Available at: <https://www.bbc.com/news/world-us-canada-51291200>

seat of the patrol car and not resisting, was shot multiple times by the law enforcement officer.

On 13 March 2020, a police officer fatally shot Breonna Taylor, a Black nurse, by mistake in Louisville, Kentucky.<sup>1978</sup> Suspicions of the deceased's involvement in drug trafficking were not confirmed.

On 1 September 2020, an African American cyclist was shot dead by police in Los Angeles, allegedly violating traffic rules. After the suspect was stopped, a scuffle ensued in which he was shot and killed.

On 11 April 2021, Daunte Wright,<sup>1979</sup> an African American, was shot and killed by a female police officer while being detained in the suburbs of Minneapolis. According to city police officials, their female officer wanted to use a taser but accidentally shot an African American.

On 20 April 2021, a police officer responding to a call about a girl attacking with a knife shot and killed Ma'Khia Bryant, a 16-year-old black girl<sup>1980</sup>, in Columbus, Ohio. The incident happened about the same time that the verdict in the case of George Floyd's killing in police custody was announced. Derek Chauvin, a police officer, was found guilty of all charges.

On 21 April 2021, a deputy police chief shot and killed Andrew Brown Jr.,<sup>1981</sup> an African American, in Elizabeth City, North Carolina. This incident also triggered widespread rioting in the city, which led to a curfew being imposed.

On 7 January 2023, five black police officers stopped the car of Tyre Nichols, a 29-year-old African American, who was unarmed, for reckless driving. They used tasers, pepper sprays, and beat him with their feet, fists and batons.<sup>1982</sup> The man died on 10 January 2023 at St. Francis Hospital. Nichols' family explained that he

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<sup>1978</sup> F.B.I. to Investigate Shooting of Breonna Taylor by Louisville Police. "The New York Times", 21 May 2020. Available at: <https://www.nytimes.com/2020/05/21/us/fbi-louisville-shooting.html>

<sup>1979</sup> <https://www.nytimes.com/article/daunte-wright-death-minnesota.html>

<sup>1980</sup> <https://apnews.com/article/columbus-ohio-police-shooting-girl-bd579b69e19abf5a93722986ee78c957>

<sup>1981</sup> Black residents of Elizabeth City, N.C., thought police violence happened in other places. Then it came to their town. "The Washington Post". 29 April 2021. Available at: [https://www.washingtonpost.com/local/virginia-politics/elizabeth-city-police-shooting/2021/04/29/80b28b40-a8ed-11eb-8c1a-56f0cb4ff3b5\\_story.html](https://www.washingtonpost.com/local/virginia-politics/elizabeth-city-police-shooting/2021/04/29/80b28b40-a8ed-11eb-8c1a-56f0cb4ff3b5_story.html).

<sup>1982</sup> <https://www.washingtonpost.com/nation/2023/01/27/tyre-nichols-video-police-beating-live/>;  
<https://www.rbc.ru/society/28/01/2023/63d4c6059a7947e3f1378b1a>

suffered a broken neck and went into cardiac arrest while being detained by police officers, and the cause of death was kidney failure and cardiac arrest.

Authorities in Memphis, Tennessee, have released three videos of a violent arrest of Tyre Nichols<sup>1983</sup> by local police officers. Afterwards, protests began in Memphis, and demonstrations also took place in New York, Washington, D.C., and other cities. The police officers have been charged with second-degree murder.<sup>1984</sup> Memphis government and US authorities have criticized the actions of law enforcement officers. President Joe Biden declared that the case is "yet another painful reminder of the deep fear and trauma, the pain and exhaustion that black and brown Americans experience every day." In this context, the President demanded that Congress expedite the George Floyd Justice in Policing Act,<sup>1985</sup> which is designed to reduce the agency's rate of misconduct.<sup>1986</sup>

In August 2023, in Ohio, two police officers shot and killed Ta'Kiya Young, a 21-year-old pregnant black woman, sitting in her car in a parking next to a grocery shop. They accused her of theft and demanded that she get out of the car. However, the woman did not obey and tried to escape from the scene, which resulted in the police opening fire. The car, driven by a woman, then crashed into the shop building. As it later turned out, the woman and her child died.<sup>1987</sup>

On 17 October 2023, a deputy sheriff in Georgia shot and killed Leonard Allan Cure, a 53-year-old black man who had spent more than 16 years in a Florida prison on a wrongful conviction.<sup>1988</sup> As it turned out, a Georgia sheriff's deputy stopped Cure's vehicle while he was driving along Interstate 95 near the Florida border. Leonard Cure got out of the car at the law enforcement officer's request and initially cooperated, but turned aggressive when he was told he was being arrested. As a result, the sheriff first used a taser and baton to subdue him, and then pulled out

<sup>1983</sup> <https://www.washingtonpost.com/nation/2023/01/27/tyre-nichols-video-police-beating-live/>

<sup>1984</sup> [https://www.washingtonpost.com/national-security/2023/01/26/memphis-officers-charged-tyre-nichols/?itid=lk\\_inline\\_manual\\_4&itid=lk\\_inline\\_manual\\_5](https://www.washingtonpost.com/national-security/2023/01/26/memphis-officers-charged-tyre-nichols/?itid=lk_inline_manual_4&itid=lk_inline_manual_5)

<sup>1985</sup> <https://www.congress.gov/bill/117th-congress/house-bill/1280>

<sup>1986</sup> <https://www.washingtonpost.com/nation/2023/01/27/tyre-nichols-video-police-beating-live/>

<sup>1987</sup> <https://www.theguardian.com/us-news/2023/sep/01/ohio-police-shooting-pregnant-black-woman-ta-kiya-young>

<sup>1988</sup> Leonard Cure was convicted of the armed robbery of a pharmacy in Dania Beach, Florida, in 2003, and sentenced to life in prison because of previous convictions for robbery and other offences. In April 2020, the man was acquitted by the court and released from prison. Available at: <https://iz.ru/1590889/2023-10-17/v-ssha-zamestitel-sherifa-zastrelil-otsidevshego-po-lozhnomu-prigovoru-chernokozhego>

a gun and shot Leonard Cure when he continued to resist.<sup>1989</sup> Due to the injuries sustained, the man died.<sup>1990</sup>

At the same time, experts note that law enforcers in the United States rarely take responsibility for unlawful and unreasonably harsh actions against alleged offenders and prisoners. According to the ABC News, there were only 16 convictions in such cases between 2004 and 2020.

The most recent high-profile verdict was the sentencing of Derek Chauvin, the killer of African American George Floyd,<sup>1991</sup> to 22.5 years in prison in 2021.

Another case of prosecution was noted in May 2021, when Brett Palkowitsch, a law enforcement officer, was sentenced to six years in prison for excessive use of force against Frank Baker, an African American, he arrested. During his arrest, Frank Baker was beaten, while a police dog mauled him, although he offered no resistance.<sup>1992</sup>

An intense discussion about the need for a systemic solution to the issue of racial intolerance in the United States was also triggered by the verdict of a jury to find Kyle Rittenhouse not guilty of shooting and killing two people in Kenosha, Wisconsin, during protests for the rights of the black population.<sup>1993</sup>

Following her first visit to the United States (31 October – 14 November 2023),<sup>1994</sup> Ashwini K.P., the UN Human Rights Council's Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, pointed out serious flaws in America's human rights enforcement and called for more effective measures by the United States, stressing that the country is at a critical stage in countering racial discrimination. She noted that "the murders of George Floyd, Breonna Taylor and many others, the racially disparate impact of the

<sup>1989</sup> <https://apnews.com/article/deputy-sheriff-shooting-traffic-stop-georgia-9ca56342974dd22b34ae330af62c555c>

<sup>1990</sup> <https://iz.ru/1590889/2023-10-17/v-ssha-zamestitel-sherifa-zastrelil-otsidevshego-po-lozhnomu-prigovoru-chernokozhego>

<sup>1991</sup> Why Derek Chauvin's sentencing for murdering George Floyd is a rarity. ABC News. 26 June 2021.

Available at: <https://abcnews.go.com/US/derek-chauvins-sentencing-murdering-george-floyd-rarity/story?id=78402027>.

<sup>1992</sup> Ex-officer was sentenced for causing sever injures to unarmed Black man while a police dog mauled him. "The Washington Post". 22 May 2021. Available at: <https://www.washingtonpost.com/nation/2021/05/22/st-paul-officer-sentenced-beating-black-man/>.

<sup>1993</sup> CNN, These are the 5 charges the jury in Kyle Rittenhouse's trial considered. Available at: <https://www.cnn.com/2021/11/14/us/kyle-rittenhouse-jury-deliberations-charges/index.html>

<sup>1994</sup> <https://news.un.org/ru/story/2023/11/1446777>

COVID-19 and large-scale racial justice protests in 2020 brought some of the realities of persistent systemic racism, more into the mainstream American consciousness." Nevertheless, there is a need for greater efforts.<sup>1995</sup>

In its statement, the United Nations expert refers to evidence from racially marginalized groups of systematic discrimination in the areas of health care, education, migration, access to housing, employment and social security. The continuing high degree of racial residential segregation, political and legal discrimination in access to housing, and criminal justice abuses were indicated.<sup>1996</sup>

Thus, according to the BBC, the gap between white and black homeownership rates in the United States is at its widest in 120 years.<sup>1997</sup> Most black property owners often have higher mortgage interest rates than whites, regardless of income.<sup>1998</sup>

Ashwini K.P, Special Rapporteur, identified signs of political polarization and instability, economic uncertainty, extreme inequality in income and resource distribution in the United States. In her opinion, such conditions create prerequisites for hate crimes. She reminded that inequality is based on the idea of white supremacy.

Members of human rights community express serious concern about the steady tightening of migration policies of the US authorities. They take unprecedentedly tough measures to "resolve" the immigration crisis facing the country, whose objective is the return of foreigners to neighbouring countries, where they must await until their applications for entry into the country are examined.

The practice of artificially created queues at southern border crossings has continued, endangering the lives of thousands of migrants and refugees forced to violate US law and cross the border at inappropriate locations. This arrangement has had the most deplorable effect on minors.

<sup>1995</sup> <https://www.ohchr.org/sites/default/files/documents/issues/racism/sr/statements/2023-11-14-EOM-SR-Racism-usa-en.pdf>

<sup>1996</sup> <https://www.ohchr.org/sites/default/files/documents/issues/racism/sr/statements/2023-11-14-EOM-SR-Racism-usa-en.pdf>

<sup>1997</sup> BBC. America's race gap between black and white homeowners. Available at: <https://www.bbc.com/news/business-61845304>

<sup>1998</sup> "The Hill": Black Americans feel disproportionate pain from high interest rates. Available at: <https://thehill.com/business/3617000-black-americans-feel-disproportionate-pain-from-high-interest-rates/>

US authorities have often separated families seeking asylum in the United States once they crossed the US-Mexico border. According to the American Civil Liberties Union (ACLU) (NGO), minors were routinely separated from their families.<sup>1999</sup> They were then transferred to various immigration facilities. Reportedly, there were over 2,500 such children. 1,033 of them were under the age of ten when they were detained, including 185 under five.<sup>2000</sup> According to the organization, as of August 2020, 678 children have been separated by the authorities under the pretext of "parental criminal records". The NGO filed 400 legal actions against the US administration aimed at blocking the removal of children seeking asylum at the border.<sup>2001</sup>

According to "The Washington Post", 10 per cent of the 895 detained minor migrants questioned by reporters were insulted by the US police, while 147 minors suffered physical violence. Over 40 per cent reported a lack of adequate food or water during their detention.<sup>2002</sup> In 2018-2019, over 2,600 teenagers were detained; five died. As of March 2021, there were 4,200 juveniles in detention.

"The Washington Post" reported on an incident in which 10-year-old asylum-seeker W. Obregon was deported to Mexico by authorities and then kidnapped by unknown assailants. Reporters are convinced that there are thousands of such incidents.<sup>2003</sup>

The COVID-19 pandemic has aggravated the situation. The United States began to use the COVID-19 pandemic situation as an excuse to deny applicants access to the US asylum system, as required by US law and treaty obligations.

The Remain in Mexico (RMX) program introduced by the US administration in January 2019, which required asylum applicants to stay in Mexico while they awaited court decisions on their applications, was much criticized by human rights

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<sup>1999</sup> According to the Chinese society for the study of human rights, from 2017 to the first quarter of 2021, there were over 5,000 such incidents.

<sup>2000</sup> ACLU. Immigrant families still being separated at border. 2 October 2018. <https://www.aclu.org/issues/family-separation>

<sup>2001</sup> ACLU. ACLU has Filed 400 Legal Actions Against Trump Administration. 17 August 2020. <https://www.aclu.org/press-releases/aclu-has-filed-400-legal-actions-against-trump-administration>

<sup>2002</sup> "The Washington Post", 31 October 2020.

<sup>2003</sup> Migrant boy found wandering alone in Texas had been deported and kidnapped. "The Washington Post". 9 April 2021. <https://www.washingtonpost.com/world/2021/04/09/migrant-boy-found-wandering-alone-texas-had-been-deported-kidnapped/>.

groups. Its rules have allegedly led to widespread violations of fundamental freedoms. Almost 70,000 people seeking asylum in the United States had to wait in Mexican border towns.<sup>2004</sup> Many migrants were victims of crimes including sexual exploitation and human trafficking.<sup>2005</sup> Experts also criticized the living conditions of migrants – in tent cities or overcrowded "barracks" type rooms, in premises without heating and access to basic hygiene products. Frozen foods, including expired ones, were in the diet.<sup>2006</sup>

Among other problems, analysts note unemployment and the criminal situation. There are known cases of refugees settling in religious buildings and places of worship. Migrants' children were not given the opportunity to attend educational institutions, nor were proper measures taken against the spread of serious infectious diseases, including HIV.

The coronavirus pandemic also violated the right of asylum-seekers to a fair and timely trial. Hearings for applicants were postponed indefinitely, further endangering their lives and health.<sup>2007</sup> Following the launch of the Remain in Mexico (RMX) program, only 615 people (less than one per cent of applicants) received positive decisions on their requests for asylum in the United States.<sup>2008</sup> In total, approximately 400 thousand people were left waiting for a response to their asylum application in 2020.<sup>2009</sup>

Asylum-seekers have had their applications rejected and have been unfairly deported to countries where they faced danger or even death. According to Human Rights Watch, 138 deported Salvadorans have died since 2013. American deportation centers have also been criticized for holding people in overcrowded and insanitary conditions.

Since March 2020, the US Department of Homeland Security (DHS) has been deporting migrants based on the rules introduced by the US Department of Health

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<sup>2004</sup> TRAC Immigration, Details on Migrant Protection Protocols (Remain in Mexico) Deportation Proceedings. Syracuse University.

<sup>2005</sup> Physicians for Human Rights – PHR NGO, Forced into Danger, January 2021

<sup>2006</sup> Physicians for Human Rights – PHR NGO, Forced into Danger, January 2021

<sup>2007</sup> Physicians for Human Rights – PHR NGO, Forced into Danger, January 2021

<sup>2008</sup> TRAC Immigration, Details on Migrant Protection Protocols (Remain in Mexico) Deportation Proceedings. Syracuse University.

<sup>2009</sup> American Civil Liberties Union, NGO, Hundreds of Thousands of People in Limbo as they Wait for Justice.



and Human Services and the orders of the Centers for Disease Control and Prevention, empowered by Title 42 of the US Code of Federal Regulations relating to public health. Human Rights First (HRF) has investigated at least 8,705 assaults on or kidnappings of persons whose asylum applications have been refused based on Title 42 or other regulations restricting the right to asylum. Many of these people, both individuals and families, are living in poor conditions which are exacerbated by the COVID-19 pandemic and by the lack of basic healthcare and adequate nutrition.

On 23 December 2020, the DHS and the Department of Justice under the Trump administration introduced a rule removing protection from refugees who arrive from or transit through a country where COVID-19 or potentially other contagious diseases are widespread, calling them a "threat to the national security of the United States".

Since January 2021, the United States has expelled nearly 25,000 Haitians (including children), as well as asylum-seekers, to Haiti without access to the asylum process, despite growing political instability and violence in the State.

Direct deportations under Title 42 also persisted as of the end of February 2022 to nations such as El Salvador, Guatemala, and Honduras.

Under the Trump administration, the United States entered into Asylum Cooperative Agreements (ACA) with Guatemala, El Salvador and Honduras, which the Biden administration subsequently suspended and decided to terminate. The US government expelled at least 945 asylum-seekers to Guatemala under the ACA without a remedy. The agreements with Honduras and El Salvador have never been implemented.

Leading US medical experts have repeatedly concluded that asylum restrictions had no public health justification and threatened the health and safety of migrants. While asylum-seekers are not allowed to seek protection along the border, including at ports of entry, vaccinated tourists and other visitors with visas have been allowed to enter the United States through southern border ports since

November 2021. These facts highlight the discriminatory nature of asylum-seekers' situation.<sup>2010</sup>

The policy of not allowing migrants and refugees from Mexico into the United States has been repeatedly challenged in local courts as contrary to the principles of humanity. Although a federal court has ruled that such measures are illegal<sup>2011</sup>, the US Supreme Court subsequently rejected that ruling.<sup>2012</sup>

In April 2020, over 120 human rights organizations petitioned the US Department of Homeland Security drawing attention to the inadmissibility of closing the southern borders to refugees and migrants. The appeal further emphasizes that the processing of asylum-seekers' applications did not follow the international law. The bare minimum requirements for the defense of children's rights were also broken. Reportedly, at least 400 children – from Cuba, Ecuador, El Salvador, Honduras, Guatemala, and Mexico – had been unduly expelled to Mexico. As a result, minors were placed at risk of trafficking. Many were unaccompanied or in the care of adults whose relationship to the children was not checked.

Human rights activists point out that the COVID-19 pandemic has only exacerbated the situation. The victims were mainly from Latin American countries. This group's death rate was 38.4 per cent, far greater than that of the white race.<sup>2013</sup> For African Americans, it was 27.9 per cent<sup>2014</sup> respectively. In particular, the administration of migrant detention centers showed disregard for the people who were there, their medical care, and their living conditions. Results of the joint study, conducted by Physicians for Human Rights (PHR) and Harvard Medical School, showed that the number of people per month who tested positive for COVID-19 in ICE detention between March and August 2020 was from 5.7 to 21.8 times higher than the case rate of the US general population during that same time. Interviews with immigrants who had been detained at 22 such facilities revealed that measures

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<sup>2010</sup> <https://www.humanrightsfirst.org/resource/us-asylum-and-border-policies-resulting-human-rights-violations>

<sup>2011</sup> American Civil Liberties Union, NGO, Comment on Appeals Court Stay Ruling in Remain in Mexico Program, 4 March 2020

<sup>2012</sup> American Civil Liberties Union, NGO, Comment on Supreme Court Stay Ruling in Remain in Mexico Program, 11 March 2020

<sup>2013</sup> The US Center for Disease Control and Prevention. 2020

<sup>2014</sup> The Century Foundation. 2020

to prevent the spread of COVID-19 had often not been complied with, and living conditions at these centers had put detainees at risk of catching the disease. Respondents were unable to maintain a social distance because the detention facilities were overcrowded, and did not have access to soap or sanitizer. Many of those who became infected had to wait up to 25 days before they could see a doctor.<sup>2015</sup>

Data from analysts at Harvard University, using the Otay Mesa detention center as an example, demonstrates the disregard for COVID-19 sanitation and hygiene regulations, as well as the WHO recommendations.<sup>2016</sup> The following data is given<sup>2017</sup>: there are on average eight people per 23 m<sup>2</sup>, which contradicts the norms of social distancing for the prevention of transmission of the virus. At the same time, the sick persons are kept in common rooms of approximately 90 persons per room.

Testing for COVID-19 was extremely limited. Out of almost 26 thousand persons detained in such institutions, only a quarter was checked for the presence of the disease. Tests for the disease conducted in individual centers, however, revealed positive results for coronavirus in over 70 per cent of those who were there. Human rights activists also point to the fact of possible concealment of the real situation of morbidity in such institutions. Many detention centers never released statistics on the spread of the coronavirus, or stated that there were no cases.

Cases of abuse of authority in migrant detention centers have reached such proportions that they have become known to the media. The conditions of detention in local deportation centers have become the subject of constant lawsuits and appeals by numerous NGOs to the leadership of the federal migration service and its subdivisions in certain states. Migrants themselves have turned to NGOs such as Americans for Immigrant Justice (AI Justice), Freedom for Immigrants (FFI), and

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<sup>2015</sup> Praying for Hand Soap and Masks. Health and Human Rights Violations in U.S. Immigration Detention during the COVID-19 Pandemic. Physicians for human rights website. 12 January 2021 <https://phr.org/our-work/resources/praying-for-hand-soap-and-masks/>.

<sup>2016</sup> Harvard College Data Analytics Group, [www.detainedindanger.org](http://www.detainedindanger.org).

<sup>2017</sup> Human Rights First (HRF), NGO, Detained in Danger: Database raises troubling questions about COVID-19 in ICE Detention Centers. <https://www.humanrightsfirst.org/press-release/detained-danger-database-raises-troubling-questions-about-covid-19-ice-detention>.

many others for help, complaining of beatings, unsanitary conditions, lack of medical care, and cruelty by the officials of the detention centers. At the same time, those who seek help are often deported by the same detention centers.

Lawsuits to close a center can drag on for months with no result whatsoever. For example, suits have been pending for over a decade against the MacKlenie center, Florida, details of horrible conditions in which emerged in the media after numerous complaints from community groups. However, in 2022, after another inspection, the center was positively assessed and continued its work.

In February 2021, human rights organizations again sent a coalition letter to the US Department of Homeland Security urging the latter to reject the use of expedited removal and immigration detention; as such policies violated the US law and treaty obligations. They expressed grave concerns with the expedited removal process.<sup>2018</sup>

In May 2021, the United Nations High Commissioner for Refugees (UNHCR) urged the United States to "restore access to asylum for people whose lives depend on it". Despite his promises to annul the corresponding decisions of the Trump administration in relation to asylum-seekers at the Mexican border, Joe Biden is continuing with the deportations, despite the fact that this policy is putting children at risk, splitting up families and illegally jeopardizing the safety of asylum-seekers, including Black asylum-seekers, who are at risk of violence in Mexico.<sup>2019</sup>

In December 2021, following a court ruling, which is currently being appealed against, expulsions of migrants and refugees under the RMX program began again. In December 2021, dozens of members of the US Congress signed a letter criticizing the government's renewal of expulsions under the RMX program, and called on it to reverse its decision to extend the scope of the RMX to refugees of other nationalities. The Administration stated that it would use the RMX program to expel people who could not be removed under Title 42.

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<sup>2018</sup> Coalition Letter to Department of Homeland Security Secretary Mayorkas Regarding Use of Expedited Removal Process for Asylum Seekers at the Border. "Human Rights Watch". 16 February 2021. <https://www.hrw.org/news/2021/02/16/coalition-letter-department-homeland-security-secretary-mayorkas>

<sup>2019</sup> <https://www.humanrightsfirst.org/rsource/us-asylum-and-border-policies-resulting-human-rights-violations>.

The Department of Homeland Security is now able to prohibit, send back, or deport an even broader spectrum of migrants and asylum-seekers to Mexico by combining the RMX policy and Title 42. The NGO Human Rights First has monitored at least 1,544 publicly reported cases of kidnapping, murder, torture, rape, and other violent acts on persons back in Mexico in the two years since the Trump administration introduced the RMX. At least two asylum-seekers who were sent back to Mexico under the RMX program were subsequently killed.

On 8 August 2022, the US Department of Homeland Security announced the end of the Remain in Mexico strategy initiated by the previous administration.<sup>2020</sup>

However, according to "The New York Times" report from 2 February 2024, in nearly two years US authorities decided to resume special flights designed to deport illegal migrants to Mexico. The first flight to Morelia, a city in central Mexico took off on 30 January 2024 carrying more than 100 Mexicans. Such flights carrying illegal migrants are expected to continue on a regular basis.<sup>2021</sup>

Texas National Guard soldiers installed razor wire lie along the US-Mexico border on 12 January 2024 in order to prevent illegal migration. Following an appeal to the Supreme Court by US President Joe Biden, the latter decided to remove the fence; however Texas National Guard units deny Federal Border Patrol agents access to the border. On 25 January 2024, Republican governors from 25 states voiced their support to Texas Governor Greg Abbott and for the constitutional right of Texas to self-defense.<sup>2022</sup>

In an interview with CBS News, US Border Patrol chief Jason Owens said that the agency recorded one million apprehensions of migrants along the US-Mexico border in the 2024 fiscal year, which started in October 2023. His agency is on track to record two million apprehensions by the time the fiscal year ends. "Border security is a big piece of national security," he said. "And if we don't know who is coming into our country, and we don't know what their intent is, that is a

<sup>2020</sup> The US Department of Homeland Security <https://www.dhs.gov/news/2022/08/08/dhs-statement-us-district-courts-decision-regarding-mpp>

<sup>2021</sup> <https://www.nytimes.com/2024/02/02/us/politics/deportation-flights-mexico-immigration.html>

<sup>2022</sup> <https://www.cbsnews.com/news/texas-blocks-federal-border-agents-processing-migrants-eagle-pass-shelby-park/>;  
<https://iz.ru/1642975/2024-01-31/izvestiia-pokazali-obstanovku-na-granitce-tekhasa-s-meksikoi>;  
<https://iz.ru/1644333/2024-02-03/nyt-soobshchila-o-vozobnovlenii-deportatsionnykh-reisov-iz-ssha-v-meksiku>

threat and they're exploiting a vulnerability that's on our border right now." Among the measures aimed at toughening immigration policies and reducing the number of migrants crossing the US southern border illegally, Owens named imprisonment, expulsion and a ban on entry.<sup>2023</sup>

On 4 February 2024, in an interview with Fox News former President, presidential candidate Donald Trump said that he would close the federal border and proceed to mass deportation of illegal migrants if elected.<sup>2024</sup>

Representatives of profile international organizations highly criticize the policy of US authorities in this area. For example, UN High Commissioner for Human Rights Volker Türk said that the US border enforcement actions violated fundamental human rights and could provoke a global migration crisis.<sup>2025</sup>

There has been a sharp increase in the proportion of Russian citizens among the "refugees" gathering on the US-Mexico border. According to the Russian Embassy's register of Russian citizens arrested for illegally crossing the US border, in the period from 1 January to 1 November 2023, Russian missions abroad received about 10,000 notifications about the detention of Russian citizens (mainly near San Isidro and Calexico, California). As a rule, such "adventurers" refuse consular and legal assistance and do not plan to return to Russia, hoping to get political asylum in the United States.

American Civil Liberties Union researchers criticized the Biden administration for supporting and financing private immigration centers and prisons violating the rights and liberties of asylum seekers.<sup>2026</sup>

As human rights activists have found out, immigration detention system has expanded during the presidency of Donald Trump, who had allowed private prison corporations such as GEO Group, Corrections Corporation of America (CoreCivic), LaSalle Corrections, and Management and Training Corporation (MTC) taking

<sup>2023</sup> <https://www.cbsnews.com/news/jason-owens-border-patrol-southern-border-national-security-threat/>;  
<https://www.vedomosti.ru/politics/news/2024/03/25/1027712-ssha-soobschili-zaderzhanii>

<sup>2024</sup> <https://www.foxnews.com/politics/trump-reveals-criteria-running-mate-name-drops-two-top-republicans>

<sup>2025</sup> OHCHR: New US border enforcement actions pose risk to fundamental human rights - Türk  
<https://www.ohchr.org/en/press-releases/2023/01/new-us-border-enforcement-actions-pose-risk-fundamental-human-rights-turk>

<sup>2026</sup> Unchecked Growth: Private Prison Corporations and Immigration Detention, Three Years Into the Biden Administration // ACLU. 07.08.2023. – <https://www.aclu.org>.

under control the most part of immigration prisons. The detainees are mainly people arrested at the border, having illegally entered the US territory; and foreign citizens who are to be deported by the government because they "threaten national security".

From a legal point of view, the presence of immigrants in the institutions of the above-mentioned companies is of civil and not criminal nature. However, according to human rights experts, the conditions in immigration prisons are practically the same as in penal institutions.

As a candidate, President Biden promised to stop the use of private prison companies for immigration detention. The Biden administration issued an executive order in January 2021 directing the Department of Justice to phase out its contracts with private prison companies. However, it notably excluded ICE detention from the order. Since then, the number of immigrants detained by ICE – and revenues for the abovementioned private prison companies – have only increased. As of July 2023, 90.8 per cent of people detained in ICE custody each day are held in detention facilities owned or operated by private prison corporations.

Contracts with ICE continue to make up a significant amount of revenue for the above-mentioned corporations. In 2022, the GEO Group made \$1.05 billion in revenue from ICE contracts alone, or 43.9 per cent of its total revenue (\$2.4 billion). CoreCivic similarly made \$552.2 million in revenue from ICE detention contracts in 2022, representing 30 per cent of its total revenue.

To achieve these indicators, companies save almost everything. The ICE personnel clean and cook much worse. Immigrants are often denied necessary medical assistance. Psychological support is no better: it happens that one psychologist works part-time for the whole prison. Such situation leads not only to suicide but also to outbreaks of violence which occur 30 per cent more often within the ICE than in federal prisons. At the same time, unarmed guards having only a radio set and receiving minimum salary after three-week training are not capable of coping with such outbreaks.

Biden Administration did not close the detention centers which oversight bodies recommended to close for inhumane conditions and risks to the security of asylum-seekers.

For example, the ICE administration refused to eliminate the Estancia immigration prison belonging to CoreCivic in New Mexico even despite the official demand of the Department of Homeland Security's Office of Inspector General (OIG) going so far as to call for the immediate removal of all detainees and even after the suicide of Brazilian citizen Kesley Vial just a few months later.<sup>2027</sup>

Another death incident occurred at the immigration center in Louisiana, run by GEO, where an asylum-seeker from Nicaragua Ernesto Rocha-Cuadra died after suffering a heart attack. He had submitted dozens of grievances alleging that he was refused medical care, denied legal assistance and was subject to systemic mistreatment.<sup>2028</sup>

Attempts by governors to close private immigration centers and prisons also failed. In 2021, New Jersey's Governor Phil Murphy signed into law a bill which bans private facilities to enter into or renew contracts with US Immigration and Customs Enforcement to detain immigrants.

Since the law's passage, the three facilities operated by New Jersey counties (Bergen, Essex, and Hudson) stopped housing detainees for ICE. The last remaining facility, Elizabeth, is operated by CoreCivic. ICE's contract with CoreCivic was set to expire on 31 August 2023. CoreCivic filed a suit in February 2023 arguing that the above-mentioned act violates the Supremacy Clause of the US Constitution stating that state law cannot contradict federal law.<sup>2029</sup>

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<sup>2027</sup> Brazilian Man's Suicide Sends Shockwaves Through "Inhumane" ICE Detention Center // The Appeal. 13.10.2022. – <https://theappeal.org>.

<sup>2028</sup> Sesin C. An asylum-seeker died in immigration custody. His family wants answers // NBC News. 06.09.2023. – <https://www.nbcnews.com>.

<sup>2029</sup> The Supremacy Clause is a provision of the US Constitution stipulating that this Constitution, and the Laws of the United States and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. The federal Constitution takes superiority over the Constitution of any state.



The Biden administration filed a statement of interest supporting the penitentiary corporation's claims having noted that the act intrudes on the federal government's ability to use private contractors to detain non-citizens.

New Jersey district court has finally ruled in favour of the federal government and CoreCivic by declaring state law to be contrary to the US Constitution. Numerous declarations by human rights activists about violations of immigrants' rights in this facility have been ignored.

Governor Murphy has appealed the judge's decision to the Third Circuit. In the meantime, ICE has renewed its contract with CoreCivic for the Elizabeth Detention Center, at a cost to taxpayers of \$19.9 million for the next year.<sup>2030</sup>

According to the American Civil Liberties Union, the Biden administration can reverse course on immigration detention. It should dramatically reduce the number of people in ICE detention, invest in alternatives to detention, and stop allowing private prison companies from profiting by the billions of dollars each year off the suffering of immigrants in detention.

The Second Amendment to the US Constitution gives Americans the right to bear arms. However, their availability, flawed legislation, and negligent attitude towards the mental health of citizens have resulted in an increasing number of firearms-related victims every year.

The US leads the world in the number of firearms per capita with 120.5 guns per 100 inhabitants – about 390 million firearms in 2020.<sup>2031</sup> Ten years ago, that number was 88 firearms per 100 people, which was already far higher than in other countries around the globe.

According to the China Society for Human Rights Studies' 2022 report on human rights violations in the United States, Americans make up less than 5% of the world's total population, but own 46% of the world's total stockpile of civilian firearms.<sup>2032</sup>

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<sup>2030</sup> Mathur S. Biden Administration Fights to Keep Private Immigration Jails Open, Despite Promises // Immigration Impact. 08.09.2023. - <https://immigrationimpact.com>.

<sup>2031</sup> America's gun culture in charts. BBC. 8 April 2021. <https://www.bbc.com/news/world-us-canada-41488081>; Top 10 civilian gun-owning countries. Small arms survey research project. <http://www.smallarmssurvey.org>.

<sup>2032</sup> China Society for Human Rights Studies 2022 Report on the United States. March 2023.

The number of federally licensed gun dealers is 71,600. This indicator has increased over the past five years by 2,000.<sup>2033</sup>

The rate of gun purchases accelerated between 2020 and 2021, with 5 million new gun owners compared to 2.4 million in 2019. In 2022, the number of new gun owners in the United States was 4.2 million.<sup>2034</sup>

A study published in February 2022 in the *Annals of Internal Medicine* found that 7.5 million American adults – about 3% of the population – first purchased a gun between January 2019 and April 2021.

According to August 2023 survey by the Pew Research Centre, four out of ten American adults admit to owning a firearm in their household, including 32% of those surveyed personally owning one. Personal safety tops the list of reasons for gun ownership (72% of those surveyed). This is followed in percentage terms by hunting (32%), sport shooting (30%), gun collecting (15%) or work (7%).<sup>2035</sup>

In a Gallup poll conducted in August 2019, gun owners were most likely to cite personal safety or protection as the reason for owning a firearm (63%). Other reasons included hunting (40%), non-specific recreation or sport (11%), their gun was an antique or family heirloom (6%) or the gun was related to their occupation (5%).<sup>2036</sup>

Along with the increase in gun trafficking, the number of gun-related incidents is also increasing.

According to the China Society for the Study of Human Rights report on human rights violations in the United States in 2022, America's gun homicide rate is eight times higher than Canada, 13 times higher than France, and 23 times higher than Australia.<sup>2037</sup>

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[https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>2033</sup> <https://www.thetrace.org/2022/12/gun-violence-deaths-statistics-america/>

<sup>2034</sup> [https://legaljobs.io/blog/firearms-sales-](https://legaljobs.io/blog/firearms-sales-statistics#:~:text=The%20number%20of%20new%20gun,to%202.4%20million%20in%202019.)

[statistics#:~:text=The%20number%20of%20new%20gun,to%202.4%20million%20in%202019.](https://www.pewresearch.org/short-reads/2023/09/13/key-facts-about-americans-and-guns/)

<sup>2035</sup> <https://www.pewresearch.org/short-reads/2023/09/13/key-facts-about-americans-and-guns/>

<sup>2036</sup> <https://www.pewresearch.org/fact-tank/2021/09/13/key-facts-about-americans-and-guns/>

<sup>2037</sup> China Society for Human Rights Studies 2022 Report on the United States. March 2023.

[https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

There were 647 mass shootings in 2022 (693 in 2021, in 2020. – 611, and 417 in 2019). Mass shootings in the United States are defined as an incident in which four or more victims were shot or killed.<sup>2038</sup>

As of 6 December 2022, there were 622 mass shootings in the USA.<sup>2039</sup> The major were the incidents on 14 May at a supermarket in Buffalo, New York, where an 18-year-old perpetrator killed 10 people on the ground of racial hatred, and on 24 May at a primary school in Uvalde, Texas, where a gunman killed 19 pupils (ages 8 to 11) and two teachers. Other episodes occurred on 3 April in downtown Sacramento, on 5 April in Corsicana, Texas, and on 23 January in Milwaukee, each with six people killed. On 19 March, one person was killed and 27 injured in a shooting at a car dealership in Dumas, Arkansas.

In 2022, shooting incidents in the United States have claimed the lives of more than 44,300 people.<sup>2040</sup>

In the first half of 2023, there were more than 260 incidents in the United States. Thus, on 25 June, at least three people were killed and five others were injured in a shooting in a car park in the U.S. city of Kansas City (Missouri). Some 29 people were injured on 18 June in Willowbrook, Illinois, and nine citizens were injured in San Francisco, California, on 10 June. On 6 June, 2 people were killed and 13 others injured by an unknown gunman on the campus of Virginia Commonwealth University in Richmond. On 29 May, about 9 people were injured in Hollywood (Florida). The previous day, three people were injured in a nightclub car park in Fort Worth, Texas. As a result of several incidents with the use of firearms on 27-28 May in Chicago (Illinois) killed at least 8 people, 26 were injured of varying degrees of severity. On 28 May, a fatal shooting occurred during a Memorial Day motorbike rally in Red River, New Mexico. On 23 May, four people were victims of a shooting at an apartment building in Nash, Texas. On 15 May, at least three people were killed in Farmington, New Mexico.<sup>2041</sup>

<sup>2038</sup> <https://rg.ru/2023/03/28/otchet-massovyh-rasstrelov-v-ssha-za-tri-mesiaca-bylo-bolshe-chem-dnej-v-etom-godu.html>

<sup>2039</sup> Mass shootings in 2022: <https://www.gunviolencearchive.org/reports/mass-shootings>

<sup>2040</sup> <https://www.gunviolencearchive.org/past-tolls>

<sup>2041</sup> <https://www.gunviolencearchive.org/past-tolls>

In March 2023 alone, at least 57 people have died in 38 mass shootings in the U.S., with another 133 injured.<sup>2042</sup> As of 7 December 2023, at least 40,167 people have died in the US, an average of almost 118 deaths each day.<sup>2043</sup>

According to Gun Violence Archive (GVA), a US-based NGO that collects daily information on armed incidents in the country from 7,500 sources,<sup>2044</sup> between January and 18 December 2023, at least 4,344 people were killed by gun violence in the United States (by comparison, more than 15,000 people were shot dead in the United States in 2019, and as of the end of May 2021, the total number of people killed in such incidents was 17,147).<sup>2045</sup>

In the first quarter of 2023 alone, there were at least 128 mass shootings in the United States – more than the number of days.<sup>2046</sup> A total of 604 incidents involving firearms occurred in 2023, 10 of them in educational institutions. 746 people were killed and 2,442 were injured.

In the first two months of 2024, there have already been more than 60 tragic incidents. If we look at a map with the locations of these incidents, the bloodiest picture is in the states adjacent to the East Coast of the United States.

Firearms are the leading cause of death for children and adolescents between the ages of 1 and 19.<sup>2047</sup> In these incidents, 1,338 teens and 286 children were killed.<sup>2048</sup>

Over one thousand firearms incidents have been reported on U.S. school campuses since 2018, significantly more than in any similar period since at least 1970,<sup>2049</sup> with 273 people killed or injured in 303 incidents on school campuses in 2022 alone.

<sup>2042</sup> <https://rg.ru/2023/03/28/otchet-massovyh-rasstrelov-v-ssha-za-tri-mesiaca-bylo-bolshe-chem-dnej-v-etom-godu.html>

<sup>2043</sup> <https://www.gunviolencearchive.org>

<sup>2044</sup> <https://www.aa.com.tr/ru>

<sup>2045</sup> According to the NGO Gun Violence Archive (GVA). <https://www.gunviolencearchive.org>

<sup>2046</sup> <https://rg.ru/2023/03/28/otchet-massovyh-rasstrelov-v-ssha-za-tri-mesiaca-bylo-bolshe-chem-dnej-v-etom-godu.html>

<sup>2047</sup> [https://publichealth.jhu.edu/2023/cdc-provisional-data-gun-suicides-reach-all-time-high-in-2022-gun-homicides-down-slightly-from-](https://publichealth.jhu.edu/2023/cdc-provisional-data-gun-suicides-reach-all-time-high-in-2022-gun-homicides-down-slightly-from-2021#:~:text=According%20to%20the%20provisional%20CDC,in%202022%20compared%20to%202021.)

<sup>2048</sup> <http://russian.people.com.cn/n3/2023/1226/c95181-20115071.html>

<sup>2049</sup> <https://www.axios.com/2023/05/20/gun-violence-children-schools>

Between 2013 and 2022, the rate of firearm-related deaths among children and adolescents increased by 87%.<sup>2050</sup> In 98% of educational institutions, students were taught how to behave in the event of an unknown person with a gun.

According to the U.S. Centres for Disease Control and Prevention (CDC), in 2022, 48,117 people died from firearms (that is, an average of one every 11 minutes), 26,993 people died from gun suicides (in comparison, in 2020, a total of 45,222 people died from gunshot wounds as a result of homicide or suicide). The number of firearm deaths increased 21% from 2019. Mass shootings and homicides with firearms usually attract more media attention, but statistics show that most episodes of firearms use are suicides.<sup>2051</sup>

Data collected by the FBI showed that firearms are involved in a quarter of violent crimes and 60% of murders. Approximately 8,500 hate crimes per year against national, religious and other minorities are committed using a weapon.<sup>2052</sup>

Amnesty International, after reviewing the latest available official data on deaths from gunshot wounds, came to the disappointing conclusion that over half of the deaths in the country (58.5%) were in the Black population.<sup>2053</sup>

At the same time, a number of experts note that representatives of ethnic minorities in America take part in shootings themselves. According to the NGO Gun Violence Action Fund, 37 per cent of homicides are committed by African-Americans aged 15-34.<sup>2054</sup>

Notably, there is no federal prohibition on the purchase of guns, shotguns or other such weapons in the US for people with a criminal record for any minor crime.

As the Gun Violence Archive (GVA), an NGO, points out, while mass shootings do not make up the majority of gun violence in America, their impact on communities and residents is clear. Incidents such as the mass shootings in Buffalo,

<sup>2050</sup> <https://publichealth.jhu.edu/2023/cdc-provisional-data-gun-suicides-reach-all-time-high-in-2022-gun-homicides-down-slightly-from-2021#:~:text=According%20to%20the%20provisional%20CDC,in%202022%20compared%20to%202021.>

<sup>2051</sup> <https://publichealth.jhu.edu/2023/cdc-provisional-data-gun-suicides-reach-all-time-high-in-2022-gun-homicides-down-slightly-from-2021#:~:text=According%20to%20the%20provisional%20CDC,in%202022%20compared%20to%202021.>

<sup>2052</sup> In the Line of Fire: Human Rights and the U.S. Gun Violence Crisis. (Amnesty International) 2019.

<sup>2053</sup> Amnesty International 2019.

<sup>2054</sup> Shootings never stopped during pandemic: 2020 was the deadliest gun violence year in decades. ("The Washington Post"). 24 March 2021.

New York, and Yuvalde, Texas, continue to plunge cities into mourning and have led to repeated calls for reform of the firearms system.<sup>2055</sup>

Gun violence is on the rise at the same time as the number of gun owners is increasing, according to a 2022 report by the Chinese Society for the Study of Human Rights on human rights violations in the United States. The study, published in the "British Medical Journal" (BMJ), shows that weakened gun control in the United States has led to a simultaneous increase in gun ownership and mass shootings. The United States leads the world in the number of gun owners, as well as gun homicides and mass shootings. According to the report, gun violence has become an "American disease".<sup>2056</sup>

Another issue linked with gun violence is that, at times, American law enforcement officers resort to the use of force and firearms as well as other weapons or to brutal treatment even if there is no real and immediate threat to their lives by suspects. Racial profiling is closely tied with this problem since police abuse of power disproportionately impacts non-White members of the US society.

Human rights activists point to a lack of social programs for survivors of such violence, as well as serious problems with the system of financial compensation for victims. The high cost of psychological help in the United States makes it impossible for those in need to turn to specialists.

Human right defenders in the US continue campaigning for tougher regulations of acquisition, possession and use of firearms. According to Amnesty International, the NGO Amnesty International, the requirements to undergo special training for potential purchasers of firearms are insufficient. Additional acts aimed specifically at preventing violence in "at-risk groups" need to be developed. And their efforts do pay off at times. Relevant legislation in a number of states has been adopted.

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<sup>2055</sup> <https://rg.ru/2023/03/28/otchet-massovyh-rasstrelov-v-ssha-za-tri-mesiaca-bylo-bolshe-chem-dnej-v-etom-godu.html>

<sup>2056</sup> China Society for Human Rights Studies 2022 Report on the United States. March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

Since 1 January 2019, the minimum age to buy arms in California increased from 18 to 21 years. Still, there are exemptions to the rule, i.e. military personnel, law enforcement officers, individuals with unexpired hunting license. The Bill puts a lifetime ban on gun ownership or possession for individuals convicted on or after 1 January 2019 for domestic violence. Similarly, the legislation prohibits individuals who were admitted to a mental health facility more than once within a one-year period from owning a gun. To apply for a California gun license one has to undergo mandatory 8-hour firearm training. As of 1 July 2019, it became mandatory for firearms sellers to check buyers with the US Department of Justice registries to ensure there are no bans on such transactions.

In Illinois, to prevent incidents with the use of firearms, there is a system of temporarily (from 2 weeks to 6 months) seizure of guns from someone determined to be a danger to the public. A relative, representative of a religious community, employee of an educational institution or employer could now petition law enforcement for such a restriction against an individual.

Still, various experts and lawyers believe that there are not enough legal measures in place to help end gun violence.<sup>2057</sup> The administration is expected to adopt a federal legal act restricting gun ownership and protecting the right to life.

An August 2023 Pew Research Centre poll found that Americans increasingly say gun violence is a serious problem. 60% of those surveyed believe gun violence is a big problem in the country, 23% said it is a moderately big problem, and the rest are of the opinion that it is either a small problem (13%) or not a problem at all (4%).

According to the same Pew Research Centre,<sup>2058</sup> a majority of Americans are in favour of addressing the problem at the federal level. This opinion was expressed by 81% of respondents from the Democratic Party and 38% from the Republican

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<sup>2057</sup> Statement on Senate Judiciary Committee Hearing on Gun Violence, Amnesty USA, March 2021

<sup>2058</sup> The Pew Research Center's June 5-11, 2023 Washington, D.C., poll surveyed 5,115 people.

<https://www.pewresearch.org/politics/2023/06/28/gun-violence-widely-viewed-as-a-major-and-growing-national-problem/>

Party. 58% of respondents were in favour of tougher laws regulating the issue, while 62% of Americans believe that gun violence will increase in the next five years.

A number of states continue to remove restrictions on the free carrying of firearms. In June 2021, Texas Governor Greg Abbott endorsed a law that allows state residents to carry firearms without a license or training. A similar law was passed in Georgia on 12 April 2022.

In 2022, President Biden proposed new restrictions on access to firearms to address violence ranging from rising homicide rates in some major cities to mass shootings. It would raise the age limit for purchasing firearms from 18 to 21, and tighten background checks on potential buyers.

Great public resonance was caused by the decision of the U.S. Supreme Court in the case of the "New York State Rifle & Pistol Association (NYSRPA, Bruen)", issued in 2022, which found unconstitutional the previously adopted law of New York, restricting the right of citizens to carry weapons in public places such as hospitals, schools, bars and stadiums. Previously, citizens wishing to obtain a license to concealed carry weapons had to prove an objective need to do so. The Supreme Court found this requirement contrary to the Second Amendment to the U.S. Constitution, which states that the right of citizens to bear arms "shall not be infringed".<sup>2059</sup>

According to the China Society for Human Rights Studies' 2022 report on human rights abuses in the United States, the decision has led nearly half of US states to loosen restrictions on carrying guns.<sup>2060</sup>

The report found that serious crime continues to rise. On 11 September 2022, "USA Today" reported that homicides in Major Cities Chiefs Association (MCCA) member cities increased by 50 per cent in the first half of 2022 and aggravated assaults increased by about 36 per cent compared to the same period in 2019.<sup>2061</sup>

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<sup>2059</sup> [https://bartolius.ru/news\\_comm](https://bartolius.ru/news_comm)

<sup>2060</sup> China Society for Human Rights Studies 2022 Report on the United States. March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>2061</sup> China Society for Human Rights Studies 2022 Report on the United States. March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)



According to "The Wall Street Journal", as of September 2022, New Orleans' murder rate is up 141%, shootings are up 100%, carjackings are up 210%, and armed robberies are up 25% compared to the same period in 2019. According to Fox News statistics, since June 2021, New York City's overall crime rate is up 31%, theft is up 41%, robberies are up 36%, and the number of felony victims is increasing by about 1,000 per quarter. According to a CNN (CNN) poll dated 8 June 2022, 72% of Americans were dissatisfied with the country's policies to reduce or control crime.<sup>2062</sup>

President Biden calls the situation an "epidemic".<sup>2063</sup> He calls on Congress to implement legislative initiatives to tighten control over firearms.<sup>2064</sup> Biden says most Americans want lawmakers to take reasonable steps to curb violence. However, he says, "too many Republicans are fulfilling the requests of gun manufacturers rather than their constituents."

At the same time, on 14 May 2023, the President approved a number of initiatives aimed at preventing shooting incidents. In particular, they focus on increasing cooperation between federal and local authorities, ensuring more intensive data sharing, conducting background checks on people who purchase guns.<sup>2065</sup>

The seriousness of this problem has long been highlighted by UN human rights treaty bodies. In particular, the UN Human Rights Committee (HRCttee) and CERD have noted with concern the continuing high rate of gun-related deaths and injuries in the US, and the disproportionate impact of such incidents on ethnic minorities, women and children. The HR Committee highlighted the discriminatory nature of the Stand Your Ground legislation, which, according to the Committee's

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<sup>2062</sup> China Society for Human Rights Studies 2022 Report on the United States. March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>2063</sup> <https://abc7.com/uvalde-school-shooting-joe-biden-gun-laws-violem=nce/13294059/>

<sup>2064</sup> <https://www.usatoday.com/story/opinion/2023/05/14/biden-congress-act-gun-violemce/70208852007/>

<sup>2065</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/03/14/fact-sheet-president-biden-announces-new-actions-to-reduce-gun-violence-and-make-our-communities-safer/>

experts, is used to justify exceeding the limits of necessary self-defense in violation of the US authorities' duty to protect life.<sup>2066</sup>

The United States has for many years had the highest incarceration rate in the world, with an estimated 1.9 million people locked up in more than 6,000 penitentiaries.<sup>2067</sup>

Official statistics show that the rate of imprisonment has nearly quadrupled (or increased by 70%) over the past 40 years, with the number of convicted Americans breaking the 2.3 million mark.<sup>2068</sup> Another 4.5 million people have been sentenced on probation or released on parole. This results in serious prison overcrowding. Human rights NGOs have also drawn attention to the increasing number of women in prison in some states.<sup>2069</sup>

The world's highest prison population and appalling conditions in US prisons are highlighted in the 2022 Report on Human Rights Violations in the United States by the China Society for Human Rights Studies.<sup>2070</sup> Thus, citing a report by The Guardian of 1 October 2022, it states that nearly 500 people per 100,000 were incarcerated in the United States, which is about five times that of the United Kingdom, six times that of Canada, and nine times that of Germany.

Abuse of power and inhuman treatment of convicts by prison staff is regularly reported. Prisoners are often subjected to torture and humiliating treatment. Inhuman treatment of convicts is expressed, inter alia, in the limited medical care and poor sanitary conditions of detention.

Cases of abuse of authority by police officers against arrested persons and those suspected of committing crimes during investigations have been repeatedly recorded. These cases show the systemic nature of the problem in the US penitentiary system.

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<sup>2066</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUSA%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fUSA%2fCO%2f4&Lang=ru)  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUSA%2fCO%2f7-9&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUSA%2fCO%2f7-9&Lang=ru).

<sup>2067</sup> <https://www.prisonpolicy.org/national/>

<sup>2068</sup> Prison Policy Initiative, *Mass Incarceration: The Whole Pie 2020*, March 24, 2020.

<sup>2069</sup> 2019 Human Rights Watch (HRW) Report.

<sup>2070</sup> China Society for Human Rights Studies, *Report on Human Rights Violations in the United States in 2022*, published in March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

The DOJ's annual report found high rates of sexual and violent offenses committed by prison officials against inmates and pretrial detainees.

Thus, as a result of the internal investigation of the incident of 21 July 2020, the employees of the Lewis County, Arizona, prison were fired. The investigation revealed that Mark Hasz, an officer responsible for the supervision of prisoners, and Shaun Holland, acting warden of the penitentiary, had unreasonably used force against one of the inmates. Mr Hasz, among other things, was seen inflicting bodily harm on the victim. This is evidenced by the circulated video footage from an internal surveillance camera. Such criminal offense entails penalties up to and including imprisonment.<sup>2071</sup>

On 9 November 2020, two police officers in Schenectady County, New York, beat a citizen they had earlier detained. Following the investigation, the perpetrators were dismissed from the law enforcement agencies. A criminal case was initiated against them.<sup>2072</sup>

On 14 November 2020, Brian Ford, an employee at Valdosta Prison in Valdosta, Georgia, pleaded guilty to unreasonable and excessive use of force against an inmate. Court records indicate that the law enforcement officer intentionally took the handcuffed inmate to the inner courtyard of the jail and beat him up.<sup>2073</sup>

There have been cases when victims have managed to get criminal cases initiated, although after several years. For example, Mark Bryant, a correctional officer at the Cheatham County Jail, Tennessee, was held accountable only in 2020 for the unjustified use of a stun gun against an inmate in November 2016.<sup>2074</sup> The court sentenced him to five years' imprisonment. Human rights defenders often consider such verdicts as excessively lenient.

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<sup>2071</sup> Lewis Prison corrections officers fired amid excessive use of force allegations. News Break, 20 November 2020. <https://www.newsbreak.com/news/2106609544278/2-lewis-prison-corrections-officers-fired-amid-excessive-use-of-force-allegations>

<sup>2072</sup> Schenectady County corrections officers fired over excessive force incident. News 10. 11 November 2020. <https://www.news10.com/news/schenectady-county/schenectady-county-corrections-officers-fired-over-excessive-force-incident/>

<sup>2073</sup> Valdosta correctional officer guilty of using excess force. Albany Herald. 14 November 2020. <https://www.albanyherald.com>

<sup>2074</sup> Former Cheatham Co. corrections officer sentenced in use of excessive force case. WKRN. 20 November 2020. <https://www.wkrn.com/news/former-cheatham-co-corrections-officer-sentenced-in-use-of-excessive-force-case/>

Jordan DeMattos, a correctional officer at the Hawaii Community Correctional Center, pleaded guilty to concealing the use of force against inmates by his colleagues in 2015, falsifying reports, and conspiring to cover up the attack. Under US law, the defendant could face up to 35 years in prison if convicted for all the offenses.<sup>2075</sup>

The highest rates of violent acts against prisoners have been reported in Dublin, California. In 2020, 422 complaints were filed; four of which were confirmed and the rest are under investigation.<sup>2076</sup>

Solitary confinement measures constitute a particular challenge. Many convicts are placed in solitary confinement cells in violation of the legal periods of confinement. Prisoners subject to this measure are placed in Special Housing Units (SHUs). The reason for a tougher regime may be serious misconduct that has endangered the health and safety of other prisoners and/or prison staff.

According to Equal Justice Initiative (EJI), an NGO, more than 60,000 prisoners are in solitary confinement in the United States as of November 2020.

Human rights defenders find the situation with convict Tyquine Lee, who was held in solitary confinement in a state prison in Virginia for more than 600 days, egregious. His case is further complicated by the fact that the inmate has a history of severe mental health issues. According to his mother, Tyquine Lee was subjected to merciless abuse in the solitary confinement cell, and, ultimately, his mental and physical health was severely deteriorated. His weight had dropped below 45 kilograms and he was practically unable to speak.<sup>2077</sup>

Human rights organizations and statistical bureaus have observed an increase in the number of deaths of inmates in American prisons. The causes of deaths include both staff negligence and increased conflicts in penitentiary facilities.

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<sup>2075</sup> Former Corrections Officer Pleads Guilty to Assaulting Inmate and Covering It Up, Faces Up to 35 Years. "Newsweek". 3 December 2020. <https://www.newsweek.com/former-corrections-officer-pleads-guilty-assaulting-inmate-covering-it-faces-35-years-1552271>

<sup>2076</sup> <https://apnews.com/article/coronavirus-pandemic-health-california-united-states-prisons-00a711766f5f3d2bd3fe6402af1e0ff8>

<sup>2077</sup> "The Washington Post": <https://www.washingtonpost.com/opinions/2022/01/28/my-son-was-abused-prison-proposed-virginia-legislation-still-wouldnt-give-him-second-chance/>

In Florida, on 14 February 2022, a prisoner died in a transport van after being severely beaten by three officers.

The reason for the aggression against him was that the prisoner poured urine on the officers as they were taking him out of the cell. He did not resist, he was handcuffed and obeyed orders. Three correctional officers were arrested and charged with second-degree murder.<sup>2078</sup>

Another episode occurred on 1 March 2022 in the state of Alabama. Terry Jones, 46, died after he was stabbed at Easterling Correctional Facility in Clio. He had served nearly 15 years of a 20-year sentence for burglary. The assault reportedly went unnoticed because of the lack of adequate supervision and several hours passed before Mr Jones received medical attention.

The day after Terry Jones' death (2 March 2022), William Jennings, 49, was beaten to death in a cell at the same prison.<sup>2079</sup>

Deadly violence has continued unabated and unaddressed, leading federal prosecutors to sue the Alabama Department of Corrections over its failure to remedy unconstitutionally dangerous and abusive conditions in the state's prisons.

Human rights defenders emphasize that the killing of Terry Jones and many other inmates could have been prevented if the Alabama Department of Corrections had taken meaningful measures to correct the "deficient supervision" that federal investigators identified as a crisis in 2019.

The 2022 Report on Human Rights Violations in the United States by China Society for Human Rights Studies found that the lives of prisoners in the United States were at risk. Citing a study published in October 2022 in Prison Legal News (PLN), the report noted that a shortage of guards and inadequate infrastructure in Alabama's prison system led to high rates of violence and deaths among inmates. There were 39 deaths in the first eight months of 2022.<sup>2080</sup>

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<sup>2078</sup> "USA Today": <https://www.usatoday.com/story/news/nation/2022/04/29/florida-prison-guards-charged-murder-inmate-beating/9583361002/>

<sup>2079</sup> Equal Justice Project: <https://eji.org/news/alabama-prison-crisis-continues-with-terry-jones-homicide/>

<sup>2080</sup> China Society for Human Rights Studies, Report on Human Rights Violations in the United States in 2022, published in March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

The US has been criticized for many other flaws with regard to penitentiary system as well. Thus, the country continues the practice of lengthy pretrial detention. The law provides for a pretrial phase to be no longer than 70 days.<sup>2081</sup> However, the process often lasts longer. This is formally justified by the complexity of the case or the abundance of files relating it. The case law system allows the judge to arbitrarily set procedural timeframes and go beyond the limits set by statutes and other regulations.

The 2022 Report on Human Rights Violations in the United States by China Society for Human Rights Studies also highlights deep flaws in the US penitentiary system. For instance, according to an article published by The Fair Justice Initiative on 25 April 2022, inmates in Mississippi prisons were kept in dark cells without light or clean water. On 19 February 2022, the "Chicago Sun-Times" reported that cells at Joliet Prison in Illinois were infested with rats, and rotten food and raw sewage overflowed into common areas.<sup>2082</sup>

In addition, the aforementioned report noted that prisons became places of modern-day slavery. According to a report issued on 16 June 2022 by the University of Chicago Law School in collaboration with the American Civil Liberties Union, an advocacy organization, the United States incarcerates more than 1.2 million people in prisons, about 800,000 of whom are engaged in forced labor, accounting for 65% of the total prison population. Over 76% of prisoners surveyed said they would be punished with solitary confinement and deprived of family visits if they refused to work. A 15 June 2022 study by the American Civil Liberties Union also found that prisoners were typically either not paid at all or earned an amount wholly disproportionate to their labor.<sup>2083</sup>

Private correctional facilities are practiced in the United States. According to statistics provided by The Sentencing Project, an NGO, as of 2019, the United States

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<sup>2081</sup> Speedy Trial Act, par.3161(c)(1), 18 U.S.C. Sec.

<sup>2082</sup> China Society for Human Rights Studies, Report on Human Rights Violations in the United States in 2022, published in March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>2083</sup> China Society for Human Rights Studies, Report on Human Rights Violations in the United States in 2022, published in March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

incarcerated 8.1% (nearly 116,000 people) of all prisoners in the country.<sup>2084</sup> Furthermore, the number of persons held in such facilities increased by 39% between 2000 and 2020. The leaders in the number of convicted persons incarcerated in private prisons are Texas and New Mexico. Several regions of the country have seen dramatic increases in the number of prisoners being held in private correctional facilities over the past 20 years, namely Arizona (480%), Indiana (313%), Ohio (253%), North Dakota (221%), Florida (205%), Montana (125%), Tennessee (118%), and Georgia (110%).<sup>2085</sup>

According to human rights defenders, the human rights situation in such facilities is below the levels of that in state prisons. Such correctional facilities are usually set up for profit. Private penitentiaries enjoy guaranteed payments from the authorities for each convict, regardless of the real maintenance costs. Therefore, the prison administration is interested in minimizing expenditures on prisoners as much as possible. The savings are achieved by reducing the number of guards, minimizing the cost of food and health care for prisoners, etc.

Widespread arrests as a detention measure in the United States significantly infringe on the rights of people below the poverty line. Since the financial situation of most defendants prevents them from posting bail for release pending investigation, citizens have to stay behind bars without charges throughout the investigation.

The American Civil Liberties Union and The Equal Justice Initiative (EJI) have consistently drawn attention to the issue of quality of health care provided to persons detained in US prisons. In many cases, negligent attitude of medical staff to their official duties leads to a deterioration in the health of prisoners or even their deaths.

NGOs regularly report to the public and the media on egregious cases of negligence by prison staff, denial of medical treatment and denial of medication

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<sup>2084</sup> Sentencing Project, Private Prisons in the United States: <https://www.sentencingproject.org/publications/private-prisons-united-states/>

<sup>2085</sup> Sentencing Project, Private Prisons in the United States: <https://www.sentencingproject.org/publications/private-prisons-united-states/>

necessary for prisoners to stay healthy. This was particularly relevant amid the coronavirus pandemic that caused considerable damage to the health of thousands of prisoners in the United States. The treatment for coronavirus included a set of basic remedies designed to fight the common cold.<sup>2086</sup> In this context, the American Civil Liberties Union notes an increase in the number of prisoner complaints about denial of medical care in Virginia.<sup>2087</sup>

According to this human rights organization, while all democracies recognize the need for transparency and regular monitoring of prison conditions, the United States is the only nation that lacks an independent body responsible for these tasks and for ensuring minimum standards of health and safety for prisoners.<sup>2088</sup>

According to Michele Deitch, a senior lecturer at the University of Texas and director of the Prison and Jail Innovation Lab at the Lyndon B. Johnson School, the United States is an "anomaly" on the world stage. Prisons in this country are among the most opaque public institutions: the public has no information about what is happening behind razor wire fences, and there is no reliable data pertinent the health and safety of people in custody. Information about deaths in custody remains elusive in many states.<sup>2089</sup>

The United States ranks among the world's leaders in the number of juveniles deprived of their liberty in any form.<sup>2090</sup>

According to the US Office of Juvenile Justice and Delinquency Prevention, under the jurisdiction of the US Department of Justice, more than one million criminal cases have been brought against minors.<sup>2091</sup> According to the Office's 2022 report, law enforcement agencies arrested nearly 700,000 individuals under the age of 18 in 2019 alone. At the same time, the rate of arrests of female juveniles has increased.<sup>2092</sup> Many juveniles participate in legal proceedings as if they were adults

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<sup>2086</sup> wvtf.org, Prison Food and Medical Care Suffer During COVID-19 Pandemic

<sup>2087</sup> wvtf.org, Prison Food and Medical Care Suffer During COVID-19 Pandemic

<sup>2088</sup> <https://www.aclu.org/issues/prisoners-rights>

<sup>2089</sup> <https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system>

<sup>2090</sup> "USA Today", Investigations, The ununited state of juvenile justice in America, 2 December 2020; see also UN Global Study on Children Deprived of Liberty, 2019.

<sup>2091</sup> Office of Juvenile Justice and Delinquency Prevention webpage

<sup>2092</sup> <https://ojjdp.ojp.gov/publications/2022-national-report.pdf>



and serve their sentences in common prisons.<sup>2093</sup> According to former District Judge Marcia Morey, juveniles need help, not punishment, but their cries for help too often become crimes.<sup>2094</sup>

The last two decades have brought enormous changes to the US juvenile justice system: in nearly every state, the number of incarcerated youth has dropped by half or more; probation, therapy, and social programs are given priority for all except those who have committed the most serious crimes. However, the system is still not perfect: many teens are not receiving quality legal representation, recidivism is high among youths in juvenile detention centers because rehabilitation programs are ineffective, and state and local officials are still funding facilities where 70% of the beds are unoccupied.<sup>2095</sup>

The situation in Virginia is noteworthy, where Valerie Slater, executive director of Rise for Youth, a group that advocates for teens in the juvenile justice system, and other experts have documented cases of racial discrimination in the juvenile criminal justice system.

The report by the Joint Legislative Audit and Review Commission (JLARC) of Virginia found that black youths were 2.5 times as likely over the past decade to be placed in the juvenile justice system. The report recommends introducing more training requirements aimed at combating the racial disparity issue. However, according to Valerie Slater, the issue called for a more systematic examination.

The authors of the report also interviewed judges, prosecutors and defense attorneys, who said youths were often getting substandard legal representation. Those interviewed said the problems were most prevalent with court-appointed attorneys, who are paid far less than in other states. Some attorneys did not have a firm grasp on juvenile law and sometimes spent little time with clients before representing them in court.

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<sup>2093</sup> "USA Today", Investigations, The ununited state of juvenile justice in America, 2 December 2020.

<sup>2094</sup> <https://www.northcarolinahealthnews.org/2022/03/14/the-pandemic-shines-a-light-on-just-how-many-school-related-infractions-end-with-children-in-the-juvenile-justice-system/>

<sup>2095</sup> <https://www.washingtonpost.com/dc-md-va/2021/12/24/report-race-juvenile-justice-virginia/>

The report found a nearly 70% recidivism rate among youths released from detention centers around Virginia, leading the authors to conclude rehabilitation programs overseen by the state's Department of Juvenile Justice (DJJ) weren't particularly effective.<sup>2096</sup>

In recent years, the US Department of Justice has investigated abuse in juvenile facilities in Texas. The investigation has revealed numerous cases of child abuse in prisons: adolescents have been handcuffed and shackled, beaten, and pepper-sprayed inside the cells.<sup>2097</sup> Placing juvenile prisoners in a punishment cell is another form of abuse. Solitary confinement, combined with the violence used against them, results in adolescents harming themselves, trying to break beds, lights, and walls, leading to injuries and the need for medical treatment.<sup>2098</sup>

The American Medical Association, the American Academy of Pediatrics and the United Nations have all condemned the practice of isolating young people as deeply harmful, leading to depression, anxiety and psychosis. Studies show the majority of kids who die by suicide in lockup are, or recently were, in isolation.

At least 24 states and the federal government have placed strict limits on the use of solitary confinement for young people. The US Department of Justice has intervened in at least a dozen cases involving state and local juvenile justice agencies in the last decade to make clear that overuse of solitary confinement for youths is unconstitutional.

Human rights defenders from the American Civil Liberties Union report that many state legislatures are worsening the situation of juvenile offenders through their decisions. The minimum age of criminal responsibility is constantly being lowered, and the list of offenses for which children may be deprived of liberty is being extended.<sup>2099</sup>

Amid the spread of coronavirus infection, the Southern Poverty Law Center, an NGO, appealed to the Supreme Court of the State of Alabama to take immediate

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<sup>2096</sup> <https://www.washingtonpost.com/dc-md-va/2021/12/24/report-race-juvenile-justice-virginia/>

<sup>2097</sup> <https://www.themarshallproject.org/2022/03/10/no-light-no-nothing-inside-louisiana-s-harshest-juvenile-lockup>

<sup>2098</sup> <https://www.themarshallproject.org/2022/03/10/no-light-no-nothing-inside-louisiana-s-harshest-juvenile-lockup>

<sup>2099</sup> Ibid.

action to release minors from special detention facilities. In such facilities, children are exposed to increased risks of suicide, depression and other mental health issues, and infectious diseases.

Until relatively recently, of particular concern was the situation of Russian citizens Konstantin Yaroshenko and Viktor Bout, who were illegally sentenced to long terms of imprisonment and who were exchanged in 2022 for Americans Trevor Reed and Brittney Griner.

Konstantin Yaroshenko was held in Danberry Prison, Connecticut, until his release in April 2022. The conditions of detention in the facility do not stand up to criticism. For example, the Russian was kept in an overcrowded prison cell for several dozen inmates. Despite Konstantin Yaroshenko's severe chronic illnesses, he did not receive adequate medical care, and for several years he was denied dental prosthetics. Despite dozens of cases of COVID-19 in prison, all individuals were given only one medical mask per week. At the same time, Coronavirus testing came very late, only after many prisoners had died.

The situation is no better with Roman Seleznev, a Russian citizen, who is serving a long prison sentence. Numerous appeals by human rights defenders (Human Rights Watch, Sentencing Project and Amnesty International) and recommendations by the Federal Bureau of Prisons to release our compatriot on humanitarian grounds are ignored by the US authorities. Nor do they take into account the fact that Roman Seleznev is convicted of non-violent crime and has a number of serious chronic illnesses. He does not receive the required medical care, and requests that he should be transferred to another penitentiary, where he could get a thorough check-up, are left unaddressed.

All these vivid examples clearly demonstrate the repressive nature of the US justice system. The rights of Russian citizens are constantly violated – they are regularly placed in solitary confinement without reason, denied medical care and necessary medications, to say nothing of extremely poor nutrition. Of course, all the above has an adverse effect both on physical and mental health of our compatriots.

In general, it should be noted that, as of 1 November 2023, there are some 100 Russian citizens in US penitentiaries that the Russian Embassy in Washington knows about. Unfortunately, there are no precise statistics on how many Russians are held in US prisons and detention centres in total.

The lack of such information on the number of imprisoned compatriots can be explained by the fact that the US authorities do not always notify of their detention or release from custody. Numerous requests submitted by the Russian Embassy to the US Department of State to provide comprehensive data on all imprisoned Russian citizens are ignored.

As practice shows, most of Russian compatriots are charged with non-violent crimes (cyber fraud, immigration violations, money laundering, theft, etc.). Once in the hands of the US justice system, Russian citizens usually face a biased attitude on the part of investigative agencies and courts. They are subjected to psychological pressure. The well-known situation with Maria Butina is yet another case in point.

Washington continues its attempts to put pressure on Russia by blatantly "preying on" its compatriots. It is increasingly using accusations of circumventing illegitimate anti-Russian restrictions as a pretext.

Once in the hands of the US justice system, Russian citizens usually face a biased attitude on the part of investigative agencies and courts. They are subjected to psychological pressure. Using various methods, including direct threats, they try to induce Russian compatriots to confess guilt and accept a plea deal, mostly on far-fetched charges, and if they refuse to cooperate, they are sentenced to significant prison terms.

According to the US Department of Justice, on 13 February 2024, a court in New York charged Kristina Puzyreva, a Russian-Canadian citizen, with conspiracy to launder money from scheme to send arms to sanctioned entities in Russia. The young woman pleaded guilty – she allegedly supplied components for drones, missile systems, and other weapons in violation of export control and sanctions

laws. The shipped items were allegedly later found in the zone of the special military operation. Kristina Puzyreva faces up to 20 years' imprisonment.<sup>2100</sup>

In October 2023, Nikolay Goltsev, a Russian-Canadian citizen, and Salimdzhon Nasriddinov, a citizen of Russia and Tajikistan, were also charged in the same case (with conspiracy to conduct financial transactions involving the proceeds of unlawful activity – the purchase and transfer to Russia of components used in unmanned aerial vehicles and guided missile systems, as well as other military technologies; the components were allegedly purchased by firms on the sanctions list, and some parts were allegedly found in signals intelligence equipment used by the Armed Forces of the Russian Federation in the context of the SMO). The legal basis for the charge is violation of US law as it relates to export restrictions regarding, among other things, the export from the United States of advanced "dual-use" technologies.

The plight of Russian citizens in penitentiaries has been exacerbated by the spread of COVID-19. Despite dozens of COVID-19 cases, which US prison authorities were trying to sweep under the rug, each prisoner was provided with only one medical mask per week, and rarely qualified medical care. Testing for the coronavirus was exceptional and delayed, and took place mostly only after other cellmates were already dead.

The protection of the rights and legitimate interests of Russian prisoners is always among the top priorities of the Russian Embassy in the United States. Close attention is paid to the state of their health and conditions of their detention. Regular contact is maintained with Russian citizens by telephone and via an electronic messaging system. Russian media reviews, as well as periodicals and books in Russian, are sent to most Russians on a weekly basis.

There are no problems with consular access to detainees. In 2023, Embassy staff visited Alexander Vinnik, Vladimir Dunaev, Georgy Kavzharadze, Vladislav Klyushin, Vadim Konoshchenok, Anatoly Legkodymov, Dmitry Ukrainsky, as well

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<sup>2100</sup> <https://ura.news/news/1052747757>

as P.N. Krasilnikov and I.Y. Nagaev (to arrange for their certificates of return to Russia).

The US authorities continue to cover up cases of torture, inhuman or other degrading treatment of detainees at the notorious Guantánamo Bay special prison.

As of 2023, the US was still detaining 30 of the nearly 800 men and boys it brought to Guantánamo Bay between 2002 and 2008. Twenty-seven of those who remain have never been charged. Many lack adequate medical care and even access to their medical records. The military commission system created to prosecute suspects at Guantánamo is fundamentally flawed.<sup>2101</sup>

Agnès Callamard, French human rights activist and Secretary General at the British NGO Amnesty International, emphasized in an interview that "Very few of these men have ever been charged with a crime, and absolutely none has faced a fair trial".<sup>2102</sup>

There was a high-profile statement by Fionnuala Ní Aoláin, Special Rapporteur of the United Nations Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism,<sup>2103</sup> issued on 26 June 2023 following her visit to the penitentiary. The official called on the US to close the detention facility at the US Naval Station Guantánamo Bay, where "systematic arbitrariness" prevails. She expressed serious concerns about the continued detention of 30 men and the conditions of their confinement; highlighted insecurity, suffering, and anxiety to all detainees, without exception.<sup>2104</sup> In her view, the current conditions at Guantánamo constitute circumstances that fall within the definition of torture and other cruel, inhuman or degrading treatment or punishment under international law.

Patrick Hamilton, the International Committee of the Red Cross' (ICRC) head of delegation for the United States and Canada, criticized the US authorities on

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<sup>2101</sup> <https://www.hrw.org/news/2022/01/09/legacy-dark-side>

<sup>2102</sup> <https://www.amnesty.org.uk/guantanamo-bay-human-rights>

<sup>2103</sup> <https://www.ohchr.org/ru/special-procedures/sr-terrorism>

<sup>2104</sup> <https://www.ohchr.org/en/press-releases/2023/06/expert-welcomes-historic-visit-united-states-and-guantanamo-detention>

21 April 2023.<sup>2105</sup> Following his visit to the detention facility, the ICRC noted that detainees held in prison at the US Naval Station Guantánamo Bay in Cuba should be able to have more contact with their families, and receive access to adequate health care.

Report prepared by the Ministry of Foreign Affairs of the Republic of Belarus in 2022 on the Most High-Profile Human Rights Violations in Certain Countries of the World states that the US authorities do not comply with the principle of fair trial and procedures.<sup>2106</sup> And the example of Guantánamo is a clear illustration. The accused are deprived of basic rights,<sup>2107</sup> including to judicial protection. In August 2020, the Court of Appeals for the District of Columbia Circuit (Judge N. Rao) ruled that the US Constitution's Fifth Amendment right to access to justice and due process does not extend to Guantánamo detainees.<sup>2108</sup> The five prisoners accused of planning the 9/11 attacks have not yet been brought to trial.

Numerous cases of torture and ill-treatment of prisoners at Guantánamo, including sleep deprivation, exposure to noise, simulated drowning, have been repeatedly reported by leading US publications ("The New York Times" and "The Los Angeles Times"). These facts were acknowledged, including by former CIA psychologist James Mitchell, who was involved in developing "enhanced interrogation techniques",<sup>2109</sup> and the judge of the military judicial commission Col. Douglas K. Watkins.<sup>2110</sup> For example, the latter reports torture and other degrading interrogation methods used against Indonesian citizen Majid Khan and several other accused. Such defective practices are in flagrant violation of the US

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<sup>2105</sup> <https://www.icrc.org/en/document/guant%C3%A1namo-detaining-authorities-must-adapt-needs-rapidly-ageing-population>

<sup>2106</sup> Report by the Ministry of Foreign Affairs of the Republic of Belarus in 2022 on the Most High-Profile Human Rights Violations in Certain Countries of the world  
[https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

<sup>2107</sup> Human Rights Watch: <https://www.hrw.org/legacy/backgrounder/usa/qna1006/usqna1006.htm>

<sup>2108</sup> Court of Appeals for the District of Columbia Circuit: <https://assets.documentcloud.org/documents/7047939/DC-Circuit-Rao-Gitmo-Habeas-Ruling.pdf>

<sup>2109</sup> "The Los Angeles Times": <https://www.latimes.com/world-nation/story/2020-01-22/ksm-waterboarding-guantanamo-testimony>

<sup>2110</sup> "The New York Times": <https://www.nytimes.com/2020/06/04/us/politics/guantanamo-torture-sentencing.html>

Constitution and its international legal obligations.<sup>2111</sup> In 2019, due to physical and psychological abuse for years, prisoner Sharqawi al Hadj attempted suicide.<sup>2112</sup>

According to Fox News and "The New York Times", nine prisoners have died at Guantánamo over the past eight years, several of them under puzzling circumstances.<sup>2113</sup> For example, one of the most publicized cases was the death of Yemeni national Adnan Latif.<sup>2114</sup> In February 2021, Ibrahim Idris, a former inmate of this special prison, died at the age of 60 in Sudan. "The New York Times" attributed his death to medical complications he had from Guantánamo.<sup>2115</sup>

Professor Sondra Crosby at Boston University believes that the prison system is unable to meet the minimum needs of prisoners for treatment and maintenance of a normal level of health. Often the needs of inmates who have suffered torture and other ill-treatment are simply ignored by the military administration of the institution.<sup>2116</sup>

At the same time, leading US media outlets note that the cost of running the facility at the US naval base is tens or even hundreds of millions of dollars.<sup>2117</sup> For example, according to a tally by "The New York Times", the total cost in 2017 of holding the prisoners exceeded USD 540 million. As of 2022, it took USD 7 billion to operate the Guantánamo prison throughout its entire existence. Each detainee costs USD 13 million a year.<sup>2118</sup>

Human rights organizations have regularly called for closing the prison. The Centre for Victims of Torture (CVT), Human Rights First and National Religious Campaign against Torture demand that the prison be immediately closed down. To

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<sup>2111</sup> United States of America v. Majid Shoukat Khan Ruling Defense Motion for Pretrial Punishment Credit Relief, Military Commissions Trial Judiciary, Guantánamo Bay, 4 June 2020

<sup>2112</sup> Centre for Constitutional Rights – CCR:

<https://ccrjustice.org/sites/default/files/attach/2019/09/Emergency%20Motion%20for%20A1%20Hajj%20Status%20Conference%20August%2022%202019.pdf>

<sup>2113</sup> Fox News: <https://www.foxnews.com/world/political-poison-whats-going-on-in-gitmo>

<sup>2114</sup> "The New York Times": <https://www.nytimes.com/2012/11/29/us/yemeni-detainee-at-guantanamo-died-of-overdose.html>

<sup>2115</sup> "The New York Times": <https://www.nytimes.com/2021/02/11/us/ibrahim-idris-dead.html>

<sup>2116</sup> Miami Herald: <https://www.miamiherald.com/opinion/op-ed/article121885083.html>

<sup>2117</sup> For example, "The New York Times": <https://www.nytimes.com/2019/09/16/us/politics/guantanamo-bay-cost-prison.html>

<sup>2118</sup> <https://www.nytimes.com/2022/09/16/us/politics/guantanamo-bay-prison-cost.html>



this end, they presented a programme of recommendations.<sup>2119</sup> Amnesty International called on the US government to end human rights abuses in Guantánamo Bay and to comply strictly with its international legal obligations to end torture and other inhuman or degrading treatment or punishment.<sup>2120</sup> In January 2021, the UN Human Rights Council special procedures required the closure of the Guantánamo Bay detention centre and the transfer of detainees' cases to civilian courts. Experts noted that the very existence of the prison is incompatible with Washington's obligations under international law.<sup>2121</sup>

The intention to close this prison was announced more than a decade ago by former Head of the White House Barack Obama. He stated that he planned to finalize the process within a year. Joe Biden said the same thing during his 2020 election campaign. Such plans were subsequently and repeatedly confirmed by the Head of the Pentagon Lloyd Austin, Secretary of State Antony Blinken and National Security Council (NSC) spokesperson Emily Horne.

However, according to a number of US experts, the correctional facility will continue to exist largely due to political and legal obstacles.<sup>2122</sup> The strategy to close the prison is expected to focus initially on reducing the number of prisoners by repatriating them or finding other countries to accept them. Specific timelines for the closure of the special prison are currently unknown.<sup>2123</sup>

The Biden administration is currently attempting to reduce the number of detainees held at Guantánamo Bay as part of a broader effort to close the facility. On 9 March 2023, for example, the Pentagon announced the repatriation of Saudi Arabian detainee Ghassan Al Sharbi. On 23 February 2023, two "inmates" Abdul Rabbani and Mohammed Rabbani were transferred to Pakistan. On 2 February 2023, the "high-value" detainee Majid Khan was released from prison and sent to Belize.

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<sup>2119</sup> "Just Security": <https://www.justsecurity.org/72367/toward-a-new-approach-to-national-and-human-security-close-guantanamo-and-end-indefinite-detention/>

<sup>2120</sup> Amnesty International: <https://www.amnesty.org/en/documents/amr51/3474/2021/en/>

<sup>2121</sup> "Disgraceful" Guantánamo Bay detention facility must be closed now, say UN experts. The Special Procedures of the Human Rights Council press-release. 11 January 2021.

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=26649&LangID=E>

<sup>2122</sup> "The Hill": <https://thehill.com/opinion/national-security/549584-closing-guantanamo-is-long-overdue>

<sup>2123</sup> "The Hill": <https://thehill.com/homenews/administration/557581-report-biden-hopes-to-close-guantanamo-by-the-end-of-his-first-term>

The United States remains the only Western country whose legislation includes provisions for the capital punishment. The death penalty is provided for in the laws of 27 states and at the federal level. However, five of these states currently have a moratorium in place.<sup>2124</sup>

In 2003, a *de facto* moratorium on federal executions was introduced. However, in July 2020, the practice of capital punishment was resumed by decision of the Supreme Court.<sup>2125</sup>

More than 8,500 people have been sentenced to death in the United States since the 1970s. In the mid-1990s, the number of annual death sentences peaked at over 300 per year. In the past 25 years, that number has declined by more than 80% and has remained near a record low since 2015. In 2022, there were 11 executions.<sup>2126</sup> In the first 6 months of 2023, 13 executions.<sup>2127</sup>

According to US's Death Penalty Information Center (DPIC), which has been keeping statistics since the reintroduction of the death penalty in 1976, 1,582 people had been executed in the country as of 3 January 2024, most of them by lethal injection (1,402), with hanging and execution by firing squad (3 cases each) being the least common methods. In 2023, 24 executions were carried out; the highest number of death sentences – 98 – was in 1999. Texas ranks first among the states in the number of people executed, at 586. There are currently 2,333 pending executions in the US, with California having the largest number of people on death row – 665. 196 people sentenced to death since 1973 have had their cases reviewed and been exonerated.<sup>2128</sup>

The number of supporters of the death penalty in the United States is gradually declining, according to the latest Gallup poll conducted in October 2023. For example, 53% of Americans believe that execution is acceptable for someone convicted of murder. In 2022, 55 per cent of respondents held this view; in 1994, the figure was 80 per cent. At the same time, for the first time since 2000, a majority of

<sup>2124</sup> <https://deathpenaltyinfo.org/state-and-federal-info/state-by-state>

<sup>2125</sup> US Department of Justice website. Executions Scheduled for Four Federal Inmates Convicted of Murdering Children. 15 June 2020

<sup>2126</sup> Death penalty information Center

<sup>2127</sup> <https://deathpenaltyinfo.org/executions/2023>

<sup>2128</sup> <https://deathpenaltyinfo.org/>

Americans (50%) say the death penalty is applied unfairly, 39% believe that executions are not carried out often enough and 28% say that they are carried out often enough. Opinions vary, including depending on political preferences: Among Republicans, the share of supporters of capital punishment for murder reaches 81 per cent, among independents – 51 per cent, among Democrats – 32 per cent.<sup>2129</sup>

Over the past decade, several US Supreme Court rulings have limited the scope of use of the death penalty. The Court overturned the death penalty for mentally disabled individuals in *Atkins v. Virginia*, 2002, and for juvenile offenders in *Roper v. Simmons*, 2005, holding that the execution of such persons is unconstitutional.

According to the Death Penalty Information Centre, the majority of those sentenced to capital punishment are African Americans, Latinos or representatives of other ethnic minorities<sup>2130</sup>. Specifically, as the NGO noted, African Americans account for 34.1% of all convictions. At times, innocent people are sentenced to death due to mistakes in trial proceedings and other factors. Amnesty International has found that 156 persons sentenced to death were found to be innocent. More than half of them belong to ethnic minorities.

In June 2021, the media found out that the authorities of Arizona had purchased toxic substances for use in gas chambers. They were outraged by the fact that such toxic substances had been used by the Nazis during the Holocaust.<sup>2131</sup>

In view of the accelerated implementation of death penalties, which many experts linked with the change of administration, on 22 December 2020, a group of Democratic Senators headed by Elizabeth Warren (Massachusetts), sent a letter to Michael E. Horowitz, Inspector General of the US Department of Justice (DOJ), calling to investigate the Trump Administration's "frenzied and unprecedented" spree of federal executions. The senators' letter said that the spree of executions marked a break with decades-old legal practice.<sup>2132</sup>

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<sup>2129</sup> <https://tass.ru/obschestvo/19822213>

<sup>2130</sup> Website of Death penalty information Center. Facts about death penalty, as of 20 May 2020. <https://deathpenaltyinfo.org/>

<sup>2131</sup> Outrage greets reports of Arizona plan to use Holocaust gas in executions. "The New York Times". 2 June 2021.

<sup>2132</sup> Elizabeth Warren website, 22 December 2020.

It is noteworthy that the international community has repeatedly condemned capital punishment for criminals in the United States.

Alabama inmate Kenneth Smith was put to death by nitrogen hypoxia.<sup>2133</sup> Smith, 58, was convicted of the 1988 contract killing of Elizabeth Sennett, a minister's wife, and executed by nitrogen hypoxia in Atmore.

It has been noted that on 25 January 2024 starting at 19:58 local time, Smith "shook and convulsed" at least for two minutes. While immobilized, the inmate was able to lift his head off the surface of the gurney, then dropped it. At 8:25 p.m., his death was announced.<sup>2134</sup>

The American authorities resorted to a previously unused method of execution because of the physiological characteristics of the inmate. In November 2022, the United States attempted to execute Kenneth Smith by standard lethal injection, but they failed to find a suitable vein in which to insert the needle.

Significantly, Alabama allowed the death penalty to be carried out with pure nitrogen in 2018 due to a shortage of drugs used for lethal injections. This method of execution is also legal in Mississippi and Oklahoma, but these two states have never used it.

Local prosecutors claim that this method is similar to euthanasia practiced around the world, including in some European countries – once the gas is applied, the person quickly and painlessly loses consciousness and then goes into cardiac arrest.

However, Kenneth Smith's lawyers insisted that Alabama authorities did not have the necessary equipment to carry out this type of execution. They believe that the oversized mask could let in enough oxygen to make the defendant suffer and suffocate while still conscious.

<sup>2133</sup> <https://www.cnn.com/2024/01/26/us/alabama-execution-nitrogen-what-we-know/index.html>

<sup>2134</sup> <https://www.alabamaag.gov/alabama-attorney-general-steve-marshall-statement-on-the-execution-of-murderer-kenneth-smith-by-nitrogen-hypoxia/>

In addition, the lawyers have stressed that a second attempt at execution could amount to excessive punishment. The U.S. Supreme Court denied the petitions in this regard.<sup>2135</sup>

UN High Commissioner for Human Rights Volker Türk has expressed deep regret over the execution of a prisoner by nitrogen gas in Alabama. In a special statement, he drew attention to "serious concerns that this novel and untested method of suffocation may amount to torture, cruel, inhuman or degrading treatment." Volker Türk emphasized that "the death penalty is inconsistent with the fundamental right to life," urging all States "to put in place a moratorium on its use as a step towards universal abolition."<sup>2136</sup>

The EU also condemned Smith's execution, stating in a press release that the death penalty "is a violation of the right to life and the ultimate denial of human dignity" and that the use of this punishment is unacceptable in all circumstances. The Brussels statement also expressed concern about an increase in the number of executions in the US in 2023.<sup>2137</sup>

A number of human rights organizations, including Human Rights Watch, have questioned the legitimacy of using such an inhumane method of capital punishment against convicts.<sup>2138</sup>

In 2013, Edward Snowden's revelations about the breadth of US government surveillance shocked the world. The public has learned about the NSA's PRISM and Upstream programs, in which the NSA works closely with Google, Facebook, American Telephone and Telegraph (AT&T), and Verizon Communications to conduct mass surveillance of Americans' international communications and obtain their personal data.

Intelligence officials also admitted that the NSA had for years been secretly collecting records about virtually every American's phone call – who's calling whom, when those calls are made, and how long they last. In addition,

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<sup>2135</sup> <https://edition.cnn.com/2024/01/26/us/alabama-execution-nitrogen-what-we-know/index.html>,  
<https://tass.ru/obschestvo/19822213>

<sup>2136</sup> <https://news.un.org/en/story/2024/01/1145947>

<sup>2137</sup> <https://www.vedomosti.ru/politics/news/2024/01/26/1016974-oon-i-es-osudili-ssha>

<sup>2138</sup> <https://www.hrw.org/news/2024/01/23/alabama-intends-carry-out-first-known-us-execution-using-nitrogen-gas>

whistleblowers and media reports revealed that the NSA was conducting bulk surveillance abroad, without any judicial oversight whatsoever, under an authority known as Executive Order 12,333.<sup>2139</sup> In 2013, it was reported that the CIA paid USD 10 million a year in order to gain access to AT&T's call data.<sup>2140</sup>

In September 2020, the 9th Circuit Court of Appeals ruled that the NSA's mass surveillance program violated the Constitution and the 1978 Foreign Intelligence Surveillance Act (FISA).<sup>2141</sup>

The Foreign Intelligence Surveillance Act, one of the most sweeping surveillance laws ever passed by Congress, was in effect in the United States until the end of 2023. The Act essentially gave the United States government and intelligence agencies unlimited authority to conduct extensive surveillance of foreign government officials and American citizens in contact with them, including phone calls, text messages, emails, social media posts, and web browsing.

A bright illustration of such practice is discovered intelligence abuses during wiretaps of conversations between officials of Trump's presidential campaign and Russian representatives. It is first and foremost about "declassified" conversations between former National Security Adviser to the US President and Russia's ex-Ambassador to the United States (transcripts of conversations in 2016-2017 intercepted by the US intelligence community.) At the same time, Trump has publicly announced his intention to veto a number of surveillance programs under the Foreign Intelligence Surveillance Act, citing "massive abuses" of the law by intelligence agencies. In this regard, it is also worth recalling the scandal that broke out in 2015 in Germany, when German journalists revealed the fact of wiretapping by US intelligence agencies of Chancellor Angela Merkel.

US intelligence agencies continue to use electronic surveillance mechanisms without control on both foreign nationals and Americans to obtain information on citizens' contacts via e-mail, social networks, and messengers. There are systematic violations of statutory surveillance procedures, including improper disclosure of

<sup>2139</sup> <https://www.aclu.org/news/national-security/the-privacy-lesson-of-9-11-mass-surveillance-is-not-the-way-forward>

<sup>2140</sup> <https://www.eff.org/deeplinks/2022/02/we-need-answers-about-cias-mass-surveillance>

<sup>2141</sup> Politico: <https://www.politico.com/news/2020/09/02/court-rules-nsa-phone-snooping-illegal-407727>

information to third parties, failure to duly notify the court whose approval is required, providing unverified information to courts, etc.

Journalists, lawmakers and NGOs continue to draw attention to numerous violations of legal norms on the protection of personal data by US law enforcement and intelligence agencies.<sup>2142</sup> Human rights activists emphasize the systemic nature of the violations, calling the existing practice of controlling the electronic communications of Americans in the country a grave threat to constitutional rights to privacy, freedom of expression, and freedom of association.<sup>2143</sup> Members of national and religious minorities, including African Americans, Asians, Muslims, etc., are noted to be particularly affected by the actions of the intelligence services.<sup>2144</sup>

During the surge of the Black Lives Matter (BLM)<sup>2145</sup> movement, for example, police collected social media data to identify protesters. For example, Dataminr, a monitoring company, used its Twitter connection to help law enforcement geolocate protesters during rallies in the summer of 2020, allowing police to track and disrupt events.

Dataminr also alerted the U.S. Marshals Service (a federal law enforcement agency that is a division of the U.S. Department of Justice) about locations for anti-abortion demonstrations in 2022.<sup>2146</sup>

Amnesty International notes that mass surveillance is not only a violation of the right to privacy, but also a threat to the work of the organization itself, which works to expose human rights violations around the world. Amnesty International's research is based on confidential sources. By sharing stories, witnesses to human rights violations and victims put themselves at risk of being exposed and punished. According to the NGOs, the government is illegally conducting surveillance on

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<sup>2142</sup> "The Wall Street Journal": <https://www.wsj.com/articles/federal-agencies-use-cellphone-location-data-for-immigration-enforcement-11581078600>

<sup>2143</sup> "Just Security": <https://www.justsecurity.org/73321/the-future-of-u-s-foreign-intelligence-surveillance/>

<sup>2144</sup> Ibid.

<sup>2145</sup> The U.S. Black Lives Matter (BLM) movement emerged in the wake of the killing of African-American G. Floyd by police officers in the United States in May 2020.

<sup>2146</sup> <https://watson.brown.edu/costsofwar/files/cow/imce/papers/2023/Surveillance%20Report%202023%20.pdf>

researchers, activists and victims, with the potential for more human rights violations.<sup>2147</sup>

In December 2020, the Department of Homeland Security's Office of Inspector General initiated an internal review after it was revealed that the Federal Customs and Border Protection (FCPB), under the Department of Homeland Security, was purchasing citizens' personal information from third-party commercial companies. According to "Vox", citing "The Wall Street Journal", the FCPB, in particular, used cell phone movement data illegally obtained from Venntel to track the movements of Americans and foreigners across the State border.<sup>2148</sup>

In addition, in June 2020, "The Wall Street Journal" learned that in 2017-2018, the FBI and the Internal Revenue Service also bought personal data from Venntel, X-Mode, and Babel Street to circumvent current laws, allegedly hoping to use it to combat money laundering, organized crime, and drug trafficking. This information received wide publicity only a few years later – during a briefing by the leadership of the Internal Revenue Service for the office of Senator Ron Wyden.<sup>2149</sup>

Human rights organizations and journalists have repeatedly pointed to the lack of a legal document in the United States that contains detailed, clear rules for when competent authorities can gain access to citizens' personal data, including their personal correspondence.

On 22 December 2023, Section 702 of the Foreign Intelligence Surveillance Act (FISA) was extended until the end of April 2024. That section allows U.S. intelligence agencies to access the emails and phone records of Europeans<sup>2150</sup> and to conduct surveillance without a warrant on individuals who are outside the United States but use U.S. electronic services. By doing so, intelligence gains data used to fight international terrorism.

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<sup>2147</sup> <https://www.amnestyusa.org/updates/unlawful-surveillance-threatens-our-activism-heres-how-we-can-fight-back/>

<sup>2148</sup> "The Wall Street Journal": <https://www.wsj.com/articles/federal-agencies-use-cellphone-location-data-for-immigration-enforcement-11581078600>

<sup>2149</sup> "The Wall Street Journal": <https://www.wsj.com/articles/irs-used-cellphone-location-data-to-try-to-find-suspects-11592587815>

<sup>2150</sup> [https://www.europarl.europa.eu/doceo/document/E-9-2024-000166\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2024-000166_EN.html)



Amendments to the Foreign Intelligence Surveillance Act (FISA), including Section 702, were enacted in 2008. In early 2018, Section 702 was extended by Congress for six years, until the end of 2023.<sup>2151</sup> Recently, there have been discussions about expanding the scope of this section, in particular, expanding the list of companies that can be included as U.S. agencies.<sup>2152</sup> A number of U.S. policymakers have proposed making Section 702 permanent.<sup>2153</sup>

Despite the above flaws, White House national security advisor Jake Sullivan called Section 702 the cornerstone of U.S. national security. According to him, "this authority is an invaluable tool that continues to protect Americans every day and is crucial to ensuring that U.S. defense, intelligence, and law enforcement agencies can respond to threats from the People's Republic of China, Russia, nefarious cyber actors, terrorists, and those who seek to harm our critical infrastructure."<sup>2154</sup>

At the same time, representatives of local NGOs urge parliamentarians to revise the current rules to take greater account of the right to personal data protection.<sup>2155</sup>

Human Rights Watch notes in its 2019 report that information from individuals' electronic devices is often used by law enforcement without court orders, allegedly to "prevent" crimes. Based on the content of users' correspondence, law enforcement officers decide to open investigations. Courts, on the other hand, deny requests for disclosure of investigation methods, guided by the provisions of laws on the possibility of making such information private. Thus, the accused are deprived of the opportunity to challenge the illegal surveillance installed thereon. This leads to a violation of the constitutional right to a full trial.

Among other things, police in the United States practice surveillance of citizens with criminal records. The nominal purpose of surveillance is to prevent

<sup>2151</sup> <https://www.kommersant.ru/doc/5843791>

<sup>2152</sup> [https://www.europarl.europa.eu/doceo/document/E-9-2024-000166\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2024-000166_EN.html)

<sup>2153</sup> <https://federalnewsnetwork.com/commentary/2024/02/fisa-amendments-must-acknowledge-critical-role-osint-plays-in-preserving-national-security/>

<https://www.csis.org/events/section-702-fisa-privacy-and-civil-liberties-reforms>

<sup>2154</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2023/02/28/statement-by-national-security-advisor-jake-sullivan-on-the-biden-harris-administrations-support-for-the-reauthorization-of-vital-intelligence-collection-authorities/>

<sup>2155</sup> <https://www.aclu.org/news/national-security/five-things-to-know-about-nsa-mass-surveillance-and-the-coming-fight-in-congress>

recidivism and reduce crime in certain areas. In practice, the surveillance of citizens has no legal basis and is carried out without relevant court orders and warrants from higher law enforcement agencies.

Collection of personal data (including medical histories, information about one's religious or political beliefs, etc.) by transnational corporations based in the United States has also been criticized. Human rights activists have found serious human rights violations in the use of collected information to increase the profits of "business giants." It has been argued that legal entities thus control citizens and limit their right to freedom of expression (First Amendment to the US Constitution).

Over 50 human rights NGOs submitted an open letter to Google CEO to take action against exploitative pre-installed software on Android devices and allow users to permanently uninstall the apps. According to human rights activists, many smartphones running on this operating system contain applications that are not visible, but at the same time carry out covert surveillance of the owners through the microphone, camera and geolocation data.<sup>2156</sup> Technical experts note that pre-installed apps are most often found in low-end phones. For example, researchers at the anti-virus company Malware Bytes revealed the existence of malware inside apps pre-installed on low-end smartphones sold to low-income Americans via the government-subsidized Assurance Wireless program. Experts believe similar apps are likely to be installed also on other devices subsidized by the US government.<sup>2157</sup>

Another cause for concern for the human rights community is the draft Lawful access to encrypted data act (LAEDA), introduced in the Senate in June 2020. According to the developers, the bill aims to ban encryption algorithms in mobile devices and applications, as well as to introduce obligations for Internet companies to assist law enforcement agencies in accessing encrypted information. In fact, according to experts, the document would threaten the privacy and security of users'

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<sup>2156</sup> An open letter to Google. The Privacy International. 8 January 2020.

<https://privacyinternational.org/advocacy/3320/open-letter-google>, 50+ orgs ask Google to take a stance against Android bloatware. ZD Net. 9 January 2020. <https://www.zdnet.com/article/50-orgs-ask-google-to-take-a-stance-against-android-bloatware/>

<sup>2157</sup> Privacy with a Price: Advocates Say Google Should Secure Cheap Android Phones. The Brussels Times. 22 January 2020. <https://www.techtimes.com/articles/246957/20200122/privacy-with-a-price-google-should-secure-cheap-android-phones.htm>

personal data, since it legitimizes the practice of intelligence services to hack into cell phones and read users' personal data. Another danger of the draft is that the ban on encryption gives attackers access to users' personal information.<sup>2158</sup>

The systemic abuses of USA intelligence agencies, which engage in widespread mass surveillance of citizens, also show signs of racial profiling.

The use of cameras with face recognition technology (FRT) is a good example of these biases. According to the experts, about 25% of the 18,000 law enforcement agencies across the United States have access to such systems.<sup>2159</sup> Over half of all American adults are in a driver's license database used for personality identification. A number of states use this technology not only on suspects in normal criminal cases, but also on people suspected of violating migration law. Human rights groups have repeatedly pointed to the inadequacy of such systems and their bias against members of racial and religious minorities, particularly African Americans.<sup>2160</sup> The high cost of the systems themselves and their maintenance and update have also been criticized.

According to experts from the NGO Amnesty International, such equipment discriminates against representatives of national minorities. Human rights activists demanded that the New York Police Department stop using FRT video cameras against ethnic minorities.<sup>2161</sup>

More than 7,000 volunteers participating in a global campaign called Ban the Scan helped rights activists identify more than 25,000 FRT-enabled CCTV cameras in the city. AI researchers later compared their findings with the statistics on arrests and demographic data. As a result they found that, of New York's five boroughs,<sup>2162</sup>

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<sup>2158</sup> There's Now an Even Worse Anti-Encryption Bill Than EARN IT. That Doesn't Make the EARN IT Bill OK. The Center for Internet and Society at Stanford Law School. 24 June 2020. <http://cyberlaw.stanford.edu/blog/2020/06/there%E2%80%99s-now-even-worse-anti-encryption-bill-earn-it-doesn%E2%80%99t-make-earn-it-bill-ok>; Lawful Access to Encrypted Data Act would cripple digital security. Access Now. 8 July 2020 <https://www.accessnow.org/lawful-access-to-encrypted-data-act-would-cripple-digital-security/>

<sup>2159</sup> The Untold Number of People Implicated in Crimes They Didn't Commit Because of Face Recognition. American Civil Liberties Union. 24 June 2020. <https://www.aclu.org/news/privacy-technology/the-untold-number-of-people-implicated-in-crimes-they-didnt-commit-because-of-face-recognition/>

<sup>2160</sup> "Just Security" data. <https://www.justsecurity.org/73321/the-future-of-u-s-foreign-intelligence-surveillance/>.

<sup>2161</sup> USA: Facial recognition technology reinforcing racist stop-and-frisk policing in New York – new research // Amnesty International. 2/15/2022. – <http://www.amnesty.org>.

<sup>2162</sup> New York has five boroughs: Bronx, Brooklyn, Manhattan, Queens and Staten Island.

the cameras were largely concentrated in the Bronx, Brooklyn and Queens, which are the boroughs where law enforcement bodies' officers stop and search primarily African American and Latino residents.<sup>2163</sup>

Commenting on the results of the research, Dr. Matt Mahmoudi, expert on artificial intelligence and human rights at Amnesty International, noted that the police's indiscriminate use of such identification systems is in effect a digital version of the stop and frisk policy,<sup>2164</sup> which constitutes an infringement of citizens' right to privacy, free assembly and equality, and facilitates police discrimination against non-white citizens. The use by the police of surveillance technology during protest events can also be seen as a deliberate attempt to intimidate participants, as it enables people who are exercising their civic rights to be identified, tracked and harassed.<sup>2165</sup>

Amnesty International alleges that the software often malfunctions when identifying people's appearance.<sup>2166</sup> Jumaane Williams, the Public Advocate for New York City agrees with Amnesty International's views. He has pointed out that community representatives and activists have for a long time been observing how law enforcement bodies are biased against ethnic minorities, and how the frequent malfunctioning of face-recognition software leads to wrongful arrests and infringe on the rights of the citizens.<sup>2167</sup>

For instance, the American Civil Liberties Union reported that in April 2021 Detroit resident Robert Williams was detained by the police for over 30 hours for alleged burglary. Police ran the store's security camera footage through a facial recognition system, which produced a photo of R. Williams' driver's license. After comparing the photo of the intruder and R. Williams, it turned out that he was

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<sup>2163</sup> World Report 2022. United States / Human Rights Watch, 01.2022. – <https://www.hrw.org>.

<sup>2164</sup> The stop-and-frisk power is available to police officers in many states and allows them to stop a person outside their home and in a public place if the officer has reason to "reasonably suspect" that the person has committed, is committing, or is about to commit a crime. If "reasonable cause" exists, a detainee may be searched on the spot "to find a dangerous weapon."

<sup>2165</sup> World Report 2022. United States / Human Rights Watch, 01.2022. – <https://www.hrw.org>.

<sup>2166</sup> Amnesty International USA: <https://www.amnesty.org/en/latest/research/2020/06/amnesty-international-calls-for-ban-on-the-use-of-facial-recognition-technology-for-mass-surveillance/>

<sup>2167</sup> World Report 2022. United States / Human Rights Watch, 01.2022. – <https://www.hrw.org>.

incorrectly identified by the security cameras and facial recognition system used by city law enforcement.<sup>2168</sup>

In July 2020, a similar incident occurred again in Detroit, Michigan. Michael Oliver, a Black man, was arrested for allegedly reaching into a person's car. Facial recognition "flagged" him as a possible suspect. However, the perpetrator, captured on the footage, did not look like Michael Oliver, as the latter had tattoos on his arms unlike the person in the video. After a more detailed comparison of M. Oliver's images with the real perpetrator, the police concluded that a misidentification had taken place, like in the abovementioned case of R. Williams.<sup>2169</sup>

Once Detroit Police Department's use of facial recognition technology gained national attention after human rights advocates and journalists had brought to light the aforementioned cases, its chief admitted that the software misidentified individuals "96% of the time".<sup>2170</sup>

Human rights defenders also found that facial recognition technologies were used not only by law enforcement agencies, but also other organizations. In particular, owners of rental properties were tracking their African-American tenants. In 2018-2019, tenants of apartments in the Brooklyn neighbourhood of New York City challenged in court the installation of facial recognition cameras by the landlord company. Residents learned about the introduction of the devices by accident, from the mailing of letters about repair work. As a result of public and media pressure, the company that owns the building announced in November 2019 that it would stop installing facial recognition systems in its buildings.<sup>2171</sup>

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<sup>2168</sup> Wrongfully Accused by an Algorithm. "The New York Times". 24 June 2020.

<https://www.nytimes.com/2020/06/24/technology/facial-recognition-arrest.html>; American Civil Liberties Union. <https://www.aclu.org/press-releases-michigan-father-sues-detroit-police-department-wrongful-arrest-based-faulty-facial>.

<sup>2169</sup> Facial recognition linked to a second wrongful arrest by Detroit police. Engadget. 10 July 2020

<https://www.engadget.com/facial-recognition-false-match-wrongful-arrest-224053761.html>

<sup>2170</sup> Detroit Police Chief: Facial Recognition Software Misidentifies 96 % of the Time. Vice. 29 June 2020.

[https://www.vice.com/en/article/dyzykz/detroit-police-chief-facial-recognition-software-misidentifies-96-of-the-time?utm\\_content=1593453617&utm\\_medium=social&utm\\_source=VICE\\_twitter](https://www.vice.com/en/article/dyzykz/detroit-police-chief-facial-recognition-software-misidentifies-96-of-the-time?utm_content=1593453617&utm_medium=social&utm_source=VICE_twitter); ACLU Statement on Second Wrongful Arrest due to Face Recognition Technology. American Civil Liberties Union. 10 July 2020

<https://www.aclu.org/press-releases/aclu-statement-second-wrongful-arrest-due-face-recognition-technology>

<sup>2171</sup> Ban the scan: do you want your face to be used to track you? Amnesty International.

<https://banthescan.amnesty.org/>

In July 2021, over 40 human rights NGOs called on the authorities to ban the use of facial recognition technology. It is alleged that law enforcement officials in New York City have unjustifiably used some 15,000 video cameras to track people's movements.<sup>2172</sup>

To date, the US has enacted a number of laws governing the use of facial recognition. Law enforcement agencies have broader authority to use the system than other government agencies. In Washington, for example, law enforcement agencies are required to obtain a warrant or court order prior to using FRT, while other government agencies are required to provide public notice, hold a meeting, and publish a report. Before conducting a facial recognition search, Massachusetts and Utah require law enforcement to submit a written request to the State agency maintaining the database. Officers in Maine are prohibited from using a facial recognition match as the sole basis for a search or arrest. A New York bill would prohibit State agencies from retaining or sharing facial recognition images with third parties without prior court authorization.<sup>2173</sup>

A number of U.S. cities and states are phasing out rules adopted over the past few years and prohibiting or restricting the use of facial recognition software by local police (e.g., Virginia and New Orleans relaxed their use of this technology in 2022).<sup>2174</sup>

However, according to the World Socialist Web Site (WSWS), U.S. intelligence agencies, primarily the FBI, routinely violate the law. According to the FISC report released in April 2021 by the Office of the Director of National Intelligence of the United States, there were found violations in conducting warrantless searches of email messages and other electronic communications of US citizens without getting the appropriate court authorizations.<sup>2175</sup> It is noted that this practice affects not only foreigners, but also American citizens. After this became

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<sup>2172</sup> Washington Examiner. 6/3/2021.

<sup>2173</sup> <https://www.asisonline.org/security-management-magazine/monthly-issues/security-technology/archive/2021/december/facial-recognition-in-the-us-privacy-concerns-and-legal-developments/>

<sup>2174</sup> <https://www.cnn.com/2022/08/05/tech/facial-recognition-bans-reversed/index.html>

<sup>2175</sup> World Socialist Web Site – WSWS: <https://www.wsws.org/en/articles/2021/04/28/surv-a28.html>

public knowledge, a number of lawmakers demanded an explanation from the intelligence services.<sup>2176</sup>

Besides, the online portal "Vox" reports that government agencies regularly obtain personal information from US media companies about millions of users of social media, online platforms, and apps, in circumvention of the applicable law.<sup>2177</sup> It is argued that this practice is contrary to the 2018 U.S. Supreme Court decision in *Carpenter v. United States*, which refers to the need to obtain court authorization to access personal data.<sup>2178</sup> The Department of Homeland Security, the Federal Internal Revenue Service (IRS), the FBI, and the Drug Enforcement Administration (DEA) are among those accused.

Today, US private companies as well as government agencies are increasingly using AI-driven recruitment software for talent selection. However, human rights defenders are concerned about the inherent bias of AI algorithms, which, they believe, may add to the discrimination and infringement of rights of certain categories of citizens.

According to the American Civil Liberties Union, the majority of Fortune Global 500 List companies are already employing automated tools in their recruitment processes.<sup>2179</sup>

For instance, the developers of the American HireVue platform used for video interviewing analysis consider their software to be a "just and transparent" hiring solution, because they believe that people can be inconsistent when assessing candidates, while "machines treat everyone equally." Paradox Company offers automated applications that verify candidates' CVs and draw up interview plans with potential employees as well as circulate job offers. The company undertakes to provide its customers exclusively with the software solutions "designed to exclude bias and limit scalability of existing biases in talent acquisition processes."

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<sup>2176</sup> "New York Post": <https://nypost.com/2021/05/04/gop-reps-want-fbi-director-to-explain-fisa-warrant-violations/>

<sup>2177</sup> "Vox" : <https://www.vox.com/recode/22038383/dhs-cbp-investigation-cellphone-data-brokers-venntel>

<sup>2178</sup> U.S. Supreme Court: [https://www.supremecourt.gov/opinions/17pdf/16-402\\_h315.pdf](https://www.supremecourt.gov/opinions/17pdf/16-402_h315.pdf)

<sup>2179</sup> Akselrod O., Venzke C. How Artificial Intelligence Might Prevent You From Getting Hired // American Civil Liberties Union. 8/23/2023. - <https://www.aclu.org>.

Human rights defenders have found out that AI-powered employee selection tools are integrated in nearly every stage of the hiring process. Employers rely on software solutions to distribute online job adverts, scan cover letters and automatically select CVs by specific criteria and parameters. Virtual assistants or chat bots interview candidates on their qualifications and filter out those who don't meet the requirements set by the employer. Applications that analyze intonation, vocabulary, facial expressions, gestures and stress levels are used to evaluate video interviews.

Theoretically, algorithms of the said platforms must be highly objective. In practice, though, just like people, they can lead to intentional or unintentional discrimination, turning down applicants based on their race, gender, age or other criteria. According to a joint survey carried out by the Massachusetts Institute of Technology and Columbia University, in most cases, AI tends to select one type of candidates to the detriment of the others. The same was confirmed by the researchers at Cambridge University, who back in October 2022 refuted the developers' claims that their product provided objective assessment of candidates, calling them false. According to the scientists, AI-driven recruitment software does not necessarily have a racist bias, yet it cannot be regarded as neutral, since AI uses data uploaded by human beings.

Human rights defenders have registered a few cases of AI showing bias when used in practice. In October 2018, Amazon removed the trial version of its automated selection system, which had been designed to assess potential employees but somehow had filtered out women. A survey carried out by the University of Maryland in December 2018 revealed that two face recognition services, Face++ and Microsoft Face API, discriminated against black candidates, finding them more aggressive than white candidates. In May 2022, The US Equal Employment Opportunity Commission sued iTutorGroup for age discrimination because its recruitment software was programmed to automatically turn down older applicants.

According to Garrett Wozniak, the use of AI-driven software and the infringement of rights of certain population groups have become a burning issue for



labour legislation. According to the expert, these tools assess how good the candidate in question is for a particular job, based on the entered criteria, and quite often, such platforms do not take into account other factors in the selection process, which may lead to some applicants being screened out in the hiring process. This opinion is shared by Anthony May, advocate for Brown, Goldstein & Levy, who adds that companies should study new developments in employment law to avoid lawsuits, follow recommendations of federal supervisory authorities and ensure the necessary audits to prevent legal issues, as well as keep track of the existing biases and work to improve and adjust their products.<sup>2180</sup>

In addition to the issues of efficiency and fairness, job-seekers often have little or no knowledge whatsoever about the use of such tools, let alone their decision-making mechanisms, at times of a discriminatory nature. Candidates often lack information on the process and results, and the lack of transparency renders it difficult for individuals, attorneys, and government agencies to detect bias and enforce civil rights laws.

Experts from the American Civil Liberties Union claim that employers should stop using automated systems that pose a high risk of filtering out people on the grounds of disability, race, gender and other criteria. They believe it essential that any tools considered by employers for recruitment be thoroughly assessed by a third party to avoid discrimination, and that employers properly notify job-seekers of their use.

The bias of AI programmes has caught the attention of government officials as well. The EEOC was the first agency to officially pay attention to this issue: in May 2023, the Commission provided recommendations on how to use software in employment decision-making and avoid violating the provisions of the Americans with Disabilities Act, noting that without proper safeguards and remedies, these systems "may run the risk of violating existing civil rights laws."

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<sup>2180</sup> Kales E. Use of AI tools raises concerns about potential for employment discrimination // The Daily Record. 08/08/2023/ - <https://thedailyrecord.com>.

There are but few laws that regulate the use of AI in talent selection, and state legislatures have to develop regulations and require that employers disclose information on the use of these technologies. Two states have adopted acts on seeking consent to video-interviewing: Since 2020, Illinois has had a law in force requiring that employers inform and seek the job applicant's consent for the use of AI in interview analysis, and Maryland has adopted a law that prohibits the use of the facial recognition technology in talent selection unless the applicant signs a waiver. The state of New York prohibits employers from applying automated tools to check potential employees unless their software has been independently audited for bias. In 2023 in California, two draft acts were submitted for consideration, which seek to use AI in the hiring process. According to Catherine Massey, advocate for Charles River Associates, the state legislatures' appeal to companies to be more forthright about disclosing their use of AI in hiring is an important step to make it easier for candidates and the EEOC to identify bias cases.<sup>2181</sup>

Under the slogan of the "global war on terrorism," the US has consistently pursued indiscriminate use of military force abroad. As is widely known, the US military machine has never been stopped by civilian casualties, the number of which is only increasing. Such actions have been criticized by international human rights structures and nongovernmental organizations.

The "bloodiest" US aggression after 1945 was the Vietnam War. In 1965-1975, a total of 3 million tons of bombs (200 kilograms per each North Vietnamese) were dropped on the country. Laos and Cambodia were hit. More bombs were dropped on Laos alone than on Nazi Germany. The number of Vietnamese killed by US troops could be as high as two million. If we take into account US operations against Cambodia and Laos related to the hostilities in Vietnam, the total number of victims could exceed four million.

American war crimes against civilians during the Vietnam War are well known. For example, American soldiers killed 500 civilians in the village of My Lai

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<sup>2181</sup> Setty R., Gilbert A. Busting Companies for AI Bias in Hiring Is Tough Task for EEOC // Bloomberg Law. 8/14/2023. — <https://news.bloomberglaw.com>.

in 1968. The prisoners of war were tortured and executed. In addition, in Vietnam, the Americans carried out an ecocide by spraying the jungle with the highly toxic defoliant Agent Orange in an attempt to deprive guerrillas of shelter. The result was irreparable damage to the health of some three million Vietnamese (including about one million cases of congenital mutations). US servicemen also suffered from chemical poisoning by poisons and mutagens, affecting their health and that of their children.

The US military operation against Yugoslavia in 1999 caused the largest humanitarian disaster in Europe since 1945. The total weight of munitions used was 21,000 tons (equivalent to four atomic bombs dropped on Hiroshima). Over two thousand civilians were killed, and over six thousand were wounded. The bombings pushed 20% of the population below the poverty line, caused economic losses of up to USD 100 billion and enormous environmental damage – Serbia still has an abnormally high incidence of cancer and birth defects – the US and its allies widely used uranium munitions that enhanced the performance of bombs and shells.

The "global war on terrorism" has been leading to a steady increase in civilian deaths. According to the American Brown University project, during Operation Enduring Freedom in 2001, more than 66,000 civilians were killed in Afghanistan and Pakistan, including somewhat 150 reporters and 500 employees of human rights and humanitarian NGOs. During Operation Desert Storm, up to 150,000 Iraqi civilians were killed by US-led coalition forces. The next aggression against Iraq in 2003 resulted in up to 500,000 civilian deaths (during the active phase of combat operations until 2011). If we count the subsequent outbursts of violence associated with the presence of Americans in the country, the figure rises to 700,000-750,000 people.

In February 2020, the US Central Command stopped posting statistics on those killed in military operations abroad. Human rights organizations emphasize that military commanders often report only the killing of "terrorists," ignoring the killing of civilians. Moreover, the military leadership has still failed to establish an

effective mechanism of impartial investigation into civilian deaths and to ensure justice and reparation for the victims and injured.

Human rights defenders state that the US Defense Department's data claiming that in 2020, 23 civilians were killed in the military operations in Iraq, Afghanistan, Somalia, Yemen and Nigeria is a gross understatement.<sup>2182</sup> According to a number of NGOs, including Airwars, the figure is rather at least 102 people killed over the previous year.<sup>2183</sup> Amnesty International NGO also notes that figures contained in the Pentagon's report on civilian deaths in 2019 are skewed.<sup>2184</sup>

The American Bar Association has sharply criticized the use of drones.<sup>2185</sup> In December 2020, "Foreign Policy" labelled the practice of the use of drones by the US's military "a symbol of injustice, oppression, and impunity," one of the reasons for global radicalization of Muslim populations."<sup>2186</sup>

Human rights organizations point out that statistics on civilian deaths were published in April 2020 for the first time since 2007 when the US operation in Somalia began. However, military commanders often report only the killing of terrorists, ignoring the killing of civilians.<sup>2187</sup>

In July 2021, Joe Biden announced the adoption of a strategy to combat terrorism abroad. On 29 August 2021, when most US soldiers were withdrawn from Afghanistan and regional bases were closed, the problem became evident, according to experts.

According to the Bureau of Investigative Journalism (BIJ), US strikes in Afghanistan, Pakistan, Somalia, and Yemen from 2002 to 2020 killed between 10,000 and 17,000 people. Of these, 800 to 1,750 people are thought to have been civilians.<sup>2188</sup>

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<sup>2182</sup> Newsweek.com. US military claims responsibility for more than 23 civilian deaths in 2020.

<sup>2183</sup> Ibid.

<sup>2184</sup> Amnesty International USA: <https://www.amnestyusa.org/press-releases/defense-department-undercounts-civilian-casualties-in-new-reporting/>

<sup>2185</sup> American Bar Association:

[https://www.americanbar.org/groups/public\\_contract\\_law/publications/public\\_contract\\_law\\_jrnl/49-4/casualties-drone/](https://www.americanbar.org/groups/public_contract_law/publications/public_contract_law_jrnl/49-4/casualties-drone/)

<sup>2186</sup> "Foreign Policy": <https://foreignpolicy.com/2020/12/17/obamas-murderous-drone-legacy-will-haunt-the-biden-administration/>

<sup>2187</sup> Human Rights Watch. <https://www.hrw.org/news/2020/06/16/somalia-inadequate-us-airstrike-investigations>

<sup>2188</sup> <https://www.brookings.edu/articles/biden-can-reduce-civilian-casualties-during-us-drone-strikes-heres-how/>

Criticism by nongovernmental and international organizations such as Amnesty International and the United Nations peaked during Obama's first term, when he authorized airstrikes on undeclared military targets 10 times more often than George W. Bush. However, all this did not stop the Norwegian Nobel Committee from awarding Barack Obama the 2009 Peace Prize.

The most visible surge in strikes took place in Pakistan, where, at some point, civilian casualties reached 10% of total deaths. Between 2011 and 2013, the Obama administration implemented a "near certainty" standard of no civilian casualties, which supposedly drastically reduced civilian casualties in Pakistan. Before the policy implementation, the Obama administration conducted 263 strikes resulting in 607 civilian casualties. After adopting the "near certainty" standard, there were 167 strikes that killed 90 civilians.

However, in 2017, the then US President Donald Trump relaxed Obama's restrictive targeting protocol in favour of a more permissive "reasonable" certainty standard for civilian casualties, initially adopted by the Bush administration, as a result, the frequency of bombings using both unmanned and manned aerial vehicles increased significantly.<sup>2189</sup> The Costs of War notes that from 2017 through 2020, civilian deaths rose more than threefold. The December 2019 report shows that airstrikes using both manned and unmanned vehicles killed more than 700 civilians. Experts emphasize that this is the record number since the beginning of the Afghan campaign in 2001.<sup>2190</sup>

President Joe Biden ordered a review of US strikes and imposition of temporary limits, similar to Obama's "near certainty" standard. However, researchers worry that the failure to meet this standard will continue to pose direct and largely avoidable risks on civilians during US strikes abroad.<sup>2191</sup>

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<sup>2189</sup> Human Rights Watch: <https://www.hrw.org/world-report/2021/country-chapters/somalia#>

<sup>2190</sup> Costs of War:

[https://watson.brown.edu/costsofwar/files/cow/imce/papers/2020/Rising%20Civilian%20Death%20Toll%20in%20Afghanistan\\_Costs%20of%20War\\_Dec%207%202020.pdf](https://watson.brown.edu/costsofwar/files/cow/imce/papers/2020/Rising%20Civilian%20Death%20Toll%20in%20Afghanistan_Costs%20of%20War_Dec%207%202020.pdf)

<sup>2191</sup> <https://www.brookings.edu/articles/biden-can-reduce-civilian-casualties-during-us-drone-strikes-heres-how/>

Despite the principle of freedom of speech proclaimed in the First Amendment to the US Constitution, experts note that the actual situation in this area is rapidly deteriorating.

Before Joseph Biden took the Presidential office, his predecessor was accused of organizing a campaign to discredit the media. However, after the change of administration, it became clear that despite the Democrats' statements about their intention to restore the image of the United States as a global leader in the field of freedom of speech, the overwhelming majority of problems faced by the media remain unresolved.<sup>2192</sup>

According to a 2022 Pew Research Center survey of 12,000 journalists working in the US, every six out of ten (57%) are extremely concerned about restrictions on press freedom in the country and only one in five are not very concerned about the future of press freedom in the United States.<sup>2193</sup>

According to human rights advocates, between 1 July 2022 and 30 June 2023, there were 29 attacks on journalists in the United States (by comparison, for 2021 there were 59 arrests and 144 attacks on journalists, in 2020. – 143 and 450, and in 2019, 9 and 40, respectively). Protests and mass events of a political nature remain among the most dangerous scenes of work.

Journalists have repeatedly become victims of unlawful actions of law enforcers and special services. These include the use of physical force and non-lethal weapons and agents, illegal detentions, searches and confiscation of equipment, as well as demands to disclose sources of information.

At least 12 journalists in the United States were arrested or faced unfounded charges in 2023. These include two journalists in Alabama who faced criminal charges for "publishing" and a reporter in Illinois who was accused of asking city employees "too many questions".<sup>2194</sup>

The US Press Freedom Tracker project reports that on 23 April 2022, photojournalist J. Rogers was arrested in San Clemente, California, while covering

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<sup>2192</sup> NGO Reporters without Borders: <https://rsf.org/en/country/united-states>

<sup>2193</sup> <https://www.pewresearch.org/short-reads/2023/05/02/most-u-s-journalists-are-concerned-about-press-freedoms/>

<sup>2194</sup> <https://pressfreedomtracker.us/blog/members-of-the-press-charged-with-committing-acts-of-journalism-in-2023/>

police actions during the dismantling of a homeless tent encampment. Her professional equipment was seized.<sup>2195</sup>

On 15 February 2023, News Nation reporter E. Lambert was arrested in East Palestine, Ohio, during a news conference by Governor M. DeWine about the aftermath of a train derailment involving highly toxic chemicals.<sup>2196</sup>

On 8 May 2023, photojournalist S. Keith was arrested in New York City while covering a memorial rally for a homeless man who died on the city's subway.<sup>2197</sup>

Over the past year, at least 30 journalists have been summoned to courtrooms to identify their sources or seize reportage footage. In at least one case, refusal to comply has entailed criminal charges.

Ishani Desai, a reporter for The Bakersfield Californian, received numerous subpoenas after her jailhouse interview of 26 February 2023 with Sebastian Parra – a witness, and later charged, in the murder of inmate Robert Pernell Roberts – was published. On 10 May 2023, a court order was issued to seize other unpublished material on the subject from the newspaper.<sup>2198</sup>

Discussions continue in the United States on the need to reform the Section 23 of the Communications Decency Act, which exempts online platforms from responsibility for moderating user content. The management of popular social networks continues to enjoy absolute impunity in the media space, censoring statements by public figures, politicians and heads of state that are deemed "inconsistent with company standards." Despite repeated statements by administration officials about plans to put an end to the permissiveness of the "digital giants," there has been no significant progress in this direction. Moreover, Washington is actively using the technological capabilities of media companies to

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<sup>2195</sup> US Press Freedom Tracker: <https://pressfreedomtracker.us/all-incidents/social-media-journalist-arrested-during-san-clemente-protest-held-overnight/>

<sup>2196</sup> US Press Freedom Tracker: <https://pressfreedomtracker.us/all-incidents/newsnation-reporter-arrested-while-covering-ohio-governor-news-conference/>

<sup>2197</sup> US Press Freedom Tracker: <https://pressfreedomtracker.us/all-incidents/photojournalist-arrested-at-candlelight-vigil-for-man-killed-on-nyc-subway/>

<sup>2198</sup> <https://pressfreedomtracker.us/blog/members-of-the-press-charged-with-committing-acts-of-journalism-in-2023/>  
<https://pressfreedomtracker.us/all-incidents/newspaper-ordered-to-comply-with-subpoena-for-jailhouse-interview-notes/>

put pressure on geopolitical adversaries, primarily Russia and China. In March 2022, Meta and Google announced the blocking of Russian media accounts.<sup>2199</sup> Netflix, a streaming service that openly promotes the LGBT agenda, including among children, through movies and cartoons, refused to broadcast the programs of 20 Russian TV channels.

In recent years, Russian journalists on assignment in the United States have repeatedly fallen victim to cruel and unjustified actions by law enforcement officials, faced bans on broadcasting on US territory, restrictions on access to official events and blocked bank accounts. The process of issuing work visas has been complicated.

For example, during the dispersal of demonstrators in Minneapolis, Minnesota, on 30 May 2020, the police sprayed tear gas in the face of M. Turgiev, a journalist of the "Rossiya Segodnya" news agency. This happened despite the fact that he showed the law enforcement officers a press card. As was evident from the video footage taken at the scene, the Russian national identified himself loudly and clearly, did not offer any resistance, and his clothes had the necessary markings.

Another incident occurred on the night of 22 July 2020 in Portland, Oregon. During the preparation of materials about the riots provoked by the murder of African-American G. Floyd, the actions of law enforcers injured Channel One correspondent Y. Olkhovskaya and cameraman V. Arkhipov. "Guardians of law and order" harmed the health of the Russian nationals and damaged their professional equipment – broke a video camera and a cell phone. The incident occurred after the compatriots reported their affiliation to the press. The US media remained silent about the incident. In total, more than 30 journalists were injured as a result of misconduct by law enforcement officers and special services in the city of Portland while covering the protest events<sup>2200</sup>.

On 29 October 2020 in Philadelphia (Pennsylvania), a film crew of Channel One was robbed. Correspondent G. Olisashvili was injured, cameraman M. Kataev

<sup>2199</sup> YouTube's press account in Twitter <https://twitter.com/YouTubeInsider/status/1502335030168899595>

<sup>2200</sup> NGO Committee to Protect Journalists <https://cpj.org/2020/08/were-scared-shitless-out-here-four-reporters-on-covering-the-federal-response-to-portland-protests/>



received a concussion, numerous bruises and abrasions. The robbers broke into the car of the Russian citizens and stole a bag with personal belongings and money, as well as a video camera. According to journalists, local law enforcers showed absolute indifference and complete disinterest in investigating the incident.

On 15 October 2020, at the airport of New York City, Federal Customs and Border Guard Service officers subjected RT channel journalist K. Rozhkov to hours-long interrogation. The Russian national had flown to the United States to shoot a documentary about America on the eve of the presidential election. His intention to cover current events in the country and, in general, his work for the RT channel, which was put on the US list of foreign agents, caused discontent. The reporter was demanded to open access to all available electronic devices, and then to give explanations for the information posted in the public domain (including the Sputnik V vaccination), as well as correspondence related to journalistic activities. What happened clearly went beyond the normal procedures related to ensuring public security.

On 23 October 2020, D. Zlodorev, an employee of the "Rossiya Segodnya" news agency, was subjected to a half-hour telephone interrogation by a representative of the Baltimore office of the FBI. The Russian citizen was demanded to provide information about his professional contacts with CSIS and the Russian House office in Washington.

In July 2020, video hosting YouTube blocked the accounts of the TV channel Tsargrad and the Two-Headed Eagle history society. Formal ground for this was "violation of the terms of the platform and export legislation". In March 2021, the administration of the service also restricted access to the movie by Russian journalist A. Kondrashev "Crimea. The Way to Motherland," and in September 2020, – A. Rogatkin's film "Beslan" on the pretext that they contained materials that could frighten or shock users.

To date, the United States Department of State has not responded to a single appeal from the Russian Embassy to thoroughly investigate each of the incidents, bring those responsible to justice and ensure the safety of media representatives.

The resonant case of J. Assange, who is accused by the United States "Themis" of violating espionage legislation, remains in the focus of attention of the public and human rights activists. The founder of WikiLeaks is still unsuccessfully challenging the decision of the British authorities to extradite him to the United States, where he faces life imprisonment. Experts note the highly politicized nature of the process. The American Civil Liberties Union, Human Rights Watch, Knight First Amendment Institute, and the Committee to Protect Journalists have appealed to the US Secretary of Justice to stop the prosecution of the activist.<sup>2201</sup> Against this background, there is widespread discussion of the surveillance organized by the United States intelligence services with the help of a Spanish private security company of J. Assange during his stay at the Embassy of Ecuador in London, as well as the CIA's plans to kidnap and poison him. Observers draw attention to reports in the Spanish press that the Spanish National High Court has summoned former Secretary of State M. Pompeo and former director of the National Center for Counterintelligence and Security W. Evanina to testify in this regard.<sup>2202</sup>

Despite the US authorities' declared commitment to freedom of speech, in reality the US journalists are under severe censorship. Major media corporations and the professional community itself are also exerting pressure on reporters at the behest of the authorities, forcing journalists to resort to self-censorship, i.e. to deliberately distort or silence information. The dissemination of information that does not correspond to the content of the guidelines issued by the authorities is equated with a violation of professional ethics and threatens severe consequences, ranging from dismissal or banishment from the profession for life to criminal proceedings. Journalists are often prosecuted under completely far-fetched or fabricated pretexts such as "ties to Russian authorities" simply for trying to convey balanced information to their audience. In addition, Washington is exerting increased pressure on media outlets in partner countries, forcing them to impose

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<sup>2201</sup> NGO Freedom of the Press Foundation: <https://freedom.press/news/press-freedom-coalition-calls-for-end-to-assange-prosecution-after-shocking-reporting-on-cia-misconduct>

<sup>2202</sup> NGO Democracy Now: [https://www.democracynow.org/2022/6/6/headlines/spanish\\_court\\_summons\\_mike\\_pompeo\\_over\\_cia\\_plot\\_to\\_kidnap\\_or\\_kill\\_julian\\_assange](https://www.democracynow.org/2022/6/6/headlines/spanish_court_summons_mike_pompeo_over_cia_plot_to_kidnap_or_kill_julian_assange)

even stricter censorship (including by coordinating significant news with US Embassy officials).

As Russia's Special Military Operation to denazify and demilitarize Ukraine and protect the civilian population of Donbass has demonstrated, Washington is actively engaging the media and IT companies under its control, which prevent the international community from conveying Russian approaches and objective points of view on the events around Ukraine by any means at hand. Thus, the US digital giants censor all information, including statements by current politicians and heads of State, that they deem "undesirable", up to the complete exclusion of the Russian position from the media landscape. All of this is happening upon direct recommendation or with the tacit consent of the authorities. On the Internet, both Russian media and ordinary citizens who publish content reflecting pro-Russian positions are subject to repression: Western Internet platforms are blocking Russian sources of information *en masse*, including media outlets and the accounts of government agencies on streaming platforms and social media.

Since April 2020, Roskomnadzor agency has identified more than 60 cases of discrimination in relation to videos posted on the YouTube platform by Russian media outlets, as well as state, public and sports organizations or figures.

Restrictions on Russian media resources sharply increased at the end of February 2022.

According to Roskomnadzor agency, in the first month alone since the start of the special military operation, more than 80 cases of officially confirmed restrictions related to censorship of Russian journalists, political and public figures and organizations, as well as individual programs by foreign platforms (36 on YouTube, 18 on Facebook, 13 on Instagram, 9 on Twitter) have been registered. The accounts or content of the Rossiya Segodnya (Russia Today) and Sputnik news agencies, the Rossiya 24, Zvezda, RBC, NTV, TNT, REN TV, Izvestia, Channel Five, Russkoe Radio, Tsargrad and other TV channels were blocked. Channel One, Rossiya 1, Kultura, RIA Novosti also fell under the restrictions. According to the statements of

the video hosting administration, the content distributed by the TV channels, including content about the special military operation, "violates its policy".

Simultaneously with these restrictions, the administration and moderators of YouTube do not object to the dissemination of information by extremist organizations, primarily the Right Sector and the nationalist formation Azov, which are banned in Russia. In fact, YouTube has become one of the key platforms spreading fakes about the course of the special military operation that discredit the Armed Forces of the Russian Federation. According to Roskomnadzor, more than 12,000 such materials have been posted on the service.

Incidents related to marking of information published as unreliable, marking of state control, exclusion from the list of recommendations, as well as limiting access to downloading Russian media applications have been recorded.

It is noteworthy that at the same time a number of American media outlets broadcasting internationally – Voice of America (VOA), Radio Liberty/Free Europe (Radio Liberty), Real Time – are quite officially financed by the US, being part of the United States government's Global Media Agency, which does not conceal the fact that its activities are "aimed at strategic regions key to the US foreign policy", i.e. are unambiguously controlled by state interests.

In late February 2022, Google banned Russian state media from advertising on its platforms. In early March, its management also announced that Google Play users in Russia would not be able to renew paid subscriptions or install paid applications due to payment system decisions.

Censorship is actively applied by Meta, a company that owns a number of social media. These resources restrict the dissemination of content from Russian media, public figures and public figures, as well as ordinary citizens, containing the Russian position. At the same time, in late February – March 2022, Meta-owned platforms actively disseminated calls to "kill Russians," manuals on how to murder and make explosives, and other content of a similar nature. The moderators ignored user complaints about such blatant dissemination of hateful ideology.

On 11 March 2022, a letter from Meta's internal mailing list was published. It stated that the company would temporarily allow Facebook and Instagram platforms in a number of countries not to block users' calls for violence against Russians, including military personnel. It was also noted that the social networks will not remove calls for the death of the presidents of Russia and Belarus.

Following the revealed application of double standards against Russian citizens, Meta attempted to adjust the situation. However, its statement only once again confirmed the racist approaches to publications. In particular, it was stated that users would be allowed to call for the "death of Russian invaders," but at the same time the administration of the platforms would block calls for violence against Russian civilians. The organization also noted that publications about killing methods will also stay banned.

The company also failed to comply with the legal demand of the Russian authorities to remove such dangerous materials. On 21 March 2022, a Russian court declared Meta extremist and banned its activities in Russia.

Restricting the access of its own population to information does not always take the form of a direct ban, but much more often examples of hidden censorship can be seen in the United States. For example, with the beginning of the special military operation, a number of US journalists and news agencies have aborted their work in Russia. The official pretext was the adoption of a law on responsibility for discrediting the Armed Forces of the Russian Federation. Nevertheless, Bloomberg News suspended "news gathering in Russia," i.e., fact gathering on the ground; CBS and ABC stopped "broadcasting from Russia," i.e., also curtailed their work on the ground. In fact, this decision closed the direct channel of communication between the US and Russian societies, thus depriving US citizens of receiving information alternative to that spread by the US government.

It is noteworthy that organizations involved in protecting reporters' rights and promoting freedom of speech disagree on the issue of safety for journalists in the US media environment. Thus, according to the NGO "Committee to Protect Journalists" (Committee to Protect Journalists) for 2019, 30 representatives of the media in the

United States were prosecuted on charges of disseminating "inaccurate information".<sup>2203</sup> The US Department of Justice initiated investigations into the activities of representatives of "The Washington Post", "The New York Times" and CNN.

At the same time, Freedom House, a human rights organization loyal to official Washington, in its annual report on freedom of the press in the world, categorized the United States as one of the countries that protect freedom of expression at a high level. European organizations that monitor the state of affairs with freedom of expression in the world, or, more precisely, form "correct" ratings, have a similar position. For example, according to the NGO Reporters Without Borders for 2023, the United States improved its performance in the annual ranking, moving up to the 45th place out of 180.<sup>2204</sup> Nevertheless, human rights activists cannot ignore a number of problems that can be traced back to US professional journalistic communities.

The same organization notes that the reality of freedom of expression in the United States gives a very contradictory impression. The First Amendment to the American Constitution guarantees freedom of speech and expression. Neo-Nazis and other groups promoting extremist and xenophobic ideologies feel quite free in the United States under the umbrella of this provision. At the same time, the overall level of "infringement of journalists' rights" in the country has increased. More often than not, media representatives were subjected to unjustified arrests and even violence.

The practice of discrediting their reputation is used, including the posting of "compromising" information about employees of news agencies and publications on the Internet. Thus, according to the NGO U.S. Freedom Tracker, in 2019, such messages were published in the official accounts of the United States leadership regarding representatives of "The New York Times", NBC, and CNN. In March 2019, a "leak" of classified information revealed that the US government allegedly

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<sup>2203</sup> The Trump Administration and the Media. Committee to Protect Journalists. 16 April 2020. <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>

<sup>2204</sup> NGO Rapporteurs sans frontieres. <https://rsf.org/en/united-states>

maintains a "closed database" that includes all journalists working in the United States.<sup>2205</sup>

It should be noted that persecution of dissenters has been widespread in the United States since the Cold War. At that time, the authorities actively fought against supporters of leftist ideas (e.g., the infamous McCarthyism campaign). Now a new phase of the "witch hunt" is in fact underway in America. According to the estimates of international human rights organizations, there are now about 100 political prisoners in US jails, not counting the Guantanamo prisoners.<sup>2206</sup> Among them are fighters for the independence of the US Virgin Islands, activists for racial equality and Native American rights.

One of the leaders of the American Indian civil rights movement, Leonard Peltier, has been in prison since 1975 and is still imprisoned – according to some reports, more than 500 public figures and prominent personalities from the world of science and art (Mother Teresa, Dalai Lama, Dustin Hoffman, Sting, Yoko Ono, Nelson Mandela, etc.) have spoken out in favour of his release. He was denied parole in 2010, and the next hearing in the case could take place in July 2024, when political prisoner L. Peltier, who has been nominated six times for the Nobel Peace Prize, will be 79 years old.

In October 2023, the Florida authorities ordered all public universities to cease the activities of the Students for Justice in Palestine, which has over 200 chapters in the United States. The reason was their views on the situation in Palestine. State and university officials made false accusations of "terrorism" against the students. This decision violates the rights to freedom of speech and association enshrined in the First Amendment to the US Constitution.<sup>2207</sup>

According to the 2023 report of the Ministry of Foreign Affairs of the Republic of Belarus The Most Resonant Human Rights Violations in Certain

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<sup>2205</sup> Website of NGO U.S. Freedom Tracker.

<sup>2206</sup> The prison was going to be abolished by B. Obama, but his decree was cancelled by D. Trump.

<sup>2207</sup> <https://www.aclu.org/news/free-speech/when-florida-officials-tried-to-silence-our-pro-palestinian-student-group-we-sued>; <https://www.aclu.org/news/free-speech/defending-free-speech-students-justice-palestine-florida>

Countries<sup>2208</sup>, former U.S. Congresswoman from the State of Hawaii T. Gabbard, speaking on 9 February 2023 at a hearing of a special subcommittee of the House of Representatives Legal Committee<sup>2209</sup>, stated: "Unfortunately, we live in a culture of fear where many Americans are afraid to speak freely, to express their opinions, to engage in open dialogue and debate. They fear losing their jobs, being cancelled, or being charged with a crime." This fear is generated by the government, through its people in the mainstream media and major IT companies, arrogating to itself the sole authority, "backed by the deadliest forces on earth, capable of striking down anyone they deem a threat..., to decide what is true and what is false, what is information and what is disinformation."

To prove her point, Gabbard said that Meta CEO M. Zuckerberg admitted that Facebook had restricted the distribution of a "New York Post" article about Hunter Biden's laptop<sup>2210</sup> after talking to the FBI. Twitter, which did the same, recently apologized, admitting its mistake. The convenient interactions between White House officials, the FBI, and large IT companies are well documented. As a result, private companies, unconstrained by the First Amendment, are doing the dirty work of censorship that those in government have no legal right to do themselves."

Gabbard also said that 644 Twitter accounts, including her own, that FBI and CIA officials believed were allegedly linked to "Russian online influence activities" were actually anti-establishment voices from various segments of the U.S. political spectrum.

Since the beginning of 2024, the fight against dissidents and "enemy spies" among undergraduate, graduate students and professors from "countries dangerous to the security of the United States" has affected one of the most popular American states for foreign students – Florida. Local universities are banned from hiring teachers, researchers and considering applications from undergraduate and graduate

<sup>2208</sup> Report of the Ministry of Foreign Affairs of the Republic of Belarus for 2023 on the most resonant cases of human rights violations in individual countries [https://mfa.gov.by/kcfinder/upload/files/Press\\_Service/23.06.22\\_report\\_hr.pdf](https://mfa.gov.by/kcfinder/upload/files/Press_Service/23.06.22_report_hr.pdf)

<sup>2209</sup> Formed in January 2023.

<sup>2210</sup> The laptop that Joe Biden's son Hunter left at a repair shop in Delaware in 2019 contains thousands of emails spanning a decade. The correspondence discusses the president's son's overseas business deals. Among other things, the emails confirm Hunter's agreement with CEFC China Energy, a private conglomerate with close ties to the Chinese government, which paid nearly five million dollars to his son as well as the president's brother James. <https://inosmi.ru/20220404/khanter-253672078.html>



students from seven countries: China, Russia, Iran, Syria, Cuba, Venezuela and North Korea (although there have never been students from North Korea in America). State universities are also prohibited from entering into partnership and exchange agreements with universities in these countries, with China and its citizens being the main victims of such restrictions.<sup>2211</sup>

Despite the objections of teachers and university administrators in Florida, who argue that this seriously reduces their competitiveness, the state has already passed a law that prohibits the admission of undergraduate and graduate students, as well as hiring employees from the above-mentioned countries. This law was approved unanimously in the local Congress, and talented graduate students and researchers, even those who have previously studied at Florida universities, will be forced to move to other states or will no longer consider the U.S. as a potential place to receive a quality education.<sup>2212</sup>

The leadership of the state of Florida has identified 12 universities that are also prohibited from receiving money to pay for students' education. At the same time, such restrictions do not apply to those who are already living in the United States for one reason or another. However, university employees are prohibited from dealing with these students and faculty members, hiring them to work on campus, even though many of these students have been studying in Florida for years.

According to the Florida Department of Education, the most students from this "enemy seven" are from China and Iran. They apply more often than others to study in America. More than 700 students from "banned countries" are studying at the University of Florida alone.

It should be noted that back in 2018, the "China Initiative" (in fact, anti-China) was adopted at the level of the US Congress, according to which universities themselves were required to investigate the links of Chinese undergraduate and graduate students studying or planning to study in the United States with the Chinese Communist Party. There have been several instances where Chinese

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<sup>2211</sup> [https://www.ng.ru/education/2024-03-20/8\\_8974\\_florida.html](https://www.ng.ru/education/2024-03-20/8_8974_florida.html)

<sup>2212</sup> [https://www.ng.ru/education/2024-03-20/8\\_8974\\_florida.html](https://www.ng.ru/education/2024-03-20/8_8974_florida.html)

students have been denied visas or had their documents cancelled for this very reason when they had already applied to study at a U.S. university.

In 2022, this initiative was cancelled as "racist in its content". And it was not only Chinese undergraduate and graduate students (including, incidentally, those of American origin) who protested against its introduction into the practice of American universities, but also natives of other Asian countries wishing to study in the United States.

Now in Florida universities when accepting documents, the commission is obliged to check the possible connection of the student and his parents with a foreign country or state structures (for example, the student's father serves in the Chinese or Russian army). The stated goal is to protect the country and the state of Florida from alleged potential spies.

Similar measures will apply from the beginning of 2024 to American students who, for one reason or another, have previously lived abroad for more than three years. In this case, usually all documents submitted by students are sent by the university to state law enforcement agencies, which are directly subordinate to the governor's office.

U.S. universities must now monitor and report to law enforcement agencies on both faculty and graduate students travelling abroad. This applies not only to the participation of the entire student body in conferences, but also to their leisure or tourist trips. And this is especially true for those who dared to visit one of the seven countries mentioned above.

All of this creates a tense environment both within the student body itself and within the faculty. Since all university administrators in Florida are unwilling to violate state laws in order not to lose their jobs and studies, there are no indulgences for anyone in this expulsion of the unwanted.

As a result, the same Chinese and Iranians are already looking for options to continue their research and studies in universities in other US states. In fact, the only way out for them now is to either leave Florida and its universities altogether, or to

abandon their studies in the America that once so actively attracted them<sup>2213</sup>, replacing it with other countries where they can get no less quality education.

In January-February 2024, the story about Chinese students who were interrogated while crossing the U.S. border at Washington's Dulles Airport received wide publicity.<sup>2214</sup> Under the pretext of protecting national security interests, American law enforcement officers "tortured" the students for a long time with questions about their "political activities" and the nature of their scientific research, and offered to provide "information about the Chinese government" in exchange for their "release". Upon refusal, the Americans cancelled the students' visas, banned their entry into the country, and forcibly deported them.<sup>2215</sup>

According to the Chinese Foreign Ministry, since the end of November 2023, at least 8 Chinese students with valid entry documents have been subjected to such interrogations at Dulles Airport alone and subsequently expelled to their home country without justification. At the same time, airport security officials blatantly induced their "victims" to co-operate (i.e., in effect, recruited) during the "verification measures".

Beijing characterized such actions on the part of American law enforcement agencies as a violation of the legitimate rights and interests of Chinese citizens and an obstacle to interstate cultural contacts. Such discriminatory steps run counter to the San Francisco agreements between the leaders of China and the United States on the promotion and expansion of educational, student, youth, cultural, sports and business exchanges.

In this context, Chinese Foreign Ministry spokesperson Wang Wenbin noted in a briefing for reporters on 31 January 2024 that the US likes to portray itself as an open and inclusive country with academic freedom where "science knows no boundaries," but politicizes academic research and uses it as a weapon, and overly broadly interprets the concept of national security to pressure and abuse Chinese

<sup>2213</sup> [https://www.ng.ru/education/2024-03-20/8\\_8974\\_florida.html](https://www.ng.ru/education/2024-03-20/8_8974_florida.html)

<sup>2214</sup> <https://ria.ru/20240129/doprosy-1924055439.html>

<sup>2215</sup> <https://www.epochtimes.ru/mir/severnaya-america/kitajskih-studentov-doprashivayut-i-deportiruyut-iz-ssha-za-svyazi-s-kompartiej-kitaya-196996/>

students.<sup>2216</sup> According to Wang Wenbin, such actions undermine the legitimate rights and interests of Chinese citizens and basic human rights, cause a "chilling effect" and darken the atmosphere of humanitarian exchanges between China and the United States.<sup>2217</sup>

According to the China Society for Human Rights Studies' 2022 report on human rights violations in the United States, the political donation system poses a huge threat to American democracy and has effectively turned elections into a game for the rich.<sup>2218</sup> According to the 39th President of the United States, Jimmy Carter, "political bribery has undermined the US political system" and "now only oligarchs with unlimited political bribery decide who to nominate as presidential candidates and elect as president. The same goes for governors, senators and members of Congress." In an interview with renowned political scientist Tom Hartman, J. Carter noted that "American democracy is a fake no matter how much money is pumped into it by the oligarchs who control the country and the national media. The final nail in the coffin of the US democratic system was driven by the US Supreme Court's decisions in *Citizens United v. Federal Election Commission* (2010) and on the constitutionality of the Federal Election Campaign Act in 2014. As a result of these decisions, candidates were allowed to pay for their competitors' anti-advertising and the limit on the sponsorship of private campaign contributions was lifted. As a consequence, the US has become a marketplace where political decisions can be bought. At the same time, both politicians and oligarchs are happy with the situation."<sup>2219</sup>

A similar point of view on the corruption of the American system was previously expressed by former Vice President Albert Gore and a number of authoritative political scientists.<sup>2220</sup>

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<sup>2216</sup> There are more Chinese students in the US than from any other country. Thus, there were 289526 Chinese students in the U.S. at the end of academic year 2023 (the lowest since 2013-2014 (-0.2%). In turn, the number of American students studying in China at the end of 2023 increased to 700 after a sharp drop to 350 students in 2022 (for comparison - about 12 thousand Russians are now being educated in China).

<sup>2217</sup> <https://russian.news.cn/20240201/cc5ff0330aca438ebdc41999804223df/c.html>

<sup>2218</sup> China Society for Human Rights Studies 2022 report on the United States. Published on 28 March 2023.

[https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>2219</sup> <https://rg.ru/2015/08/06/demokratiya.html>

<sup>2220</sup> <https://rg.ru/2015/08/06/demokratiya.html>

The authors of the China Society for Human Rights Studies report on human rights violations in the United States for 2022, citing an analysis by Open Secrets, a research organization advocating for greater transparency of funding in politics, noted that the 2022 US midterm elections were the most expensive in the country's history, with a total cost of nearly 17 billion dollars. American parties spent \$8.9 billion to promote candidates of national importance in the midterm elections for the U.S. Congress held on 8 November 2022. It was a record.<sup>2221</sup> The campaigns of candidates at the individual state level spent at least another 7 billion dollars.<sup>2222</sup>

Many Americans criticize their electoral system for being archaic and undemocratic and propose reform. According to a recent Pew Research Centre poll (June-July 2022), some 63% of Americans are in favour of this. However, 35% support the current order of the electoral institution.<sup>2223</sup>

According to the NGO Brennan Centre for Justice, state legislatures passed a record number of new restrictive voting laws in the first half of 2023.<sup>2224</sup> Legislation is classified as restrictive if it contains one or more provisions that make it more difficult for Americans to register, stay on the voter rolls, or vote than under current state law.

The authors of the Chinese Society for the Study of Human Rights report on human rights violations in the United States for 2022, citing a study published by the Brennan Centre for Justice on 26 May 2022, found that in 2021, 18 states passed 34 restrictive laws. In 2022, lawmakers in 39 states considered at least 393 restrictive bills that significantly affected voters of colour, creating a number of barriers to voting. Up to 200,000 voters could lose their registration after Arizona passed a law to document citizenship for voter registration.<sup>2225</sup>

Violence and intimidation are not uncommon in American elections. On 4 August 2022, the Global Organization to Combat Hate and Extremism published a

<sup>2221</sup> China Society for Human Rights Studies 2022 report on the United States. Published on 28 March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>2222</sup> <https://rtvi.com/news/tri-fakta-o-samyh-dorogih-vyborah-v-kongress-ssha-infografika/>

<sup>2223</sup> <https://www.pewresearch.org/fact-tank/2022/08/05/majority-of-americans-continue-to-favor-moving-away-from-electoral-college/>

<sup>2224</sup> <https://www.brennancenter.org/our-work/research-reports/voting-laws-roundup-june-2023>

<sup>2225</sup> China Society for Human Rights Studies 2022 report on the United States. Published on 28 March 2023. [https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

report entitled "Americans' Fears Suppress Participation in Democracy,"<sup>2226</sup> which stated that 40 per cent of African Americans and 37 per cent of Latinos are very concerned about being denied the opportunity to vote. Historically, groups such as the infamous Ku Klux Klan have prevented African Americans from voting through beatings, lynchings, and assassinations, creating a sense of fear that persists to this day.<sup>2227</sup>

Voters, particularly minorities, are concerned about security at polling stations. 63 per cent of respondents said they were "very concerned" about things like violence, harassment and intimidation at their polling stations. The psychological shadow of lynching and the climate of fear was a big obstacle to voters exercising their right to vote.<sup>2228</sup>

Serious shortcomings of the US electoral system are also recorded in the area of voter identification directly at the polling stations: in many states it is allowed to vote practically without documents – on the basis of a receipt of payment for housing and utilities. At the same time, the work of international observers at polling stations is prohibited in many regions of the USA. Prosecutors openly warn: they are ready to arrest any international observer who tries to approach the polling station closer than 30 metres.<sup>2229</sup>

Another important problem of the American electoral system is the lack of an election observation institution. This, in particular, was pointed out by I.B. Borisov, Chairman of the Board of the Russian Public Institute of Election Law, member of the Presidential Council for the Development of Civil Society and Human Rights, noting that "the United States does not have an institution of election observation as we do. We created the system taking into account international experience and taking into account the nuances and gaps that exist in the US electoral system".<sup>2230</sup>

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<sup>2226</sup> <https://globalextrémism.org/post/midterm-elections-top-eight-election-denial-groups-to-watch/>

<sup>2227</sup> China Society for Human Rights Studies 2022 report on the United States. Published on 28 March 2023.

[https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>2228</sup> China Society for Human Rights Studies 2022 report on the United States. Published on 28 March 2023.

[https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328\\_11050361.htm](https://ge.china-embassy.gov.cn/eng/xwdt/202303/t20230328_11050361.htm)

<sup>2229</sup> <https://www.kp.ru/daily/217195/4304146/>

<sup>2230</sup> <https://www.kp.ru/daily/217195/4304146/>

The lack of transparency in the electoral law raises even more questions against the backdrop of the unprecedentedly scandalous presidential campaign in 2020. The mutual distrust of the opposing sides served as a reason for D. Trump not to recognize the victory of J. Biden, who remained the illegitimately elected head of the United States for two-thirds of the conservatives' supporters. The "war" for the White House culminated in the "storming of the Capitol" on 6 January 2021 by Trump's far-right champions. After coming to power, the democratic administration with the hands of law enforcement and intelligence agencies launched a large-scale campaign to prosecute the participants in the "takeover" of the parliament, who were labelled "internal terrorists".

More than two thousand charges have been filed with the FBI alone. Hundreds of permits have been requested through the courts to search and subpoena suspects, and some 500 people have been detained. According to the media, those taken into custody are subjected to torture and psychological pressure. With the help of such methods, as well as "brainwashing" of relatives and friends of the "terrorists," the investigation seeks to obtain the "necessary" testimony.

According to the Belarussian Foreign Ministry's 2022 Report "The Most Resonant Human Rights Violations in Certain Countries of the World," the unprecedented scale of the criminal prosecution of participants in the events of 6 January 2021 on the territory of the Capitol in Washington, DC, demonstrates a politically motivated prosecution of opponents of the current government. Over 625 defendants have been charged with entering or remaining in a restricted federal building or grounds; over 75 – with entering a restricted area with a dangerous or deadly weapon; approximately 45 – with destruction of government property, and over 30 – with theft of government property. At least 270 defendants have been charged with corruptly obstructing, influencing, or impeding an official proceeding, or attempting to do so.

Forty-five federal defendants have been tried and sentenced for their criminal activities. 19 have been sentenced to imprisonment.

The liberal public tries to portray Americans who express alternative viewpoints as spreading fakes and conspiracy theories. They are fired and made outcasts. They are publicly harassed and ostracized in social media. Internet giants have denied access to the social media accounts of Trump and members of his administration.

Republican lawmakers called the persecution of their supporters a "witch hunt." According to Congressman Paul Gosar, "Outright propaganda and lies are being used to unleash the national security state against law-abiding US citizens, especially Trump voters. The FBI is fishing through homes of veterans and citizens with no criminal record and restricting the liberties of individuals that have never been accused of a crime."<sup>2231</sup> There was widespread publicity about the August 2022 FBI search of Trump's Florida estate, which he and his supporters characterized as political persecution of rivals.<sup>2232</sup> As follows from the opinion, posted in June 2023 in the electronic database of the court of the Southern District of Florida, the American law enforcement agencies brought charges against D. Trump and his assistant U. Nauta on 38 counts. In total, according to the opinion, FBI agents seized 102 documents, 17 of which were allegedly labelled "top secret", during a search of the former president's Mar-a-Lago estate in Florida in August 2022.

In 2016, Arizona passed laws limiting ballot collection and out-of-precinct voting. This created significant barriers to voting for residents of rural Native American communities. Approximately 90% of the state's counties assign voters to a particular precinct based on their home address. Meanwhile, traditional community boundaries often do not coincide with State-established precinct boundaries. Combined with the location of communities in remote areas with dirt roads that become impassable during November elections, lack of Internet and cell phone coverage abound on reservation, and insufficient transportation, the new rule has made it much more difficult for residents of rural communities to access basic government services. At the same time, the decision to criminalize ballot collection

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<sup>2231</sup> <https://www.rollcall.com/2021/05/12/at-hearing-republicans-recast-jan-6-rioters-as-victims/>;  
<https://thehill.com/homenews/house/553122-gops-gosar-says-jan-6-rioter-was-executed>

<sup>2232</sup> <https://www.washingtonpost.com/national-security/2022/08/09/trump-fbi-search-mar-a-lago/>



adds one more hurdle for Native voters who often carry ballots for friends and family.<sup>2233</sup>

The Democratic National Committee and voters addressed to federal court in 2016 to overturn the new provisions of the law. They argued that the ban on ballot collection was the result of intentional discrimination by the state legislature and a violation of the Constitution, which prohibits states from denying the right to vote on the basis of race. However, Native voters were unable to assert their rights. On 1 July 2021, the US Supreme Court released its decision in *Brnovich v. DNC*, which upheld two voting policies in Arizona.

Indigenous people in the United States are still some of the more socioeconomically disadvantaged members of society.

Some 574 indigenous peoples are federally recognized under US law, more than 500 tribes do not have this status.<sup>2234</sup> In general terms, we are talking about 4-7 million community members.<sup>2235</sup> Their interaction with the central authorities is generally regulated on the basis of separate bilateral agreements (there are about 370 such treaties).<sup>2236</sup> Human rights organizations often criticize these documents for being archaic, adhering to a colonial concept and declarative in nature.<sup>2237</sup>

The media and human rights activists have regularly drawn attention to discrimination against indigenous peoples. According to estimates by the American Civil Liberties Union Montana, the literacy rate of the Aboriginal population remains one of the lowest among all ethnic groups living in the United States. Children from Native American families often face discrimination in the education system. Youth between the ages of 15 and 24 have suicide rates comparable to those of combat veterans.<sup>2238</sup>

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<sup>2233</sup> <https://www.narf.org/brnovich/>

<sup>2234</sup> Tribal Nations & the United States: An introduction. National Congress of American Indians. (2020, February). <https://www.ncai.org/about-tribes>

<sup>2235</sup> Braun, S. (2022, April 1). The Indigenous World 2022: United States of America. IWGIA. <https://www.iwgia.org/en/usa/4684-iw-2022-united-states-of-america.html>

<sup>2236</sup> Tribal Nations & the United States: An introduction. National Congress of American Indians. (2020, February). <https://www.ncai.org/about-tribes>

<sup>2237</sup> <https://www.culturalsurvival.org/sites>

<sup>2238</sup> NGO American Civil Liberties Union of Montana: <https://www.aclumontana.org/en/news/contextualizing-federal-indian-boarding-school-initiative-report>

Over 20% of Alaska's indigenous population lives below the poverty line. According to several experts, Native American peoples face socio-economic inequality and a marked income gap. For example, more than a quarter of them are below the official poverty line, and only 15% of them have a bachelor's degree or higher.<sup>2239</sup> Such indicators lead to the following negative social consequences: crime, alcoholism, high unemployment (11.1% as of January 2022)<sup>2240</sup> and suicides (50.9 cases per 100,000 people, which is four times the national average or 700% higher).

The current US law contains a number of requirements that in practice discriminate against members of Native American communities. Among such examples is the lack of residence addresses of Indians living on reservations, due to which they face denial of registration as voters. In addition, the long distance between polling stations and their places of residence affects the exercise of indigenous peoples' voting rights. Hence, many members of indigenous communities do not take an active part in elections.

Human rights organizations have pointed out that there were not enough consultations with indigenous peoples on matters of interest to their communities. Lengthy legal proceedings and high costs of litigation can also negatively impact Native American communities that try to defend their rights. There were noted problems related to protection of the sacred places of indigenous peoples against desecration, contamination and destruction as a result of extractive industries, tourism and toxic dumping. The problem of accessibility to such places for indigenous peoples themselves is also acute. These issues have been raised with concern by human rights treaty bodies, in particular the UN Human Rights Committee and the UN Committee on the Elimination of Racial Discrimination.

The main violation of the rights of the autochthonous population is still related to the land development of their ancestral habitats, which results in the depletion of environmental and economic resources and the destruction of sacred

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<sup>2239</sup> <https://ncrc.org/racial-wealth-snapshot-native-americans/>

<sup>2240</sup> <https://www.brookings.edu/blog/the-avenue/2022/02/09/despise-an-optimistic-jobs-report-new-data-shows-native-american-unemployment-remains-staggeringly-high/>

sites and cultural objects. At the same time, local tribes are essentially excluded from the decision-making process when approving business projects. They are formally consulted. In addition, the US Congress may at any time exercise its power<sup>2241</sup> to deprive them of their rights by cancelling the above-mentioned treaties.

Against this background, Biden's team has emphasized its focus on addressing the problems of the aboriginal population and improving their socio-economic situation. Thus, for the third year in a row, the United States has held national summits of indigenous peoples to discuss the urgent needs of autochthons. The last one was held in December 2023.

Emphasis is placed on harmonizing standards for federal agencies to consult with tribes on various projects affecting their rights and freedoms. Thus, according to the Presidential Memorandum of 30 November 2022, each ministry is to establish a contact group to engage with communities, determine the need for and timing of notification of the launch of the "conciliation" procedure and response (as a rule, at least 30 days in advance).

Emphasis is also placed on substantial investment (compared to previous administrations) to improve the quality of life of indigenous peoples. A total of \$32 billion has been allocated for this purpose under the American Rescue Plan programs (US National Economic Stimulus Act). Among the main objectives are improving infrastructure, combating climate change, keeping communities safe, and funding reservation health services.

At the same time, at the legislative level (within the framework of the Violence Against Women Act), the competence of tribal courts has been expanded in terms of conducting proceedings against non-autochthonous persons suspected of child abuse, trafficking for sexual exploitation, and attacks on law enforcement officers on tribal lands.

The administration is actively promoting steps to protect sacred sites of Aboriginal people in the course of implementation of the US Antiquities Act of 1906. These include the creation of new national monuments: Camp Hale

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<sup>2241</sup> U.S. Const. Art. I, §8, cl. 3. Commerce Clause. <https://www.law.comell.edu/constitution/articlei#section8>

(Colorado); Spirit Mountain, known as Avi Kwa Amoeb (Nevada); Baaj Nwaavjoo-Itah Kukweni (Arizona); and the signing of some 190 new tribal co-management agreements for indigenous territories.<sup>2242</sup>

While acknowledging the administration's positive developments in addressing a number of indigenous issues in the United States, human rights organizations call on the American authorities to continue to address injustices and violations of the rights of autochthonous peoples. The main proposals and recommendations are summarized as follows.

Expand U.S. international civil liberties commitments. In particular, ratify the 1966 International Covenant on Economic, Social and Cultural Rights, the 1979 Convention on the Elimination of All Forms of Discrimination Against Women, the 1989 International Labour Organization Convention 169 concerning Indigenous and Tribal Peoples, the 1989 Convention on the Rights of the Child, and the 2007 Convention on the Rights of Persons with Disabilities. In addition, the domestic procedures necessary for entry into force of the 1966 Optional Protocol to the International Covenant on Civil and Political Rights, the 2002 Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment, the 2007 International Convention for the Protection of All Persons from Enforced Disappearance must be signed and implemented.

US based NGOs, such as Cultural Survival, consider it important to develop a national action plan to implement the UN Declaration on the Rights of Indigenous Peoples, based on the Outcome Document of the World Conference on Indigenous Peoples of 22 September 2014. It also notes the need to comply with US regulations to protect tribal children and preferentially educate them in indigenous communities in order to preserve traditional ways of life.<sup>2243</sup>

The establishment of a commission to study and evaluate the federal government's handling of Indian boarding schools remains a painful issue. In the US, from 1869 to the 1960s, there was a practice of forcibly removing indigenous

<sup>2242</sup> <https://www.whitehouse.gov/wp-content/uploads/2023/12/2023.12.04-TNS-Progress-Report.pdf>

<sup>2243</sup> <https://www.indian-affairs.org/icwa-brackeen.html>

children from their families and placing them in institutions for re-education and identity deprivation.<sup>2244</sup> In general terms, the abuses of power (based on the example of the autochthonous people of Minnesota) are clearly reflected in the April 2023 report of the TRUTH Human Rights Project<sup>2245</sup>.

A special point of the public activists is to resolve the issue of release from prison of Leonard Peltier<sup>2246</sup>, already mentioned above, a representative of aborigines, who was convicted for the murder of two FBI officers on the Pine Ridge Reservation (South Dakota) in 1975<sup>2247</sup>.

In terms of the environmental agenda, human rights activists are proceeding from the need for strict adherence to the principle of "tribal sovereignty". In their view, economic activities in indigenous peoples' places of residence (including energy and infrastructure) should be carried out after proper (rather than declared) consultation with them, as well as their free, prior and informed consent to such projects. Profile NGOs note the relevance of further work on US mining and minerals law reform.<sup>2248</sup>

The land issue remains unresolved. Between 1887 and 1934, the United States authorities seized 90 million acres (36 million hectares) – more than 2/3 of all the land belonging to the Indian reservations – from the indigenous population on a free-of-charge basis and in violation of previous agreements. Although in 1934 the Roosevelt administration launched a process to buy back plots of land for the autochthonous peoples of the United States, to date less than 8% of the previously confiscated areas have been compensated.

It is estimated that indigenous peoples in the United States have lost 98.9% of their historic land base since European settlers began colonizing the continent. Over 42% of tribes currently have no federally or state recognized land, and the modern

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<sup>2244</sup> <https://www.indian-affairs.org/icwa-brackeen.html>

<sup>2245</sup> <https://www.insightintodiversity.com/report-details-university-of-minnesotas-historical-mistreatment-of-native-americans/#:~:text=Through%20analysis%20of%20archival%20records,lands%20and%20resources.%E2%80%9D%20These%20actions> <https://mn.gov/indian-affairs/truth-project/>

<sup>2246</sup> <https://nativenewsonline.net/currents/pressure-mounts-for-release-of-political-prisoner-leonard-peltier>

<sup>2247</sup> <https://freeleonard.org/case/>

<sup>2248</sup> <https://www.whitehouse.gov/briefing-room/statements-releases/2022/05/11/readout-of-the-white-houses-first-stakeholder-convening-on-mining-reform/>; <https://www.doi.gov/ocI/mining-iaw-reform>

sites still owned by tribes are on average 2.6% of the size of their presumed historic area.

The researchers note that the near-total loss of tribal lands has forced indigenous peoples to live in areas that are, on average, more susceptible to global warming risks such as extreme heat and reduced precipitation. The Mojave Tribe (living along the Colorado River), for example, experiences extreme heat an average of 62 more days per year than on historic lands. Nearly half of the tribes live in areas with increased wildfire risk.

Mining poses a threat to the health of the indigenous population living near or in areas with the relevant facilities, and negatively affects the existing ecosystem in the area where they live.<sup>2249</sup> At the same time, the effects are still felt after the work is completed. In 2015, for example, the abandoned Gold King mine spilled arsenic, lead and other metals into the lands of the Yute and Navajo tribes and contaminated them. In total, there are more than 160,000 abandoned mines in the western United States that pose a risk to indigenous peoples.<sup>2250</sup>

Indians' rights to fish wealth are protected by a number of treaties with the central authorities<sup>2251</sup>, which are not fully implemented in practice. For example, an open-pit mine in Idaho's Salmon River Mountains plans to mine gold and antimony for solar cell power supplies.<sup>2252</sup> According to the Perpetua Corporation, the proposed works would have "disproportionately high and adverse impacts" on the local ecosystem by diverting water flows and contaminating them with mercury and other harmful substances. These activities may destroy up to 20% of salmon and trout. For the Nez Perce and many other indigenous peoples in the region, these resources are not only a source of subsistence, but are also used in religious ceremonies.

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<sup>2249</sup> Dominguez, R. (2021, September 9). Just minerals for a just transition. Earthworks, <https://earthworks.org/blog/just-minerals-for-a-just-transition/>

<sup>2250</sup> Earth Island. Navajos ban uranium mining. [https://www.earthisland.org/journal/index.php/magazine/entry/navajos\\_ban\\_uranium\\_mining/](https://www.earthisland.org/journal/index.php/magazine/entry/navajos_ban_uranium_mining/)

<sup>2251</sup> See also Galligan, T. & Reynvaan (1977). Pacific Northwest Indian Treaty Fishing Rights Vol 5:99.

<https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1150&context=sulr>

<sup>2252</sup> <https://perpetuaresources.com/project/>

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=245607&DocumentContentId=79638>

Healy, J., & Baker, M. (2021, December 27). As miners chase clean-energy minerals, tribes fear a repeat of the past. "The New York Times", <https://www.nytimes.com/2021/12/27/us/mining-clean-energy-antimony-tribes.html>

In general terms, the United States has a history of approving permits for business projects that have obvious negative impacts on indigenous peoples and do not take their views into account. These include, for example, the Dakota Access<sup>2253</sup>, Keystone XL<sup>2254</sup>, Line 3<sup>2255</sup>.

The Kuchin people (Alaska) are also opposed to oil production plans in the Arctic National Wildlife Refuge. The main claim is that the construction of infrastructure threatens to affect the population of reindeer (caribou), the meat of which is the basis of the local population's diet. The Biden administration suspended projects in the area in 2021.

In March 2023, the US authorities approved a project allowing the US energy corporation ConocoPhillips to drill oil wells in the north-western territories of Alaska – only in three areas. In a comment on the ruling, ConocoPhillips noted that the wells would produce up to 180,000 barrels of oil per day. The project is expected to generate between \$8 billion and \$17 billion in new revenue for the federal government, the state of Alaska and communities in the North Slope region. Eco-activists oppose the project and insist that drilling in Alaska would be a climate disaster and contradict the administration's clean energy transition policy.

In the Inyo Mountains in Death Valley, California, K2 Gold Corporation plans to build an open cyanide heap leaching pit for gold mining.<sup>2256</sup> Indigenous people in the region, including the Shoshone Tribe, are opposed to development, road building in deer migration areas, hunting, gathering edible and medicinal plants, and ceremonies.

In Alaska, the Ambler Road project aims to build infrastructure for copper and zinc mines in the northwest region of the state.<sup>2257</sup> The implementation of this

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<sup>2253</sup> Turkewitz, J. (2017, February 8). Army approves construction of Dakota Access Pipeline. "The New York Times". <https://www.nytimes.com/2017/02/07/us/army-approves-construction-of-dakota-access-pipeline.html>

<sup>2254</sup> Romo, V. (2018, September 11). Native American tribes file lawsuit seeking to invalidate Keystone XL Pipeline Permit. NPR. <https://www.npr.org/2018/09/10/646523140/native-american-tribes-file-lawsuit-seeking-to-invalidate-keystone-xl-pipeline-p>

<sup>2255</sup> Pember, M. A. (2021, February 24). Enbridge Line 3 divides indigenous lands, people. MPR News. <https://www.mprnews.org/story/2021/02/24/enbridge-line-3-divides-indigenous-lands-people>

<sup>2256</sup> Sahagun, L. (2021, March 14). A corporation wants to mine for gold near Death Valley. Native Tribes are fighting it. "The Los Angeles Times", <https://www.latimes.com/environment/story/2021-03-14/a-corporation-wants-to-mine-for-gold-near-death-valley-native-tribes-are-fighting-it>; <https://k2gold.com/>

<sup>2257</sup> Naiden, A. (2021, December 11). Environmentalists and Alaska villages continue court challenge of permits for

initiative has the potential to pollute local water and wetlands, disappearance of flora and fauna used for subsistence. Chiefs of the Tanana, Huslia, Allakaket, Alatna, and Evansville tribes have filed a class action lawsuit against the US government for implementing the program without proper consultation with the autochthonous population. The Department of the Interior requested that the permits remain in effect. In February 2023, however, the Allakaket and Huslia tribal councils dropped their claims.<sup>2258</sup> Nevertheless, the judicial process continues. The central authorities are consulting with the tribes. Additional assessments by environmentalists have been requested.<sup>2259</sup>

A significant proportion of developments affect lands of significant religious or sacred significance to indigenous peoples, particularly in the south-western United States. In the ancestral lands of the Tohono-O'odham, Pascua Yaqui and Hopi tribes in Arizona, Hudbay Minerals is developing the Rosemont Mine (an open pit gold mine in the Santa Ritas Mountains).<sup>2260</sup> These lands contain burial grounds, sacred sites and critical resources for the tribes such as water, fish and game. Affected indigenous people have sued to stop the development of the project, which would desecrate sacred lands, block waterways and harm wildlife.<sup>2261</sup> They managed to win the lawsuit.<sup>2262</sup> However, another lawsuit to stop development in the region was dismissed in June 2022, allowing the company to continue its operations.<sup>2263</sup> If

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Ambler Road Project. Anchorage Daily News. <https://www.adn.com/alaska-news/rural-alaska/2021/12/10/environmentalists-and-alaska-villages-continue-court-challenge-of-permits-for-ambler-road-project/>

<sup>2258</sup> <https://www.alaskasnewsresource.com/2023/02/18/2-tribal-councils-withdraw-ambler-road-lawsuit/>

<sup>2259</sup> <https://www.washingtonpost.com/climate-environment/2023/07/19/alaska-ambler-road-critical-minerals-climate/>  
Earthworks Biden administration acknowledges legal problems with Interior's Ambler road approval (2022, Feb.20). <https://earthworks.org/releases/biden-administration-acknowledges-legal-problems-with-interiors-ambler-road-approval/>

<sup>2260</sup> Healy, J., & Baker, M. (2021, December 27). As miners chase clean-energy minerals, tribes fear a repeat of the past. "The New York Times", <https://www.nytimes.com/2021/12/27/us/mining-clean-energy-antimony-tribes.html>

<sup>2261</sup> Naiden, A. (2021, December 10). Ariz. Tribes, Enviro say copper mine suit must go on. Law360. Retrieved from <https://www.law360.com/articles/1491023/ariz-tribes-enviros-say-copper-mine-suit-must-go-on>

<sup>2262</sup> EarthJustice (2022, May 12). 9th U.S. Circuit Court of Appeals Upholds Landmark Ruling Blocking Arizona Copper Mine. <https://earthjustice.org/news/press/2022/9th-u-s-circuit-court-of-appeals-upholds-landmark-ruling-blocking-arizonacopper-mine>

<sup>2263</sup> Abbott, D. (2022, June 13). Hudbay wins latest court battle over the Rosemont Mine as heavy equipment continues to roll in the Santa Rita Mountains. Arizona Mirror. Retrieved from <https://www.azmirror.com/2022/06/01/hudbay-wins-latest-court-battle-over-the-rosemont-mine-as-heavy-equipment-continues-to-roll-in-the-santa-rita-mountains/>



completed, Rosemont will be one of the largest mines in the US, leaving a 1.6-km-wide crater and 2 billion tons of mining waste behind.<sup>2264</sup>

Northwest of the Rosemont mine in Arizona is the Big Sandy River Valley, where a lithium mine is also slated to open.<sup>2265</sup> This mine threatens the Hualapai tribe's sacred hot spring, known as Ha'Kamwe and reflected in local folklore.<sup>2266</sup> Indigenous peoples make extensive use of the land, including gathering native plants from riverbanks.

Another controversial project in Arizona is the Resolution copper mine on Chichil Bildagotil, sacred land for the San Carlos Apache tribe.<sup>2267</sup> The territory was protected in 1955 by President D. Eisenhower from mining projects. Under the Obama administration, the "land swap" law repealed this ban, opening the territory to mining operation.<sup>2268</sup> The Resolution copper mine, jointly owned by Rio Tinto and BHP Billiton, could supply up to a quarter of US copper demand.

"Apache Stronghold, a non-profit indigenous organization, has filed a lawsuit to stop the mine, saying the mine violates their religious rights and the 1852 Treaty of Santa Fe."<sup>2269</sup> On 24 June 2022, a US court dismissed the Apache's lawsuit against Oak Flat, noting that the transfer of land to mining companies does not force the Apache to abandon their religion, nor does it threaten their habitat.<sup>2270</sup> However, human rights activists fear the mine will leave a 3-kilometer-wide crater, destroying sacred sites where Apache peoples pray and perform religious rituals.<sup>2271</sup>

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<sup>2264</sup> Gilger, L. (2019, August 29). Environmentalists, tribes battle rosemont mine in Southeastern Arizona. KJZZ. <https://kjzz.org/content/960201/environmentalists-tribes-battle-rosemont-mine-southeastern-arizona>

<sup>2265</sup> Healy, J., & Baker, M. (2021, December 27). As miners chase clean-energy minerals, tribes fear a repeat of the past. "The New York Times", <https://www.nytimes.com/2021/12/27/us/mining-clean-energy-antimony-tribes.html>

<sup>2266</sup> Krawczyk, K. (2021, June 10). Mining for lithium, at a cost to indigenous religions. Energy News Network. <https://energynews.us/2021/06/10/mining-for-lithium-at-a-cost-to-indigenous-religions/>

<sup>2267</sup> Healy, J., & Baker, M. (2021, December 27). As miners chase clean-energy minerals, tribes fear a repeat of the past. "The New York Times", <https://www.nytimes.com/2021/12/27/us/mining-clean-energy-antimony-tribes.html>

<sup>2268</sup> Stern, R. (2015, April 22). A copper mine near Superior and Oak Flat Campground is set to destroy a unique, sacred recreation area – for fleeting benefits. Phoenix New Times, <https://www.phoenixnewtimes.com/news/a-copper-mine-near-superior-and-oak-flat-campground-is-set-to-destroy-a-unique-sacred-recreation-area-for-fleeting-benefits-7287269>

<sup>2269</sup> Kelety, J. (2022, July 2). Biden administration says Oak Flat Land Swap should proceed despite lawsuit. Phoenix New Times.

<sup>2270</sup> Thompson, D. (2022, June 28). U.S. Court of Appeals denies Apache claim to Oak Flat, approves copper mine in Arizona. Native News Online, <https://nativenewsonline.net/environment/u-s-court-of-appeals-denies-apache-claim-to-oak-flat-approves-copper-mine-in-arizona>

<sup>2271</sup> Healy, J., & Baker, M. (2021, December 27). As miners chase clean-energy minerals, tribes fear a repeat of the past. "The New York Times", <https://www.nytimes.com/2021/12/27/us/mining-clean-energy-antimony-tribes.html>

Plans to build a large telescope on top of Mount Mauna Kea, Hawaii, considered a sacred site for the island's indigenous people, have been widely publicized. The construction site has been blocked twice by local demonstrators (2014-2015 and 2019). Currently, the project implementation is "frozen".

There is information on the use of exploitative labour practices and other abuses against indigenous workers in infrastructure projects.<sup>2272</sup>

There is also another problem. Companies use short-term hiring practices to meet the demand for labour. These temporary workers often fail to comply with local laws, attacking indigenous women and girls.<sup>2273</sup> For example, after the discovery of oil fields in the Bakken Formation in North Dakota in 2006, the region experienced an influx of workers and a sharp increase in violence against the autochthonous population.<sup>2274</sup>

In general, despite the progress declared by the democratic administration in improving the socio-economic situation of the indigenous population, problems remain. A significant part of them is related to the non-observance of tribal rights during the implementation of infrastructure and energy projects in the places of their homes.

One of the "central" subjects of human rights organizations' claims against the United States is the widespread denial of the rights of "vulnerable" groups.<sup>2275</sup>

The situation with women's rights is regularly criticized quite harshly. Human rights activists note that the existing health care system leaves many women without the opportunity to obtain health insurance. This leads to an increase in mortality from gynecological diseases. According to the NGO Amnesty International, deaths due to improper procedures among African-American women are statistically 75% higher than among the "white" population.

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<sup>2272</sup> Human rights abuse cannot be the price paid for Essential Energy Transition. Business & Human Rights Resource Centre. (2021, February 2). <https://www.business-humanrights.org/en/from-us/media-centre/liuman-rights-abuse-cannot-be-the-price-paid-for-es-sential-energy-transition/>

<sup>2273</sup> Fox, L. (2019, July 4). 'man camps' may be a threat to Yukon Indigenous women and girls, say advocates. Yukon News. <https://www.yukon-news.com/news/man-camps-may-be-a-threat-to-yukon-indigenous-women-and-girls-say-advocates/>

<sup>2274</sup> Finn, K. (2020, March 30). Recalibrating risk assessment for indigenous women. GreenMoney Journal. <https://greenmoney.com/recalibrating-risk-assessment-for-indigenous-women/>

<sup>2275</sup> Amnesty International NGO Report 2019, USA.

The topic of abortion is quite acute for American citizens. In the United States, a record high level of support for abortion among the population has been recorded since 1996 – 69% of Americans believe that the operation should be allowed in the first trimester.<sup>2276</sup>

In 1973, the US Supreme Court's *Roe vs. Wade* decision established women's right to abortion at the federal level: abortion was made legal.<sup>2277</sup> Nevertheless, reviewing the court's determination has repeatedly been cited as a priority for judges appointed by the administration. In 2019, several states at once legislated bans on abortion, including medical necessity to save the life of the mother. Georgia, Ohio, Kentucky, Mississippi and Louisiana prohibit such interventions after six weeks of pregnancy ("Heartbeat bills"). In May 2019, Alabama passed a law, under which the participation of a doctor in an abortion became a criminal offence (the maximum penalty is life imprisonment). It bans abortions even in cases of rape and medical needs.

In the first half of 2019, in many states, human rights activists documented cases of "administrative pressure" on medical staff specializing in abortion.<sup>2278</sup> It is a question of implementing strict sanitary requirements for medical institutions authorized to perform abortions (size of premises, number of staff, etc.).

In August 2019, the US administration decided to prohibit federally funded physicians from providing women with all possible information about the course of a pregnancy and options for managing and terminating it.<sup>2279</sup>

In June 2022, the US Supreme Court overturned *Roe vs. Wade*, bringing the issue officially under state authority.

Public opinion reacted quite strongly to this decision. For example, Said Khan, a professor at Wayne State University in Detroit, noted that many of those who had previously been ambivalent on the issue of abortion were concerned about

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<sup>2276</sup> <https://iz.ru/1537331/evgeniia-chukalina/abortnyi-protsess-kak-politika-respublikantcev-snizhaet-ikh-shansy-na-2024-god>

<sup>2277</sup> <https://iz.ru/1537331/evgeniia-chukalina/abortnyi-protsess-kak-politika-respublikantcev-snizhaet-ikh-shansy-na-2024-god>

<sup>2278</sup> This was pointed out, inter alia, by Amnesty International and the NGO Guttmacher Institute.

<sup>2279</sup> According to Amnesty International.

the severity of restrictions in some states and feared that it could affect their reproductive rights.<sup>2280</sup>

Almost immediately after the verdict, the most conservative leadership (mostly Republican) began to tighten the rules on such operations. For example, 14 states now have total bans on abortion, and six more have abortion time limits of 6 to 18 weeks.

In April 2023, Idaho became the first state to criminalize helping minors terminate a pregnancy with surgery or medication in another state. The penalty can range from two to five years in prison.

In general, the United States ranks among the leading developed countries in terms of women's deaths due to clandestine abortions. At the same time, according to sociological surveys, about three quarters of citizens are in favour of legislating the right to terminate pregnancy – at least for medical reasons and in order to save a woman's life.

The above Supreme Court decision was criticized by the Special Rapporteur of the UN Human Rights Council on violence against women, Rome Alsalem, the Chairperson of the UNHRC Working Group on Discrimination against Women and Girls, Dorothy Estrada-Tank, and the UNHRC Special Rapporteur on Torture, Alice Edwards.

They pointed out, *inter alia*, that the court's decision was a violation of international human rights law. Abortion bans in 14 states have made abortion services virtually inaccessible, depriving millions of women and girls in the country of a basic right – the right to comprehensive health care, including sexual and reproductive health services.<sup>2281</sup>

Experts also stated that such bans may violate women's rights to privacy, physical integrity and autonomy, freedom of expression, freedom of thought, conscience, religion or belief, equality and non-discrimination, as well as freedom from torture, cruel, inhuman and degrading treatment and gender-based violence.<sup>2282</sup>

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<sup>2280</sup> According to Amnesty International.

<sup>2281</sup> <https://news.un.org/ru/story/2023/06/1441617>

<sup>2282</sup> <https://news.un.org/ru/story/2023/06/1441617>

Human rights activists noted that poor women and girls, members of marginalized communities, including migrant communities, members of racial and ethnic minorities, and women subjected to domestic violence are the most affected by abortion bans. The exceptions provided within the bans are insufficient. For example, they do not always take into account medical indications for abortion, including extremely dangerous health conditions. The Supreme Court's decision has also had a negative impact on doctors and other health professionals who may face legal consequences for decisions to provide women with medical services, including life-saving abortions or the removal of fetal tissue from women with incomplete miscarriages

According to UN experts, abortion bans in many US states have been accompanied by an erosion of the right to privacy as law enforcement officials increasingly use electronic databases to track those seeking abortions and those who assist them. Most of this data can be accessed without a warrant.

In this context, experts called on US authorities at both the federal and local levels to take action to ensure access to safe and legal abortion.

Washington continues its policy of repealing domestic regulation aimed at protecting and ensuring a favourable environment and national health.

Meanwhile, journalists are being attacked who cover the work of US government agencies charged with environmental regulation with a grain of salt.<sup>2283</sup>

In July 2019, the Environmental Protection Agency (EPA) decided to continue using chlorpyrifate. This pesticide is used to increase crop yields and, according to numerous studies, often leads to developmental delays in children. The EPA also relaxed the current rules regulating the circulation of coal slag, a highly toxic by-product obtained from coal mining and the second most intense source of environmental pollution in the United States. This legal norm has led to an increase in water and air pollution up to dangerous levels. Deteriorated health of the population near coal mining facilities was also noted.<sup>2284</sup>

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<sup>2283</sup> The Trump Administration and the Media. Committee to Protect Journalists. 16 April 2020. <https://cpj.org/reports/2020/04/trump-media-attacks-credibility-leaks/>

<sup>2284</sup> Human Rights Watch Report, 2019.

In September 2019, the Administration repealed major regulations related to clean water standards.<sup>2285</sup> These standards used to set up a permissible level of pollutants and chemicals in water. Now, industrialists rely only on local legislation, which inevitably leads to a degrading environmental situation and significant limitations of citizens' rights to a healthy environment.

In recent years, there has been a distinct increase in Russophobic sentiment in the United States against the backdrop of anti-Russian rhetoric in the local officialdom and media. The situation remains extremely bleak with respect to the rights of Russian citizens.

The Russophobia propagated by the US government has had a negative impact on the people of Russian origin (the US is home to one of the largest Russian (the US is home to one of the largest Russian expatriate communities, with over 2.8 million people, or 0.8 per cent of the total population, according to the 2020 census).

Thus, throughout 2021, about 300 Russian nationals who are permanent residents of the United States were persecuted by the American special services on far-fetched grounds, in reckless violation of their legal right to a national cultural identity and to freely maintain ties with Russia. As a result, some members of the Russian Community Council of the USA (RCC), including its Chair Elena Branson and Executive Secretary Sergei Gladyshev, had to leave the country. In view of the situation, the RCC decided on 18 November 2021 to suspend its activities. In a statement, the RCC noted that the US authorities had created unacceptable conditions for the organization to continue its work aimed at consolidating the community, promoting the Russian language and holding commemorative events.

Russian citizens were subjected to searches, interrogations and psychological pressure, and their documents and personal belongings, including electronic devices, were seized. These actions were carried out under the pretext of investigating the activities of the RCC without registering it as a foreign agent in the United States.

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<sup>2285</sup> Ibid.

Earlier, in the US presidential election run-up, attempts had been made to threaten Russian citizens for "staying in touch" with the Russian Embassy and consular offices in the United States.

RCC members informed the Ministry of Foreign Affairs of Russia, the Government Commission for the Affairs of Compatriots Living Abroad and the Foundation for the Support of Compatriots Living Abroad of the complaints of US law enforcement agencies regarding the organization's public activities and asked to take measures to address them.

Russia has repeatedly reminded the US authorities that it is unacceptable to put pressure on Russian citizens and interfere with their right to maintain ties with their historical homeland.

Since Russia's Special Military Operation to denazify and demilitarize Ukraine and protect the civilian population of Donbass began on 24 February 2022, the anti-Russian sentiment, has increased in the US being actively promoted in the media and official rhetoric.

The US authorities have orchestrated a campaign to "cancel everything Russian", which has now surpassed the fanatical anti-communist campaign of the McCarthy years.

The anti-Russian hysteria is now affecting people's daily lives. Russian restaurants and cafeterias, cultural centres, Russian Orthodox churches and cemeteries have been vandalized.

For example, in May 2023, the Chapel dedicated to the Iveron Icon of the Mother of God in Washington was vandalized when the perpetrators poured paint over the fresco of St John of Shanghai and the walls).<sup>2286</sup>

Owners of shops and restaurants who used the word "Russian" in the name of their business or had Russian dishes on the menu were among the first to face hatred, mostly, in the form of hooliganism – offensive graffiti on walls and shop windows, negative reviews on websites, threats through anonymous phone calls, etc. It was enough to spread fear among restaurant owners. Thus, Varda M., owner of

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<sup>2286</sup> <https://orthochristian.com/153526.html>

The Russian House restaurant in Austin, Texas, decided to rename her restaurant as simply "The House".

Svetlana Savchits, who immigrated to the United States from Ukraine in 1993 and owns the Sveta restaurant in Manhattan, New York, receives dozens of threats and insults every day, so she often has to call the police to report the abuse. Because of the harassment, Svetlana has changed the style of her cuisine to general Eastern European.

Igor Kochin, president of the Russian Youth of America, confirmed the rise of Russophobia in the United States in an interview with FAN. According to Kochin, negative attitudes are becoming more pronounced, even though "no Russians allowed" signs have not yet been put up in food and drink venues and "we do not employ Russians" has not yet been included in job advertisements.

In particular, Igor Kochin notes that Russian children are being pressured and bullied at school, while Russian adults are losing their jobs. People of Russian origin are increasingly losing their source of income, he says. Discrimination is illegal in the US, but proving harassment on the basis of national or ethnic origin is difficult. Because of so much negativity, many expatriates, even those who have achieved great success abroad, begin to think about returning to Russia. Not only the Anti-Russian narrative in the American society affects the attitude towards people of Russian origin in the workplace, but also breaks up families. There have been reports of Americans no longer talking to their Russian spouses, being estranged from them or even not letting them home.<sup>2287</sup>

Russian scientists have been excluded from US projects, and in many cases the local scientific community is concerned about the situation (for example in joint Arctic research projects). Things went so far that Congressman (D) Eric Swalwell called for "Russians to be kicked out of US universities".<sup>2288</sup> The Educational Commission for Foreign Medical Graduates (ECFMG) has refused to certify Russian doctors. US oncology associations prompted OncoAlert, a global network

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<sup>2287</sup> [https://riafan.ru/22912317-](https://riafan.ru/22912317-lyudei_uvolnyayut_glava_obschestva_russkaya_molodezh_ameriki_kochin_podtverdil_usilenie_rusofobii_v_ssha)

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<sup>2288</sup> <https://www.foxnews.com/media/eric-swallow-russians-us-universities-retaliation>



of oncology professionals, to expel Russia from its membership. The NGO Space Foundation changed the name of its first manned space flight annual event from Yuri's Night to Celebration of Space.

Activists from the Russian-speaking diaspora are persecuted. Those compatriots who remain loyal to Russia are threatened with criminal prosecution for allegedly violating the Foreign Agents Registration Act adopted as early as in 1938.

The US authorities have set out to work to erase all historical memory of fruitful cooperation between the peoples of Russia and America. In 2022-2023, the Russian Embassy was barred from the annual wreath-laying ceremony at Arlington Cemetery in Washington to commemorate the meeting between the US and Soviet troops at the Elbe in April 1945. US WWII veterans, who had planned to participate in the May 2022 and 2023 Victory Parade, were virtually forbidden to do it.<sup>2289</sup>

Russians and Russian speakers face highly aggressive attitude by some aggressively disposed members of the US Ukrainian community. Out of fear of being attacked, Russians, similar to Jews in a number of European countries, avoid speaking their native tongue in public places. Igor Kochin also noted in this regard the US police staff's tolerance of facts of discrimination against Russian speakers. Our compatriots fear that this will mostly affect events held in support of Russia. Even before, nationalists used to approach pro-Russian activists in an attempt to prevent their events from being held. They even had confrontations with police. However, our compatriots believe that one cannot expect protection from US law enforcement agencies any longer.

Even the slightest relation to Russia may trigger physical violence. One example is the assault on a US blogger from Brooklyn by his Ukrainian neighbour; this was provoked by the fact that the man had the imprudence to unfold outside the flag of the Somalia battalion – a present mailed to him by his subscriber from the Donetsk People's Republic. For this, he suffered a blow on the face that chipped his tooth. The attacker pursued him for several blocks shouting racist insults. Charges have been already brought against him, including those of committing a hate crime,

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<sup>2289</sup> <https://kremlin.ru/events/president/news/68366>

and a restraining court order against approaching the blogger has been issued. The latter actually has both Russian and Ukrainian origins.<sup>2290</sup>

In July 2022, the US Department of Justice entered on the sanctions list the independent non-profit organization Centre for Support and Development of Public Initiative – Creative Diplomacy and its president Natalia Burlinova personally, claiming that they "had acted or purported to act for or on behalf, directly or indirectly, of the Government of the Russian Federation" in violation of local foreign agents legislation.

In April 2023, US law enforcement authorities brought criminal charges against Natalia Burlinova for attempting to "recruit" American scientists and researchers to travel to Russia within the Meeting Russia programme, and the FBI officially put her on a wanted list. The activist was further put on the list of the notorious Mirotvorets website as "a person to be immediately detained and handed over to the law enforcement agencies of Ukraine or NATO countries."

Such aggressive steps by the US authorities are yet another example of the blatant and rough pressure exerted on the expert, scientific and academic community, which calls for an adequate public and international legal response.

Many Russian speakers have faced harassment at work. They are often threatened, including personally, and suffer physical abuse from the hostile Ukrainian diaspora (for instance, for singing Russian patriotic songs).

The popular Rubic.us website published its readers' stories of discrimination incidents they had faced. Cases of discrimination and aggression in respect of Russian children at schools, biased attitude towards and fault-finding with persons of Russian descent at work, especially on the part of company owners of Ukrainian origin, have been reported. The number of insults online and in social media has considerably increased.<sup>2291</sup>

The propaganda of Russophobia and its visible manifestations come to complete absurdity. After the onset of the Russian special operation, many shops,

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<sup>2290</sup> <https://nypost.com/2022/03/18/nyc-man-attacked-for-pro-russian-flag-says-he-got-it-from-youtube-fan/>

<sup>2291</sup> <https://www.kp.ru/daily/27374/4567724/>

cafes, health centres, dry cleaners and other public places in the US began putting stickers with the Ukrainian flag at the entrance. Their employees often explain to Russian clients that by doing so they just avoid unnecessary discussions.

There have been attempts to substitute Russian culture with Ukrainian one. For example, the substitution of P.I. Tchaikovsky's "Marche Slave" for M.P. Mussorgsky's "Great Gate of Kiev" in the repertory of the University of South Carolina Symphony Orchestra, and the launch of Ukrainian language courses to replace Russian language courses, not just to add to the list of foreign languages taught in a number of US universities.

Art historians and the management of Metropolitan Museum in New York labelled I.K. Aivazovsky,<sup>2292</sup> A.I. Quingi,<sup>2293</sup> and I.E. Repin<sup>2294</sup> as Ukrainian artists (though Aivazovsky was later recognized as an Armenian). Many in the US cultural community welcomed the new Russophobic trend. They likewise approved the relabelling of Edgar Degas's "Russian Dancer" as "Dancer in Ukrainian Dress".<sup>2295</sup>

Concerts and exhibitions featuring Russian performers were cancelled across the US (including annual Pushkin evening readings held in New York).

On 24 February 2022, the management of Carnegie Hall announced that Russian conductor Valery A. Gergiev would not lead the Vienna Philharmonic Orchestra at three concerts. The performance of Russian pianist Denis Matsuev in a concert scheduled for 25 February 2022 was also cancelled.<sup>2296</sup>

Pieces by masters of Russian classical music were removed from theatre and concert programmes. The US authorities are persistently seeking disqualification of Russian athletes, coaches and referees from international competitions. Simultaneously, Russian cultural figures and athletes are exacted to publicly denounce "Russia's policy in Ukraine".

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<sup>2292</sup> <https://www.metmuseum.org/art/collection/search/435570>

<https://www.metmuseum.org/art/collection/search/437979>

<sup>2293</sup> <https://www.metmuseum.org/art/collection/search/436833>

<sup>2294</sup> <https://www.metmuseum.org/art/collection/search/437440>

<https://www.metmuseum.org/art/collection/search/437441>

<https://www.metmuseum.org/art/collection/search/437442>

<sup>2295</sup> <https://www.metmuseum.org/art/collection/search/436157>

<sup>2296</sup> <https://tass.ru/kultura/13850801>

On 6 April 2022, the Boston Athletic Association, a non-profit association claiming promotion of healthy lifestyles as its primary purpose, announced its decision to deny Russian and Belorussian athletes – residents of the two countries – participation in the annual Boston marathon. However, non-residents are allowed to compete irrespective of their nationality. Until further notice, the organization refused to accept any sign of athletes' relation to Russia and Belarus, including the use of their national flags.<sup>2297</sup>

At the same time, the US side has failed so far to provide all the reports required by the Russian competent authorities regarding the conditions of living and upbringing of Russian children adopted earlier (before the ban on adoption was introduced). Currently, communication and explanatory work continues on this issue with line institutions and agencies of the United States.<sup>2298</sup>

US authorities enthusiastically resort to the "false flag" tactic against Russia and Russians. This includes, first and foremost, providing large-scale military aid to the regime in Kiev and exerting pressure on NATO allies to make them take similar steps. Besides, sovereign states are overtly pressed in attempt to create a relevant negative image of the Russian Federation on the international scene.

Over and above interfering with the work of US authorities, transnational corporations openly impose their own interests on the country and society. According to a number of experts, the US leaders have fallen under the control of oligarchs over the recent three decades. In the past, corporations were dependent on large government-controlled banks, but now the largest multinationals independently mobilize capital and public resources for their own purposes. Government authorities hand out contracts and subsidies without any control from general public.

US politicians have traditionally been highly dependent on major companies. This is facilitated by the still confusing and opaque legislation in the field of election

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<sup>2297</sup> <https://www.baa.org/baa-policy-russian-and-belarusian-athletes>

<sup>2298</sup> See also the Russian Ministry of Foreign Affairs report "On violations of children's rights in the process of international adoption in the United States" released in June 2023 (also posted on the Ministry's website [www.mid.ru](http://www.mid.ru)).

campaign financing, which often turns into a competition between business lobbyists promoting candidates that benefit them.

Modern US oligarchs, without a doubt, also include the owners of large Internet resources, including X (formerly Twitter), Facebook and YouTube. It is noteworthy that on the eve of 2020 presidential campaign, they simultaneously blocked the accounts of Donald Trump and his supporters.

Basic freedom of speech norms do not apply to social media. Meanwhile, their coverage is total, which cannot but cause alarm or serious concerns over ensuring and protecting human rights. The most important communication platforms are under the political control of US elite, whose corruption has been clearly highlighted, among other things, against the backdrop of scandals related to the crisis in Ukraine.

This elite itself increasingly feels its impunity. Scandals involving Hunter Biden, the son of US President, would have destroyed his father's career in another era – he received fictitious positions with huge salaries, built business schemes supported by the ruling circles of countries friendly to Washington (including Ukraine and Romania). Insider market trading by Paul Pelosi, the husband of then-Speaker of the House of Representatives, would have ruined his powerful wife's career, as well as the reputation of the entire party. Now US politicians are getting away with such things, because the moral and ethical principles that, at least declaratively, had served basis of US democracy for decades are being destroyed.

The uncontrolled global power, capture of new markets and lack of restraining factors after the collapse of the Soviet Union created a sense of permissiveness among the US elite. The practice of using economic instruments and information resources as coercive means along with military force is expanding.

Such approaches make the US understanding of democracy seem increasingly watered down and manipulative to the world community and contribute to a general discredit to democratic principles and values.

## Ukraine

Since 2014, when nationalists seized power in Kiev as a result of an anti-constitutional armed coup d'état orchestrated by the West, violations of fundamental human rights and freedoms in Ukraine have become widespread and systemic. With active encouragement from their Western handlers, the government is working to mould the society on the basis of Nazi ideas. To that end, Kiev is consistently spreading aggressive neo-Nazi propaganda accompanied by the rewriting of the history of the Great Patriotic War and World War II. It has become a deliberate state policy in Ukraine to glorify Nazism, encourage its penetration into all spheres of public life, systemically suppress human rights, opposition and dissent in Ukraine, and fight against everything connected with Russia. At the same time, Ukraine is consistently pursuing a course of forced Ukrainianization of all spheres of public life and assimilation of national minorities.

It is implanting a distorted version of history which diminishes the USSR's role in and contribution to the victory over Nazism, in order to destroy the historical memory of the Ukrainian people about the events of that war. Ukraine's state policy and the government's active steps at all levels aimed at whitewashing and glorifying Nazism and Nazi collaborators of World War II, and dignifying various Ukrainian groups that collaborated with the Nazi invaders during the war, under the guise of members of the "national liberation movement" – all serve to cultivate nationalist sentiments among broad segments of Ukrainian society. Particular attention is paid to the adoption of a wide range of measures to provide state support for the movements glorifying Nazi criminals and collaborators.

The implantation of hateful ideology became so widespread after the bloody putsch of 2014, when extremists infiltrated all levels of Ukrainian government. In 2014, groups of national radicals seized administrative buildings, police stations and military armouries. The police suffered violence on a massive scale. The leading forces in this process were extremist nationalist organizations, in particular Right Sector and Svoboda which are the ideological successors of Ukrainian nationalists,

known for their collaboration with the Nazis and mass murder of Soviet civilians during the Great Patriotic War.

Instead of forming a coalition government of national unity, as envisaged by the 21 February 2014 agreement signed by President Yanukovych and leaders of the then opposition, the forces that seized power in Kiev announced the creation of a "government of the winners". One of its first steps was an attempt to revoke the status of the Russian language in Ukraine, which only served to increase tensions in the country. The new government branded as "separatists" and "terrorists" all those who did not accept the coup and were calling for autonomy and federalization, and started to use force against them, announcing the so-called anti-terrorist operation (ATO) in April 2014. They shelled the Russian-speaking east of Ukraine with heavy weapons and used combat aircraft against peaceful towns.

The horrible crimes of that time are still horrifying, one of the most brutal being the burning alive of 48 people on 2 May 2014 in the Trade Unions House in Odessa. No one in Ukraine is going to investigate them.<sup>2299</sup> All the above only confirms the Nazi nature of the regime established in Kiev.

The fact that the ATO format envisaged the use, in addition to the regular armed forces of Ukraine, of irregular "volunteer battalions", whose atrocities could not but be mentioned even by the international organizations and entities patronizing Kiev, including the Office of the UN High Commissioner for Human Rights (OHCHR), is also a convincing demonstration of the Kiev government's intentions with regard to the Donbass.

However, the accusations of "terrorism" levelled at the Donbass, used by Kiev as a pretext for launching the ATO, turned out to be falsified. This was confirmed by the UN International Court of Justice which, in its decision of 31 January 2024 on Ukraine's lawsuit against the Russian Federation, refused to recognize the Donbass Republics as "terrorist organizations" and Russia as a "sponsor of terrorism".

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<sup>2299</sup> A detailed description of the events of those years is given in the study by a team of authors "History of Ukraine" // Grigoriev M.S., Deinego V.N., Dyukov A.R., Zasorin S.A., Malkevich A.A., Manko S.A., Shapovalov V.L. History of Ukraine: a monograph. – M.: International Relations, 2022. – 648 p. The text of the monograph is publicly available on the website of the Public Chamber of the Russian Federation [https://files.oprf.ru/storage/image\\_store/docs2022/istoriya\\_Ukraini\\_MS\\_Grigoriev\\_dr.pdf](https://files.oprf.ru/storage/image_store/docs2022/istoriya_Ukraini_MS_Grigoriev_dr.pdf)

Therefore, Kiev's actions towards the LPR and DPR were illegitimate from the outset. In the same decision, the Court dismissed the Kiev regime's speculations about the alleged "racial discrimination" in Crimea, which had been propagated not only by pro-Western NGOs but also by international organizations. In addition, the Court repeatedly questioned their conclusions, which were not supported by sufficient evidence.

Amid active glorification of Nazism and implantation of a sense of hostility towards Russia among the population, the human rights situation in Ukraine itself continued to seriously deteriorate. As rightly noted by some researchers, the Kiev regime underwent a political mutation in 2022. The conditions it created as a result of the imposition of martial law allowed it to build an authoritarian system of government in the country, characterized by an absolute monopoly on power, extrajudicial killings, strict censorship, de facto elimination of independent media and destruction of the political opposition, total state propaganda, and an active search for traitors, fictitious Russian spies and saboteurs. The current regime, having adopted the ideology and practices of Ukrainian radical nationalists, has essentially degenerated into a neo-Nazi dictatorship.

For such a regime, a state of war and the use of the widest range of repressive measures are necessary as the only and, at the same time, the safest way to maintain its dominance. It exists as long as the degree of escalation in society remains high, and armed confrontation with an external enemy continues. Bearing this in mind, the West is providing it with massive assistance, primarily military. The end of the conflict for such a regime would be tantamount to the end of its existence.

The degradation of the human rights situation affects Ukraine in many ways. It witnesses regular violations of the right to freedom and personal integrity, and records numerous cases of illegal arrests and subsequent detention, torture, intimidation, inhuman and cruel treatment, aimed primarily at forcing detainees to confess guilt.

Persecution of political opponents, independent journalists and media outlets, and members of public organizations undesirable for the government, has taken on



an unprecedented scale; and it is frequently backed by claims about the need to confront "the Russian aggression" and "separatism". In furtherance of these policies, the government in Kiev is making use of radical nationalist groups which frequently break the law but remain untouchable.

Nazi approaches of the Kiev regime are clearly reflected in their attitude towards the population of the Donbass. This is convincingly confirmed by the well-known statements of Ukrainian leaders. Former Prime Minister Arseniy Yatsenyuk, in the summer of 2014, called the Donbass rebels "subhumans" (by analogy with Nazi term "untermenschen"), and current President Vladimir Zelenskiy, speaking about the citizens of the country against whom he had imposed sanctions, said that not all people are human beings, some are just "specimens".

Moreover, hundreds of thousands of Ukrainian citizens, including the elderly, women and children, have been dying and suffering in the 10-year-old internal armed conflict unleashed by Kiev in the south-east of the country.

Other Kiev's actions also added fuel to the fire. As a result of the severe restrictions imposed by the Ukrainian authorities, citizens living in the areas of hostilities were exposed to serious life-threatening risks. They had to daily overcome significant difficulties in obtaining basic services such as social benefits, water, heating and health care. Kiev's military actions resulted in residential areas falling into disrepair, and there were no mechanisms for legal protection or compensation for the population of the Donbass.

The fact that the population of the Donbass does not enjoy the same scope of human rights as the population in Kiev-controlled Ukraine, was pointed out by the Human Rights Committee (HRCttee) in November 2021 (its concluding observations were published in February 2022). According to the Committee, there were differences, including in the form of the difficulties encountered by civilians in the Donbass when seeking the issuance of birth certificates, which required a prior court decision. At the same time, it pointed out the need to intensify efforts to protect civilians, especially children, under wartime conditions, including demining. HRCttee also noted with concern the severe restrictions imposed against civilians

crossing checkpoints on the line of contact, under the pretext of spreading coronavirus infection.

The Committee also highlighted the limitation of the rights of internally displaced persons (IDPs), noting with concern that they face multiple forms of discrimination (in relation to the enjoyment of political rights, in particular the ability to vote). According to HRCttee, this hinders their integration into society. Therefore, the Kiev government was recommended to take measures to facilitate the procedure for the registration of the actual residence of IDPs and encourage them to exercise their right to vote.<sup>2300</sup>

Ukraine witnesses restrictions on all possible rights of the Russian-speaking population and national minority members (there are many of them among IDPs). Everything Russian – language, culture, printed matter of any kind, the media – is prohibited in Ukraine. Education in Russian, its study in any form is also prohibited. Literature and teaching materials in Russian have been removed from the educational process. Even interpersonal communication in Russian at school is banned. The renaming of topographical features in the country, that have anything to do with Russia, has taken on a huge scale. A massive campaign has been launched to destroy monuments to Russian and Soviet figures of science and culture, and to historic personalities. Kiev's campaign against the canonical Ukrainian Orthodox Church (UOC), which has now taken the form of a total ban on it, has reached a completely new level of cynicism and hypocrisy.

The problem of corruption, which is deeply rooted in the Ukrainian government, persists. The measures declared by the authorities to combat it, including the establishment of relevant specialized mechanisms, have proven ineffective in practice. The situation in this area was pointed out with concern by Juan Pablo Bohoslavsky, Independent Expert of the UN Human Rights Council (HRC) on the effects of foreign debt and other related international financial

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<sup>2300</sup> Concluding observations of the Human Rights Committee on the eighth periodic report of Ukraine. November 2021 (the observations were published in February 2022)  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2FUKR%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2FUKR%2FCO%2F8&Lang=en)

obligations of States on the full enjoyment of human rights, following his mission to Ukraine in May 2018.<sup>2301</sup> The extent of corruption was also highlighted by the UN Committee on Economic, Social and Cultural Rights in April 2014<sup>2302</sup> and the UN Committee on the Elimination of Discrimination against Women in February 2017. According to CEDAW experts, corruption, as well as growth of unemployment, decline in standards of living of the population, and the ongoing crisis create favourable conditions for widespread human trafficking.<sup>2303</sup>

International human rights monitoring mechanisms have been recording numerous cases of illegal detention, torture, intimidation, ill-treatment, sexual violence, including those aimed at forcing confession or cooperation. The UN Human Rights Committee expressed concern in November 2021 about reports that acts of torture and ill-treatment continued to be perpetrated by law enforcement authorities and about the limited number of convictions handed down for such offences.<sup>2304</sup>

The rights of citizens to a fair trial continue to be violated, especially in criminal cases related to the armed conflict. Case handling in the absence of the accused is common, and right-wing radicals often openly intimidate and attack lawyers and exert pressure on members of the judiciary.

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<sup>2301</sup> Report by Juan Pablo Bohoslavsky, Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, following his visit to Ukraine in May 2018. December 2018. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/448/76/PDF/G1844876.pdf?OpenElement>

<sup>2302</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Ukraine. April 2014. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f6&Lang=en)

<sup>2303</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Ukraine. February 2017. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f8&Lang=en)

<sup>2304</sup> Concluding observations of the Human Rights Committee on the eighth periodic report of Ukraine. November 2021 (the observations were published in February 2022) [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en)

The use of torture and violence by law enforcement agencies and the Security Service of Ukraine against detainees seems to be structural and impunity widespread.<sup>2305</sup>

The UN Human Rights Committee raised concerns in November 2021 about the difficulty of apprehending those accountable for crimes committed during Kiev's attempts to forcibly enslave the Donbass people. The Committee, while welcoming the Kiev leadership's assurance that it will investigate all crimes committed in the context of the armed conflict (these include summary executions, acts of sexual violence, abductions, enforced disappearances, unlawful or arbitrary detentions – in this context, reference was made to an unofficial detention facility in Kharkov that operated from 2014 to 2016), noted with concern the lack of progress made in this direction. It also noted that there were reports indicating that victims, particularly women, often did not report offences because of fear of reprisal, lack of trust in state institutions and lack of knowledge about their rights. Besides, it noted that lawyers were being threatened for having defended individuals in cases related to the armed conflict. Therefore, HRCttee recommended that steps be taken to punish those responsible and to provide protection for complainants and attorneys. Additionally, it was recommended to ensure that individuals found guilty of grave human rights violations be expelled from office.<sup>2306</sup>

Coerced confessions are a common practice. UN experts documented cases of individuals who complained that they had been forced by investigative bodies or SBU to confess to being affiliated or linked with the armed groups on camera. In several cases, such videos were published on the official websites of the national police or SBU.<sup>2307</sup>

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<sup>2305</sup> Report of Nils Melzer, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his visit to Ukraine, from 28 May to 8 June 2018. January 2019. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/010/58/PDF/G1901058.pdf?OpenElement>

<sup>2306</sup> Concluding observations of the Human Rights Committee on the eighth periodic report of Ukraine. November 2021 (the observations were published in February 2022) [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F8%2FUKR%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F8%2FUKR%2FCO%2F8&Lang=en)

<sup>2307</sup> OHCHR report on Human Rights in the Administration of Justice in Conflict-Related Criminal Cases in Ukraine from April 2014 – April 2020 August 2020 <https://www.ohchr.org/Documents/Countries/UA/Ukraine-admin-justice-conflict-related-cases-en.pdf>

Since the launch by the Armed Forces of the Russian Federation of the special military operation to denazify and demilitarize Ukraine and protect civilians of the Donbass, the neo-Nazi regime in Kiev has definitively ceased even false attempts to pretend it maintains law and order and respects human rights in the country.

The authorities uncontrollably hand out weapons to anyone interested, which is used primarily by criminal elements. Criminals, including those convicted of serious criminal offences, are being released from prisons. We are referring in particular to former military officers Sergei Torbin (convicted for the murder of Kherson activist Ekaterina Gandzyuk), Dmitriy Balaboukh (convicted for the murder of a civilian during the conflict in the Donbass), former deputy of the Verkhovnaya Rada of Ukraine and commander of the Donbass battalion Semyon Semenchenko, and former commander of the Tornado battalion Ruslan Onishchenko (convicted for torture, rape and incitement to suicide). As a result, Kiev and other major Ukrainian cities have seen a surge in banditry, looting, armed attacks and murders, and the self-appointed territorial defence units are engaged in robbery instead of protecting fellow citizens.

Chaos and lawlessness have spread across the country. People who raise the slightest suspicion are detained, interrogated and searched by radicals. As a result, civilians face the risk of being killed on the flimsy pretext of belonging to allegedly numerous "subversive groups" and "collaborators". Numerous images of the Nazi's extrajudicial punishment and abuse of civilians are published on the Internet.

Male citizens are subjected to illegal forced mobilization. On 16 April 2024, Zelenskiy signed the law adopted by the Verkhovnaya Rada of Ukraine on 11 April 2024 on even tougher mobilization. For example, it defines new categories of citizens who are not any more eligible to military deferment, expands coercive measures against violators of military registration rules (forced delivery to the military registration office by the police, restriction of the right to drive a car, to travel abroad, to receive consular services abroad, including passport registration, etc.). All persons liable for military service, including those abroad, must update their data within 60 days of the law's entry into force at territorial recruitment

centers, administrative service centers or on their online personal accounts. The law introduces the rule that all men from 18 to 60 years of age must carry a military ID card, regardless of whether or not they are fit for service or eligible for military deferment.<sup>2308</sup>

In addition, on 10 April 2024, the Verkhovna Rada passed, in the first reading, yet another "mobilization" bill increasing fines for violation of military registration rules tenfold and introducing criminal liability for refusal to undergo a medical examination.

Both these documents are at odds with international legal norms and Ukrainian legislation. Even Ukrainian Ombudsman, Dmytro Lubinets, has pointed out that the draft laws contain provisions that contradict the Constitution of Ukraine.<sup>2309</sup>

Right-wing militant groups use civilians as "human shields" with the tacit permission of the authorities. This was noted even in the documents of Amnesty International. The organization's paper, "Ukraine: Military Endangers Civilians by Deploying Troops in Residential Areas – A New Study",<sup>2310</sup> emphasizes that by turning civilian objects into military targets, the Armed Forces of Ukraine violate international humanitarian law. The Ukrainian military establish bases and operating weapons systems mainly in residential areas – including in schools and hospitals.

In addition, media reports emerged of a surge in trafficking in human beings and children in Ukraine in 2022, or, more precisely, in human organs for transplantation (the previous peak of such illegal activities was observed in 2014-2015). This was also pointed out by international organizations, including the OSCE, which noted in 2014 that bodies of people with removed internal organs, most likely victims of transplantologists, were found in mass graves in the area of military operations. This information was published, in particular, by the Tsargrad

<sup>2308</sup> [https://24tv.ua/ru/zakon-o-mobilizacii-2024-kakie-izmeneniya-budut-kto-ne-podlezhit\\_n2533812](https://24tv.ua/ru/zakon-o-mobilizacii-2024-kakie-izmeneniya-budut-kto-ne-podlezhit_n2533812)

<sup>2309</sup> [https://24tv.ua/ru/est-normy-protivorechashhie-konstitucii-ombudsmen-otreagiroval-na-zakonoproekt-o-mobilizacii\\_n2461010](https://24tv.ua/ru/est-normy-protivorechashhie-konstitucii-ombudsmen-otreagiroval-na-zakonoproekt-o-mobilizacii_n2461010)

<sup>2310</sup> <https://www.amnesty.org.uk/press-releases/ukraine-military-endangering-civilians-locating-forces-residential-areas-new>

TV channel.<sup>2311</sup> Experts also note that, while the Kiev regime was preparing for an offensive against the Donbass Republics, the Verkhovnaya Rada of Ukraine began to urgently consider bills aimed at simplifying the activities of transplantologists in the country to the maximum, and in 2022 law-making in this area became even more active. At the end of 2021, deputies from the presidential party "Servant of the People" initiated and passed a law through the Verkhovnaya Rada according to which a Ukrainian could become a donor under a simplified procedure. The requirement to notarize the written consent of the donor or, in case of his/her death, his/her next of kin, for organ transplantation was cancelled. On 14 April 2022, the Verkhovnaya Rada adopted a new law on transplantation according to which this activity was exempt from VAT, which actually created prerequisites for the easiest possible export of human organs from Ukraine.<sup>2312</sup> In short, the Kosovo Liberation Army, whose members are known to have been stained for cooperating with "black transplantologists," has found "worthy" followers in Ukraine.

Russian servicemen taken hostage are being held in appalling conditions and subjected to torture and other forms of inhuman and cruel treatment. This has been confirmed by international monitoring mechanisms.

At a briefing on 15 November 2022, Matilda Bogner, head of the UN Human Rights Monitoring Mission in Ukraine, acknowledged that, based on the results of interviews with 175 Russian prisoners of war, the Mission had received information about their ill-treatment and torture by SBU.<sup>2313</sup>

On 24 January 2023, responding to a question from the Russian news agency RIA-Novosti, OHCHR spokesperson, Ravina Shamdasani, confirmed that the Office was aware of the video recording of the torture of Russian prisoners of war which was attached to the material for the preparation of relevant reports. In addition, she recalled that the OHCHR report on the first 6 months of the conflict documented

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<sup>2311</sup> See, for example, [https://amp.tsargrad.tv/articles/chjornaja-transplantologija-na-ukraine-izvestna-propiska-doktora-smert\\_604078](https://amp.tsargrad.tv/articles/chjornaja-transplantologija-na-ukraine-izvestna-propiska-doktora-smert_604078), [https://tsargrad.tv/investigations/koncy-v-krematorij-ukraina-platit-za-oruzhie-vnutrennimi-organami-grazhdan\\_523850](https://tsargrad.tv/investigations/koncy-v-krematorij-ukraina-platit-za-oruzhie-vnutrennimi-organami-grazhdan_523850)

<sup>2312</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221027-zelenskiy-prevratil-ukrainu-v-ray-dlya-chernykh-transplantologov/>

<sup>2313</sup> <https://www.ohchr.org/ru/press-briefing-notes/2022/22/ukraine-russia-prisoners-war>

50 cases of torture and ill-treatment of prisoners of war by the Armed Forces of Ukraine.<sup>2314</sup>

On 24 March 2023, Matilda Bogner, presenting HRMMU's report on treatment of prisoners of war in Ukraine, reported summary executions of some 25 Russian POWs by the Armed Forces of Ukraine. She said almost half of the 229 interviewed Russian POWs spoke of being tortured or ill-treated by the Armed Forces and Security Service of Ukraine. They were beaten, shot in the legs, stabbed in their limbs, electrocuted, subjected to mock executions, threats of sexual violence or death.<sup>2315</sup>

On 31 March 2023, UN High Commissioner for Human Rights, Volker Türk, confirmed this information during his speech at the 52nd session of the UN Human Rights Council. He said that the Ukrainian authorities had not initiated criminal proceedings against their military who had shot the prisoners. There was no response even when evidence of war crimes was documented.<sup>2316</sup>

On 8 October 2023, Roremary DiCarlo, UN Under-Secretary-General for Political Affairs, spoke about torture or ill-treatment of Russian prisoners of war in Ukraine at the UN Security Council meeting on Ukraine.<sup>2317</sup>

There is no question of the Ukrainian authorities bringing those responsible for many of these offences to justice. The relevant international organizations, such as the Council of Europe, the OSCE, a number of United Nations bodies and others, which pretend that nothing of the sort is happening, although they are sometimes forced to acknowledge the human rights violations committed in Ukraine, are also silent on this matter. In fact, at the moment, international organizations by their actions contribute to the Kiev regime's avoidance of responsibility for its numerous human rights violations. All this gives the Zelenskiy regime a feeling of complete impunity.

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<sup>2314</sup> <https://ria.ru/20230124/video-1847213537.html>

<sup>2315</sup> <https://news.un.org/ru/story/2023/03/1439157>

<sup>2316</sup> <https://rg.ru/2023/03/31/oon-okolo-poloviny-plennyh-bojcov-vs-rf-podvergalis-pytkam-na-ukraine.html>

<sup>2317</sup> <https://www.pnp.ru/in-world/rossiyskie-plennye-na-ukraine-soobshili-oon-o-pytkakh.html>



The following example is very illustrative in this regard. Since 2008, the United Nations has had a global monitoring of the implementation of the Universal Declaration of Human Rights – the Universal Periodic Review (UPR), which operates within the framework of the UN Human Rights Council. According to the rules, every member state of the World Organization without exception is subject to this review on a regular basis on a rotational basis. Until recently, no country avoided going through the UPR procedure. Now, under pressure from Kiev's Western patrons, the HRCttee has taken the unprecedented decision to allow Ukraine not to undergo this procedure in 2023 and to postpone it to 2027, thus, in effect, giving the Kiev regime carte blanche to continue its mass crimes against human rights.

At the same time, Ukraine's gradual withdrawal from the UN human rights treaty bodies began in 2011, when Kiev reported for the last time to most of the convention committees. Already in February 2022, this process was legalised when, using Article 4 of the International Covenant on Civil and Political Rights, the Ukrainian regime declared itself free from obligations under a wide range of articles of this document.

There are also examples of absolutely blatant cover-up of the Kiev regime by the special procedures of the United Nations Human Rights Council. In particular, following her visit to Ukraine in the autumn of 2023, the HRC Special Rapporteur on Torture, Alice Gill Edwards, described the situation with torture in Ukraine as "not causing concern" and the efforts of the authorities to prevent it as "impressive".

At the same time, in 2022, due to the declaration of martial law in the country, Kiev officially announced the temporary suspension of Ukraine's obligations under a number of articles of the International Covenant on Civil and Political Rights and the European Convention for the Protection of Human Rights and Fundamental Freedoms. Since then, Ukraine has regularly extended the martial law regime and notified international bodies, as well as confirmed or modified the parameters of its participation in international human rights treaties in this regard. With this in mind, Ukraine's official suspension of a number of provisions of international treaties

remains in place to date, including articles 12 (on freedom of movement and choice of residence), 17 (on interference in private and family life), 19 (on freedom of expression), 21 (on the right to peaceful assembly) and 25 (on participation in public affairs and elections) of the Covenant and articles 8 (right to respect for private and family life), 10 (freedom of expression), 11 (freedom of assembly and association) of the Convention, as well as articles 1 (protection of property), 2 (right to education), 3 (right to free elections) of the Additional Protocol to the Convention and article 2 (freedom of movement) of Protocol No. 4 to the Convention.

Nevertheless, a number of international human rights organizations and mechanisms still demonstrate commitment to the objective fulfilment of their mandate and point out facts of human rights violations in Ukraine. Such materials, which are few in number, are cited in this section of the report when describing the relevant episodes of human rights violations.

It should be noted that the numerous reports of crimes committed with unprecedented brutality by Ukrainian neo-Nazi groups and foreign mercenaries against Russian servicemen are not included in this document. An assessment of these criminal acts by contemporary neo-Nazis in Ukraine, who fully demonstrated their loyalty to the hateful ideas and tactics of the German fascists and local collaborators from the Organization of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA)<sup>2318</sup> during the Great Patriotic War, is being made by the Russian competent authorities as part of the investigation of numerous criminal cases concerning these heinous crimes. Significant efforts are also being made by Russian civil society organizations and all concerned individuals to uncover the truth about the true face of the Ukrainian authorities and the national radicals they are covering up. Information on the crimes will be included in separate analytical materials.

In Russia, crimes against civilians in the Donbass and in Ukraine committed by the Kiev military and political leadership, nationalists and representatives of the Ukrainian security forces since 2014 have been recorded and investigated by the

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<sup>2318</sup> Both organizations are recognised as extremist and banned in Russia

Investigative Committee of the Russian Federation (IC of Russia). As of 5 March 2024, some 4,500 criminal cases have already been opened. Such crimes include genocide, terrorism, cruel treatment of civilians, use of prohibited means and methods in an armed conflict, murder, intentional destruction and damage to property (Articles 205, 356, 105 and 167 of the Russian Criminal Code) and others. The defendants include 980 individuals, including representatives of the UAF high command and commanders of military units who gave criminal orders to shell civilians and civilian infrastructure.

More than 200 of them are wanted. A total of 250 criminal cases have been completed and sentences have been handed down against more than 280 Ukrainian servicemen, who have been sentenced to 8 to 29 years' imprisonment and life imprisonment<sup>2319</sup>. Other criminal cases are still under consideration. The Investigative Committee is establishing and providing a legal assessment of the actions of all persons involved in the offences committed.

In addition, work to collect, systematise and make public information on the crimes of the Kiev regime is being carried out through the creation in 2023 of a special post of Ambassador-at-Large on this issue in the system of the Ministry of Foreign Affairs of the Russian Federation. Rodion Miroshnik has been appointed to this post.

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<sup>2319</sup> <https://sledcom.ru/news/item/1865695/>

## Glorification of Nazism

A policy of falsifying history and whitewashing Nazi criminals and fascist henchmen is being pursued at the State level in Ukraine. The Kiev regime has created a legal framework for this purpose.

The Ukrainian Verkhovna Rada enacted a "decommunization package" comprising normative legal provisions in April 2015.

In particular, the law "On condemnation of communist and national-socialist (Nazi) totalitarian regimes in Ukraine and ban on propaganda of their symbols", "On access to archives of repressive bodies of communist totalitarian regime of 1917-1991", "On commemoration of victory over Nazism in World War II of 1939-1945" and "On the legal status and commemoration of fighters for independence of Ukraine in the 20th century".

In accordance with these documents, Soviet symbols were banned, the Communist regime was condemned, the archives of the Soviet secret services were opened, the fighters of the Ukrainian military nationalist formations of World War II – the Organization of Ukrainian Nationalists (OUN) and the Ukrainian Insurgent Army (UPA)<sup>2320</sup> and their leaders – the leader of the OUN Stepan Bandera, and Roman Shukhevich, commander-in-chief of the UPA, who served in the Third Reich's Nachtigall Battalion, the 201st battalion of the Ukrainian Legion Schutzmannschaft.

In addition, criminal responsibility was introduced for a negative assessment of the activities of these structures, as well as for the manufacture, distribution and public use of symbols of the "communist totalitarian regime."

Laws on "decommunization" affected such issues as the provision of benefits to former members of nationalist armed formations and the ban on the use of Soviet symbols, as well as symbols and insignia of the Red Army. In May 2017 the Ukrainian Code on Administrative Violations was amended to prohibit the public use, wearing or display of the ribbon of Saint George, (or Guards ribbon) or even pictures of it.

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<sup>2320</sup> Both organizations are recognised as extremist in the Russian Federation.

In line with the provisions of the law "On the legal status and commemoration of fighters for the independence of Ukraine in the 20th century," on 30 January 2018, Lvov Regional Council decided to use the flag of the OUN-UPA on an equal basis with the state flag of Ukraine. Similar decisions were taken by the Volyn Regional Council, city councils in Ternopol, Kiev, and a number of other cities.<sup>2321</sup>

In December 2018, a law was passed to amend the law "On the status of war veterans, guarantees of their social protection" (No. 2640-VIII), which essentially equated collaborators as "participants in the struggle for the independence of Ukraine in the 20th century" and veterans who fought on the side of the anti-Hitler coalition<sup>2322</sup>.

On 20 June 2023, Zelenskiy signed a law on the payment of pensions to "political prisoners of the Soviet Union", including former Bandera and UPA fighters. Funds for the new payments will be taken from the cancelled pensions for Soviet figures and holders of Soviet awards and titles.

In 2023, Victory Day celebrations on 9 May were finally replaced at the official level by a day of reconciliation similar to European countries. On 8 May 2023, Vladimir Zelenskiy signed a decree according to which in Ukraine from this year 9 May instead of the Day of Victory over Nazism in World War II is celebrated as Europe Day.

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<sup>2321</sup> Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019.

<sup>2322</sup> <https://strana.today/news/175167-bojtsy-upa-oun-i-unra-poluchili-v-ukraine-status-uchastnikov-boevykh-dejstvij.html> (previously at <https://strana.ua/news/175244-vekhovnaya-rada-predostavila-status-uchastnikov-boevykh-dejstvij-bojtsam-upa-oun-uvo-polesskaja-sech-i-unra-sut-zakona.html>)

## **Commemorating Nazis at the legislative level**

A major example of Kiev's state policy in the area of "preserving national memory" is the inclusion of Verkhovnaya Rada of Ukraine resolutions on the commemoration of significant dates and anniversaries of Ukrainian collaborators with the Nazis. In addition, back in 2018, The Verkhovnaya Rada approved the OUN nationalists' slogan "Glory to Ukraine! – Glory to Heroes!", which copies the well-known Nazi salute.

In 2019, among the significant dates that the Verkhovnaya Rada decided to be commemorated in 2020 were the anniversaries of the births of well-known Nazi collaborators, including Vladimir Kubyovych who supported collaboration with the Nazis and was a founder of the Waffen-SS Galicia Division, Ivan Poltavets-Ostryanitsa, head of the statute of the Ukrainian National Cossack Movement (UNAKOR) which included auxiliary police divisions that took part in massacres of Jews in Volyn, Zhitomir, Vinnitsa, and Belaya Tserkov, Vasiliy Levkovich, member of the Ukrainian auxiliary police division in Dubno, and later the commander of the Bug Military District, controlled by UPA, who was convicted of treason by the Military Tribunal of the Ministry of Internal Affairs of Kiev Oblast in 1947), Ulas Samchuk, activist from the OUN and the editor-in-chief of Volyn, a pro-Nazi newspaper published in Rovno, who published antisemitic articles calling for the extermination of Jews, Vasiliy Sidor (a member of the OUN and UPA who served as commander of a section of the Nachtigall battalion – which participated in punitive operations – and who continued to take part in underground activities and held the position of deputy chief commander of the UPA until suppression in 1949, Andrey Melnik, the head of the OUN board, openly collaborated with the Nazis, the head of the Ukrainian National Rada in Kiev during the war, the organizer of the Ukrainian auxiliary police units, and the organizer of mass murders of Jews), Kirill Osmak, member of the Stepan Bandera wing of the OUN, and one of the leaders of the Ukrainian National Rada in Kiev, headed by Andrey Melnik, Alexander Vyshnivskiy, one of the organizers of the Waffen-SS Galicia Division, Yaroslav Starukh, member of the OUN board, and organizer of anti-Jewish

pogroms, Vasiliy Galas, one of the leaders of the OUN, who led the OUN underground network in Western Ukraine, an organizer of anti-Jewish pogroms in Ternopol Oblast and massacres of Poles, as well as other nationalists, in particular Maxim Zhelezniak, leader of the Kolivschina uprising in the 18th century, who was involved in the massacre of Jews in Uman. In many of the above cases the persons being commemorated are simply described in neutral terms (thus Vladimir Kubiiovich was a "historian and geographer", Yaroslav Starukh was a "political and military figure" and Ulas Samchuk was "writer, publicist and journalist") with no reference to their links to Ukrainian nationalism. The memorial events honouring these "public figures" are all being financed by the state. The Ministry of Education and Sciences has been instructed to organize lessons and educational events. There were also plans to issue commemorative coins and postage stamps in honour of these individuals.

The Decree of the Verkhovna Rada of Ukraine of 16 December 2020 on the celebration of commemorative dates and anniversaries in 2021 provided for celebration at the state level of the anniversary birthdays of Sergei Timoshenko, Minister of UNR, who was engaged in building military facilities of Wehrmacht in Poland, Leonid Perfetskiy, veteran of SS division "Galicia"), Nikolai Kapustyanskiy, deputy head of a wing of the OUN of Andrey Melnik, engaged in the formation of auxiliary Ukrainian units for the Nazis, Vladimir Szczygelsky, who was a member of the UPA for some time, shot in post-war Poland for aiding the Nazis, Dmitriy Klyachkovskiy (one of the organizers of the Volyn Massacre – the mass murder of tens of thousands of peaceful Poles, including women and children, by UPA units in 1943-1944), Ivan Litvinenko (Nazi collaborator, participant in the Holocaust), Osip Dyakiy (member of the OUN, liquidated by Soviet security forces) and Rostislav Voloshin (member of the OUN and UPA, Nazi collaborator, head of the regional government in Rovno, who was complicit in the extermination of more than 20,000 Jews of that city).<sup>2323</sup>

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<sup>2323</sup> <https://strana.today/news/306764-pamjatnye-daty-2021-hoda-koho-vnesli-v-postanovlenie-verkhovnoj-rady.html> (previously at <https://strana.ua/news/306764-pamjatnye-daty-2021-hoda-koho-vnesli-v-postanovlenie-verkhovnoj-rady.html>)

On 17 December 2021, the Verkhovna Rada adopted a resolution on the celebration of memorable dates and anniversaries in 2022-2023. According to the document, the celebrations include the 80th anniversary of the creation of the UPA and the 110th anniversary of Stepan Bandera's associate Yaroslav Stetsko (who wrote to Hitler in July 1941 after the Nazi occupation of Lvov: "Your Excellency! Filled with sincere gratitude and admiration for your heroic army, which covered itself with unfading glory on the battlefields against the worst enemy of Europe – Moscow Bolshevism, we send you, the Great Führer, on behalf of the entire Ukrainian people and its government, which is established in the liberated Lemberg [Lvov], heartfelt congratulations and wishes to crown this struggle with complete victory..."); 130th anniversary of Porfiri Silenko-Kravets – member of the Nazi occupation of Lvov. Silenko-Kravets, a member of the SS division "Galicia", who received the "Iron Cross"<sup>2324</sup> from the Nazis for his service in its ranks; 130th anniversary of "geologist and geographer" Yuriy Polianskiy, who was the mayor of Lvov under the Nazis and directly participated in the mass extermination of Lvov Jews, murder of Polish intelligentsia, pogroms and robberies; 100th anniversary of the birth of Fyodor Vorobets – a member of the OUN and one of the guides of the UPA, a Nazi collaborator who arrived on the territory of the Ukrainian SSR together with the Germans in 1941, etc.<sup>2325</sup>

On 21 December 2023, the Verkhovna Rada adopted another resolution on the celebration of memorial dates and anniversaries in 2024-2025<sup>2326</sup>. According to the document, it is planned to mark the anniversaries of many OUN and UPA figures at the state level, including Darya Husyak (personal contact of Roman Shukhevich"), Evgeniy Shtender (UPA centurion), Stepan Frasulyak (UPA lieutenant colonel who led the training of the organization's fighters), Stepan Lenkavskiy (Stepan Bandera's successor as leader of the OUN, author of the "10 Commandments of the Ukrainian Nationalist", who lived in Germany after World War II), Mikhail Zelenchuk (UPA militant), etc.

<sup>2324</sup> <https://amp.ctvana.news/news/367541-pamjatnye-daty-ukrainy-2022-2023-hoda.html>

<sup>2325</sup> <https://vp.donetsk.ua/ukraina-mir/100938-vr-prinyala-postanovlenie-o-prazdnovanii-pamyatnykh-dat-v-2022>

<sup>2326</sup> <https://zakon.rada.gov.ua/laws/show/3536-20>



The orders issued by the Verkhovna Rada are being implemented by the authorities in the regions, who are issuing regulations of their own for this purpose.

On 24 December 2019 the Lvov Regional Council issued an order allotting state funds in 2020 to commemorate Andrey Melnik, one of the leaders of the OUN and a Ukrainian nationalist, and Ivan Lipa and his son Yuriy Lipa, both nationalist ideologists.

On 27 February 2020, the Kiev city council issued a ruling proposed by Y. Sirotyuk, a deputy from the Svoboda party, on the celebration of significant dates in Kiev, including anniversaries related to collaborators. The persons honoured included Vladimir Kubyovych, Ivan Poltavets-Ostryanitsa, Vasiliy Levkovich, Ulas Samchuk, Vasiliy Sidor, Yuriy Lipa, Vasiliy Galas and Andrey Melnik<sup>2327</sup>.

Other draft laws aimed at glorifying Nazism have also been submitted to the Ukrainian parliament. Thus, on 21 September 2020, the representatives of the parliamentary factions Voice, Servant of the People, and Oksana Savchuk, member of the Svoboda party, came up with an initiative to submit a draft resolution to the parliament to celebrate the 80th anniversary of the proclamation in Lvov "Act of the restoration of the Ukrainian state", adopted on 30 June 1941 during the Nazi occupation of Western Ukraine.

In particular, it stated that "the restored Ukrainian State will closely co-operate with National Socialist Great Germany, which, under the leadership of Adolf Hitler, is creating a new order in Europe and in the world".<sup>2328</sup>

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<sup>2327</sup> <https://strana.today/news/252473-kollaboranty-v-ukraine-khha-podderzhal-postanovlenie-o-pamjatnykh-datakh-i-jubilejakh.html> (previously at <https://strana.ua/news/252473-kollaboranty-v-ukraine-khha-podderzhal-postanovlenie-o-pamjatnykh-datakh-i-jubilejakh.html>)

<sup>2328</sup> Ukrainian Institute of National Memory. <https://uinp.gov.ua/istorychnyy-kalendar/cherven/30/1941-progoloshennya-vidnovlennya-ukrayinskoyi-derzhavy>

Officials from Ukraine have regularly and openly declared their admiration for Nazi leaders. For example, former speaker of the Verkhovnaya Rada Andrey Paruby in September 2018 in a live broadcast of the ICTV called Hitler "the biggest man who practiced direct democracy".<sup>2329</sup>

The activities of the Ukrainian Consul in Hamburg V.Marushchynets, who actively published xenophobic and racist posts in social networks, justifying Nazism and antisemitism, received a wide response in the media. Additionally, he made public pictures of himself holding a Bandera flag and a cake, designed as Mein Kampf by Hitler that his co-workers had given him for his 60th birthday. In May 2018, Marushchynets was dismissed from the service, but in early November 2019, the media reported that Ukrainian courts had ruled his dismissal illegal.<sup>2330</sup>

Aleksandr Nakonechniy, Mayor of Karlovka in the Poltava area, posted images wearing a Nazi uniform on the social media platform "Facebook" on 3 May 2019<sup>2331</sup>.

An incident received a notable response in October 2019, involving then-Ukrainian Prime Minister Aleksey Goncharuk's participation in the concert by the band Sekira Peruna, which chanted Hitler, Rudolf Hess, and SS troops, using Nazi symbols. This prompted a criminal case to be opened against it in 2018. Neo-Nazis from Ukraine made up the audience for this event, which was arranged by Andrey Medvedko. Medvedko was jailed on suspicion of killing writer and journalist Oles Buzina, but was later freed along with Denis Polishchuk and other suspects under pressure from the neo-Nazis. Alexey Goncharuk greeted the "veterans" of the ATO from the stage. Later, he confirmed his participation in the neo-Nazi coven on Facebook, explaining that he wanted to "congratulate veterans and talk about sore."<sup>2332</sup>

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<sup>2329</sup> <https://korrespondent.net/ukraine/4007639-parubiyi-vspomnil-o-priamoi-demokratyyi-hytlera>

<sup>2330</sup> <https://lenta.ru/news/2019/11/12/zvilen/>, [https://aif.ru/politics/world/fashistom\\_byt\\_pochetno\\_ukrainskiy-konsul-antisemit\\_vosstanovlen\\_na-rabote](https://aif.ru/politics/world/fashistom_byt_pochetno_ukrainskiy-konsul-antisemit_vosstanovlen_na-rabote)

<sup>2331</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

<sup>2332</sup> <https://rg.ru/2019/10/14/premer-ukrainy-otdohnul-v-kompanii-neonacistov.html>

The tone of the Nazi-like statements was set by the country's leadership – in an interview published on 5 August 2021, President Zelenskiy advised Russians to get out of Ukraine.

On 17 March 2022, the head of the State Border Guard Service of Ukraine, Sergei Deineko, posted a post on his Facebook page in which he called for the murder of Russian women and children. The post was later deleted.<sup>2333</sup>

Alexander Turchinov, the former acting president of Ukraine, chairman of the Verkhovnaya Rada, and secretary of the NSDC of Ukraine, urged people to "kill Russians wherever possible, not only in Ukraine but also outside of it – on the territory of Russia" on his VKontakte page on 8 March 2022.<sup>2334</sup>

On 1 July 2022, Andrey Melnik, then Ukraine's Ambassador to Germany, stated that Bandera was a "freedom fighter" and had nothing to do with the mass murder of Jews and Poles. His words caused outrage not only in Poland but also in Germany, and were criticized by Felix Klein, Federal Government Commissioner for Jewish Life in Germany and the Fight against Antisemitism, as well as by the Israeli Embassy in Berlin.

Petr Vrublevskiy, Ukraine's Ambassador to Kazakhstan, who had already returned to Kiev, made the following remarks to the media on 22 August 2022: "We try to kill them (Russians) as much as possible. The more we kill Russians now, the less our children will have to kill. That's it."

Earlier, Boris Filatov, Mayor of Dnepr (Dnepropetrovsk), spoke in the same vein: "The time for cold rage has come. With an entirely clear conscience, we now have a full moral right to kill these subhumans anywhere in the world, indefinitely, and in the greatest number conceivable".

On 15 December 2022, Valery Zaluzhniy, Commander-in-Chief of the Armed Forces of Ukraine, said in an interview with *The Economist*: "The most important experience we had, and which we professed almost like a religion, was that

<sup>2333</sup> <https://politnavigator.news/ukrainskijj-general-poobeshhal-ubivat-russkikh-zhenshhin-i-detejj.html>

<sup>2334</sup> [https://vk.com/video-20255139\\_456240594](https://vk.com/video-20255139_456240594)

"Russians and any other enemies must be killed, just killed, and, most important of all, we should not be afraid to do it."<sup>2335</sup>

In December 2022, Igor Klimenko, head of the national police, called Russian-speaking residents of the Donbass "people poisoned by Russian propaganda" and "the main problem of this region".<sup>2336</sup>

On 1 January 2023, the Verkhovna Rada of Ukraine, in its official X account, made a post glorifying Stepan Bandera, which also contained his quotes. After condemnation by Polish Prime Minister Mateusz Morawiecki, who stated that there would be no leniency for those who refuse to admit that the terrible genocide was something unimaginable and make a full atonement, a full confession of guilt, the post was deleted.<sup>2337</sup>

On 18 May 2023, Mikhail Podolyak, advisor to the head of the President's Office, wrote on his X page: "Yes, Ukraine hates you [Russians]. We will persecute you. Always and everywhere. Ukraine will get each of you, and it doesn't matter how exactly – legally or physically".<sup>2338</sup>

On 15 June 2023, he also said on air at an all-Ukrainian telethon that "there is one plan – to push forward as hard as possible with maximum killing of Russians".

On 14 July 2023, commander-in-chief of the Ukrainian Armed Forces Valery Zaluzhnyi noted in an interview with "The Washington Post" that "the problem is all ours, so it is up to us to decide how to kill our enemy. In a war, you can and must kill them in their territory. If our partners are afraid to use their weapons, we will kill with our own. But only as many as necessary".<sup>2339</sup>

It should be noted that such steps by Ukrainian representatives drew the attention of the international community, as was the case with the above-mentioned statement of Andrey Melnik. Back in 2016, the Committee on the Elimination of Racial Discrimination expressed its concern about the increasing frequency of racist hate speech and discriminatory statements in public discourse in Ukraine, including

<sup>2335</sup> <https://www.economist.com/zaluzhny-profile>

<sup>2336</sup> <https://www.rbc.ua/rus/news/igor-klimenko-zaraz-ukrayini-bilshe-temryavi-1670509562.html>

<sup>2337</sup> <https://strana.today/news/420555-v-polshe-osudili-publikatsiju-rady-ko-dnju-rozhdenija-bandery.html>

<sup>2338</sup> [https://twitter.com/Podolyak\\_M/status/1659095813916688386](https://twitter.com/Podolyak_M/status/1659095813916688386)

<sup>2339</sup> <https://www.washingtonpost.com/world/2023/07/14/ukraine-military-valery-zaluzhny-russia/>

in speeches by public and political figures, in the media, particularly the Internet, and during rallies, mainly directed against minorities.<sup>2340</sup>

The spread of neo-Nazism and the activities of radical groups in Ukraine have been highlighted by both NGOs and foreign politicians. Earlier, in November 2020, the Center for Countering Digital Hate, NGO (CCDH) presented a report in which Ukraine was named as one of the centers of dissemination of neo-Nazi ideology.<sup>2341</sup>

A group of French senators, following a visit to Kiev in May 2021, issued a statement that the activity of neo-Nazi forces in Ukraine cannot but cause concern. As the senators explained, in the midst of a fair as part of the Kiev Day celebrations in the center of the capital, they unexpectedly came across a pavilion where members of the neo-Nazi Azov battalion were teaching children how to assemble and disassemble weapons. The pavilion was also used to sign up volunteers to fight in the Donbass and featured an improvised shooting range. As part of their so-called performance, Ukrainian radicals offered young people to shoot at a paper Kremlin. Nearby, stalls were selling identity cards of Nazi soldiers from the Second World War, swastikas and other attributes. Senator N. Goulet, who personally witnessed all this, sent a parliamentary inquiry to the French Foreign Ministry. After that, SBU launched an investigation against this group of French senators.<sup>2342</sup> The French Foreign Ministry, however, saw nothing alarming in this situation and in its reply to Goulet's enquiry noted that "there are neo-Nazi groups in Ukraine", but their popularity "does not exceed the European average".<sup>2343</sup>

Thus, with the tacit approval of the "collective West," Ukraine ignores the concerns of the international community and continues to actively promote neo-Nazi ideology.

<sup>2340</sup> The Committee on the Elimination of Racial Discrimination's concluding observations on the twenty-second and twenty-third periodic reports of Ukraine. August 2016  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en)

<sup>2341</sup> Hatebook. Facebook's neo-Nazi shopfronts funding far-right extremism. Report by Center for Countering Digital Hate. [https://252f2edd-1c8b-49f5-9bb2-cb57bb47e4ba.filesusr.com/ugd/f4d9b9\\_55b47be4de914daf866cfa1810cc56c5.pdf](https://252f2edd-1c8b-49f5-9bb2-cb57bb47e4ba.filesusr.com/ugd/f4d9b9_55b47be4de914daf866cfa1810cc56c5.pdf)

<sup>2342</sup> <https://remembrance.ru/2021/06/30/kyiv-vozmushhen-tem-hto-evropejcy-na-ukraine-nashli-nacistov/>

<sup>2343</sup> <https://i-sng.ru/publikacii/zabyli-shkolnyy-urok-istorii-pochem/>

In Ukraine, it is not uncommon for officials at various levels to organize events and public activities glorifying Hitler's Germany, the German Nazis and their collaborators.

Thus, the Verkhovnaya Rada leadership organized a thematic exhibition in July 2018 to mark the "77th anniversary of the Act on the Restoration of the Ukrainian State," which was passed on 30 June 1941, and which established a protectorate dependent on the Nazis in Galicia, as well as laid the foundation for this entity's cooperation with Nazi Germany. The exhibition was dedicated to the activities of OUN leaders: Stepan Bandera, Yaroslav Stetsko, and Roman Shukhevich, commander of Nachtigall battalion and UPA during the initial period of the Great Patriotic War.<sup>2344</sup>

In February 2019, the nationalist forces were outraged by a police operation to disperse a nationalist rally in Kiev's Kontraktovaya Square, during which an officer shouted: "Lie down, Bandera!" In response, national police heads launched a flash mob, #IAmABanderite, in the social media. The head of the national Police Sergei Knyazev and the head of the patrol police Department Evgeniy Zhukov posted this phrase on their Facebook pages.

In March 2019, the chief of the General staff of the AFU, Victor Muzhenko, approved the new stripes of the army brigades. The red-and-black chevron with the image of a skull and the inscription "Ukraine or Death" is approved for military personnel of the 72nd Mechanized Brigade named after the Black Zaporozhets of the Land Forces of the Armed Forces of Ukraine. These chevrons have a visual resemblance to the insignia of the SS Dead Head tank division.<sup>2345</sup>

In June 2020, Vladimir Mikolayenko, mayor of then Ukrainian Kherson,<sup>2346</sup> congratulated the local residents on an anniversary of the "Act of Restoration of Ukrainian Statehood" promulgated by the OUN collaborationists in Lvov in 1941. The Act committed to "work closely with the National Socialist Greater Germany,

<sup>2344</sup> <https://rada.gov.ua/ru/news/Novosty/Soobshchenyya/160401/html>; <https://easaily.com/ru/news/2018/07/05/v-rade-ukrainy-otkryta-vystavka-vo-slavu-nahtigalya-i-evreyskih-pogromov>

<sup>2345</sup> <https://regnum.ru/news/polit/2587743.html>

<sup>2346</sup> On 30 September 2022, the Russian Federation and the Kherson Oblast concluded an agreement on the admission of the Kherson Oblast to the Russian Federation.

under the leadership of its leader Adolf Hitler, which is forming a new order in Europe and the world and is helping the Ukrainian People to free itself from Moscovite occupation". Posters showing a reproduction of the issue of the OUN newspaper, Independent Ukraine, for 10 July 1941, and citing the text of the above law, were displayed around the city.<sup>2347</sup>

In 2022 it became known that Nazi ideas were widespread not only among the volunteer formations, of which neo-Nazis formed the backbone, but also among the Ukrainian military. Nazi symbols are commonly found in tattoos covering the bodies of Ukrainian army personnel, who also openly wear chevrons bearing Nazi symbols and slogans. Quite frequently these are exact copies of chevrons that Germans and their accomplices sported during the Great Patriotic War.

Specifically, there were media reports that militants from Azov<sup>2348</sup>, Aidar<sup>2349</sup>, and other nationalist units, captured by the Armed Forces of the Russian Federation, wear swastikas, chevrons and symbols of the Nazi battalions of the Waffen-SS, have relevant tattoos and openly read and propagate Adolf Hitler's book "Mein Kampf".<sup>2350</sup>

Ukrainian government representatives have also been seen using Nazi insignia. President Zelenskiy, for one, illustrated his Victory Day greetings to the public on 9 May 2022 (posted in his Telegram account), with a photograph showing a Ukrainian soldier with the SS Totenkopf emblem on his chest. After the scandal erupted, the picture was promptly removed from the post. However, the Ukrainian Ministry of Defence did not take down a comparable image of a soldier with the logo of the SS-Panzerdivision Totenkopf.

On 1 January of each year, torchlight processions are held in Kiev and other Ukrainian cities to mark the birthday of OUN leader Stepan Bandera. They are accompanied by the shouting of nationalist slogans and the display of Nazi salutes and symbols. Since 2019, the date has been given a national holiday status.

<sup>2347</sup> <https://eadaily.com/ru/news/2020/06/26/mer-hersona-pozdravil-gorozhan-s-banderovskim-aktom-i-prisyagoy-gitleru>

<sup>2348</sup> Designated as terrorist organization.

<sup>2349</sup> Designated as terrorist organization.

<sup>2350</sup> <https://russian.rt.com/ussr/news/997883-lavrov-nacifikaciya-ukraina>

On 1 January 2021, the nationalists organized torchlight processions as usual in honour of Stepan Bandera in major Ukrainian cities. According to the Ukrainian media, the number of participants in these radical marches has been falling, which was seen as a decline in public support to nationalists. At the same time, these gatherings are also held unopposed during the presidency of Vladimir Zelenskiy, who is not hiding the fact that he follows the policy of his predecessor, P. Poroshenko.<sup>2351</sup>

Another torchlight procession was held in Kiev on 1 January 2022. The march was led by activists of the nationalist party All-Ukrainian Union "Svoboda" and other extreme right-wing radical organizations, as well as representatives of the schismatic "Orthodox Church of Ukraine" (OCU). The main poster of the march depicted the burning Kremlin with Bandera's portrait in the background. Other posters called for holding a "Nuremberg-2 trial against Moscow Judaic Communism", with their bearers shouting nationalist and xenophobic slogans.

The nationalist march was condemned by the Israeli and Belarusian embassies in Ukraine, as well as by German Foreign Ministry<sup>2352</sup>. On 3 January 2022, Dmitriy Yarosh (former leader of the right-wing radical organization Right Sector) published a Facebook post in which he called Israeli Ambassador to Kiev Mikhail Brodskiy a "Kremlin agent" and called for the expulsion of "such so-called diplomats from Ukraine." Eduard Dolinskiy, Director of the Ukrainian Jewish Committee, described Yarosh's statement as "an antisemitic message", defining it as "a Judophobic division of Jews into good and bad: a good Jew must love his killers. But a Jew who dislikes Bandera and Shukhevich is an enemy, a Kremlin agent, and should be driven away".

On 1 January 2023, ceremonies commemorating the 114th anniversary of the birth of Bandera were held in the western regions of Ukraine. The traditional

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<sup>2351</sup> <https://strana.today/news/309866-marsh-bandery-v-kieve-1-janvarja-2021-onlajn-transljatsija-video.html>  
(previously at <https://strana.ua/news/309866-marsh-bandery-v-kieve-1-janvarja-2021-onlajn-transljatsija-video.html>)  
<sup>2352</sup> <https://tass.ru/mezhdunarodnaya-panorama/13358107>



torchlight procession in Kiev was cancelled due to curfew and other restrictions on public events.<sup>2353</sup>

On 1 January 2024, a march honouring Bandera's birthday took place in Odessa, Ukraine.<sup>2354</sup>

The Ukrainian Institute of National Memory (UINP) has a prominent role in the propagation of neo-Nazism. Under its previous director, Vladimir Viatrovych, known for his Russophobic and nationalist views, the UINP was active in a number of different areas, including lobbying for laws promoting the glorification of Fascist accomplices and honouring the memory of members of the Ukrainian "liberation movement", publishing "patriotic" literature and methodological recommendations for secondary and higher educational institutions, and organizing various events and festivals on the same subject with the participation of veterans from the UPA, fighters from the so-called anti-terrorist operation in South-East Ukraine (ATO), and Ukrainian "pro-banderite" historians, including the Bandershtat festival, dedicated to the Nazi collaborators. It was – and remains – very persistent in feeding the public with propaganda promoting such figures as Symon Petlyura, Evgeniy Konovalets, Stepan Bandera, Roman Shukhevich, Yaroslav Stetsko and Andrey Melnik as model citizens.

Thus, at the beginning of the year 2017, the Institute unveiled its propaganda project "UPA: Response of the Unconquered People," timed to coincide with the 75th anniversary of this criminal organization's establishment. Despite the fact that more than 70 per cent of UPA officers were former Nazi henchmen – fighters in collaborationist groups – and its commanders were members of the Schutzmannschaft, auxiliary police forces until 1943, the UINP leadership characterized it as an anti-Nazi entity. According to the UINP report for 2018, within the framework of the project "UPA: Response of the Unconquered People", events (photo exhibitions, lectures, seminars) were held in educational institutions, military units, and state institutions, the actions were aimed at popularization of the

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<sup>2353</sup> <https://nv.ua/ukr/ukraine/events/stepan-bandera-yak-v-ukrajini-vidznachatimut-den-narodzhennya-providnika-oun-v-umovah-viyni-50294650.html>

activities of UPA militants. The UINP also released a Board game that glorified members of the Bandera bandit groups for propaganda purposes.<sup>2355</sup> In July 2019, The Ministry of Education of Ukraine recommended this game for use in schools.<sup>2356</sup>

The Institute reconstructs "Rebel Awards", which are awarded to "participants of the "Ukrainian Liberation Movement", as well as to relatives of deceased "liberators". The UINP also organized an exhibition at the Verkhovna Rada of Ukraine titled "The Ukrainian Army: 1917-1921," a set of events defined by official Ukrainian historiography as the people's battle for political self-determination and the foundation of statehood.

In December 2019, with the change of management team, there has been no real change in the organization's direction under the new leadership. In 2020, on the eve of 9 May, the new Director of the UINP A. Drobovich recorded a video dedicated to the Day of remembrance and reconciliation, celebrated on 8 May, and the 75th anniversary of the Victory over Nazism.<sup>2357</sup> In this video, in addition to the attempts traditionally made by the current Ukrainian authorities to present Ukrainian collaborators as fighters against Nazism (although the facts of their cooperation are undeniably confirmed) the director of the UINP actually equalized the Day of Remembrance and Reconciliation and the Victory Day over Nazism in World War II.<sup>2358</sup>

In May 2021, WINP draw attention once again when released the publication of another work containing distorted historical facts. The head of the Ukrainian Jewish Committee E. Dolinskiy published information about the distribution of a manual by the Institute, which tells how to celebrate Victory Day, on his page in

<sup>2355</sup> See <https://ukrinform.ru/rubric-culture/2548034-v-ukraine-razrabotali-nastolnuu-igru-o-borbe-upa.html>

<sup>2356</sup> <https://golospravdy.eu/eduard-dolinskij-ministerstvo-obrazovaniya-rekomendovalo-lozh-falsifikacii/>,  
<https://strana.ua/opinions/212015-sredi-detej-prodvihajut-nastolnuju-ihru-s-heroicheskimi-banderoj-i-shukhevichem.html>

<sup>2357</sup> The day of remembrance and reconciliation (8 May) became a public holiday in Ukraine in 2015. Former President Petr Poroshenko established it for the purpose of "honouring the feat of the Ukrainian people and its outstanding contribution to the victory of the Anti-Hitler Coalition in World War II, and expressing respect for all the fighters against Nazism", thus trying to unite the Red Army and Bandera supporters, many of whom served in the SS and other volunteer auxiliary units of the Nazis.

<sup>2358</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/08052020-ukraina-vstrechaet-den-pobedy-istoricheskoy-shizofreniy/>

social networks. In particular, the manual states that the "100,000-strong UPA" fought alongside the Allies against Nazism, despite the fact that, according to official data, in "the best of times", the number of participants of this formation amounted to 35 thousand people.<sup>2359</sup>

In its similar information materials on celebrating the Day of Remembrance and Reconciliation on 8 May (but not the Victory Day on 9 May), published in 2022 and 2023 and positioned, among other things, as guidelines for teachers, the UINP went even further and blamed the Soviet Union for starting World War II alongside with Nazi Germany,<sup>2360</sup> directly contradicting the decisions of the Nuremberg Tribunal.

In September 2021, D.Getmantsev, head of committee of the Verkhovnaya Rada of Ukraine and people's deputy representing the governing party "Servant of the People", acknowledged in his interview to the Ukrainian Public TV that the UINP "took part in commemoration on Nazis", stating that he meant glorification of soldiers of the Waffen-SS Galicia Division.<sup>2361</sup>

In this context, a notable situation is a case of whether or not to recognize the emblems of the Waffen-SS Galicia Division as Nazi in Ukrainian court and the UINP's prohibition to propagate back.

In 2017, N.Myasnikova, a Kiev citizen, disputed in court the concept advocated by then-UINP Director V. Viatrovykh that the Waffen-SS Galicia Division and its emblems were not Nazi because the division belonged to SS troops rather than general SS divisions and was utilized largely as a combat unit. The claimant filed an appeal with the court asking it to recognize the UINP's and its leader's efforts to interpret paragraph 5 of part 1 of Article 1 of the Law of Ukraine, which is titled "On condemning the communist and national socialist (Nazi) totalitarian regimes in Ukraine and banning the promotion of their insignia" as illegal. It describes the Waffen-SS Galicia Division official insignia of the national-

<sup>2359</sup> <https://strana.today/news/332149-ukrainskij-institut-natspamjati-sozda-metodichku-o-pravilnom-otmechani-dnja-pobedy.html> (previously at <https://strana.ua/news/332149-ukrainskij-institut-natspamjati-sozda-metodichku-o-pravilnom-otmechani-dnja-pobedu.html>)

<sup>2360</sup> <https://uinp.gov.ua/informaciyi-materialy/vchetyam/metodychni-rekomendaciyi/informaciyi-materialy-do-dnya-pamyati-ta-prymyrennya-8-travnya-20231>

<sup>2361</sup> <https://tass.ru/obschestvo/12472563>

socialist (Nazi) totalitarian state and forbids the use of the 14th Waffen Grenadier Division of the SS (1st Galician) insignia in propaganda, taking into account any name changes that have occurred since. The claimant also requested the court to order the UNIM to retract its statements concerning the symbols of the Waffen-SS Galicia Division.<sup>2362</sup>

On 27 May 2020, the Kiev District Administrative Court concluded that the UNIM has no right to distribute the statement made by its leader, and ordered it "abstain from doing anything to disseminate" the insignia. However, the court only upheld the claimant's suit in part, rejecting other parts. Radical Ukrainian nationalists from Right Sector, the National Corps, Sokol (the Youth wing of the Svoboda party), and Tradition and Order organized a fire show in front of the court during the hearing, and the judge and N. Myasnikova's lawyer both received threats on the day before the court's decision was issued.<sup>2363</sup>

On 23 September 2020, in response to an application brought by the UNIM, the Sixth Administrative Appeals Court of Kiev overturned an earlier ruling of the District Administrative Court in which it had, in effect, classified the insignia of the Waffen-SS Galicia Division as Nazi symbols.

On 6 December 2022, on this issue, the Supreme Court of Ukraine ruled that the decision of the appellate court was lawful. Therefore, the symbols of the Waffen-SS Galicia Division are no longer considered Nazi in Ukraine.<sup>2364</sup> This decision contradicts the verdict of the Nuremberg Tribunal, which recognized the SS troops, which included Waffen-SS Galicia Division, as a criminal organization. During the Great Patriotic War, its members participated in punitive actions, killed Soviet soldiers and civilians, put down uprisings in Warsaw and Slovakia, and fought against Yugoslav partisans.

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<sup>2362</sup> <https://www.unn.com.ua/ru/news/1893299-sud-skasuvav-rishennya-oask-yakim-simvoliku-diviziyi-ss-galichina-viznavali-natsistskoyu>; <https://strana.today/news/291280-sud-priznal-nezakonnym-reshenie-o-priznanii-simvoliki-ss-halichina-natsistskoj.html> (previously at <https://strana.ua/news/291280-sud-priznal-nezakonnym-reshenie-o-priznanii-simvoliki-ss-halichina-natsistskoj.html>)

<sup>2363</sup> <https://strana.today/news/291414-kak-natsionalisty-zastavili-sud-otmenit-zapret-na-simvoliku-ss-halichiny.html> (previously at <https://strana.ua/news/291414-kak-natsionalisty-zastavili-sud-otmenit-zapret-na-simvoliku-ss-halichiny.html>)

<sup>2364</sup> <https://rg.ru/2022/12/06/verhovnyj-sud-ukrainy-ne-priznal-nacistskoj-simvoliku-divizii-ss-galichina.html>

Kiev implemented a "new" policy of patriotic education for young people based on militant Russophobia, instilling the ideology of nationalism and xenophobia in the younger generations, and praising Ukrainian Nazi accomplices posing as members of the national liberation movement after the nationalist forces took control of Ukraine as a result of an armed coup d'état in February 2014 and the outbreak of military conflict in the Donbass. It is based on the national-patriotic education strategy for 2020-2025 that the government is implementing and that President Poroshenko approved in May 2019.

According to this document, young Ukrainians' development of "value orientations and civic consciousness" should be based on "examples of the heroic struggle for the establishment of sovereignty and the ideals of freedom and unity," passed down from the Cossacks, the Sich Streltsy, the Ukrainian and Western Ukrainian People's Republics, participants in the anti-Bolshevik uprisings, the Karpatskaya Sich units, the UPA, and the dissident movement.

Distorted interpretations of historical events are aimed at cultivating nationalist sentiments among the general population, especially young people. The so-called new national idea of Ukraine, which is founded on propaganda of hatred against the Russian people and Russia, is practically the only lens through which information is presented in school textbooks. The Russian state is portrayed throughout history as the invader and brutal executioner, while Ukraine itself is shown as the sufferer. Books with such material are also published for the very young: soon following the events on the Maidan in 2014, Ukrainian historian Oleg Vitvitskiy published a new "patriotic" alphabet for children.

In accordance with the official interpretation of history, the educational literature was also "corrected". The facts proving the collaboration of Ukrainian nationalists were emasculated. For example, the Ministry of Education and Science demanded the recall of history textbooks for 10th and 11th grades, which contain

information about the cooperation of Roman Shukhevich and the "Roland" and "Nachtigall" battalions with the Nazi German army during World War II.<sup>2365</sup>

The policy of honouring the Nazis and their collaborators is becoming a negative influence on a significant part of Ukrainians, as indicated by sociological monitoring data, among other things. According to a sociological survey conducted by the "Democratic Initiatives" Foundation, the majority of Ukrainians (52 per cent) celebrate the Victory of the Soviet people in the Great Patriotic War on 9 May. At the same time, 56 per cent of respondents already agree that both Nazi Germany and the USSR are responsible for unleashing the bloodiest conflict in the history of mankind. It is worth noting that only 32.2 per cent of those surveyed chose the option that the war was World War II, not the Great Patriotic War, and was won by the anti-Hitler coalition. Almost 40 per cent of respondents support the status quo, where both Victory Day and Remembrance and Reconciliation Day are considered as public holidays.<sup>2366</sup>

Moreover, the Ukrainian authorities actually involve right-wing and ultra-nationalist groups and organizations in "patriotic work" with young people, providing state support to certain groups.

The Ministry of Youth and Sports of Ukraine (previously the Ministry of Culture, Youth and Sports of Ukraine) allots a sizable amount of money each year to support "military-patriotic youth-educational" projects, such as festivals, contests, congresses, camps, military-field games, and other events that glorify Nazi collaborators Stepan Bandera, Roman Shukhevich, and others while instilling anti-Russian sentiment.

For example, during the annual all-Ukrainian children's and youth game "Jura" (Falcon), children aged 6 to 17, by analogy with the structure of the UPA, unite in "swarms" and "kurins", which are named after the "historical struggle for independence" ("insurgents", "Azovtsy", "Aydarovtsy", "named after Roman Shukhevich", etc.).

<sup>2365</sup> <https://yavoriv-info.com.ua/novini/novini-lvivshhini/zi-shkilnogo-pidruchnika-priberut-naklep-na-ukrainskix-nacionalistiv>

<sup>2366</sup> <https://dif.org.ua/article/den-peremogi-i-yogo-mistse-v-istorichniy-pamyati-ukraintsiv>

Since 2007, the "All-Ukrainian Youth Movement National Alliance" has held an annual "Festival of the Ukrainian spirit "Bandershtat" in Lutsk, Volyn Oblast, with the cooperation of the Kiev authorities. The goal of the event, according to the organizers, is to "immortalize the image of Bandera as a national symbol."

For several years in seven regions of Ukraine there has been a network of children's camps of the organization "Youth Corps" (Yunkor), which educates children along openly neo-Nazi lines. Children and teenagers in these camps are taught military discipline, tactics, assembly/disassembly of combat weapons, and ideological lessons based on radical nationalism. The educators in these institutions are former members of the Azov regiment. In such camps, the morning begins with a drill and the "prayer of a Ukrainian nationalist". At the beginning of each shift, a wooden assault rifle is given to each child, while older children are given models of "real" weapons in the form of a laser-firing sniper rifle.<sup>2367</sup>

The state awarded subsidies totalling more than a million hryvnias to the All-Ukrainian Union "Freedom" (Svoboda), and C14 in 2018 for the execution of programmes aimed at "patriotic education of young people". A youth military camp named Khorunzhy after Nazi collaborator T. Borovets and numerous other like initiatives received state funding in 2019.

In the summer of 2019, three festivals – "Banderstadt" in Lutsk, a festival in honour of Ukrainian nationalist ideologue Dmytro Dontsov in Melitopol and "In Tracks of Taras Borovets" in Olevsk – were held.

In December 2019, the law on the state recognition and support of the Plast National Scout Organization of Ukraine was adopted by the Verkhovnaya Rada of Ukraine. In fact, this text provides the foundation for bringing a group under the state's wing, something comparable to the infamous Hitler Youth (or Hitlerjugend), where children are deliberately ideologically brainwashed. To understand what such "brainwashing" might lead to; consider that practically all UPA commanders

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<sup>2367</sup> <https://ukraina.ru/20201014/1029255082.html>

(Stepan Bandera, Roman Shukhevich, Vasily Kuk, and others) have been through the Plast at some point.<sup>2368</sup>

Also in December 2019, the Ministry of Culture, Youth, and Sports of Ukraine allocated again funding for a number of "military patriotic youth educational" projects in 2020 to the amount of 20 million hryvnias, including 2 million hryvnias to the Plast scout organization, which openly declares the succession of the Banderite organization structure (including 770 thousand hryvnias for financial support of military patriotic camps of this structure, 450 thousand hryvnias for holding an all-Ukrainian game, and 500 thousand hryvnias to organize the cultural identity festival "Den Plastuna"); 440 thousand hryvnias for the Banderstadt festival of the Ukrainian spirit, which is allegedly of "ideological and patriotic nature"; 350 thousand hryvnias for the Youth Nationalist Congress to propagate the ideas of Ukrainian nationalism within the framework of the Camp Season 2020 action, the central event of which will be the military field games of Gurba-Antonovtsy, dedicated to the UPA battle against the NKVD troops in the Ternopol Oblast; 485 thousand hryvnias to organize a military-patriotic game "Jura"; over 250 thousand hryvnias to the Ukrainian Youth Union (supports the rehabilitation of Symon Petlyura, Stepan Bandera, and Roman Shukhevich) for holding a conference of the World Ukrainism, historical events (180 thousand hryvnias) and organizing Zagrada children's camps (95 thousand hryvnias), whose participants visit memorable places of the UPA; 300 thousand hryvnias to hold military and historical events "Under Cover of Trizub" (Trident) in Boryas (the Kiev Oblast); 560 thousand hryvnias to the Ukrainian Reserve Army for the Kuznya Unizh (Unizh Smithery) and Povstancheskoeye Serdtse (Insurgent Heart) patriotic sport camps for the children of fighters in south-eastern Ukraine; 250 thousand hryvnias to the All-Ukrainian Association of Military History Organizations for holding competitions at a military unit.

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<sup>2368</sup> <https://zakon.rada.gov.ua/laws/show/385-IX>; <https://news-front.info/2019/12/24/detyam-ukrainy-slugi-naroda-pod-yolochku-podlozhili-plast/>



In January 2020, the Ministry of Culture, Youth and Sports of Ukraine announced the results of a contest of children's and youth projects, which was to be financed by the state in 2020.<sup>2369</sup> A total of 8 million hryvnias (more than 20 million rubles) was allocated for such projects. This is almost half of all funds allocated by the ministry to children's and youth organizations.<sup>2370</sup> Thus, the Plast organization will receive 2.7 million hryvnias for arrangements of summer camps and thematic fora. Four hundred thousand hryvnias were allocated to the Youth Nationalist Congress for cycles of the training programme "The course of free people" and "The course of a young Banderite". Two hundred thousand hryvnias were allocated to the National Alliance for the all-Ukrainian Pobeda (Victory) field game, held since 2006. One hundred twenty thousand hryvnias were allocated to the Educational Assembly affiliated with the radical group S14 for the Proud of the Ukrainians action. Two hundred thousand hryvnias were allocated to the Falcon of Freedom structure, which is the youth wing of the Svoboda (Freedom) all-Ukrainian union, for holding the Games of Patriots in the Ternopol Oblast. In addition, funding was provided for the True History of Ukraine all-Ukrainian campaign and the festival of social advertising organized by Ukrainian people's youth. In addition, many of these organizations or affiliated structures received funding from the state budget for "national patriotic education", as well as direct funding for their activities from both the state and local government budgets.<sup>2371</sup>

In March 2021, the Ministry of Youth and Sports of Ukraine (reorganized in March 2020) allocated another 8 million hryvnias budget for "military patriotic youth educational" projects. In particular, 350 thousand hryvnias were allocated for holding the Zashkov all-Ukrainian festival in honour of the OUN leader Yevgeniy Konovalets in the Lvov Oblast; 185 thousand hryvnias – for the Khorunzhy all-Ukrainian camp in the Volyn Oblast, where children are brought up on the example of the OUN-UPA members; 1 million 200 thousand hryvnias – for activities "to

<sup>2369</sup> [http://www.dsmsu.gov.ua/media/2019/12/27/1/Rishennya\\_26.PDF](http://www.dsmsu.gov.ua/media/2019/12/27/1/Rishennya_26.PDF)

<sup>2370</sup> <https://russian.rt.com/ussr/article/713423-ukraina-natsionalisty-deti-vospitanie-granty>

<sup>2371</sup> <https://strana.today/news/247099-natsionalisty-poluchili-ot-minkulta-pochti-polovinu-bjudzheta-na-molodezhnye-orhanizatsii.html> (previously at <https://strana.ua/news/247099-natsionalisty-poluchili-ot-minkulta-pochti-polovinu-bjudzheta-na-molodezhnye-orhanizatsii.html>)

honour the heroes of the struggle of the Ukrainian people for the independence and territorial integrity of Ukraine"; 3 million hryvnias – for educational measures in general, with the funds from this article also going to nationalist organizations or their affiliated structures.<sup>2372</sup>

In January 2022, the Ministry of Youth and Sports of Ukraine allocated budgetary funds of 9 million hryvnias for the implementation of "national patriotic education" projects. The Plast organization was allocated 1.7 million hryvnias to hold various "military patriotic camps in the field". The Youth Nationalist Congress received 715 thousand hryvnias for the same purpose. The Youth Corps public organization (a branch of the National Corps far-right party) was allocated 240 thousand hryvnias for the organization of all-Ukrainian competitions named after Igor Beloshitskiy (Azov fighter, killed in 2014 near Mariupol), and 100 thousand hryvnias for the school of national patriotic education named after Elena Stepaniv, who fought in the First World War in the ranks of the armed forces of Austria-Hungary. The Volyn Student Brotherhood received 270 thousand hryvnias for the By the Paths of the UPA event.<sup>2373</sup>

In 2023, the Ministry of Youth and Sports of Ukraine allocated budgetary funds of 4.6 million hryvnias for the implementation of "national patriotic education" projects. The Plast organization received a quarter of all means – 1 million 145 thousand hryvnias for arrangements of national patriotic and military patriotic summer camps, including those "aimed at acquiring the necessary knowledge and skills in the field of security and defence of Ukraine". The Young People's Rukh all-Ukrainian public organization was allocated 515 thousand hryvnias for the same purpose, the Nationalist Youth Congress – 300 thousand hryvnias. Two hundred sixty thousand hryvnias were allocated to the Protection of the Rights of Youth and Religious Communities organization to hold a training tent camp "Army – Shield of Statehood". The Zov Yara organization received

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<sup>2372</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

<sup>2373</sup> [https://mms.gov.ua/storage/app/sites/16/Patriotychne\\_vyhovannia/Konkursy/richenia/2022%20%D1%80%D1%96%D0%BA/rishennya-no-1-vid-17012022.pdf](https://mms.gov.ua/storage/app/sites/16/Patriotychne_vyhovannia/Konkursy/richenia/2022%20%D1%80%D1%96%D0%BA/rishennya-no-1-vid-17012022.pdf)

75 thousand hryvnias to hold a winter hike named after Yuriy Gorlis-Gorskiy (Ukrainian nationalist, officer of the UNR army, during the Great Patriotic War he was engaged in active collaborationist activities in Kiev, led a secret Abwehr group that identified Soviet underground fighters).<sup>2374</sup>

In 2024, budget funding for such activities doubled and reached 9 million hryvnias. Traditionally, over 1.1 million hryvnias was received by the Plast organization, 916 thousand hryvnias – by the Young People's Rukh. The Right Youth organization was allocated 788 thousand hryvnias for the events named after one of the leaders of the volunteer Right Sector Ukrainian corps Taras Bobanich, who had participated in the Ukrainian punitive operation in the Donbass since 2014 and was liquidated by the Russian Armed Forces in 2022. Organizations in western regions of Ukraine received more than 410,000 hryvnias for the events glorifying the UPA.<sup>2375</sup>

Kiev's activities in organizing financial support for national-radicals at the state expense did not go unnoticed. In July 2019, the Ukrainian government was accused of secretly funding far-right extremist groups under the guise of educational programmes. According to the Bellingcat group, the government allocated funds within the programme of "national patriotic education" of young people. The investigation pointed out that such grants were used to increase the influence of nationalists and attract new supporters.<sup>2376</sup>

In March 2020, acting Minister of Education and Science Lubomira Mandziy was at the center of a scandal. It was revealed that, in 2018, holding at that time the position of the head of the Department of Education of the Lvov Oblast administration, she became one of the organizers of the drawing competition among schoolchildren on the topic of the Waffen-SS Galicia Division and Ukrainian volunteers in its ranks. The competition task was to draw "an SS man or a meeting between Reichsführer Heinrich Himmler and the division's personnel". The award ceremony was set for 28 April 2020, along with a march commemorating the Waffen-

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<sup>2376</sup> <https://ukraina.ru/news/20200130/1026509598.html>

SS Division's 75th anniversary. Along with the march and the drawing competition, there was a weapons exhibition. In her remarks to journalists following the uproar, Lubomira Mandziy tried to downplay the incident by claiming that the Department of Education "was just informing schools about the competition".<sup>2377</sup>

Children have been recruited in the UAF and nationalist groups for a very long time, and fighters from the neo-Nazi Azov battalion (registered as a terrorist organization in the Russian Federation) have been indoctrinating them with a hatred of everything that is Russian. They took over the Pilgrim orphanage in what was then Ukrainian Mariupol. Long-term military training of the orphanage residents, severe penalties for any misbehaviour, and exhausting physical training exercises made up the mentoring aspect of the Azov men. Particular attention was paid to hand-to-hand combat, girls were taught mostly sniper training. At the same time, the ideological conditioning of the pupils, based on Russophobia, antisemitism, and the glorification of Nazi Germany, was carried out.

The Western press has published articles on this topic.<sup>2378</sup>

The Ukrainian authorities also continue to erect monuments and memorial plaques in honour of the OUN-UPA fighters and pay tribute to former Nazis who have survived to this day. According to the study of *The Forward* US newspaper on monuments to fascists, Nazis and Nazi collaborators in different countries, Ukraine ranks first in the world on this subject.<sup>2379</sup> As of December 2022, 50 monuments were set up in different regions of the country only to Stepan Bandera, and more than 500 streets, lanes and avenues throughout Ukraine were named in his honour.

The biggest ultranationalist marches take place on the day the UPA was founded and on Stepan Bandera's birthday. The radicals taking part in such rallies use hateful speech, mostly directed against Russians, while also performing various provocative escapades.

<sup>2377</sup> <https://strana.today/news/257560-io-ministra-obrazovanija-mandzij-orhanizovyvala-vo-lvove-konkurs-v-chest-divizii-ss-halichina.html> (previously at <https://strana.ua/news/257560-io-ministra-obrazovanija-mandzij-orhanizovyvala-vo-lvove-konkurs-v-chest-divizii-ss-halichina.html>)

<sup>2378</sup> <https://www.dailymail.co.uk/news/article-3195711/Now-CHILDREN-taking-arms-Shocking-pictures-inside-Ukraine-s-neo-Nazi-military-camp-recruits-young-six-learn-fire-weapons-s-ceasefire.html>  
<https://apimagesblog.com/blog/2018/11/12/training-kids-to-kill-at-ukrainian-nationalist-camp>

<sup>2379</sup> <https://forward.com/news/462916/nazi-collaborator-monuments-in-ukraine/?amp=1>

On 29 January 2020, a formal ceremony, attended by local civil servants and representatives of the church, was organized to bury Mikhail Mulik, former vigilante and member of the Waffen-SS Galicia Division, in the Avenue of Glory in Ivano-Frankovsk. Many of those attending the ceremony were dressed in Nazi uniforms.<sup>2380</sup> According to the Ukrainian media, Mikhail Mulik was the chairman of the regional brotherhood of the Galicia Division members, and an honorary citizen of Ivano-Frankovsk.<sup>2381</sup>

On 22 March 2020, Lvov authorities officially marked the 95th anniversary of the Waffen-SS Galicia Division Unterscharführer Roman Matsuk and presented him with a portrait of himself in his youth in a Nazi uniform as a gift.<sup>2382</sup>

In April 2020, in Kalush, the Ivano-Frankovsk Oblast, the Brotherhood of the warriors from the Waffen-SS Galicia Division presented Vasiliy Nakonechniy, a veteran of the division, with an award in a solemn ceremony. These "merit badges" are being presented to all the surviving members of the SS. When the 95-year-old veteran of the Waffen-SS Galicia Division was awarded, he reflexively extended his arm in a Nazi salute. Previously, in May 2018, he had been awarded the status of Honourary Citizen of Kalush.<sup>2383</sup>

On 23 May 2020, to mark the Heroes Day<sup>2384</sup>, all UPA veterans and their widows living in the Lvov Oblast, were paid a lump sum allowance from the regional budget. A total of 989 people received payments.<sup>2385</sup>

On 21 June 2020, the Lvov City Council's press service reported that Lvov Mayor Andrey Sadovoy had congratulated Olga Ilkiv, former liaison officer for UPA leader Roman Shukhevich, on her 100th birthday. The notice added the city

<sup>2380</sup> <https://galychyna.if.ua/2020/01/28/martsinkiv-poobitsyav-nazvati-vulitsyu-imenem-mihayla-mulika/>

<sup>2381</sup> <https://strana.today/news/246875-foto-kak-v-ivano-frankovske-proshchalas-s-umershim-natsistom-iz-divizii-ss.html> (previously at <https://strana.ua/news/246875-foto-kak-v-ivano-frankovske-proshchalas-s-umershim-natsistom-iz-divizii-ss.html>)

<sup>2382</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine The Irina Berezhnaya Institute for Legal Policy and Social Protection 2022. M.

<sup>2383</sup> <https://strana.today/news/262422-v-kalushe-nahradili-veterana-divizii-ss-poluchaja-nahradu-tot-zihanul.html> (previously at <https://strana.ua/news/262422-v-kalushe-nahradili-veterana-divizii-ss-poluchaja-nahradu-tot-zihanul.html>)

<sup>2384</sup> This commemorative date was chosen by the OUN in 1941. Since 2014, Ukrainian nationalist organizations have held ceremonies on this date. These events are normally attended by a number of representatives from Ukrainian national and local government organizations.

<sup>2385</sup> Manifestations of Nazism, neo-Nazism, and xenophobia in Ukraine. Overview and analysis. 2020

and regional governments had joined forces to buy a flat in Lvov for Olga Ilkiv in recognition of her services to the state and to mark the 78th anniversary of the UPA founding.<sup>2386</sup>

On 18 July 2020, a memorial cross to UPA's cornet general Ivan Treiko was installed in a forest between the village of Gorodnitsa in the Zhitomir Oblast and Storozhev village in the Rovno Oblast, with the support of Ukrainian Institute of National Memory (UINP). The dedication ceremony was attended by representatives of the local government, public activists and a representative of the UINP.<sup>2387</sup>

In August 2020, Petlyura's Litter Pick Day was held in Kiev in "commemoration" of the fighters of the 1st Bogdan Khmelnytskyi Ukrainian Regiment, buried on Zamkovaya Mountain.

On 19 August 2020, a memorial plaque in honour of Yuriy Lipa was placed on the building of a district library in Yavorov village of the Lvov Oblast.<sup>2388</sup>

On 30 August 2020, a monument to Kuzma Brichka – Nazi collaborator, member of the Polesian Sich and the UPA, who had participated in mass murders of civilians of Polish and Jewish origin – was solemnly unveiled in Karpilovka village of the Chernigov Oblast.<sup>2389</sup>

On 5 October 2020, UPA veteran, involved in mass murder of Jewish and Polish residents of the Rovno Oblast Alexander Derkach was buried with war honours and a guard of honour in the village of Dubrovka in the Zhitomir Oblast.<sup>2390</sup>

On 13 October 2020, the authorities in Lutsk organized the third All-Ukrainian festival and national song competition "For Ukraine! For its Freedom!", which was held on-line only, where they sang songs glorifying members of the

<sup>2386</sup> <https://city-adm.lviv.ua/news/society/public-sector/279791-mer-lvova-pryvitav-zviazkovu-romana-shukhevycha-zi-100-littiam>

<sup>2387</sup> <https://uinp.gov.ua/pres-centr/novyny/na-polissi-vstanovyly-pamyatnyy-hrest-general-horunzhomu-upa-ivanu-treyku>

<sup>2388</sup> <https://golossokal.com.ua/ru/novyny-kultury/y-misti-iavorovi-vidbylos-vidkrittia-memorialnoi-tablici-na-fasadi-raionnoi-centralnoi-biblioteki-imeni-uriia-lipi.html>, <https://eadaaily.com/ru/news/2020/08/22/v-lvovskoy-oblasti-chestvuyut-vracha-evtanaziologa-iz-oun-upa>

<sup>2389</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

<sup>2390</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

UPA. On the same day an exhibition dedicated to Stepan Bandera and Roman Shukhevich was held in Vinnitsa.

On 14 October 2020, in Kiev, radicals from the Svoboda, the Right Sector and the National Corps held a traditional march on the occasion of 78th anniversary of UPA creation. The participants of the march carried glass cans containing photos of Anatoly Shariy, Viktor Medvedchuk and a number of other social and opposition activists, to imitate severed heads. They chanted slogans of organizing "legal" prosecution of Ukrainian citizens for "pro-Russian" activities, revoking the licenses of 112-Ukraine, NewsOne, ZIK, NASH, Inter and Kiev Live and canceling the ceasefire in the Donbass for Ukrainian military.

In Lvov, on the same day, Maxim Kozitskiy, vice chairman of the Lvov Oblast council, took part in a ceremony in which flowers were laid on the tombs of the UPA fighters, funeral prayers were read and there were processions in Ukrainian nationalist insignia was displayed.<sup>2391</sup> The Against Goliath historic exhibition dedicated to UPA members, including Stepan Bandera and Roman Shukhevich, organized by the Ukrainian Institute for National Memory was held in Vinnitsa.

On 12 November 2020, with the support of the city authorities, relatives of OUN-UPA fighters were awarded with the formation's medals "For combat merits" and "For special contribution to the development of the OUN armed underground" in the Lvov Historical Museum.

On 20 January 2021, in Poltava, a national competition to design a monument to Symon Petlyura was announced.<sup>2392</sup>

On 29 January 2021, in Kiev, at the behest of the city council, Bandera Readings were held once again.

In February 2021, Ivan Fialka, former member of the Waffen-SS Galicia Division, was buried with honours in Stryi (the Lvov Oblast). The event was attended by the mayor of the city, as well as members of nationalist structures.

<sup>2391</sup> <https://lviv.depo.ua/rus/lviv/yak-u-lvovi-svyatkuyut-den-zakhisnika-ukraini-fotoreportazh-202010141229260>

<sup>2392</sup> <https://zn.ua/UKRAINE/v-poltave-prokhodit-vseukrainskij-konkurs-na-luchshij-pamjatnik-simonu-petljure.html>

On 16 February 2021, the Lvov Oblast council requested President Zelenskiy to return the title of Hero of Ukraine to Stepan Bandera. The deputies have also decided to declare 2021 the Year of Yevgeniy Konovalts (OUN leader).<sup>2393</sup> Besides, the deputies of Ivano-Frankovsk city council came up with an initiative to bestow the title of Hero of Ukraine to former Galicia fighter Mikhail Mulik.

On 5 March 2021, the deputies of the Ternopol city council supported the initiative of city mayor Sergei Nadal to name the city's stadium after Roman Shukhevich, where the Ukrainian Cup Final was to be held. Joel Lion, Israeli ambassador to Ukraine, called on the authorities to reverse this decision. In turn, a Ukrainian MFA spokesperson supported the local authorities, saying that "preservation of national memory was among the priorities of state policy" and such news pegs should be commented on by historians, not diplomats.<sup>2394</sup>

This initiative was seized by the Lvov Oblast council which, on 16 March 2021, proposed the Ukrainian Government to rename Arena Lvov to Stepan Bandera Arena Lvov. This stadium was going to host the initial 2022 World Cup qualifying matches. The initiative came from the Petr Poroshenko's European Solidarity party.<sup>2395</sup>

On 28 April 2021, radicals marched in Kiev for the first time to commemorate the creation of Nazi SS Galicia Division. Nazi symbols were used during the march. Radicals were accompanied by police officers, who blocked the traffic on many of Kiev's central streets. According to Ruslan Bortnik, head of the Ukrainian Institute for Policy Analysis and Management, the march was financed in part by the Kiev city administration; although it claimed that it was made by mistake. Earlier such events in honour of SS Galicia had been mainly concentrated in Lvov and other cities in Western Ukraine. According to experts, in view of the fact that this had occurred shortly before 9 May, the march can be described as a provocation, and the

<sup>2393</sup> <https://m.day.kyiv.ua/ru/news/160221-lvovskiy-oblsovet-trebuets-vernuti-bandere-zvanie-geroya-ukrainy-i-obyavit-2021-y-godom>

<sup>2394</sup> <https://strana.today/news/321233-ternopolskij-stadion-poluchil-imya-romana-shukhevicha.html> (previously at <https://strana.ua/news/321233-ternopolskij-stadion-poluchil-imya-romana-shukhevicha.html>)

<sup>2395</sup> <https://strana.today/news/323062-arena-lvov-imeni-bandery-cto-hovorjat-o-pereimenovanii-stadiona-v-chest-vozhdja-oun.html> (previously at <https://strana.ua/news/323062-arena-lvov-imeni-bandery-cto-hovorjat-o-pereimenovanii-stadiona-v-chest-vozhdja-oun.html>)



inaction of the Kiev authorities can be explained as the result of threats from right-wing groups, which had become more influential.<sup>2396</sup>

On 2 May 2021, members of the National Corps held rallies in Lvov and Ternopol to glorify the fighters of the Waffen-SS Galicia Division. Nazi symbols were also used during these events.

On 22 May 2021, a solemn ceremony of burying the remnants of the UPA fighters was held in Strelki village (the Lvov Oblast). The event was attended by the leader of the European Solidarity party's fraction in the Lvov Oblast council Oleg Duda.

In mid-June 2021, in Kiev, Orest Vaskul, chairman of the Kiev Regional Brotherhood of OUN-UPA veterans, former participant of the Waffen-SS Galicia Division and former head of the OUN, was buried following a solemn funeral ceremony in St. Michael's Golden-Domed Monastery, which belongs to the OCU. The ceremony was conducted according to the official funeral rites used by the Ministry of Defence of Ukraine, and included a guard of honour from the Bogdan Khmelnytskyi Separate Presidential Regiment. It was attended by Sergei Kvit, former Minister of Education, Vladimir Vyatrovich, former head of the UINP, and others.<sup>2397</sup>

On 25 July 2021, the remains of the punishers from the Waffen-SS Galicia Division, liquidated by the Soviet troops of the 1st Ukrainian Front in 1944 in the battle for Brody, were reburied with honours in the village of Chervonoye (the Lvov Oblast).

In July 2021, in Novomirgorod (the Kirovograd Oblast), it became known that a children's team "Hitlerites" took part in street basketball competitions during the city day.<sup>2398</sup>

On 10 August 2021, the 100th birthday of UPA lieutenant and Ukrainian auxiliary police commissioner Vladimir Shigelskiy – who had actively participated in killing Jewish and Polish civilians during World War II – was solemnly

<sup>2396</sup> [https://www.gazeta.ru/politics/2021/04/28\\_a\\_13576064.shtml](https://www.gazeta.ru/politics/2021/04/28_a_13576064.shtml)

<sup>2397</sup> [https://aif.ru/politics/world/budni\\_ukrainy\\_veterana\\_ss\\_provodil\\_v\\_posledniy\\_put\\_prezidentskiy\\_polk](https://aif.ru/politics/world/budni_ukrainy_veterana_ss_provodil_v_posledniy_put_prezidentskiy_polk)

<sup>2398</sup> [https://www.gazeta.ru/social/news/2021/07/22/n\\_16278944.shtml](https://www.gazeta.ru/social/news/2021/07/22/n_16278944.shtml)

celebrated in Lvov. In 1949, he was executed in Poland for aiding the Nazis, war crimes, and mass murder of civilians.

On 18 August 2021, in Litin village (the Vinnitsa Oblast), solemn events in commemoration of the 110th birthday of former OUN and UPA member Yemelyan Grabets were held. He had served as Ukrainian auxiliary police commissioner in Rovno and had been directly involved in mass murder of around 30,000 Jews residing in the city. In addition to the memorial procession along the street named after him and the laying of flowers at the memorial plaque, a round table was held at the local history museum, which resulted in a recommendation to the local authorities to name the Litin sports complex after Yemelyan Grabets.<sup>2399</sup>

Late August 2020, a monument to Kuzma Brichka – Nazi collaborator, member of the Polesian Sich<sup>2400</sup> and the UPA, who had participated in mass murders of Jewish civilians, Soviet soldiers and partisans – was solemnly unveiled in Karpilovka village in the Chernigov Oblast.<sup>2401</sup>

In September 2021, the plans were revealed to install a memorial sign dedicated to a high-ranking member of the OUN Vladimir Bagazyi, as part of One Stone, One Life<sup>2402</sup> project. Bagazyi organized the Ukrainian auxiliary police, later he was appointed by the Nazis burgomaster of Kiev. This was reported by head of the Ukrainian Jewish Committee Eduard Dolinskiy who particularly noted that Vladimir Bagazyi had been directly involved in the extermination of the Jews of Kiev. According to media, the collaborator's photo and name appeared on the interactive map of the official site of the project containing the addresses of all memorial stones and names of those honoured with those memorials. The biography of Vladimir Bagazyi published in the same place did not contain any information about his involvement in the executions of Jews during the occupation of Kiev.<sup>2403</sup>

<sup>2399</sup> <https://vesti.ua/strana/v-vinnitse-otprazdnovali-110-letie-komandira-ukrainskogo-gestapo>

<sup>2400</sup> Polesian Sich is a military organization of Ukrainian nationalists created by Taras Borovets, which had operated on the territory of Volyn and Polesia occupied by Nazis from August 1941 till 1944.

<sup>2401</sup> <https://tass.ru/mezhdunarodnaya-panorama/12257305>

<sup>2402</sup> The One Stone, One Life project was implemented by the Ukrainian Center for Holocaust Studies with the support of the Kiev city administration and the Ukrainian branch of the Goethe Institute. The project was co-sponsored by the German Embassy in Ukraine. In turn, it is part of a large-scale decentralized memorial "Stumbling Blocks" by Cologne artist Gunther Demnig, dedicated to the memory of people persecuted during the Nazi years.

<sup>2403</sup> <https://ria.ru/20210928/natsizm-1752215853.html>

In response to a query from the RT newspaper, the German Foreign Ministry said that "the controversy surrounding the figure of Vladimir Bagazyi" was taken into account, and at present there were no plans to install a memorial sign in his honour. The German MFA stressed that it took the statements of Vladimir Bagazyi's involvement in Holocaust seriously and thus, in cooperation with the Ukrainian Center for Holocaust Studies and other specialists, would "examine this person's biography".<sup>2404</sup> As of 12 October 2021, Vladimir Bagazyi's biography has been removed from the project website. The inspection made in April 2024 did not find his name on the site either.

On 7 October 2021, a solemn reburial of UPA fighters took place near the village of Sokolovka (the Lvov Oblast).

On 19 October 2021, Kiev saw the unveiling of "memorial cross", created in 2009, dedicated to 100th birthday of Stepan Bandera. The monument's construction was not permitted at that time. This time, the city authorities did not oppose this initiative of nationalists.

On 11 January 2022, the "Ukrainian Junkerschafts" book, dedicated to the Waffen-SS Galicia Division was presented in one of the libraries in Nikolaev (the Lvov Oblast). The event was attended by a man in Nazi uniform, a cap with a Roman eagle and a skull with crossed bones, and a waist-belt.<sup>2405</sup>

On 4 February 2022, during the European Futsal Championship semi-final match between Russian and Ukrainian teams, Ukrainian fans chanted nationalist and Russophobic slogans, including "Ukraine above all", "Who doesn't jump is a Muscovite" etc. They also sang "Beat the Muscovite" song, which called for killing of Russians.

On 5 February 2022, the ninth Bandera Readings devoted to the 80th anniversary of the UPA were held in Kiev, organized by the nationalist Svoboda all-Ukrainian union. The conference was led by one of the Svoboda leaders, former deputy of the Verkhovna Rada of Ukraine Yuriy Sirotyuk.

<sup>2404</sup> <https://russian.rt.com/ussr/article/912962-babii-yar-ukraina-germaniya-pamyatnik>

<sup>2405</sup> <http://pravua.info/v-biblioteke-pod-lvvovom-proveli-prezentacziyu-knigi-ob-ss-galichina-s-muzhchinoj-v-nacizskoj-forme/>

According to organizers, the readings are an "intellectual forum" which is held under the aegis of Stepan Bandera's ideas. This year's event was dedicated to the 80th anniversary of the UPA. Leader of the S14 far-right group (recently referred to as Basis for the Future or Future Society). He remarked, among other things, that nationalists "had fun fighting and killing". Furthermore, he threatened that if radicals came to power, Ukraine might attack European countries, Hungary, in particular.

On the same day, a "unity march" was held in Kharkov, organized by the National Corps and other nationalist parties and movements. The participants brought flags of OUN-UPA and chanted nationalist slogans as they marched.

On 14 October 2022, the 99-year-old Miroslav Simchich, commander of a sotnia in the UPA and war criminal who organized the mass murder of Poles during World War II and took part therein, was given the title of Hero of Ukraine with the Order of the Golden Star by Vladimir Zelenskiy.<sup>2406</sup>

After the war, he was convicted by a Polish court for the extermination of the population of the predominantly Polish village of Pisten in the Ivano-Frankovsk Oblast. On 22 October 2021, deputies of the Lvov Regional Council appealed to the President of Ukraine to grant the former Nazi an honorary title.<sup>2407</sup>

On 8 November 2022, a renovated monument to Mikhail "Spartan" Moskaluk, a UPA commander of a sotnia, who took part in the punitive operations of Nachtigall Battalion and fought against the Soviet partisans in Ukrainian Schutzmannschaft Battalion 201, was unveiled in the village of Ivanovtsy, Ivano-Frankovsk Oblast.

On 30 November 2022, in the village of Ledykhov, Ternopol Oblast, the remains of ten UPA members were solemnly reburied, who had died in 1944 in battles against the Red Army and NKVD troops while the latter two were liberating the western regions of the Ukrainian SSR from the nationalist underground and its Nazi accomplices.

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<sup>2406</sup> <https://www.president.gov.ua/documents/6992022-44385>

<sup>2407</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

In December 2022, in the State Historical and Cultural Reserve Naguevichi in the Lvov Oblast, a nativity scene was installed, with a statue of Stepan Bandera, the leader of the OUN, placed among the traditional biblical characters.<sup>2408</sup>

On 10 December 2022, Roman Shukhevich's son, Yuriy Shukhevich, who had headed the right-wing radical party UNA-UNSO<sup>2409</sup> in 1990-1994, was buried with military honours in Lvov.

On 21 December 2022, in honour of the 80th anniversary of the UPA, the Ternopol Regional Council decided to erect a monument to Roman Shukhevich, who had been involved in the mass murder of Poles and Jews in western Ukraine.<sup>2410</sup>

On 14 February 2023, President Zelenskiy issued a decree naming the 10th Separate Mountain Assault Brigade of the AFU "Edelweiss", the same name given to the 1st Mountain Infantry Division of Nazi Germany.<sup>2411</sup>

On 29 and 30 March 2023, state commemorations were held in honour of the 150th birthday of Nikolai Mikhnovskiy, the ideologist of Ukrainian nationalism, who formulated the slogan "Ukraine is for the Ukrainians" and called for the killing of Poles, Russians and Jews, whom he considered enemies of the Ukrainian people.<sup>2412</sup>

On 8 May 2023, on the eve of the Day of Victory over Nazism (which is no longer celebrated in Ukraine), the UINP held an exhibition for the cadets of the Kharkov National Internal Affairs University, which is temporarily located in Vinnitsa, entitled "UPA: Response of the Unconquered People", dedicated to the organization, the majority of whose members served in the armed formations of the Third Reich.<sup>2413</sup>

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<sup>2408</sup> <https://strana.today/news/419500-vo-lvovskoj-oblasti-v-rozhdestvenskij-vertep-ustanovili-fihury-bajdena-i-bandery-foto.html>

<sup>2409</sup> Declared extremist by decision of the Supreme Court of the Russian Federation of 17 November 2014, its activities are banned in Russia

<sup>2410</sup> [https://teren.in.ua/news/u-ternopoli-vstanovlyat-pam-yatnik-romanu-shuhevichu\\_394446.html](https://teren.in.ua/news/u-ternopoli-vstanovlyat-pam-yatnik-romanu-shuhevichu_394446.html)

<sup>2411</sup> <https://www.president.gov.ua/documents/802023-45805>

<sup>2412</sup> <https://uinp.gov.ua/pres-centr/novyny/31-bereznya-vypovnytsya-150-rokiv-ideologu-ukrayinskoyi-nezalezhnosti-mykoli-mihnovskomu-zahody>

<sup>2413</sup> <https://uinp.gov.ua/pres-centr/novyny/lokalna-pamyat-perepohovannya-uchasnykiv-drugoyi-svitovoyi-viyny-u-vinnyci-ta-inshi-novyny-z-regioniv>

On 14 June 2023, a history lecture on Yevgeniy Konovalets, the leader of the OUN, was delivered at the Maidan Museum in Kiev.<sup>2414</sup>

On 22 September 2023, Vladimir Zelenskiy, during his visit to Ottawa, together with Canadian MPs and the country's leadership, gave a standing ovation to Yaroslav Gunko (Hunka), a veteran of the Galician Division of the SS, who had been invited to the session of House of Commons. Following a public outrage, when Jewish organizations and representatives of Russia, Poland and Germany condemned the incident, the Canadian Prime Minister, Justin Trudeau, officially apologised and Canadian Parliament Speaker Anthony Rota resigned.<sup>2415</sup> At the same time, no apology followed from Kiev after the incident. What is more, in February 2024, the Ternopol Regional Council awarded Yaroslav Gunko the Yaroslav Stetsko insignia of honour "For Merits to the Land of Ternopol".

On 1 October 2023, in accordance with Vladimir Zelenskiy's decree, one of Ukrainian Armed Forces' battalion was given the name of Yevgeniy Konovalets – OUN leader who actively collaborated with the Nazis.<sup>2416</sup>

On 6 March 2024 it became known that a street in Nikopol was named after Petr Dyachenko, a military criminal, former chief of staff of the Polish Sich under the command of Ataman Taras Bulba-Borovets and the organizer of the Ukrainian Self-Defence Legion in Chelm Land (SD Battalion 31 in German documents, which was later incorporated into the SS Galicia Division). The mayor of the city, Alexander Sayuk, said that he was 'unaware' of the unfavourable facts in the life of the Nazi collaborator and commented on this decision as follows: "A commission approved the name of the street; first there was a public discussion about street names, and only then were they changed. As for the fact that the street was named after someone who had been awarded the Iron Cross by Hitler, I don't know, I don't have that information, you have to ask the commission, they were in charge of that."

<sup>2414</sup> <https://uinp.gov.ua/pres-centr/novyny/u-kyievi-vidbuvsya-lektoriy-prysvyachenyy-yevgenu-konovalcyu>

<sup>2415</sup> <https://www.washingtonpost.com/world/2023/09/27/poland-ukrainian-nazi-veteran-canada-extradition/>

<sup>2416</sup> <https://tass.ru/mezhdunarodnaya-panorama/18886607> и

I'm a mayor, I'm not an expert on history. There is nothing I can say or comment as regards those historic references".<sup>2417</sup>

In late March 2024, Ukraine's largest book chain "Kniharnya E" and some other bookstores began selling a two-volume memoir by Croatian fascist and ally of Hitler Ante Pavelić. The head of the Ukrainian Jewish Committee Eduard Dolinskiy noted this fact saying that Pavelić had headed the Croatian puppet government, which had collaborated with the Nazi Germany in 1941-1945 and perpetrated mass killings of Jews, Serbs and Roma. However, the book's description makes no mention of Pavelić's Nazi past, nor does the book itself. Eduard Dolinskiy believes that the actions of the book chain, effectively, amount to whitewashing Nazi crimes and Holocaust denial.<sup>2418</sup>

Right-wing radicals in Ukraine, feeling the support of the official authorities and realizing their impunity, actively employ violence and methods of intimidation against political opponents, civil society activists, human rights defenders, journalists, and pressurise the authorities into making decisions that benefit them.

On 4 May 2020, also in Kharkov, radicals from the National Corps, National Vigilantes, and Democratic Axe groups protested against the appointment of Evgeniy Gritskov, deputy head of the Kharkov city council, as the head of the coordinating council for issues relating to national and patriotic education. The reason was a photograph from 2015, in which Evgeniy Gritskov can be seen together with Mikhail Dobkin, former governor of the Kharkov Oblast, holding up a red banner. On 6 May, Evgeniy Gritskov resigned as the head of the coordinating council.

On 23 May 2020, radicals from the National Corps stormed the office of the Opposition Platform – For Life party, known for its stance against the glorification of Nazism and xenophobia. The nationalists tried to set fire to the office, threw flares and smoke bombs into the windows, doused the building with paint. Taking

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<sup>2417</sup> [https://www.rubaltic.ru/context/06032024\\_au-zapad-imenem-natsistskogo-prestupnika-petra-dyachenko-u-kotorogo-ruki-po-lokot-v-krovi-nazvana-ul/](https://www.rubaltic.ru/context/06032024_au-zapad-imenem-natsistskogo-prestupnika-petra-dyachenko-u-kotorogo-ruki-po-lokot-v-krovi-nazvana-ul/)

<sup>2418</sup> <https://tass.ru/mezhdunarodnaya-panorama/20402473>

advantage of the authorities' tacit support for their activities they disabled the office's security system and attacked the personnel.<sup>2419</sup>

In the mid-June 2020, in Kiev, Dnepropetrovsk, Lvov, Kharkov and Chernovtsy, mass protests were held by nationalists, who were against the bill on amendments to the law on the use of minority languages in the education system, which was discussed in Verkhovnaya Rada. Under the draft law, the entry into effect of the restrictions on the use of Russian for the purposes of teaching would be postponed, and the transition period would be extended. During these protests the radicals behaved aggressively and defiled symbols of the Russian state, there were multiple reports of them clashing with police. In certain regions the nationalists were supported by the local council members. In particular, the Lvov regional council, which has already repeatedly been noted for its nationalist position, stated in a petition to President Vladimir Zelenskiy that all those who voted for the bill proposed by Maxim Buzhanskiy, a Verkhovnaya Rada deputy from the Sluga Naroda party, would be treated as "collaborators" and "traitors to Ukraine".<sup>2420</sup>

On 4 February 2021, members of Ukrainian far-right groups attempted to break into the building of NASH TV in Kiev, demanding that it be shut down because of what they saw as pro-Russian politics. During the clashes with the right-wing radicals, the police used tear gas and several people were arrested.

On 22 February 2021, the far-right organization Tradition and Order attacked left-wing activists in Odessa for taking part in protests against rising utility prices. The attackers used tear gas and wielded cold steel weapons.<sup>2421</sup>

On 28 February 2021, members of the National Corps attacked entrepreneur and politician Sviatoslav Vikarchuk, who had run for the local elections in 2020 for the Khmelnytskyi City and Regional Council on behalf of The Opposition Platform – For Life, and poured brilliant green over him.<sup>2422</sup>

<sup>2419</sup> <https://112.ua/mnenie/nacional-radikaly-napali-na-ofis-opozicionnoy-platformy--za-zhizn-537009/html>

<sup>2420</sup> <https://ukraina.ru/exclusive/20200718/1028290011.html>

<sup>2421</sup> <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontaciyi-ta-nasylstvo-u-2021-roczyi/>

<sup>2422</sup> Ibid.



In April 2021, nationalists from Freikorps demanded the dismissal of N. Semeykina, a teacher at the Kharkov State Academy of Culture, for critical comments on social media about the authorities and the assessment of the conflict in the Donbass, accusing her of "Russian propaganda". The academy's leadership echoed the radicals' position. Vice Rector Yuriy Loshkov said that Natalia Semeykina's words had discredited the title of the teacher, and "if this was really her point of view, and these are her beliefs, then she cannot be a Ukrainian teacher". Natalia Semeykina was later added to the database of the extremist website "Myrotvorets".<sup>2423</sup>

On 7 May 2021 in Kharkov, the far right destroyed the campaign banners of the Opposition Platform – For Life party for 9 May, which read "Fascism will not pass".<sup>2424</sup>

On 9 May 2021, during Victory Day celebrations in Kiev, nationalists started a fight with representatives of the Antifascist Committee of Ukraine, tearing red ribbons from their hands and trampling flowers.

On 7 July 2021 in Kiev, right-wing radical Aleksey Svinarenko and members of his group National Resistance attacked people who had come to a rally under Belarusian flags. Tear gas was used. In his Telegram channel, Aleksey Svinarenko, apparently no longer afraid of the reaction of Ukrainian law enforcement officers, openly wrote that he had "attacked Belarusian anti-fascists".

On 23 July 2021, right-wing radicals in Kharkov tore the T-shirt off a member of the Party of Shariy and beat him up. This information was shared in posts by the far-right.<sup>2425</sup>

On 30 October 2021, right-wing radicals attacked the camera crew of NASH TV in Sumy. They beat the cameraman and the reporter in front of the police, and vandalised their equipment.<sup>2426</sup>

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<sup>2423</sup> <https://strana.today/news/328307-v-kharkove-natsionalisty-trebujut-uvolit-prepodavatelja-akademii-nauk-za-post-v-seti.html> (<https://strana.ua/news/328307-v-kharkove-natsionalist-trebujut-uvolit-prepodavatelja-akademii-nauk-za-post-v-seti.html>)

<sup>2424</sup> <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontacziyi-ta-nasylstvo-u-2021-roczni/>

<sup>2425</sup> Ibid.

<sup>2426</sup> <https://ria.ru/20211030/telekanal-1757027767.html>

In November 2021, a wave of riots swept through the bars and clubs of the Podol district in Kiev. On 6 November, far-right activists from the Foundations for the Future, the Ukrainian Banner, and National Resistance attacked the famous Khvilovy bar in Podol, blocking the entrance to the inner yard of the bar. They chanted racist and homophobic slogans, painted NS-WP (NS for National Socialism, WP for White Power) on the walls, threw firecrackers, smoke bombs, flour and eggs at the bar staff. On 10 November, extremists from Centuria wrote "YAKARTA VIENIE" on the walls of the same bar, apparently in reference to the mass killings of supporters of the Indonesian Communist Party in 1965-1966, when between half a million and a million people were killed. On 16 November, the SHOOM club was attacked and the inscription "Death to the leftists" was made on its doors. On 26 November, members of the right-wing Foundations for the Future, National Resistance and Centuria stormed the Khvilovy bar, smashing windows and furniture, spraying tear gas, beating customers and guards with truncheons and chanting "white power" and other racist and homophobic slogans.<sup>2427</sup>

On 27 November 2021, in Korosten (Zhitomir Oblast), radicals attacked the crew of NASH TV, who were interviewing Mayor Moskalenko. They punched the journalist in the face while he was reporting.<sup>2428</sup>

On 11 December 2021, "patriotic activists" in Nikolaev tried to prevent the journalists from "NASH" TV from filming a tour of a museum exhibition dedicated to the occupation and liberation of the city during the Great Patriotic War. Chasing the TV crew, one of the radicals said that if they were at the front, he would have "blown their heads off".<sup>2429</sup>

On 18 December 2021, representatives of the National Corps disrupted a congress of the Opposition Platform – For Life Party in Poltava. A fight broke out between the right-wing radicals and the security guards at the entrance to the congress; tear gas was used.<sup>2430</sup>

<sup>2427</sup> <https://delo.ua/society/samoprovozglasennaya-policiya-nravov-kak-pravoradikaly-voyuyut-protiv-kieva-389685/>

<sup>2428</sup> <http://pravua.info/v-korostene-radikaly-napali-na-zhurnalistov-telekanala-nash/>

<sup>2429</sup> <http://pravua.info/v-nikolaev-radikaly-napali-na-zhurnalistov-telekanala-nash/>

<sup>2430</sup> <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontacziyi-ta-nasylstvo-u-2021-roczii/>

On 1 February 2022 in Kiev, right-wing activists protested outside the NASH TV headquarters, burning flares, chanting "Russian, surrender!" and calling to "hang Nashists" (referring to the employees of NASH TV).

In February 2022, radicals in Odessa threatened the owner of the Oblaka restaurant, where a concert of Russian rapper Basta (Vasiliy Vakulenko) was to take place. Right Sector member Demyan Ganul, one of the organizers and perpetrators of the assault of the House of Trade Unions in Odessa on 2 May 2014, wrote on his Facebook page: "The concert is planned at the Oblaka restaurant, owned by Andrey Zarichanskiy. If Andrey has a brain and a pro-Ukrainian position, he will cancel the occupier's concert. If not, his business will be in serious trouble – Oblaka is not Zarichanski's only establishment. Vakulenko has come and gone, and you are supposed to live in this city!" Demyan Ganul then posted a photo of himself with a submachine gun on social media, as well as a video of people in military uniform with submachine guns. The concert was cancelled.<sup>2431</sup>

There have also been cases of radicals organising actions against legislative initiatives they consider undesirable and against court rulings against their supporters. For example, the leader of the S14 far-right group, Evgeniy Karas, and members of Dmitriy Korchinskiy's Brotherhood party were present at the Pecherskiy District Court when it tried one of the two young people who poured antiseptic green paint on the monument to General Nikolai Vatutin in Mariinskiy Park (Kiev) on the night of 10 February. The prosecutor requested that the defendant be remanded in custody during the investigation. Judge Olesya Batrin, however, ruled that he could be released on bail by Verkhovna Rada deputy Mikhail Bondar.<sup>2432</sup> According to human rights activists, the presence of the nationalists in the courtroom was intended to put pressure on the judge. There had already been a number of incidents in which radicals had behaved aggressively in courtrooms, demanding the release of their comrades.

<sup>2431</sup> <http://pravua.info/radikaly-shantazhom-dobilis-otmeny-konczerta-basty-na-ukraine/>

<sup>2432</sup> <https://strana.today/news/249605-deputat-partii-poroshenko-vzjal-na-poruki-oskvernitelja-pamjatnika-vatutinu.html> (previously at <https://strana.ua/news/249605-deputat-partii-poroshenko-vzjal-na-poruki-oskvernitelja-pamjatnika-vatutinu.html>)

Another similar incident occurred in mid-June 2020 in Kiev, outside the courthouse, where Sergei Sternenko, a member of a nationalist group, was being tried for a manslaughter he committed in May 2018 in Odessa. Radicals attacked journalists from Strana.UA and Sharij.net, as well as ZIK and NewsOne TV channels, who were covering the trial. The nationalists also stormed the courtroom, provoked a fight with the police, lit flares and set off firecrackers, all in an attempt to put pressure on the court. In all such cases the police required all the journalists to leave the courtroom without giving any explanation, which led to further attacks. After his attempt to interview the accused, journalist Bordan Aminov was threatened with a "visit from the Anti-Terrorist Forces, who will show you how to love Ukraine." None of the attackers were arrested. Moreover, according to Strana.ua, the police subsequently apologised for beating the 'activists' and promised to bring those responsible to justice.<sup>2433</sup>

On 20 July 2021 in Kiev, about 40 extremists from the Future Society, National Corps, National Resistance, Alternative, Tradition and Order, Right Youth and Unknown Patriot attempted to disrupt a hearing in the Court of Appeal of a complaint by Belarusian anti-fascist Alexei Bolenkov against the SBU decision to expel him from Ukraine. Right-wing radicals also attacked left-wing activists who had gathered to support Alexey Bolenkov outside the courthouse.<sup>2434</sup>

Since the beginning of the special military operation of the Armed Forces of the Russian Federation to demilitarise and denationalise Ukraine on 24 February, many representatives of Ukrainian far-right organizations have taken part in combat operations in the east of the country.<sup>2435</sup> Their crimes have taken on an entirely different scale, evolving from unlawful acts of violence to the murder of civilians in the territories occupied by the Kiev regime, as well as the torture, ill-treatment and murder of captured Russian military.

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<sup>2433</sup> <https://strana.today/news/273216-sud-po-sternenko-kak-storonniki-radikala-izbivali-zhurnalistov-i-politsiju-foto-i-video.html> (previously at <https://strana.ua/news.273216-sud-po-sternenko-kak-storonniki-radikala-izbivali-zhurnalistov-i-politsiju-foto-i-video.html>)

<sup>2434</sup> <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontacziyi-ta-nasylstvo-u-2021-roczyi/>

<sup>2435</sup> 21 December 2022. <https://russian.rt.com/ussr/news/997883-moldaviya-telekanaly-zapret>

Accustomed to total impunity, members of Nazi battalions continue to commit crimes against their fellow citizens. On 29 September 2023, militants of the Kraken Unit (part of the Azov Regiment, designated as terrorist and outlawed in Russia) used weapons to seize a fixed security point in Kharkov because police and military officers on duty at the security point were attempting to screen the members of the Nazi Battalion.<sup>2436</sup>

As Nazis and their collaborators are being increasingly exonerated, attempts are being made to smear the Red Army soldiers, including blaming them for crimes committed by the Nazis. For example, the tragedy that occurred in March 1943 in the village of Koryukovka, Chernigov Oblast, where the Nazis almost completely annihilated the local population in a punitive action, has been the subject of such fabrications. On the 75th anniversary of the massacre, the Ukrainian media portrayed the events as the fault of the partisans, who allegedly provoked the Nazis to commit atrocities.

In recent years, nationalists and right-wing radicals, with the tacit support of the Ukrainian authorities, have started to disrupt events commemorating Victory Day in the Great Patriotic War and other significant dates, as well as anti-fascist events. As a rule, no follow-up measures are being taken in relation to the threats against anti-fascist activists. The Ukrainian law enforcement authorities have never prevented the illegal actions of these criminals and brought them to justice, instead allowing the radicals to hide and gagging their victims. The actions of the nationalists are usually categorised as hooliganism, regardless of the motives and actual nature of their behaviour. At the same time, the authorities prosecute people for displaying Soviet symbols. Experts view such actions by the authorities as an attempt to intimidate activists, create an atmosphere in which they would be afraid to mention the fact that their relatives had fought in the Red Army.

In 2018-2019 on Victory Day in Kiev, nationalists wearing clothes with Nazi symbols attacked Elena Berezhnaya, director of the Institute for Legal Policy and

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<sup>2436</sup> <https://strana.today/news/446715-zakhvativshie-blok-post-voennye-zajavili-chto-ikh-podrazdelenie-proverit-nelzja.html>

Social Protection, who organized the commemorations. Instead of responding to the radicals' actions, the police arrested the victim.<sup>2437</sup>

In February 2020, the then Foreign Minister Vadim Pristayko declared that Ukraine would not celebrate Victory Day on 9 May.<sup>2438</sup> Earlier, during his visit to Poland in January 2020, Vladimir Zelenskiy had blamed the Soviet Union for unleashing the Second World War.<sup>2439</sup>

Nevertheless, on 9 May 2020, the 75th anniversary of the Victory over Nazi Germany, Ukrainians took to the streets to honour the memory of the Red Army soldiers. On that day, Ukrainian nationalists carried out a series of blasphemous actions. In Odessa they interrupted a motor rally, instigated fights and hindered celebrations of the 75th anniversary of the Victory. The radicals also organized marches where they carried portraits of Nazi accomplices from the OUN, UPA and other similar organizations, as well as symbols associated with the Galician Division of the SS.<sup>2440</sup> In Lvov, young neo-Nazis organized a rally on the Hill of Glory, displaying Nazi symbols and playing a recording stylised as a Nazi occupation announcement, while local people laid flowers at the graves of soldiers who had died in the war. The Ukrainian authorities failed to take action against any of these or similar incidents.<sup>2441</sup> In Kharkov, activists from the Freikorps<sup>2442</sup>, the ATO Veterans Union, the Right Sector and the Veterans Association for the Defence of Ukraine hung banners from three bridges, each bearing the provocative slogan: "Дякую діду за те, що давив московську гниду" ("Thank you Grandad for squashing the Muscovite crum")<sup>2443</sup>.

<sup>2437</sup> Infringement of rights and freedoms in Ukraine. Manifestation of discrimination, incitement of ethnic hatred, hate crimes and extremism. Report for the OSCE human dimension implementation meeting 2019. The Institute of legal policy and social protection, the Antifascist human rights legal league. 2019. 2019.

<sup>2438</sup> <https://strana.today/news/252459-pristajko-i-den-pobedy-pochemu-hlava-mid-ne-khochet-prazdnovat-9-maja.html> (previously at <https://strana.ua/news/252459-pristajko-i-den-pobedy-pochemu-hlava-mid-ne-khochet-prazdnovat-9-maja.html>)

<sup>2439</sup> <https://regnum.ru/news/polit/1563949212.html>

<sup>2440</sup> <https://regnum.ru/news/polit/1571213659.html>

<sup>2441</sup> <http://ruskiymir.ru/news/8476375/>

<sup>2442</sup> This was the name given to the right-wing volunteer units in Germany after World War I, many of whom later joined the Nazi party.

<sup>2443</sup> [https://www.sq.com.ua/rus/news/novosti/09.05.2020/den\\_pobedy\\_natsionalisty\\_razvesili\\_po\\_harkovu\\_bannery\\_fo](https://www.sq.com.ua/rus/news/novosti/09.05.2020/den_pobedy_natsionalisty_razvesili_po_harkovu_bannery_fo) to/

The commemoration of the Victory Day in 2021 did not pass without scuffles and attacks by radicals either. Nationalists attacked a reporter from video agency RT Ruptly after he had interviewed people in the street about their views on Victory Day in one of Ukraine's cities. In Odessa's Unknown Sailor Avenue, a Strana.ua cameraman accidentally filmed a fight that broke out after nationalists tried to wrest a portrait of Marshal Georgy Zhukov with a St George's ribbon from a woman's hands. Instead of arresting the assailants, the police officers took the victim to the police station. Also in Odessa, police officers arrested a 63-year-old man who had come to Shevchenko Park wearing a St George's ribbon.<sup>2444</sup> On 10 May 2021, the press service of the Odessa regional police announced the initiation of criminal proceedings against a resident of the city who wore a cap with Soviet symbols during the Victory Day celebrations.

On 9 May 2022, official Victory Day events in Kiev were cancelled due to martial law. However, people could come privately to the Park of Glory to lay flowers at the Tomb of the Unknown Soldier. Far fewer people attended the events in the Park of Glory than in previous years. A 24-hour curfew was imposed in Odessa and Kiev-controlled Zaporozhye on 9 May, from 22:00 on 8 May to 05:00 on 10 May.

On 8 May 2023, Vladimir Zelenskiy signed a decree that Ukraine would celebrate Europe Day on 9 May instead of the Day of the Victory over Nazism in World War II. This decision fully changes the meaning of the Day of the Victory over Nazism and hampers the observance of this holiday in the country.

Concurrently with honouring Nazi collaborators and vilifying the memory of Red Army soldiers, the Ukrainian authorities are making efforts to demolish monuments to Soviet liberator soldiers. Right-wing radicals join local authorities in their "war" waged on monuments to Red Army soldiers and victims of the WWII tragic events, including the Holocaust. Until 2022, such instances were put on record by Ukrainian law enforcement agencies and entered into the unified pre-trial

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<sup>2444</sup> <https://russian.rt.com/ussr/news/860361-moldaviya-telekanaly-zapret>

investigation register. However, the perpetrators of these blasphemous actions were never brought to justice.

In February 2020, in Odessa, nationalists removed the memorial plaque with a Marshal Georgy Zhukov bas-relief from a wall of the Mechnikov Odessa National University's student dormitory, which, in the post-war years, housed the Odessa military district headquarters headed by Georgy Zhukov in 1946-1948. It was city's last bas-relief of that great Soviet warlord, the Victory Marshall. "Activists" did this with the consent of the university's administration<sup>2445</sup>.

In the same month, in Odessa, vandals desecrated the monument on April 10 Square, commemorating the liberation of the city<sup>2446</sup>, and in Kiev, two young people desecrated the Nikolai Vatutin monument in Mariinskiy Park by dousing it with brilliant green<sup>2447</sup>. The monument is right on the general's grave. Initially, the media reported that the police opened a criminal case under Criminal Code of Ukraine Article 297, Part 3 (desecration of a grave, other burial site or dead body).<sup>2448</sup> However, later, when the police detained just one vandal, he was charged with an offence under Criminal Code of Ukraine Article 296, Part 2 (vandalism by a group of individuals).<sup>2449</sup>

In March 2020 in the town of Nyrkov, Ternopol Oblast, unknown perpetrators vandalized a Soviet soldier monument by chipping off its head and part of an arm. Law enforcement agencies opened criminal proceedings under Criminal Code of Ukraine Article 297, Part 2.

In May 2020 in Slavyansk's Shelkovichnyi Park, prior to the celebration of a Victory anniversary, nationalists desecrated a monument by daubing the OUN flag colours onto the figure of a Soviet soldier against the background of the Banner of

<sup>2445</sup> <https://ria.ru/20200204/1564239120.html>

<sup>2446</sup> <https://russian.rt.com/ussr/news/721345-vandaly-oskvernili-memorial-odessa>

<sup>2447</sup> <https://russian.rt.com/ussr/news/716870-kiev-zelyonka-pamyatnik-vatutin>

<sup>2448</sup> <https://kyiv.npu.gov.ua/news/novini/u-stoliczi-speczpriznachenczi-zatrimali-molodika-za-poshkodzhennya-pamyatnika>

<sup>2449</sup> <https://strana.today/news/249605-deputat-partii-poroshenko-vzjal-na-poruki-oskvernitelja-pamjatnika-vatutinu.html> (previously at <https://strana.ua/news/249605-deputat-partii-poroshenko-vzjal-na-poruki-oskvernitelja-pamjatnika-vatutinu.html>)



Victory. The monument erected on the mass burial site of soldiers who perished liberating Ukraine from Nazi invaders, was damaged as well.<sup>2450</sup>

On 19-20 May 2020, the Georgy Zhukov monument in Kharkov was attacked again: for two consecutive nights, unknown perpetrators poured red paint over it.<sup>2451</sup>

On 12 January 2021, in the city of Kherson, unknown individuals desecrated a mass grave of liberator soldiers of the Great Patriotic War. Vandals smashed and knocked down 17 monuments at the city's memorial cemetery.

On 13 January 2021, in Yareski, Poltava Oblast, radicals desecrated a monument to Soviet soldiers who perished in the Great Patriotic War and damaged the pedestal of the monument with a combustible mixture.

On 23 March 2021, in Cherkasy's Shevchenko Boulevard, nationalists desecrated and damaged an internationalist soldier memorial complex.

On the night of 9 May 2021, in the towns of Novy Rozdol and Sudovaya Vishnya, Lvov Oblast, vandals damaged monuments to Red Army soldiers.

By July 2021, the USSR Armed Forces Military Glory Monument was demolished in Lvov. The Soviet warrior and the Motherland figures were the last to be dismantled. According to media reports, all parts of the monument were shipped to the Territory of Terror museum. The authorities plan to build a small park to commemorate the heroes of Ukraine on the former monument site.<sup>2452</sup> The Glory of the Soviet Armed Forces Monument was erected in the Lvov's Central Culture and Leisure Park in 1970. It was an ensemble of a 30-meter stele, a massive wall with figures of Soviet army soldiers and two central sculptures symbolizing a soldier and the Motherland.

On 18 August 2021, the authorities of Drohobych, Lvov Oblast, initiated the dismantling of the Eternal Flame memorial on the mass grave of Red Army soldiers who perished liberating Western Ukraine from Nazis.

<sup>2450</sup> <https://ruskiymir.ru/news/272570/>

<sup>2451</sup> <https://www.interfax.ru/world/709467>

<sup>2452</sup> [https://www.gazeta.ru/social/news/2021/07/24/n\\_16288910.shtml](https://www.gazeta.ru/social/news/2021/07/24/n_16288910.shtml)

On 30 September 2021, the local authorities of Kolomiya, Ivano-Frankovsk Oblast, demolished a monument on the mass grave of Red Army soldiers, whereby several tombstones with the names of the buried soldiers were broken.

On 19 October 2021, nationalists desecrated and damaged the monument on a mass grave of Soviet soldiers in the Lodomir Cemetery's central alley in the town of Vladimir, Volyn Oblast. Earlier, in the same alley, vandals desecrated the monument on a mass grave of soldiers who perished during World War I.<sup>2453</sup>

On 22 October 2021, in Poltava, vandals smashed a memorial plaque in honour of Filipp Kiva, the Hero of the Soviet Union.

On 25-27 October 2021, by decision of the Lvov City Council Executive Committee, the central element of the Marsovo Polye memorial burial site in the form of a massive copy of the Order of the Patriotic War was dismantled under the pretext of "renovation, renewal and redesign of the area around the Lychakov Military Cemetery."

On 2 November 2021, in the town of Dergachi, Kharkov Oblast, a monument to the soldiers fallen in the Great Patriotic War was desecrated and a granite monument to the NKVD 227th regiment soldiers who lost their lives during the defence of Kiev, was demolished.

On 5 November 2021, extremists from the *Future Society* (C14) group damaged a memorial at the Soviet soldiers' burial site in the village of Zubra, Lvov Oblast.

On the night of 15 March 2022, at Fontanka near Odessa, evil-doers destroyed a monument to NKVD soldiers who defended the city from Nazi invaders in 1941.

On 11 April 2022, a T-34 Soviet tank monument was dismantled in Mukachevo, Transcarpathian Oblast. On the same day, in the town of Stryi, Lvov Oblast, a stele to the Soviet soldier was destroyed with special equipment.

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<sup>2453</sup> The online environment as a tool for violations of rights and freedoms in Ukraine. Irina Berezhnaya Institute of Legal Policy and Social Protection. 2022.

On 14 April 2022, a monument to Soviet pilots was dismantled in Ternopol. The monument was made in the form of a MIG-17 aircraft and located at the entrance to the National Renaissance Park in the Vostochniy residential area.

On 16 April 2022, a monument to Hero of the Soviet Union partisan Nikolai Prikhodko was demolished with a tractor in the town of Zdolbunov, Rovno Oblast.

On 17 April 2022, militants from the *Kraken* armed formation demolished a monument to Soviet military leader Georgy Zhukov in Kharkov.

On 19 April 2022, in the town of Mukachevo, Transcarpathian Oblast, an obelisk of glory in honour of the soldiers fallen in the Great Patriotic War was dismantled in pursuance of an executive committee decision "On dismantling historical monuments and monumental art". According to local authorities, the remains will be reburied.

On the same day, a Soviet Soldier monument was demolished in the town of Kremenets, Ternopol Oblast.

On 21 April 2022, Ukrainian vandals destroyed a monument to Hero of the Soviet Union Zoya Kosmodemyanskaya in Chernigov. On the same day, the Red Army Soldiers in Battle sculpture was demolished in Chernovtsy, and the Eternal Flame memorial was dismantled in the park of Drogobych, Lvov Oblast.

On 29 April 2022, the monument on the grave of division commander Mikhail Bogomolov, a Civil War hero, was demolished in Rovno. Plaques with the names of Great Patriotic War heroes were destroyed in that city as well.

In May 2022, a campaign was launched in the town of Dnepr (Dnepropetrovsk) to destroy sites related to the Soviet past. The Zhukov Square stele on Victory Boulevard was among the first to be knocked down. A total of 13 monuments were demolished.

In the same month, a monument to Soviet pilots was demolished in Zaporozhye's Shevchenko Boulevard. It was a pedestal-mounted La-5 fighter that took part in the Great Patriotic War air battles.

On 4 May 2022, a monument to the legendary Soviet intelligence officer and Hero of the Soviet Union Nikolai Kuznetsov was demolished in Rovno. During the

war years, Kuznetsov personally eliminated 11 generals and high-ranking officials of the Nazi occupation administration.

On 5 May 2022, Zhitomir authorities removed a T-34 tank from the pedestal monument in honour of the Red Army soldiers on Victory Square.<sup>2454</sup>

On 8 May 2022, a monument to the Soviet child hero, partisan and recon operative Valya Kotik was demounted in the village of Dolgoye, Transcarpathian Oblast. On the same day, Uzhgorod authorities decided to demolish the Liberator Soldier monument.

On 9 May 2022, it became known that the Red Army Soldiers in Battle sculpture was destroyed by local authorities' decision in the city of Chernivtsi. Moreover, the Chernivtsi City Council commented on this desecration of memory with the words: "Soviet trash does not belong to our beautiful city!" And in the city of Rovno, the monument on the grave of Red Army division commander Mikhail Bogomolov was demolished. Both cases of monument destruction were covered in the stories of Ukrainian TV channels. Later on, a monument to the legendary Soviet intelligence officer, Hero of the Soviet Union Nikolai Kuznetsov was demolished in the same city.<sup>2455</sup>

On 13 May 2022, a Soviet soldier monument was demounted from the Eternal Flame memorial complex in the town of Chervonograd, Lvov Oblast.

On 18 May 2022, a monument to the Red Army soldiers who liberated that town from the Nazis was demolished in Pustomyty, Lvov Oblast.

On 19 May 2022, the Verkhovina village council, Lvov Oblast, decided to demolish monuments to the Red Army soldiers in the villages of Verkhovina, Iltsy, Verkhniy Yasenev and Krasnik.

On 20 May 2022, the Lvov regional administration initiated the demolition on its territory of all monuments to the Red Army soldiers who liberated the region from Nazi invaders.

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<sup>2454</sup> [https://lenta.ru/articles/2023/01/19/pamyatniki\\_ua/](https://lenta.ru/articles/2023/01/19/pamyatniki_ua/)

<sup>2455</sup> <https://tass.ru/obschestvo/14579273>

On 30 May 2022, works to dismantle three Soviet memorial sites began in Brovary's Victory Park, Kiev Oblast. The Soviet MiG-15 fighter, produced, among other places, in Ukraine, was one of these monuments.

In May 2022, a star was dismantled from the monument to Soviet soldiers in Svalyava, Transcarpathian Oblast. In Zaleshchiki, Ternopol Oblast, a monument to Soviet tank crewmen was destroyed. In the Zbarazh district, Ternopol Oblast, a monument to partisans led by the legendary Sidor Kovpak was demolished. In the village of Iltsy, Verkhovina district, Ivano-Frankovsk Oblast, a Soviet soldier monument was destroyed. The local authorities of Borislav, Lvov Oblast, decided to dismantle the Soviet soldier monument. In Rakhov, Transcarpathian Oblast, vandals doused red paint over a monument to Red Army soldiers. A few days later, the monument was demolished. In the city of Rovno, a monument to the Budyonniy cavalymen was destroyed. In the village of Yasenya, Transcarpathian Oblast, a Soviet soldier monument was also destroyed. In the village of Kapustiany, Khmelnytskyi Oblast, Nikolai Vatutin's bust was dismantled.

These processes are monitored in the Russian Federation. In May 2022, based on historical materials from the Central Archive of the Russian Ministry of Defence and its Directorate for Perpetuating the Memory of Those Who Perished in Defence of the Fatherland, a new historical section "Possessed by criminal unconsciousness" appeared on the Ministry's website.<sup>2456</sup> It tells about the battles fought for the cities of western Ukraine by the Red Army, and its soldiers who accomplished feats in these battles. The section also provides evidence of how the followers of Bandera and Nazi invaders, supported by authorities, have been barbarically destroying the historical memory of our peoples.<sup>2457</sup>

On 2 June 2022, a monument to the Soviet 52-K anti-aircraft gun that defended Odessa from Nazis during World War II and was installed in front of school No. 56 in Tenistaya Street, was demolished. Besides, in early June, a Vasiliy Chapayev monument was demolished and a Soviet order maquette was dismantled

<sup>2456</sup> <https://ukrainememory.mil.ru/>

<sup>2457</sup> <https://tass.ru/obschestvo/14579273>

in the village of Mazurovo, Krivoye Ozero community, Nikolaev Oblast. In Naroditskaya community, Zhitomir Oblast, Soviet symbols were removed from plaques featuring the names of Red Army soldiers. In Karlovka, Poltava Oblast, a mosaic featuring a hammer and sickle was knocked down. In Rovno, a bust of Soviet actress Gulya Korolyova, who served as combat medic during the Great Patriotic War, was dismantled. In Korsun, Cherkasy Oblast, commemorative plaques with the names of Heroes of the Soviet Union were dismantled.

On 3 June 2022, in the city of Krivoy Rog, Dnepropetrovsk Oblast, vandals glued a flyer glorifying Roman Shukhevich on top of a Nikolai Vatutin memorial plaque. Also, the street sign on Nikolai Vatutin Street was covered with a piece of paper saying "Roman Shukhevich Street".

On the same day, a monument to Red Army soldiers was dismantled in the city of Rovno.

In June 2022, a Soviet soldier monument was demolished in the town of Buzhsk, Lvov Oblast. In Chernovtsy, vandals doused red paint over the monument to the liberators of Bukovina from Nazi invaders calling this an "art installation." In the town of Glukhov, Sumy Oblast, Soviet symbols were removed from the Red Army memorial. In June, monuments to the Red Army soldiers who lost their lives liberating Ukraine from Nazis were also demolished in: Rava-Russkaya, Lvov Oblast; Berezhany, Ternopol Oblast; Torgovitsa, Transcarpathian Oblast, Zhdeneyevskaya community, Transcarpathian Oblast; Shumsk, Ternopol Oblast; Borislav, Lvov Oblast; Urezh, Lvov Oblast; Gukalevtsy, Ternopol Oblast; Rozhnyatov, Ivano-Frankovsk Oblast. Memorial plaques to Nikolai Gastello, Sidor Kovpak, Feodora Pushina, Pavel Rybalka and Ivan Sergiyenko were demounted in Kiev.

Near the Lvov Medical University, a plaque from the monument to military doctors who worked during the Great Patriotic War was demounted.

In the town of Kamenets-Podolskiy, Khmel'nitskiy Oblast, a Soviet T-34 tank was removed from a pedestal.

In Uzhgorod, the second memorial plaque to the Great Patriotic War participant and Hero of the Soviet Union Ivan Ankudinov was demounted.

In Kropivnytskiy (former Kirovograd) a Semyon Budyonniy commemorative plaque was removed.

In Privolnenskaya community, Volyn Oblast, a monument to NKVD officers was dismantled.

In the village of Podobna, Cherkasy Oblast, Nikolai Shchors' bust was demolished.

In the city of Rovno, the monument to Oleko Dundic, a First World War and the Russian Civil War participant (Croat by origin), was dismantled. Earlier, vandals damaged the monument by tearing off the sculpture's head. Later on, the remains of Oleko Dundic were removed from city center and reburied at the local cemetery.

On 10 August 2022, the Chernovtsy city council's executive committee decided to demount some of the Soviet monuments in city center, including the mass grave of Red Army generals and officers, the Warrior with a Machine Gun monument and the Guards Lieutenant Nikitin's T-34 tank, and to transfer them to Odesskaya Street.<sup>2458</sup>

On 19 August 2022, the Lvov city council decided to dig up and transfer the remains of Soviet soldiers who perished during the Great Patriotic War and were buried at the Marsovo Polye war memorial.

On 19 October 2022, after a failed demolition attempt, a monument to the Nikolaev Oblast police officers who lost their lives in the Great Patriotic War battles and in line of duty was blown up in Nikolaev.

On 3 November 2022, in Nikolaev, unidentified individuals blew up the Motherland obelisk in the Grieving Mother Park which is part of a mass grave memorial complex.

On 9 November 2022, the Ukraine to the Libersators monument was demolished in Uzhgorod. The monument was on the country's cultural heritage list.

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<sup>2458</sup> <https://ria.ru/20220810/pamyatniki-1808630229.html>

The monument in the form of a bronze figure of a soldier with a machine gun and a banner was erected in 1970 in honour of the 25th anniversary of Victory in the Great Patriotic War.<sup>2459</sup>

On 26 November 2022, it came to light that the T-34 tank monument, installed at the intersection of Svoboda and Proskurovskaya streets in Khmelnytskyi in 1967 to honour the military units that liberated the city from Nazi invaders, was dismantled. Mayor Aleksander Simchishin wrote in his social media account that this tank "is a unique historical exhibit and there are no similar artifacts in the world", so "it will be a museum exhibit that will remind everyone of the occupation past."<sup>2460</sup>

On 16 December 2022, a monument to young pioneer Volodya Dubinin, member of a partisan unit near Kerch during the Great Patriotic War, was demolished in Dnepr (Dnepropetrovsk).

On 25 December 2022, the monuments to Soviet generals of the Great Patriotic War Nikolai Vatutin and Alexey Zygin were daubed with red paint in Poltava. They were both killed in action on the territory of the Ukrainian SSR. In July 2023, the monument to Nikolai Vatutin was demolished. On 27 July 2023, Verkhovna Rada deputy (European Solidarity party) Irina Gerashchenko published images in her telegram channel of the General Vatutin monument already laid down on a truck platform together with the poet Alexander Pushkin demolished monument.<sup>2461</sup>

In January 2023, in the city of Dnepr (Dnepropetrovsk), the monument to Hero of the Soviet Union Alexander Matrosov was dismantled and the Soviet T-34 tank installed in honour of General Yefim Pushkin, defender of the city, was removed from the pedestal.<sup>2462</sup> Also demolished were a memorial sign to students and teachers who died during the Great Patriotic War in the city of Uman, Cherkasy Oblast, a monument to Zoya Kosmodemyanskaya in the city of Novovolynsk, Volyn

<sup>2459</sup> <https://www.mk.ru/social/2022/12/02/ot-pushkina-do-suvorova-skolko-pamyatnikov-uzhe-snesli-na-ukraine.html>

<sup>2460</sup> <https://ria.ru/20221126/pamyatnik-1834477083.html?in=t>

<sup>2461</sup> <https://easaily.com/ru/news/2023/07/27/derusifikaciya-na-ukraine-v-poltave-snesli-pamyatniki-pushkinu-i-vatutinu>

<sup>2462</sup> <https://www.svoboda.org/a/v-dnepre-snesli-pamyatnik-aleksandru-matrosovu-raboty-vucheticha/32207478.html>



Oblast, memorial plaques to Soviet soldier Vladimir Pachulia and Heroes of the Soviet Union Stepan Artamonov, Serafim Zemlyanov in Kolomyia, Ivano-Frankovsk Oblast, Marshal Georgy Zhukov memorial plaque in Izyum, Kharkov Oblast, bust of Hero of the Soviet Union Nikolai Gastello in the village of Trapovka, Odessa Oblast. At the Hill of Glory memorial in Uzhgorod, the image of a Soviet soldier was dismantled, and all the Soviet stars on concrete graves were plastered over. In the town of Mostiska, Lvov Oblast, it was decided to move the Soviet soldier cemetery from city center to the outskirts.<sup>2463</sup>

In February 2023, knocked down were: the bust of Hero of the Soviet Union General Nikolai Vatutin in the village of Getmanivka, Kharkov Oblast, monuments to Heroes of the Soviet Union Valery Chkalov and Nikolai F. Vatutin in Kiev, the Soviet star on the eternal flame in the center of Beregovo, Transcarpathian Oblast.

In March 2023, disposed of were: Soviet soldier bas-reliefs and monuments in Turka, Medenici, Strelki, Sulyatichi, Popovka and Opory (Lvov Oblast), Stanishovka (Kiev Oblast), Dolina (Ivano-Frankovsk Oblast), Turya Paseka, Turyi Remety and Turitsa (Transcarpathian Oblast), a stained glass window depicting Soviet soldiers in Uzhgorod, as well as the bust of Hero of the Soviet Union Vasiliy Sidorov in the city of Kostopol, Rovno Oblast.

In April 2023, dismantled or damaged were monuments to Soviet soldiers and officers who died during the Great Patriotic War in: Velyatino (Transcarpathian Oblast), Vladimir (Volyn Oblast), Voloscha, Malnov, Beregovoe, Krasnoe (Lvov Oblast), Nadvornaya (Ivano-Frankovsk Oblast). In the town of Podgaitsy, Ternopol Oblast, it was decided to exhume the bodies of Soviet soldiers in order to move the monuments to Hero of the Soviet Union Major Yakov N. Toporkov and Captain M.V. Zubkov.<sup>2464</sup> At the end of the same month, it became known about the demolition of two more monuments in honour of Soviet soldiers in the Mostiska community (Lvov Oblast) – a Soviet soldier monument, part of the memorial

<sup>2463</sup> <https://zahid.espreso.tv/u-mostiskakh-na-lvivshchini-kladovishche-radyanskikh-soldativ-perenesut-z-tsentr-mista>

<sup>2464</sup> <https://zahid.espreso.tv/na-ternopilshchini-eksgumuyut-tila-radyanskikh-soldativ-shchob-perenesti-pamyatnik>

complex, in the village of Malnov and a grieving woman figure at the Soviet soldiers cemetery in Mostiska.<sup>2465</sup>

In May 2023, monuments and memorial plaques that immortalized the feat of Soviet soldiers and people in the Great Patriotic War were demolished in Kharkov, Putivl (Sumy Oblast), Velikiy Khodachkov (Ternopol Oblast), in more than ten villages and cities of the Transcarpathian Oblast, as well as in two dozen settlements of the Lvov Oblast. In Svalyava, Yasinya and Dolgoe (Transcarpathian Oblast), it was decided to do away with memorial graves, exhume the remains of Red Army soldiers and transfer them to the cemetery.<sup>2466</sup>

On 8 May 2023, the Eternal Flame, once a symbol of eternal memory of the soldiers who lost their lives in the Great Patriotic War, was extinguished in Poltava.<sup>2467</sup>

On 14 June 2023, it became known about the demolition of monuments to heroes of the Great Patriotic War in the villages of Shchirets, Bolotnya and Velikoye Kolodno, Lvov Oblast. Two monuments were demounted in the villages of Selets and Tysmenichany, Ivano-Frankovsk Oblast. In two more villages of the region – Maidan and Pavlovka – references to the Great Patriotic War were completely erased from monuments. In each settlement of Velikiye Gai, Ternopil Oblast, and Velyatino, Transcarpathian Oblast, a monument was destroyed. Moreover, plans to demolish another monument with the reburial of Soviet soldiers killed in the Great Patriotic War were announced in the city of Rakhov, Transcarpathian Oblast.<sup>2468</sup>

On 21 June 2023, on the eve of the day of mourning the Nazi Germany attack on the Soviet Union, it became known about the destruction of monuments to Red Army soldiers in the villages of Zhukov, Remezovtsy and Polyany, Zolochiv district, Lvov Oblast.<sup>2469</sup>

On 23 June 2023, the Zoya Kosmodemyanskaya monument was demolished in Kiev; along with this, a message began to circulate on Ukrainian social networks

<sup>2465</sup> <https://sputnik.by/20230426/pamyatnik-sovetskomu-soldatu-snesli-na-zapade-ukrainy-1074853318.html>

<sup>2466</sup> [http://www.mukachevo.net/ua/news/view/5054113?fbclid=IwAR22xvNpaAgxkqk058hno22om8YS\\_wG5FKMoqgP\\_ulnGU1Fh0ewdAS\\_4v6s](http://www.mukachevo.net/ua/news/view/5054113?fbclid=IwAR22xvNpaAgxkqk058hno22om8YS_wG5FKMoqgP_ulnGU1Fh0ewdAS_4v6s)

<sup>2467</sup> <https://zmist.pl.ua/news/vichnyj-vogon-u-poltavi-zagasyly>

<sup>2468</sup> <https://iz.ru/1528472/2023-06-14/neskolko-pamiatnikov-geroiam-vov-snesli-na-zapadnoi-ukraine-za-sutki>

<sup>2469</sup> <https://iz.ru/1532770/2023-06-22/vo-lvovskoi-oblasti-za-sutki-demontirovali-tri-pamiatnika-sovetskim-soldatam>

that the time was ripe to demolish the monuments to writers Alexander Pushkin and Mikhail Bulgakov, Red Army division chief during the Civil War Nikolai A. Shchors, and Hero of the Soviet Union General Mikhail P. Kirponos.<sup>2470</sup>

Also, after an anniversary of the start of the Great Patriotic War, monuments in honour of Red Army soldiers were destroyed in Varyazh, Staroye Selo, Stenyatin, Peretoki and Chishki (Lvov Oblast), as well as in Ushomir (Zhitomir Oblast).<sup>2471</sup>

On 29 June 2023, two monuments to Red Army soldiers were destroyed in the villages of Kavskoye and Lisyatichi (Lvov Oblast). On this occasion, regional military administration chief Maxim Kozitskiy announced his intention to "make the Lvov Oblast completely free from the markers of Soviet propaganda".<sup>2472</sup>

In July 2023, about 30 monuments to Red Army soldiers were demolished in the Lvov Oblast alone. On 15 July, mayor of Lvov Andrey Sadovy announced the demolition of the Soviet liberator soldier monument in Vinniki.<sup>2473</sup> On 16 July, the monument to Red Army soldiers was demolished in the village of Podorozhny (Stryi district)<sup>2474</sup>. On 17 July, monuments were destroyed in the settlements of Buyanov, Lipovtsy, Lopushanka, Pomoryany,<sup>2475</sup> as well as in Zavodskoye and Podgaichiki.<sup>2476</sup> On 19 July, memorials to Red Army soldiers were destroyed in the settlements of Velikiy Lyuben, Gliniany, Kutische, Mikhailevichi and Palikorovy.<sup>2477</sup> On 20 July, monuments to Red Army soldiers in the settlements of Krinitza, Solonskoe and Fusov were destroyed.<sup>2478</sup> On 21 July, news appeared on the Internet about the demolition of monuments to Soviet soldiers in 9 more settlements in the region (Brody, Orekhovchik, Podkamen, Ponikovitsa, Rudniki, Semiginov, Skelevka, Sukhovolya and Yazlovchik).<sup>2479</sup> On 25 July, two monuments to Red

<sup>2470</sup> <https://iz.ru/1533611/2023-06-23/v-kieve-snesli-pamiatnik-zoe-kosmodemianskoi>

<sup>2471</sup> <https://iz.ru/1533362/2023-06-23/na-zapade-ukrainy-snesli-shest-pamiatnikov-sovetskim-soldatam-za-sutki>

<sup>2472</sup> <https://iz.ru/1536745/2023-06-29/vo-lvovskoi-oblasti-demontirovali-eshche-dva-sovetskikh-pamiatnika>

<sup>2473</sup> <https://iz.ru/1544699/2023-07-15/vo-lvovskoi-oblasti-demontirovali-pamiatnik-sovetskomu-voinu-osvoboditeliu>

<sup>2474</sup> <https://iz.ru/1544850/2023-07-16/vo-lvovskoi-oblasti-snesli-eshche-odin-sovetskii-pamiatnik>

<sup>2475</sup> <https://iz.ru/1546230/2023-07-19/chetyre-pamiatnika-sovetskim-soldatam-snesli-za-sutki-vo-lvovskoi-oblasti>

<sup>2476</sup> <https://iz.ru/1545688/2023-07-18/vo-lvovskoi-oblasti-za-sutki-snesli-dva-pamiatnika-sovetskim-soldatam>

<sup>2477</sup> <https://iz.ru/1546803/2023-07-20/vo-lvovskoi-oblasti-za-sutki-demontirovali-piat-pamiatnikov-sovetskim-soldatam>

<sup>2478</sup> <https://iz.ru/1547327/2023-07-21/tri-pamiatnika-sovetskim-soldatam-demontirovali-za-sutki-vo-lvovskoi-oblasti>

<sup>2479</sup> <https://iz.ru/1547881/2023-07-22/deviat-pamiatnikov-demontirovali-za-sutki-vo-lvovskoi-oblasti>

Army soldiers in the settlements of Pogortsy and Susolov (Lvov Oblast) were destroyed and taken away piece by piece.<sup>2480</sup>

The process of destroying monuments in honour of Soviet soldiers who liberated Ukraine from Nazism is very active in the Lvov Oblast. In July 2023, Deputy Head of the Lvov regional administration Andrey Godik reported that about 100 Soviet-era monuments had been dismantled in the region within six months as part of "decommunization".<sup>2481</sup>

In August 2023, the USSR coat of arms was removed from the shield of Motherland monument installed in 1981 on the territory of the Kiev's National Museum of History of the 1941-1945 Great Patriotic War. A Ukrainian trident was installed in its place.<sup>2482</sup>

Moreover, there is information about monuments to Red Army soldiers destroyed in the same month in the settlements of Zaborye, Oglyadov, Pavlov, Rechki, Staroye Selo, Mezhirechye and town of Chervonograd,<sup>2483</sup> Grushatichi and Mizhenets, Baluchin, Nizy, Domashev and Spas,<sup>2484</sup> Dolinyany and Ugry (Lvov Oblast only), as well as the Motherland monument in the settlement of Vorokhta (Ivano-Frankovsk Oblast).<sup>2485</sup>

On 29 August 2023, it became known that a monument erected in the Chernovtsi's Taras Shevchenko park to honour Heroes of the Soviet Union Major General Fyodor Bobrov and Colonel Lavrenty Voloshin, as well as other Red Army officers, was demolished by decision of the city authorities. The burials were removed. The decision to rebury the remains of Soviet military personnel and demolish the monument was made back in April 2023. According to mayor Roman Klichuk, this was the regional center's last Soviet monument.<sup>2486</sup>

<sup>2480</sup> <https://iz.ru/1549481/2023-07-25/vo-lvovskoi-oblasti-demontirovali-dva-pamiatnika-sovetskim-soldatam>

<sup>2481</sup> <https://www.ntv.ru/novosti/2777954/>

<sup>2482</sup> <https://ria.ru/20230806/ukraina-1888424397.html>

<sup>2483</sup> <https://iz.ru/1564574/2023-08-25/vo-lvovskoi-oblasti-snesli-piat-pamiatnikov-sovetskim-soldatam>

<sup>2484</sup> <https://iz.ru/1560197/2023-08-17/vo-lvovskoi-oblasti-demontirovali-dva-pamiatnika-sovetskim-soldatam>

<sup>2485</sup> <https://iz.ru/1554032/2023-08-03/na-zapade-ukrainy-demontirovali-eshche-tri-sovetskih-pamiatnika>

<sup>2486</sup> <https://ria.ru/20230829/pamyatnik-1893014729.html>

On 6 September 2023, information appeared about the destruction of monuments to Soviet soldiers in the settlements of Dobrosin, Velikiy Lyuben, Magerov and Koropuzh, Lvov Oblast.<sup>2487</sup>

On 26 October 2023, a monument to Soviet general, Hero of the Soviet Union Mikhail P. Kirponos who commanded the defence of Kiev from Nazi invaders in 1941, was dismounted in that city.<sup>2488</sup>

In early November 2023, the bodies of Soviet soldiers, partisans and underground fighters were exhumed in the village of Svalyava, Transcarpathian Oblast, as part of the destruction of the Monument to the Fallen Liberator Soldiers memorial complex.<sup>2489</sup>

On 9 and 14 November 2023, Right Sector of the Carpathian Oblast members demolished Soviet soldier monuments in the villages of Sredniy Berezov and Tekucha, Ivano-Frankovsk Oblast.<sup>2490</sup>

On 9 December 2023, a monument to Nikolai A. Shchors, commander of the Ukrainian Red Guard rebel formations, Red Army division chief during the Civil War, was demolished in Kiev.<sup>2491</sup>

On 14 December 2023, a 7-meter monument to Soviet soldiers who fought in the Great Patriotic War was dismantled in the village of Pererosl, Ivano-Frankovsk Oblast. It also contained the names of people who died in the fight against UPA nationalists.<sup>2492</sup>

On 16 December 2023, information was made public about the destruction of the monument in honour of the crew of Soviet armoured train "Tarashchanets" in the Darnitskiy district of Kiev. This monument was located at the burial site of the crew who defended Darnitsa railway junction from White Army soldiers during the Civil War. The first monument was erected back in 1939, but the Nazis destroyed it

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<sup>2487</sup> <https://life.ru/p/1605695>

<sup>2488</sup> <https://tass.ru/obschestvo/19126061>

<sup>2489</sup> <https://suspilne.media/uzhhorod/608543-u-svalavi-na-zakarpatti-eksgumuvali-restki-9-ti-radanskih-soldativ-ak-vidbuvaetsa-cej-proces/>

<sup>2490</sup> <https://suspilne.media/ivano-frankivsk/617459-ne-stalo-radanskogo-soldata-u-tekucij-na-frankivsini-demontuvali-pamatnik-radanskoi-dobi/>

<sup>2491</sup> <https://ria.ru/amp/20231209/schors-1914802631.html>

<sup>2492</sup> <https://suspilne.media/ivano-frankivsk/640144-u-seli-pererisl-na-frankivsini-demontuvali-7-metrovij-pamatnik-radanskim-soldatam/>

during the 1941-1943 occupation of Kiev. The new monument was erected in 1974.<sup>2493</sup>

On 29 December, 2023, it became known about the destruction of two monuments to Soviet soldiers in the villages of Zarechovo and Simerki, Perechyn city community, Uzhgorod district, Transcarpathian Oblast.<sup>2494</sup>

On 30 January 2024, Lvov regional military administration chief Maxim Kozitskiy reported on his Telegram account that local authorities destroyed all monuments to soldiers who fought against Nazism in that region, where 312 such structures were demolished in 2023 alone.

On 19 February 2024, information appeared about the planned dismantling of the monument to the Soviet soldier in the village of Golgocha, Ternopol Oblast.<sup>2495</sup>

At the same time, there are certain examples when residents of Ukrainian settlements refuse to demolish Soviet monuments. This happens most often in rural areas. Monuments are often erected there on mass graves where soldiers who died for this particular village are buried. Often among them are local conscripts mobilized in 1943-1944 and partisans. Their relatives still live in the same village. For example, a similar incident occurred in the village of Smykov on 12 December 2023, when equipment was brought into the village to demolish the monument to Red Army soldiers. But the village headman, whose father is buried there, did not allow this to be done, protecting the monument to Soviet soldiers with his body.<sup>2496</sup>

On 22 April 2023, residents of the village of Lisichevo, Transcarpathian Oblast, refused to demolish the monument to Soviet soldiers who perished during the Great Patriotic War. They declared that the monument was dedicated to their fallen fellow villagers, and not "an abstract Soviet soldier," therefore demolition of the monument devalued their feat during the war years and their very lives.<sup>2497</sup>

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<sup>2493</sup> <https://vz.ru/news/2023/12/16/1244642.html>

<sup>2494</sup> <https://vz.ru/news/2023/12/29/1246726.html>

<sup>2495</sup> <https://suspilne.media/ternopil/688178-u-gromadi-na-ternopilsini-demontuut-radanskij-pamatnik/>

<sup>2496</sup> <https://vz.ru/world/2023/12/14/1244233.html>

<sup>2497</sup> <https://iz.ru/1502674/2023-04-22/v-zakarpatskoi-oblasti-ukrainy-otkazalis-snosit-pamiatnik-sovetskim-soldatam>

There are also cases where, a monument was demolished long ago according to documents, but in fact it still stands. Among such examples are three monuments in the Chervonograd district of the Lvov Oblast.<sup>2498</sup>

Thus, on 1 December 2023, the media reported that residents of the villages of Kinashev and Zagorye-Kukolnitskoye, Ivano-Frankovsk Oblast, refused to dismantle monuments to Soviet soldiers. At a meeting villagers spoke out against demolition of the monuments. It was noted that the names of OUN and UPA victims were indicated on the monuments, but the inscription "Died at the hands of Ukrainian bourgeois nationalists" was daubed over.<sup>2499</sup>

The memorials to Red Army soldiers who fought Nazi and Ukrainian nationalists as well as the monuments to the representatives of the Russian culture and other outstanding figures of the Russian Empire were exposed to a blow of the Ukrainian radicals.

It should be noted that they did not start to fight against monuments in Ukraine after the coup of 2014 when the most acute, apart from the current one, and the most active stage of this "fight" began. As far as in 1990s, they got down to dismantling monuments to Vladimir Lenin. Within the first decade after the dissolution of the USSR, over 2,000 of such monuments were destroyed in Ukraine, and primarily in Western Ukraine. Later, at the cusp of 1990-2000s, over 600 monuments to Lenin were dismantled in its Western and Central regions and over 600 monuments between 2005 and 2008, in central regions of the country. The next wave of dismantlement between 2013 and 2014 started from the so-called Euromaidan activists' attack on the monument to Lenin in the Bessarabian square. A total of 552 monuments were destroyed.<sup>2500</sup>

A new wave of monument dismantlement followed the start, on 15 May 2015, by then-President Poroshenko of decommunisation, which provided for dismantling all communist-era monuments with the exception of monuments dedicated to the Great Patriotic War. In less than two years, on 16 January 2017, the Ukrainian

<sup>2498</sup> <https://vz.ru/world/2023/12/14/1244233.html>

<sup>2499</sup> <https://vz.ru/news/2023/12/1/1242248.html>

<sup>2500</sup> [https://riafan.ru/23789952-hronika\\_voini\\_s\\_pamyatnikami\\_na\\_ukraine](https://riafan.ru/23789952-hronika_voini_s_pamyatnikami_na_ukraine)

Institute of National Remembrance (UINR) announced the dismantlement of 1,320 monuments to Lenin.

Apart from the monument dismantlement, the Kiev-conducted decommunisation implied from the very beginning the renaming of settlements and streets as well as removal of memorial plaques and images connected with the Soviet past.

According to official data, within six years (between 2015 and 2021), 52,000 geographic names and 987 settlements were changed or renamed and over 2,500 Soviet-era monuments were dismantled.

Two regional centers received, *inter alia*, new names. Dnepropetrovsk turned into Dnepr, although surveys testified that 90 per cent of the city residents stood against renaming. Another "communist" regional center, Kirovograd, was named after play writer Mark Kropivnitskiy who "distinguished himself" by refusing to translate his works into Russian. In this case, the majority of the city residents, i.e. 70 per cent, stood against its renaming. The deputies of the opposition parties tried to dispute this decision but on 25 January 2021 the court refused to consider this complaint.<sup>2501</sup>

The geographic names more often change their titles to be called after Nazi collaborators and Holocaust participants as well as terrorists. Thus, in November 2019, The Kiev City Council renamed two streets to call them after Nazi accomplices, i.e. Ivan Pavlenko, commander of the 109th battalion of the SS auxiliary police, and Nil Khasevich, active OUN participant, organizer and participant of the mass murders of Jews, Ukrainians, Byelorussians, including women and children, in the cities of Belaya Tserkov, Vinnitsa, Zhitomir as well as on the territory of Belarus. Eduard Dolinskiy, head of the Ukrainian Jewish Committee, expressed his disdain over these blasphemous actions.<sup>2502</sup> At the end of October 2019, Kiev City Council also decided to rename a street to call it after Amina Okuyeva, sniper and spokeswoman of the "Dzhokhar Dudayev Battalion", an

<sup>2501</sup> <https://iz.ru/1118073/igor-karmazin/proshchai-lenin-kak-na-ukraine-zakonchilas-dekommunizatsiia>

<sup>2502</sup> <https://ukraina.ru/20230421/1045528163.html?ysclid=lmgnbybcmz65187943>



armed formation that fought in the Donbass on the side of Ukrainian security forces.<sup>2503</sup>

In February 2021, it was reported that the Kiev City Council filed an appeal against the ruling of the District Administrative Court of Kiev to revert the Kiev city government's decision to rename Moskovskiy Prospekt into Stepan Bandera Prospekt and General Vatutin Prospekt into Roman Shukhevich Prospekt.<sup>2504</sup> In April 2021, the Sixth Administrative Court of Appeal upheld the renaming.<sup>2505</sup>

Therefore, as far as in 2021, the Kiev Municipal authorities put efforts to rename some streets in the city to call them after Nazi accomplices. As it was mentioned above, the General Vatutin Prospekt was renamed to Roman Shukhevich Prospekt, Moskovskiy Prospekt to Stepan Bandera Prospekt, Druzhby Narodov Boulevard in Kiev to Boulevard of Nikolai Mikhnovskiy (one of the major Ukrainian nationalism ideologists, author of the chauvinistic slogan "Ukraine for Ukrainians!") and the street named after Marshall Malinovskiy received the name of the modern Ukrainian neo-Nazi militarized unit, i.e. the Heroes of the Azov Regiment.

In late May 2021, the UINR compiled a list of 26 sites in Kiev that had not been decommunised. It included the coat of arms of the USSR on the shield of the Mother Russia Monument, the equestrian monument to Nikolai Shchors on Shevchenko Boulevard, the sculptures of workers under the People's Friendship Arch and the bust of Lenin in the Teatralnaya metro station.<sup>2506</sup> As of December 2023, the sculpture of the workers had been dismantled; the USSR coat of arms on the shield of the Mother Russia Monument was replaced by the Ukrainian trident and the monument to Nikolai Shchors was removed.

By early 2022, more than 2,500 monuments were destroyed in Ukraine while over 900 settlements and about 50,000 streets changed their names.<sup>2507</sup>

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<sup>2503</sup> <https://vz.ru/news/2019/11/13/1008211.html>

<sup>2504</sup> <https://interfax.com.ua/news/general/722799.html>

<sup>2505</sup> <https://interfax.com.ua/news/general/739447.html>

<sup>2506</sup> <https://tass.ru/obschestvo/11504093>

<sup>2507</sup> <https://iz.ru/1502674/2023-04-22/v-zakarpatskoi-oblasti-ukrainy-otkazalis-snosit-pamiatnik-sovetskim-soldatam>

A new wave of renaming was launched by the Verkhovnaya Rada in 2022, when it began hearings of a draft law prohibiting all geographic names in Ukraine that were associated with Russia, its history and its outstanding citizens. On 29 December 2022, the UINR and the Culture Ministry reported that 7,652 names throughout Ukraine had been renamed over the past year within the framework of the derussification (decolonisation) campaign.<sup>2508</sup>

In Kiev only, the names of 237 streets, squares, prospects and boulevards were changed during 2022.<sup>2509</sup>

In early January 2023, the Ukrainian authorities continued their derussification campaign and introduced a corresponding draft law to Verkhovnaya Rada to legalize combatting with "hundreds of streets named after Pushkin" and to "minimize the influence of Russian narratives". It was announced on 4 January by Minister of Culture Aleksander Tkachenko. According to the document, the Ukrainian authorities will be allowed to promptly rename the streets bearing Russian names as well as remove monuments to Russian celebrities.<sup>2510</sup>

On 27 July 2023, this law, as adopted by the Verkhovnaya Rada on 21 March 2023 under the title "On Condemnation and Prohibition of Propaganda of Russian Imperial Policy in Ukraine and Decolonization of Toponymy", entered into force.

Within six months since that date, before 27 January 2024, public authorities and military administrations were to clean the public space from the "symbols of the Russian world", i.e. to dismantle monuments and memorial signs, rename streets and other sites. Failure to do this will lead to the transfer of their powers to the regional military administrations by 27 July 2024.

On 3 August 2023, the UINR published its first list consisting of 183 settlements to be renamed pursuant to the adopted legislation.

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<sup>2508</sup> <https://uinp.gov.ua/pres-centr/novyny/mkip-ta-uinp-pidbyly-pidsumky-za-rik-shchodo-podolannya-naslidkiv-rusyfikaciyi-y-totalitaryzmu>

<sup>2509</sup> <https://www.wsws.org/ru/articles/2023/03/14/monu-m14.html>

<sup>2510</sup> <https://iz.ru/1450760/2023-01-05/na-ukraine-reshili-uzakonit-derusifikaciiu-radi-borby-s-pushkinym>

According to the interim results of the "decolonization" published by certain Ukrainian regions in late January 2024, in the Poltava Oblast, 2,028 geographic sites had changed their names since 2022, and 772 more were waiting for renaming.<sup>2511</sup>

Activists note that the full-scale war conducted by the Ukrainian authorities against public symbols, memorials and names associated with Russia, October revolution, Soviet history and left ideology requires huge amounts of money. For example, Maxim Goldarb, head of the Union of Left Forces – For a New Socialism Ukrainian party, told that one plaque with a new street name for one building cost 1,000 hryvnias (equals to approximately 25 euro). Multiplied by tens (or sometimes hundreds) of houses on one street, the outcome price for only one street appears to be quite significant. Correspondingly, the price goes up taking into account tens of thousands of streets renamed throughout the country plus more than 1,000 renamed cities and villages. Besides, there are other components of the costs. For example, the need to replace documents, seals and stamps as well as entry plaques in all institutions and enterprises. New name plaques and signs on the roads, at the entry points to settlements and on the highways all over Ukraine are needed. In addition, many institutions located in a renamed settlement and everywhere beyond in the country are to be provided with new maps and atlases. The overall current name-changing and monument dismantlement campaign in the country as a whole has been worth of over 1 billion euro at a conservative estimate.<sup>2512</sup>

There are well known cases when residents and authorities in certain settlements stood against dismantling monuments and renaming streets associated with Russia or USSR. For example, in late February 2023, the authorities of the city of Kamenskiy, Dnepropetrovsk Oblast, the place of birth of General Secretary of the Communist Party of the Soviet Union Leonid Brezhnev, said that they refused to remove the monument installed in his honour. Referring to the lack of funds and complicated situation in the country, the authorities said that the issue of dismantling

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<sup>2511</sup> <https://poltava.to/project/8222/>

<sup>2512</sup> <https://www.wsws.org/ru/articles/2023/03/14/monu-m14.html>

of the bust of Brezhnev would be considered after the normalization of the situation.<sup>2513</sup> However, later, on 27 July 2023, the monument was dismantled.<sup>2514</sup>

According to deputy head of the agricultural cooperative society (the village of Letava, Khmelnytskyi Oblast) Cherniy, when Maidan started in Kiev, some strangers arrived to the village. They demanded to get rid of the Lenin Monument that was in the village center. Local residents used the crane to carefully dismantle the monument and bring it to the grain storage facility, and by 1 May, when everything settled down, they brought it back.<sup>2515</sup>

The sculptural images of political figures and religious symbols were not the only objects of Kiev's attacks. The monument to Vladimir the Great who converted Kievan Rus to Christianity was desecrated and damaged in Kiev, not far from Pochtovaya square, on 25 May 2014. The perpetrators were not found. In March 2017, the oldest sculptural monument to this personality erected in 1853 was also exposed to attacks in Kiev. Some strangers spilled red paint over the figure of Prince Vladimir.<sup>2516</sup>

A new trend in the battle against "the Russian past" in 2022 was a personal war against great Russian poet Alexander Pushkin, because Russian literature allegedly promoted imperial ideas and Pushkin himself in his poem "Poltava" gave a negative picture of hetman Ivan Mazepa, who betrayed Peter the Great and defected to the Swedes. By late 2022, about 30 monuments to the Russian poet were dismantled across Ukraine for 11 preceding months only.<sup>2517</sup> In certain cases, the situation got totally absurd. In the village of Pushkino, Transcarpathian Oblast, having destroyed the monument to the great poet, the local authorities got down to considering the renaming of the settlement.<sup>2518</sup>

On 3 February 2022, a monument to Russian military leader Alexander Suvorov was removed in Poltava. The alleged reason was the monument

<sup>2513</sup> <https://iz.ru/1476101/2023-02-27/na-ukraine-otkazalis-snesti-pamiatnik-brezhnevu>

<sup>2514</sup> <https://life.ru/p/1596481>

<sup>2515</sup> <https://vz.ru/world/2023/12/14/1244233.html>

<sup>2516</sup> <https://ria.ru/20220627/vandaly-1797851444.html>

<sup>2517</sup> [https://riafan.ru/23789952-hronika\\_voini\\_s\\_pamyatnikami\\_na\\_ukraine](https://riafan.ru/23789952-hronika_voini_s_pamyatnikami_na_ukraine)

<sup>2518</sup> <https://www.mk.ru/social/2022/12/02/ot-pushkina-do-suvorova-skolko-pamyatnikov-uzhe-snesli-na-ukraine.html>

being "not a historical, artistic, cultural, architectural, urban, scientific or technological landmark" and bearing "elements of Soviet propaganda".

Initially, the monument was erected in the Kiev Suvorov Military School (renamed as the Ivan Bogun Military High School in 1992). In January 2019, the monument was dismantled at the initiative of the school's director supported by Deputy Prime Minister Vyacheslav Kirilenko and Director of the UINR Vladimir Vyatrovich. The monument was later moved to the Poltava Museum of Long-Range and Strategic Aviation, a branch of the National Museum of Military History of Ukraine.

On 7 April 2022, a bust of Alexander Pushkin was dismantled in Mukachevo, Transcarpathian Oblast, and a memorial plaque was removed from the school named after the poet. The decision to do this was taken by the local authorities.

On 9 April 2022, a monument to Pushkin was dismantled in Ternopol. City mayor Sergei Nadal explained the decision by saying that "everything that is Russian must be dismantled, including this monument to the Russian poet".

On 10 April 2022, a monument to the Russian poet was dismantled in Uzhgorod by decision of the city authorities.

On 29 April 2022, a monument to writer Maxim Gorkiy was dismantled in the Central Park named after Nikolai Leontovich in Vinnitsa.

On 30 April 2022, the government of Cherkassy decided to burn the inscription on the reunification of Ukraine and Russia, which stayed for years on the monument to Bogdan Khmelnytskyi.

The same day, the 119th Territorial Defence Brigade destroyed a monument to Pushkin in Chernigov that had been standing there in one of the city parks for 121 years.

On 1 May 2022, it was reported that the monument to the Sumy hussars who did not please the Ukrainian radicals was destroyed in Sumy only because the hussars served in the Russian Imperial Army.

The same day, a Glory to Russian Weapons plaque was removed from a monument in Odessa that was unveiled in 1904. The plaque was on the gun that had been captured from a British warship during the Crimean War of 1853-1856.

On 7 May 2022, vandals overturned a Soviet-era monument to Komsomol members in Korosten, Zhitomir Oblast, which had been renamed as Monument to the 20th Century Young People of Korosten.

On 10 May 2022, a monument to Komsomol members (a young man and a young woman planting a tree) was dismantled in the Cathedral Square in Dnepr (former Dnepropetrovsk). The inscription on the monument said, "Legends will tell what we were like".

On 11 May 2022, in the Chernigov Oblast, it was decided to dismantle the Three Sisters monument that was unveiled at the junction of the Chernigov, Gomel and Bryansk Oblasts in August 1975 to commemorate friendship between Russia, Ukraine and Belarus. The monument was taken off the state register by order of the Ministry of Culture and Informational Policy of Ukraine as of 30 June 2023 to be released from any obstacles on the way to its dismantlement.

On 16 May 2022, a bust of Maxim Gorkiy was dismantled in the village of Leventsovka, Poltava Oblast. It was moved to the Soviet-era Park in Putivl. The Maxim Gorkiy Museum in Manuilovka was temporarily closed by decision of the executive committee of the Kozelshchina Town Council, Kremenchug District.

In mid-May 2022, it was reported that a monument to Maxim Gorkiy was also dismantled in Kegichevka, Kharkov Oblast. Besides, a monument to Russian Prince Alexander Nevskiy, which stood near an Orthodox Church named after this saint, revered in the Orthodox world, was removed in Kharkov.

On 19 May 2022, the authorities of Pereyaslavl, Kiev Oblast, decided to dismantle the monument to Ukraine's reunification with Russia.

On 21 May 2022, the monument to Pushkin was removed from its base in a garden park at the junction of Pushkinskaya and Naberezhnaya streets in Nikolaev.

In late May 2022, the school named after Gorkiy and Dnepropetrovskoye Highway were renamed in Aleksandriya, Kirovograd Oblast. The issue of

dismantling the bust of Gorkiy was also raised. A monument to the writer was also removed in the village of Golozubentsy, Khmelnytskyi Oblast. A bust of Soviet statesman Nikolai Podgorniy, who was born in the Poltava area, was dismantled in Karlovka, Poltava Oblast. A monument and memorial plaques to famous Soviet physician Nikolai Semashko were removed in Dnepr (Dnepropetrovsk).

In the same period, a number of memorial sites were vandalised. The vandals sprayed paint on a bust of Yevdokim Shcherbinin, head of the Sloboda Ukraine Governorate, in Kharkov. On 29 May, red paint was splashed on a monument to Alexander Suvorov in Izmail, Odessa Oblast.

The remaining monuments to the world communist leaders fell also prey to the war on the Russian and Soviet legacy in Ukraine. For example, in late May 2022, a bust of Karl Marx, whose classic works are still included in the curricula of many universities around the world, was dismantled in Khotin, Chernovtsy Oblast.

On 2 May 2022, members of the territorial defence unit demolished a monument to Pushkin in Chernigov.

On 18 May 2022, the main local tourist attraction, i.e. the monument to Maxim Gorkiy, was demolished in the village of Kegiuhevka, in the south of Kharkov Oblast.<sup>2519</sup>

On 3 June 2022, a memorial plaque to Leo Tolstoy was dismantled in Kiev.

In June 2022, the Khmelnytskyi Oblast Council decided to remove a monument to writer Nikolai Ostrovskiy in the village of Shepetovka.

On 29 June 2022, a monument to Nikolai Ostrovskiy was dismantled in the village of Boyarka, Kiev Oblast.

On 13 August 2022, an excavator was used to destroy and remove a monument to Maxim Gorkiy in Aleksandriya, Kirovograd Oblast.

On 15 August 2022, a memorial plaque to Russian writer Mikhail Bulgakov, who was born in Kiev, was removed from the front side of the building of Taras Shevchenko University in Kiev.

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<sup>2519</sup> [https://lenta.ru/articles/2023/01/19/pamyatniki\\_ua/](https://lenta.ru/articles/2023/01/19/pamyatniki_ua/)

On 11 October 2022, the oldest monument to Pushkin, which was unveiled in front of the building of the National Transport University in 1899, was dismantled.

On 30 October 2022, offensive inscriptions and calls to the city mayor Gennady Trukhanov for dismantling a monument to Empress Catherine II were made in Odessa. On 2 November 2022, offenders placed a red sack over the monument, a rope with a noose was woven around the sculpture's arm, and the pedestal was sprayed with red paint.

On 7 November 2022, unidentified vandals put a noose on a monument to Alexander Suvorov in Odessa. On 8 November 2022, the word "Next" in Ukrainian was put on the monument.

On 10 November 2022, sacks with sand were placed around the monument to Nikolai Gogol in Kharkov. The bust of Alexander Pushkin was dismantled in the Poetry Square in the city some time before that. It was also surrounded with sacks with sand first and then removed.<sup>2520</sup>

On 10 November 2022, some strangers put inscriptions all over sculpture of Alexander Pushkin standing on the similarly-named street in Odessa. The word "Out" in Ukrainian was put on all sides of the monument.<sup>2521</sup>

On 11 November 2022, a monument to Alexander Pushkin, which was unveiled in the late 19th century, was dismantled in the center of Zhitomir. Head of the city administration Sergei Sukhomlin said the monument could be moved to a museum or proposed to Russia in exchange for Ukrainian prisoners of war.<sup>2522</sup>

It was reported the same day that the busts of writer Maxim Gorkiy, scientist Dmitriy Mendeleev, poet Alexander Pushkin and scientist Mikhail Lomonosov were boarded up in Universitet metro station in Kiev (there were a total of eight busts of outstanding scientists and cultural figures installed on the pylons of the central hall of the station opened in 1960). The Kiev National University named after Taras Shevchenko is located nearby.<sup>2523</sup>

<sup>2520</sup> <https://ria.ru/20221110/pamyatnik-1830499944.html?in=t>

<sup>2521</sup> <https://ria.ru/20221110/pamyatnik-1830551444.html?in=t>

<sup>2522</sup> <https://radiosputnik.ria.ru/20221111/zhitomir-1830770172.html>

<sup>2523</sup> <https://ria.ru/20221111/kirov-1830880339.html>



On 13 November 2022, a bust of Maxim Gorkiy was dismantled in the Gorkiy Spa Resort in Odessa. The corresponding decision was taken by the Resort's administration.<sup>2524</sup>

On 17 November 2022, a monument to Alexander Pushkin was dismantled in Chernovtsy. The city administration posted this "novelty" in a tone of ridicule in its social media account as follows, "[d]id you know that there used to be two monuments to 'great Russian poet Pushkin' in Chernovtsy? There exactly used to be as far as one has been already dismantled. As for the second one, this is the matter of time".<sup>2525</sup>

On 18 November 2022, a monument to Pushkin was desecrated again in Odessa. A yellow sack was put on the head of the bronze statue and swathed in tape, the inscriptions were painted on the body, and the word "occupier" was put at the pedestal of the monument.<sup>2526</sup>

On 21 November 2022, a bust of Alexander Pushkin was demolished in Kremenchug. The local newspaper Kremenchugskaya Gazeta reported that the monument would be moved to a museum.<sup>2527</sup>

On 25 November 2022, inscriptions in black and white were made on the monument to Pushkin in the Berezovaya Garden Square in Poltava. Head of the Poltava City Council Alexander Mamai announced after a Council's meeting that the inscriptions would be washed off.<sup>2528</sup>

On 29 November 2022 in Nikolaev, a memorial plaque in honour of Alexander Pushkin was removed, as Yuriy Lyubarov, head of the Department for Culture and Cultural Heritage Protection of Nikolaev City Council, reported on his social network profile.<sup>2529</sup>

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<sup>2524</sup> <https://ria.ru/20221114/odessa-1831333092.html?in=t>

<sup>2525</sup> <https://ria.ru/20221117/pushkin-1832349833.html>

<sup>2526</sup> <https://radiosputnik.ria.ru/20221118/odessa-1832493489.html>

<sup>2527</sup> <https://ria.ru/20221121/kremenchug-1833034746.html>

<sup>2528</sup> <https://ria.ru/20221125/vandaly-1834261086.html>

<sup>2529</sup> <https://ria.ru/20221129/nikolaev-1834964507.html?in=t>

On 30 November 2022, the Odessa City Council decided to dismantle monuments to Empress Catherine II and Russian military commander Alexander Suvorov.<sup>2530</sup>

It is notable that a call for saving the monument to the Russian Empress Catherine II was made by proactive citizens of Italy. A petition for saving the monument was posted on change.org by its author, journalist Marco Baratto, who believed that the monument was to be saved. The journalist called Catherine II one of the most important women of the Age of Enlightenment and proposed moving this monument to Milan or Naples instead of dismantling it, as far as these cities harboured many followers of the culture of the Age of Enlightenment.<sup>2531</sup>

On 30 November 2022, a monument to Pushkin was dismantled in Ananyev, Odessa Oblast.<sup>2532</sup>

On 1 December 2022, a monument to Alexander Suvorov, which was designed in the beginning of 20th century to commemorate the 120th anniversary of the conquest of the fortress of Izmail by the Russian forces under the command of this great military chief, was dismantled in Izmail, Odessa Oblast, and moved from the central avenue to the Suvorov Museum.

The same day, a monument to Soviet writer Nikolai Ostrovskiy was dismantled in Shepetovka, Khmelnytskyi Oblast.

On 6 December 2022, when the Supreme Court of Ukraine ruled that the symbols of Waffen-SS Galicia Division were not Nazi symbols, Mayor of Dnepr (Dnepropetrovsk) Boris Filatov (famous for his "we'll hang them later" formula) announced the decision to dismantle monuments to Alexander Pushkin, Mikhail Lomonosov and Maxim Gorkiy.<sup>2533</sup>

On 10 December 2022, monuments to Alexander Pushkin and Alexander Suvorov were dismantled in Tulchin, Vinnitsa Oblast. They were planned to be sold as scrap metal for the proceeds to be sent to the Armed Forces of Ukraine.

<sup>2530</sup> <https://ria.ru/20221130/pamyatnik-1835241748.html>

<sup>2531</sup> [https://aif.ru/society/history/v\\_italii\\_prizvali\\_spasti\\_pamyatnik\\_ekaterine\\_ii\\_v\\_odesse](https://aif.ru/society/history/v_italii_prizvali_spasti_pamyatnik_ekaterine_ii_v_odesse)

<sup>2532</sup> <https://ria.ru/20221130/pushkin-1835220510.html?in=t>

<sup>2533</sup> <https://russian.rt.com/opinion/1083328-sokolov-sud-simvolika-ss-galichina>

In December 2022, there were regular cases of "fights" against monuments to Pushkin all over the country. On 23 December in Chernovtsy, the last monument to the poet was demolished in the city. The first one was destroyed as far as in November 2022.<sup>2534</sup> On 27 December in that city, the bust of Pushkin was removed from the front side of the building of Chernovtsy Music and Drama Theatre.<sup>2535</sup> On 30 December in Kramatorsk, the Monument to Pushkin located in the city park was dismantled. Nothing but the stand was left.<sup>2536</sup> On 31 December in Kiev, vandals sprayed paint over the Ukraine's biggest monument to the great poet in Pushkin Park in Shulyavka District. The sculptures were covered with inscriptions as follows, "dismantle it", "monument to cultural expansion" and "executioner".<sup>2537</sup>

On 29 December 2022, the monument to Suvorov and the Monument to the Founders of Odessa, also known as monument to Empress Catherine II of Russia and her companions was dismantled in Odessa.

In the night of 5 January 2023 in Nikolaev, the monument to Alexander Suvorov, installed in 2010 near the faculty of military training of Nikolaev National University named after Vasiliy Sukhomlinskiy on the occasion of the 280th birthday anniversary of the outstanding military commander, was demolished. The monument was decorated with a gilded cannon and cannonballs.<sup>2538</sup>

On 3 January 2023, busts of Alexander Suvorov in the village of Podvornoye, Chernovtsy Oblast, and in the village of Grushka, Khmelnytskyi Oblast, were demolished.

On 4 January 2023 in Kharkov, the monument to Nikolai Ostrovskiy was dismantled. Vandals put the word "executioner" in Ukrainian not long before its dismantlement.<sup>2539</sup>

On 5 January 2023 in Nikolaev, the monument to Alexander Suvorov was dismantled.<sup>2540</sup> Another five monuments to this great Russian military commander were demolished in January 2023 in Odessa Oblast.

<sup>2534</sup> <https://iz.ru/1445590/2022-12-23/v-ukrainskikh-chernovtcakh-snesli-poslednii-v-gorode-pamiatnik-pushkinu>

<sup>2535</sup> <https://iz.ru/1447322/2022-12-27/v-ukrainskikh-chernovtcakh-demontirovali-biust-pushkina-s-fasada-teatra>

<sup>2536</sup> <https://iz.ru/1449038/2022-12-30/biust-pushkina-demontirovali-v-kramatorske>

<sup>2537</sup> <https://iz.ru/1449426/2022-12-31/v-kieve-oskvernili-pamiatnik-pushkinu>

<sup>2538</sup> [https://lenta.ru/articles/2023/01/19/pamyatniki\\_ua/](https://lenta.ru/articles/2023/01/19/pamyatniki_ua/)

<sup>2539</sup> <https://www.rbc.ru/rbcfreenews/63b70ae99a79473217bfb961>

On 6 January 2023 in the city of Dnepr (Dnepropetrovsk), the monument to great Russian scientist Mikhail Lomonosov on the prospect of Dmitriy Yavornitskiy was dismantled.<sup>2541</sup>

On 11 January 2023, the monument to Alexander Suvorov in the village of Davydov, Kherson Oblast, was dismantled.

On 13 January 2023, the monument to Alexander Suvorov was dismantled in the village of Suvorovo, Odessa Oblast. The village itself was also renamed "based on the results of an electronic survey of residents".

On 16 January 2023, the bust of Alexander Pushkin near School No. 76 in Zaporozhye was demolished.<sup>2542</sup>

On 20 January 2023, the monument to Alexander Suvorov was dismantled in the village of Trapovka, Odessa Oblast.

On 24 January 2023, the monument to Alexander Suvorov was dismantled in the village of Oksamitnoe, Odessa Oblast.

On 25 January 2023, the monument to Alexander Suvorov was dismantled in the village of Lyubopol, Odessa Oblast.

On 14 February 2023, the last monument to Alexander Suvorov in Odessa Oblast was dismantled in the village of Petrovka, Belgorod-Dnestrovsky district.<sup>2543</sup> Another three monuments to the great military commander were demolished in February 2023 in Vinnitsa Oblast, and one in each of Chernovtsy, Khmelnytskyi, Kirovograd and Dnepropetrovsk Oblasts.

On 8 February 2023 in Kiev, the monument to pilot Valery Chkalov was dismantled.<sup>2544</sup>

On 17 February 2023, the monument to Alexander Pushkin was demolished in the village of Belenchenovka, Poltava Oblast.<sup>2545</sup>

On 24 February 2023 in Kiev, the memorial plaque in honour of Mikhail Lomonosov was removed from the wall of Kiev-Mogilyansk Academy.<sup>2546</sup>

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<sup>2540</sup> <https://tass.ru/mezhdunarodnaya-panorama/16746419>

<sup>2541</sup> [https://lenta.ru/articles/2023/01/19/pamyatniki\\_ua/](https://lenta.ru/articles/2023/01/19/pamyatniki_ua/)

<sup>2542</sup> <https://www.061.ua/news/3531409/v-zaporizzi-demontuvali-bust-puskinu-so-znahodivsa-na-teritorii-skoli>

<sup>2543</sup> <https://tass.ru/obschestvo/17047603>

<sup>2544</sup> <https://focus.ua/ukraine/549039-v-kieve-snesli-pamyatnik-sovetskomu-letchiku-chkalovu-foto-video>

<sup>2545</sup> <https://kolo.news/category/suspilstvo/34139>

On 1 March 2023 in the village of Vesely Podol, Poltava Oblast, the monument to outstanding Russian biologist and plant breeder Ivan Michurin was demolished.<sup>2547</sup>

In March 2023 in Kiev, the monument to cosmonaut Yuriy Gagarin was dismantled.<sup>2548</sup>

On 17 March 2023 in the village of Serednyaki, Poltava Oblast, the monument to Maxim Gorkiy was demolished upon the initiative of the local UINR office.<sup>2549</sup>

On 27 March 2023, a memorial plaque in honour of Alexander Suvorov was destroyed in Odessa.<sup>2550</sup>

On 29 March 2023, in the city of Kalush, Ivano-Frankovsk Oblast, the bust to Russian encyclopaedist scientist, who discovered the periodic law of chemical elements, Dmitriy Mendeleyev was demolished.<sup>2551</sup>

In May 2023, the monument to Alexander Pushkin was dismantled in the village of Olgopol, Vinnitsa Oblast.

On 8 May 2023 in Nikolaev, the monument to the city founder Prince Grigory Potemkin was dismantled.<sup>2552</sup>

On 16 May 2023 in Poltava Oblast, two busts of Maxim Gorkiy were dismantled.

On 25 May, 2023, a monument to the fighters for Soviet power was demolished in the village of Svyatylivka, Poltava Oblast. The demolition was initiated by the Poltava branch of the Ukrainian Institute of National Memory.<sup>2553</sup>

On 6 June 2023 the monument to Alexander Pushkin in the town of Zheltye Vody, Dnepropetrovsk Oblast, was demolished.<sup>2554</sup>

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<sup>2546</sup> <https://censor.net/ru/p3402147>

<sup>2547</sup> <https://kolo.news/category/suspilstvo/34229>

<sup>2548</sup> [https://tvomisto.tv/news/u\\_kyievi\\_demontuvaly\\_pamyatnyk\\_yuriyu\\_gagarinu\\_150691.html](https://tvomisto.tv/news/u_kyievi_demontuvaly_pamyatnyk_yuriyu_gagarinu_150691.html)

<sup>2549</sup> <https://web.archive.org/web/20230331164131/https://irt.pl.ua/news/29112/>

<sup>2550</sup> <https://dumskaya.net/news/v-odesse-demontirovali-memorialnuyu-dosku-suvoro-174206/ua/>

<sup>2551</sup> <https://kl.informator.ua/2023/03/30/u-kalushi-demontuvaly-pamyatnyk-mendelyeyevu/>

<sup>2552</sup> <https://www.ukrinform.ua/rubric-regions/3706328-u-mikolaevi-demontuvali-pamatnik-potomkinu.html>

<sup>2553</sup> <https://iz.ru/1518156/2023-05-25/v-poltavskoi-oblasti-demontirovali-pamiatnik-bortcam-za-sovetskuiu-vlast>

<sup>2554</sup> <https://dnipro.tv/news-dnipro/u-zhovtykh-vodakh-pryvitaly-pushkina-z-dnem-narodzhennia-ta-znesly-ioho-pamiatnyk>

On 8 June 2023 the monument to Alexander Pushkin in the town of Glukhov, Sumy Oblast, was demolished.<sup>2555</sup>

On 17 June 2023, in Vynogradov, Transcarpathian Oblast, a bust of the outstanding Soviet educator and writer Anton Makarenko, the author of the "Pedagogical Poem", who dealt with the problems of education in a collective, was demolished. He carried out the first experience in pedagogical practice of mass re-education of delinquent children.<sup>2556</sup>

On 19 June, 2023, a bust of the first Soviet cosmonaut Yuriy Gagarin was demolished in Kiev. The granite bust was installed in the courtyard of the Center for Technical Creativity and Vocational Guidance of School Youth of Darnitsa district in the late 1960s after Yuriy Gagarin's arrival in Kiev in April 1966.<sup>2557</sup>

On 26 June 2023 in the village of Verkhnyaya Manuylovka, Poltava Oblast, the monument to Maxim Gorkiy was dismantled. The Gorkiy Museum, which previously existed in the village, was repurposed. It was the last monument to the writer in the region. Earlier his monuments were dismantled in the town of Reshetilovka and the villages of Leventsovka, Kryachkovka, Zagrebelie and Serednyaki.<sup>2558</sup>

On 5 July, 2023, the image of the world-famous Russian composer Pyotr Tchaikovsky was dismantled from the facade of the music school in Uzhgorod.<sup>2559</sup>

On 27 July 2023, in Poltava the monument to Alexander Pushkin was dismantled.<sup>2560</sup>

On 17 August, 2023, the last monument to Alexander Pushkin in Poltava Oblast was demolished in Lubny.<sup>2561</sup>

On 20 August, 2023, a bust of Russian and Soviet biologist Iva Michurin was destroyed in Mikhnovtsy village, Lubenskiy district, Poltava Oblast.<sup>2562</sup>

<sup>2555</sup> <https://kourier.in.ua/8210-u-gluhov-demontovano-pamyatnik-ospushknu.html>

<sup>2556</sup> <https://iz.ru/1530513/2023-06-17/v-zakarpatskoi-oblasti-demontirovali-biust-sovetskogo-pedagoga-makarenko>

<sup>2557</sup> <https://iz.ru/1531503/2023-06-20/v-kieve-demontirovali-biust-iurii-gagarina>

<sup>2558</sup> <https://vesti.ua/poltava/v-poltavskoj-oblasti-demontirovali-poslednij-pamyatnik-maksimu-gorkomu>

<sup>2559</sup> <https://suspilne.media/522075-v-uzgorodi-demontuut-zobrazenna-rosijskogo-kompozitora-p-cajkovskogo-z-fasadu-uzgorodskoi-muzicnoi-skoli/>

<sup>2560</sup> <https://iz.ru/1550202/2023-07-27/v-poltave-demontirovali-pamiatniki-pushkinu-i-generalu-vatutinu>

<sup>2561</sup> <https://suspilne.media/554221-u-misti-na-poltavsini-demontuvali-ostannij-pamatnik-puskinu/>

On 11 September, 2023, in Cherkasy, a monument erected in Soborniy Park on the 60th anniversary of the October Revolution in honour of the workers of state security and law and order structures who had fallen on duty was demolished.<sup>2563</sup>

On 11 September 2023, the Poltava City Council announced its intention to destroy the monument established in memory of the exploits of the city residents under the leadership of the commandant of the Poltava fortress Colonel Alexei Kelin during the Battle of Poltava in 1709. This monument has been a visiting card of the city for many years.<sup>2564</sup>

On 14 September 2023, a memorial plaque to Alexander Pushkin on Hrushevskiy Street was dismantled in Kiev.

On 15 November 2023, the largest monument to the Russian poet in Ukraine was dismantled in Kiev near Ivan Bagryaniy Park (formerly Pushkin Park). The monument was established in 1962 and had the status of a monument of monumental art of national importance.<sup>2565</sup>

On 12 January 2024, the bas-relief to Alexander Pushkin, which was the last image of the poet in the city, was dismantled from the metro station "Pushkinskaya" in Kharkov.<sup>2566</sup>

Not all local authorities and residents agree with such actions. For example, in April 2022 Kharkov administration refused to support the public appeal to demolish the bust of Alexander Pushkin and move it to the city museum. The Kharkov Department of Culture reported that the monument was included in the State Register of Immovable Monuments of Ukraine as a monument of monumental art of national importance. At the same time, the director of the department Eduard Pavlenko emphasized that the issue of demolishing or simply moving the bust is not in his competence.<sup>2567</sup>

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<sup>2562</sup> <https://life.ru/p/1601746>

<sup>2563</sup> <https://ukraina.ru/20230911/1049316031.html>

<sup>2564</sup> <https://easaily.com/ru/news/2023/09/11/derusifikaciya-na-ukraine-v-poltave-snesut-pamyatnik-yavlyayushchiysya-simvolom-goroda>

<sup>2565</sup> <https://www.radiosvoboda.org/a/news-pushkin-kyiv-pamyatnyk-znesennia/32685719.html>

<sup>2566</sup> <https://iz.ru/1634015/2024-01-14/so-stancii-metro-v-kharkove-ubrali-eshche-odin-barelef-s-izobrazheniem-pushkina>

<sup>2567</sup> <https://iz.ru/1417509/2022-10-28/v-kharkove-otkazalis-demontirovat-biust-pushkina>

In the light of the special military operation carried out by the Russian Federation to denazify and demilitarize Ukraine, there is an increasing tendency in the Western media and NGOs to whitewash the Ukrainian neo-Nazis, who are presented as fighters for the freedom and independence of a "democratic" country, fighting the "aggression of a dictatorial regime".

American IT companies are providing noticeable assistance to Kiev. Simultaneously with these restrictions, the administration and moderators of YouTube do not object to dissemination of information by extremist organizations, first of all by the "Right Sector" and by the "Azov" nationalistic formation, banned in Russia (recognized as terrorist organizations). In fact, YouTube has become one of the key platforms to spread fakes about the special military operation in Ukraine and discredit the Russian Armed Forces.

Censorship is actively applied by Meta (recognized as extremist and banned in Russia), which owns the social networks Facebook and Twitter/X. At the same time, in the beginning of February – March 2022 the calls "to kill Russians", instructions on the ways of killings and making explosives, as well as other similar content, were actively distributed on these platforms. The moderators ignored user complaints about such explicit dissemination of hate ideology. At the same time, content from Russian media, public figures, as well as ordinary citizens, comprising the Russian position or simply objective viewpoints on the events in Ukraine, is deliberately blocked.

After the practice of applying double standards to Russian citizens was revealed through the publication of the company's internal correspondence, Meta tried to correct the situation. However, its statement only further reaffirmed its racist approach towards publications. In particular, it was announced that users would be allowed to call for the "death of the Russian occupiers."

After the change of ownership of the social network "Twitter" information began to appear in the public domain, indicating the active use of censorship by the former leadership to manipulate public opinion. New owner Elon Musk has taken a number of steps to increase the popularity of the platform and return credibility to it.



Among other things, internal Twitter documents are regularly published, which confirm that the social network not only blocked the accounts of individuals, but also for a long time carried out shadow blocking, when publications of unwanted users were simply not visible to anyone, up to the fact that they were not shown in search queries. Users themselves also did not receive information about the blocking – they saw that their accounts were not blocked, but the number of views of publications was minimal.

Nevertheless, many international Internet resources help to conceal from public attention materials testifying to the crimes of the Kiev regime. In December 2022, it became known that the English-language online encyclopedia site Wikipedia removed the English-language article about the Angel Alley memorial erected in Donetsk in memory of children killed by Ukrainian Armed Forces' shelling. There are still materials about the Angel Alley in Russian, Ukrainian and six other languages. However, the media noticed false information therein.<sup>2568</sup> In addition, the Ukrainian version of this article shifts the emphasis to the fact that these children died "during the invasion and occupation of Donetsk and Donetsk Oblast by Russia," and does not say a word about shelling by the AFU. Similar "inaccuracies" exist in other language versions.

Efforts to whitewash Ukrainian neo-Nazis are also recorded. In February 2023, Meta management removed the Ukrainian nationalist formation Azov from its list of dangerous organizations, thus giving this extremist structure the ability to openly run social media, including to promote violence and its criminal methods of warfare. Azov militants have never concealed and, even on the contrary, publicly emphasized their adherence to the ideas of neo-Nazism and hatred on national and ethnic grounds. Such actions of Meta are yet another confirmation of the fact that the "collective West" (and Meta, despite the global nature of its activities, strictly adheres to its policies, mainly in the face of the United States), contrary to the democratic values previously proclaimed by itself, uses misanthropic ideas in an attempt to ensure its dominance.

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<sup>2568</sup> [https://riafan.ru/23779823-angloyazichnuyu\\_versiyu\\_stat\\_i\\_ob\\_allee\\_angelov\\_v\\_donetske\\_udalili\\_s\\_vikipedii](https://riafan.ru/23779823-angloyazichnuyu_versiyu_stat_i_ob_allee_angelov_v_donetske_udalili_s_vikipedii)

It should also be noted that the Ukrainian authorities have previously been noticed in attempts to edit information publications on the Internet in order to conceal the true picture of what is happening in Ukraine, as well as in the Russian Crimea and later incorporated into Russia Kherson and Zaporozhye Oblasts, DNR and LNR. Thus, in April 2020 the Ukrainian Foreign Ministry announced the launch of a campaign to correct Wikipedia articles, in particular, about "Russian aggression", as well as about Crimea, the Donbass, integration with the European Union and NATO. Although the stated goal of Ukrainian diplomats was to fill the online encyclopedia with supposedly unbiased information about the country, in reality it has turned into a blatant attempt to make changes in the free information resource with the help of state agencies and distort the facts to suit the current political goals of Kiev and its Western handlers, justifying such actions with references to the "opinions of the people".<sup>2569</sup>

At the same time, there are publications even in the Western media that directly point to the Nazi essence of the right-wing radical structures in Ukraine<sup>2570</sup>, to which the image of "fighters for independence" is artificially created. Particular attention is drawn to the fact that prior to the special military operation of the Armed Forces of the Russian Federation, many Western media pointed out the Nazi component of radical Ukrainian formations and their glorification of Nazi collaborators Stepan Bandera and Roman Shukhevich. After February 2022, however, such a view is carefully withdrawn from Western public space. At the same time, the aforementioned articles rightly point out that the Russian leadership's explanation of the reasons for the special military operation largely coincides with what was previously published in objective articles by Western journalists, who acknowledged the presence of neo-Nazism in Ukraine.

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<sup>2569</sup> <https://russian.rt.com/ussr/article/740011-kiev-wikipediya-perepisat>, [https://news.rambler.ru/world/44072204/?utm\\_content=news\\_media&utm\\_medium=read\\_more&utm\\_source=copylink](https://news.rambler.ru/world/44072204/?utm_content=news_media&utm_medium=read_more&utm_source=copylink)

<sup>2570</sup> Examples include the following. A.Ripp. Ukraine's Nazi problem is real, even if Putin's "denazification" claim isn't. NBC News. 5 March 2022. [www.nbcnews.com/think/opinion/ukraine-has-nazi-problem-vladimir-putin-s-claim-war-ncna1290946](http://www.nbcnews.com/think/opinion/ukraine-has-nazi-problem-vladimir-putin-s-claim-war-ncna1290946); B.Marcetic. Whitewashing Nazis doesn't help Ukraine. Jacobin. 4 July 2022 <https://jacobin.com/2022/04/ukraine-russia-putin-azov-neo-nazis-western-media>; J. McCann. Protecting the Ukrainian Nazis. Standpoint Zero. 16 March 2022. <https://standpointzero.com/2022/03/16/protecting-the-ukrainian-nazis/>

Another vivid illustration of the collective efforts of the West to whitewash the crimes of the Kiev authorities is the report prepared by the NGO Amnesty International, which acknowledged the facts of war crimes by the AFU against civilians, in particular the use of civilians as "human shields." In fact, the international organization has shown the true nature of Kiev's use of terrorist tactics. To minimize the damage, Western countries organized a campaign to divert attention from this unseemly fact by presenting an almost united front. In response to the accusations made by the Kiev authorities, human rights activists apologized and organized a retest of the research, but they did not completely retract their words.

In addition, it should be noted that Ukrainian neo-Nazi groups are closely linked to right-wing radical and extremist groups in Europe and the United States (see the relevant sections of the report). There are connections between these structures. Nationalists from abroad regularly came to Ukraine, where they received training in Ukrainian nationalist formations and at Ukrainian military combat positions in the Donbass. The case of former American serviceman Craig Lang, who shot and killed a married couple after returning to the US, has been widely known since 2015 for his involvement in combat operations in Ukraine on the side of nationalist battalions.<sup>2571</sup>

Other information about the participation of Americans and Europeans in the military actions in the Donbass also appeared in the public space. For example, the news media company Buzz Feed News reported on more than 40 American citizens, and a September 2019 report published by the NGO Soufan Center, "White Supremacy Extremism: the transnational rise of the violent white supremacist movement" noted that at that time 3,879 foreigners had been trained during the hostilities in the Donbass. The participation of foreign fighters from European countries and the United States in the ranks of the Azov nationalist battalion

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<sup>2571</sup> Alarming Incidents of White Supremacy in the Military – How to Stop It? U.S. House of Representatives Subcommittee on Military Personnel (Committee on Armed Services) Hearing. 11 February 2020. Dr. Mark Pitcavage. Witness Statement. <https://docs.house.gov/meetings/AS/AS02/20200211/110495/HHRG-116-AS02-Wstate-PitcavageM-20200211.pdf>; <https://www.bbc.com/news/world-us-canada-49803732>, <https://strana.ua/news/230444-azov-i-neonatsisty-ssha-pochemu-v-konhresse-khotjat-priznat-polk-terroristami.html>

(recognized as a terrorist organization in the Russian Federation) is described in a detailed article about the neo-Nazi activities of the newspaper "Die Zeit."<sup>2572</sup>

The canonical Ukrainian Orthodox Church (UOC), that the Kiev government has been trying to uproot from the country's confessional environment for many years, got under the blow of the Russophobic manifestations.<sup>2573</sup> A large-scale information campaign has been launched against the clergy of the Ukrainian Orthodox Church aimed at discrediting its priests in the eyes of the flock and creating an image of them as "collaborators of the enemy". Slandorous rumours are spread about archpriests of parishes, numerous fake news are posted on social network (their negative role has already been mentioned before) saying the church hierarchs allegedly assist the Russian Armed Forces. On a daily basis, the Ukrainian police and the SBU accuse people of storing weapons, ammunition, and provisions for the "aggressor" in UOC churches. On the basis of such "arguments," Ukrainian politicians and officials call for the prohibition of the UOC and the deprivation of its property. Many cases of violent seizures of churches belonging to the canonical Church and their subsequent "transfer" to the schismatic structure created by the Kiev regime have been recorded. Thus, the monograph prepared with the assistance of the Russian Association for the Defence of Religious Freedom "Chronicle of the "Black Decade". Religious Persecution in Ukraine 2014-2023"<sup>2574</sup> with references to media publications noted that in the period from 2019 to 2021 about 500 parishes of the UOC were illegally re-registered in favour of the schismatic so-called Orthodox Church of Ukraine, and 144 churches were seized by its supporters. In April 2021, the former head of the State Committee for Nationalities and Religions of Ukraine, Yuriy Reshetnikov, said that the Ukrainian authorities ignore more than 1 million appeals of UOC believers.

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<sup>2572</sup> The Brown Internationale. Die Zeit. 10 February 2021 <https://www.zeit.de/gesellschaft/zeitgeschehen/2021-02/facism-international-right-wing-extremism-neo-nazis-english>

<sup>2573</sup> A separate report by the Russian Foreign Ministry on this topic, "On the Illegal Actions of the Kiev Regime against the Ukrainian Orthodox Church, its clergy and parishioners," was published in July 2023.

<sup>2574</sup> Melnikov S.A., P.V.Lebedev, V.A.Begdash. Chronicle of the "Black Decade". Religious Persecution in Ukraine 2014-2023. M., 2023. The monograph is available on the website of the Russian Association for the Defence of Religious Freedom: <https://religsvoboda.ru/content/doklad-rars-hronika-chernogo-desyatiletia-religioznye-goneniya-na-ukraine-2014-2023-g>

Some legislative steps have already been taken in this respect by the Kiev regime. Five bills directed against the UOC have been registered in the Verkhovnaya Rada of Ukraine. Bill No. 7204 of 22 March 2022, proposed by Oksana Savchuk, a representative of the nationalist Svoboda party, provides, in particular, for a direct ban on the activities of church structures affiliated with the Moscow Patriarchate in Ukraine and the nationalization of all their property. Those religious communities who wish to avoid restrictions will be provided 14 days for "changing their jurisdiction". Draft Law No. 7213 was put forward on 26 March 2022 by an inter-faction group of parliamentarians who are supporters of the schismatic OCU. It proposes the introduction of "a ban on the activities of religious organizations that are part of the structure (is part of) a religious organization (association) whose governing center (department) is outside of Ukraine in a state that is recognized by law as having carried out military aggression against Ukraine and/or temporarily occupied part of the territory of Ukraine".

On 23 November 2022, the European Solidarity Party introduced draft law No. 8221 "On ensuring the strengthening of national security in the sphere of freedom of conscience and activity of religious organizations." The text of the document states that any organization or community that positions itself as Orthodox must structure its activities in canonical and organizational matters "taking into account the Tomos" and be subordinate to the OCU. In other words, the schismatic structure is supposed to have the exclusive right to be called "Orthodox" and a de facto monopoly on Orthodox worship in the country.

On 5 December 2022, the Ukrainian parliament registered draft law No. 8262 "On Improving the Legal Regulation of Religious Organizations", which is paired with draft law No. 8221 and also directed against the UOC. It was co-sponsored by 24 deputies from the pro-presidential party Servant of the People and the European Solidarity Party. This document provides a significant simplification of the procedure for not only communities, but also dioceses and monasteries of the UOC to join the OCU and change their jurisdiction. It will now also be possible to register OCU congregations at the address of existing UOC congregations, in their churches,

monasteries, or other premises. In essence, there will be a legalization of raiding of canonical parishes by schismatics, which they have been seeking since 2019. In addition, the bill provides a basis for future decisions by the authorities to break lease agreements with religious organizations "linked to Russia", which will create (or rather, is already creating) conditions for the eviction of all monastic and ordinary UOC communities from premises that are in state and communal ownership.

On 19 January 2023, the Ukrainian government submitted to the Verkhovnaya Rada a bill No. 8371 "On Amendments to the Laws of Ukraine on the Activities of Religious Organizations in Ukraine", which prohibits in the country "the activities of religious organizations whose governing center (administration) is located in a state that is carrying out armed aggression against Ukraine". The document envisages a significant simplification of the procedure for legally banning the functioning of the Ukrainian Orthodox Church.<sup>2575</sup> On 19 October 2023 it was adopted by the deputies of the Verkhovnaya Rada in the first reading. Consideration of the bill in the second reading is expected to take place in the near future.

At the same time, in a number of cities and regions (Lvov, Chernovtsi, Konotop in Sumy region, Kiev, Zhitomir, Rovno, Khmelnytskyi, etc.) local authorities have already banned the activities of the UOC without waiting for the adoption of the law by the country's parliament.

At the same time, the State Service for Ethno-politics and Freedom of Conscience of Ukraine on 1 February 2023 published the results of the religious expert examination of the charter of the UOC. The document expectedly stated that there is an ecclesiastical and canonical connection between the UOC and the Russian Orthodox Church (ROC). According to the conclusion of this body, the current activity or inactivity of the highest bodies of church power and administration of the UOC indicates that the UOC continues to be in a relationship of subordination to the ROC. The UOC called these findings "gross manipulation

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<sup>2575</sup> <https://ria.ru/20221123/rpts-1833602560.html>

and an attempt to violate the right to freedom of religion,"<sup>2576</sup> and on 27 July 2023, representatives of the UOC filed a lawsuit to challenge the findings of the examination.

On 15 May 2023, the Kiev District Administrative Court ruled that the UOC has not severed its ties with the Russian Orthodox Church and is part of it, which could be grounds for banning the UOC if such a decision is upheld by higher courts. On 26 June 2023, the State Service for Ethno-Politics and Freedom of Conscience of Ukraine posted on its website a list of explanations that the UOC must provide to prove its separateness from the Russian Orthodox Church. However, experts note that any such explanations by the UOC will not lead to the fact that Ukrainian state structures will be ready to lift the restrictions imposed on the canonical church.<sup>2577</sup>

Another reason for persecution of the UOC was the issue of the use of the church calendar. In 2022-2023 in Ukraine, the issue of celebrating Orthodox holidays according to the New Julian or Gregorian calendar (New Style) was increasingly raised in the public space. Back in 2020-2021, the leader of the OCU, Metropolitan Epiphanius (Dumenko), advocated celebrating Christmas on 25 December with Europe, rather than 7 January, "with the Russian world." At that time, according to sociologists, the majority of Ukrainians did not support such a transition. So, in 2019, the Ukrainian sociological group "Rating" published information that only one in four (25 per cent) Ukrainians support the idea of moving the celebration of Christmas from 7 January to 25 December, while 64 per cent of citizens spoke out against.

Since 2022, the topic of the transition to the new style has become more and more often presented in the Ukrainian media space under the pretext of fighting the Russian world and distancing from the Russian Orthodox Church and has become another tool of information and ideological warfare. Representatives of the OCU called the old style, in particular, an instrument of subjugation of the Russian

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<sup>2576</sup> <https://tass.ru/info/17394971>

<sup>2577</sup> Melnikov S.A., P.V. Lebedev, V.A. Begdash. Chronicle of the "Black Decade". Religious Persecution in Ukraine 2014-2023. M., 2023. P. 199. The monograph is available on the website of the Russian Association for the Defence of Religious Freedom: <https://religsvoboda.ru/content/doklad-rars-hronika-chernogo-desyatiletiya-religioznye-goneniya-na-ukraine-2014-2023-g>

Orthodox Church, the style by which "Musicals" live, and the transition to the new style – "a blow to the Russian world".

The issue of the transition of churches to the new style began to be actively promoted by the authorities of the country, thus interfering in church affairs. In December 2022, a survey on when Ukrainians want to celebrate Christmas was carried out through the official application for public services "Diya".<sup>2578</sup>

On 28 June 2023, Zelenskiy introduced a bill to the Verkhovnaya Rada that would abolish the country's celebration of Christmas on 7 January, calling the Julian calendar a "Russian ideology." It finally came into force on 28 July 2023 after being signed by Zelenskiy, which legalized the "calendar reform". Chairman of the Synodal Information and Education Department of the UOC Metropolitan Kliment (Vecherya) said in connection with this innovation that the UOC will continue to celebrate Christmas on 7 January,<sup>2579</sup> and the decision to change the calendar is due to political, not ecclesiastical reasons.<sup>2580</sup>

Public statements by Ukrainian politicians confirm Kiev's Russophobic course and its deliberate actions that put canonical Orthodoxy in a discriminatory position. Thus, Mikhail Podolyak, advisor to the head of the Ukrainian president's office, said on 30 March 2023, that only the OCU should remain in Ukraine, and the UOC "will gradually leave for Russian cities." The secretary of the National Security and Defence Council, A. Danilov, made harsh statements against the UOC, calling the existence of the UOC in the country a "special operation of the Russian Federation", calling the actions of its priests irrelevant to the Lord God and welcoming the demolition of churches of this confession.<sup>2581</sup>

A notable role in the offensive against the UOC is assigned to organized groups of national radicals who raid churches and property of the canonical church. All this is accompanied by physical violence against its clergy and parishioners,

<sup>2578</sup> <https://spzh.news/ru/mysli-vsluh/70310-vlast-vkljuchilas-v-propahandu-novostilnoho-rozhdestva>

<sup>2579</sup> <https://spzh.news/ru/news/75145-upts-budet-i-dalshe-prazdnovat-rozhdestvo-7-janvaja>

<sup>2580</sup> <https://spzh.news/ru/news/75238-upravdelami-objasnil-pochemu-upts-ne-perekhodit-na-novyj-kalendar>

<sup>2581</sup> Melnikov S.A., P.V. Lebedev, V.A. Begdash. Chronicle of the "Black Decade". Religious Persecution in Ukraine 2014-2023. M., 2023. P. 199. The monograph is available on the website of the Russian Association for the Defence of Religious Freedom: <https://religsvoboda.ru/content/doklad-rars-hronika-chernogo-desyatiletiya-religioznye-goneniya-na-ukraine-2014-2023-g>



desecration of holy places and other illegal actions that go unpunished. The UOC parishes become targets of numerous marauders who justify their plundering by struggle against "occupants" and their "spiritual lackeys". Video footage of these actions is being circulated in Ukraine's social networks with a call to follow these examples.

On 3 February 2022, the management of the public historical and architectural conservancy site "Khotyn Fortress" refused to renew the agreement with the UOC community on the use of the local church which Orthodox believers had restored from ruins on their own, and closed it. These actions were the result of brutal pressure from Right Sector militants demanding that the temple be handed over to the OCU.

Multiple fakes about "priests-saboteurs" were spread on social networks. As a result, the UOC Kiev Metropolis was forced to refute the disinformation that law enforcement officers allegedly detained a priest in Kiev along with a certain 38-year-old man suspected of espionage. Disinformation was also spread that a group of saboteurs was allegedly discovered in the monastery of St. Mary Magdalene in Belaya Tserkov, two of whom were killed during detention.

Only in March 2022, several cases became known of kidnapping canonical church priests. On 9 March, Archimandrite Titus (Drachuk), rector of the Holy Trinity Monastery in the Ivano-Frankovsk diocese, and a novice monk disappeared. A few days later they were found in the Chernovtsy Oblast. It turned out that they were kidnapped, interrogated with violence, and then forbidden not only to perform services in the Ivano-Frankovsk Oblast, but also to live there under threat of death. On 16 March, the abbot of the church in the village of Ivanovka in Zhitomir Oblast, Archimandrite Lavr (Berezovskiy), was attacked. As of April 2024 his whereabouts are still unknown, it is highly likely that he was murdered. On the same day, a local priest, Father Gennady, was kidnapped in the village of Tomashovka, Fastovskiy district, Kiev Oblast. On 22 March, priest Sergei Tarasov was killed by SBU officers.<sup>2582</sup> He was previously charged with treason. On 28 March, during a service

<sup>2582</sup> [https://ruskline.ru/politnews/2022/08/04/sbu\\_ubila\\_svyawennika\\_sergiya\\_tarasova](https://ruskline.ru/politnews/2022/08/04/sbu_ubila_svyawennika_sergiya_tarasova)

in the Holy Protection Church in the city of Smela, Cherkassy Oblast, Hieromonk Vasiliy was abducted by armed men.

In March 2022, at least six cases of attacks on churches and clergy of the UOC were recorded in the Vinnitsa Oblast alone. On 6 March in Malye Krushlintsi, radicals broke into the church during a divine service, desecrated the altar, beat the priest and dragged him outside. On 12 March, in Lavrovka (Vinnytsa Oblast), OCU supporters tried to throw the priest and parishioners outside during a divine service, threatening with physical violence.

The police who arrived at the site closed and sealed the church. However, a few days later it was reopened, but for OCU supporters. On 13 March, in the village of Sosnovka, the schismatics forced the chairman of the parish council to open the church, allegedly to check for weapons. Then the village headman forcibly took away the keys to the church and handed them over to the OCU supporters. On the same day in Penkivka village radicals sawed off the locks and seized the premises of the local church. Church utensils and liturgical books belonging to the community were thrown through the window into the street. On 19 March, in Mizyakovskie Khutora village representatives of the so-called territorial defence blocked the passage to the church, did not let the priest and parishioners in, threatening them with death. On 20 March, the same persons seized the church in the neighbouring village of Pereorki. While in the village of Bolshiye Krushlintsy, local supporters tried to take away the keys to the church from the Orthodox priest, threatened to disrupt the church service and demanded to transfer to a schismatic organization.

On 3 April 2022, in Dolyna (Ivano-Frankovsk Oblast), the UOC church in honour of John the Baptist was closed after a search by law enforcement officers.

On 8 April 2022, the clergy and the faithful of the Ivano-Frankovsk diocese of the OCU published an appeal to the President of Ukraine in connection with the pressure and threats to which clergy and parishioners were subjected by the authorities and supporters of the UOC. The believers pointed out that on 4 April 2022 the mayor of Ivano-Frankovsk Ruslan Martsinkiv addressed the citizens with a statement about the allegedly "voluntary" change of church affiliation by the

religious community of the Cathedral of the Nativity of Christ and called on the citizens to "help the community to move to another church jurisdiction". The parishioners perceived this call for "help" as a crude pressure to force the religious community to change its subordination and a threat to seize the church by force if this was not done.

On 10 April 2022, representatives of the UOC together with armed men seized the Dormition Church of the OCU in the village of Mykhalcha, Chernovtsi Oblast.

On 14 April 2022, a group of armed men led by the "hierarch of the UOC" Alexander Drabinko forcibly seized the Church of the Dormition of the Blessed Virgin Mary in the village of Kruglik, Kiev Oblast. The attackers broke down the door and announced the "voluntary" transition of the OCU religious community to the jurisdiction of the UOC.

On 28 April 2022, the Trinity Church of the OCU in the village of Perenyatin in Rovno Oblast was seized. The building itself was sealed, radicals threatened to kill the priest. On 10 May, the local authorities handed over the church to the UOC.

At the beginning of May 2022, in the village of Perenyatin the head of Dubna military administration Vsevolod Pekarskiy gave the keys from the sealed OCU church to the supporters of the UOC. In the village of Palchy in the Volyn Oblast, "activists" cut the locks of the Church of the Intercession and handed it over to schismatics, and in the village of Ozero in the same region, parishioners of the OCU were "transferred" to the UOC while they were praying in the church.

On 21 May 2022, schismatics from the UOC with the support of the police and territorial defence forces seized the church in honour of the Nativity of the Blessed Virgin Mary in the village of Ivankov, Kiev Oblast, and the church in the village of Belashov, Rovno Oblast. The seizure was accompanied by clashes, which were provoked by supporters of the UOC.

On 26 May 2022, it became known about the forceful seizure of the church of the Apostle and Evangelist John the Theologian in the village of Fursy (Kiev Oblast). The supporters of the UOC committed physical violence against the rector

of the church Archpriest Andrey Mukha and parishioners of the OCU. The abbot of the church said that after it became known about the forthcoming provocations, the religious community of the church on behalf of the parish assembly officially appealed to the chairman of the territorial community, the Ministry of Internal Affairs and the Security Service of Ukraine with a demand to prevent illegal actions, seizure of property and interference in the affairs of the church community. However, the representatives of the authorities did not take any measures.

On 30 May 2022, supporters of the UOC, led by people in priestly vestments, attempted to seize the church in the name of the Holy Prince Alexander Nevskiy in the village of Tsarevka, Zhitomir Oblast. The clergy and parishioners were able to defend their church.

In addition to the use of violence and intimidation, radicals together with adherents of the UOC actively organize acts of vandalism and provocations against temples and priests of the canonical Church.

On 9 May 2022 in the village of Dorogostai, Rovno Oblast, unknown persons poured animal blood on the yard, fence, crosses and the church of Spyridon of Trimiphun.

On 22 May 2022, the rector of the Resurrection Church in Stryi, Lvov Oblast, Archpriest Vladimir Mandzyuk, was splashed with greenery in his face during the service.

On 23 May 2022, it became known that a crowd of aggressive supporters of the UOC, threatening parishioners and a priest of the OCU, arbitrarily changed the locks in the church in honour of St. Stephen the Archdeacon in the village of Chernyatin (Vinnitsa Oblast). The seizure began during a Sunday worship, which was performed by the community of the canonical church. First the schismatics interfered with the service, then began to manifest aggression, shouting slogans and threats. Then supporters of the UOC held a "vote" in favour of the transition to the new structure and arbitrarily closed the temple on their locks. None of the real parishioners of the temple took part in the voting.

On 29 May 2022, supporters of the UOC showed up in an organized manner at Sunday services at OCU parishes in Volyn, Lvov, Rovno, Zhitomir and Kiev oblasts to disrupt the prayer of Orthodox believers. During a service at the Vladimir church of the OCU in Lvov, several "activists" disrupted the service, humiliated and insulted the laity. Supporters of the UOC broke into St. Michael's Church in Ozhyshche, Volyn Oblast, also during the service and demanded to hand the church over to them. They acted aggressively and assaulted the believers.

The Church of St. Prince Vladimir in Lvov, which belongs to the OCU, was attacked by vandals several times in May 2022 alone. On 1 May, radicals tried to disrupt a church service; on 8 May, unknown persons poured foam on the door to the temple and painted the walls with offensive inscriptions. On 14 May, vandals tried to set the church on fire and desecrated its walls with inscriptions again. On 25 May, unidentified persons again covered the church with insulting inscriptions once more. On 28 May vandals again desecrated this church with offensive inscriptions and scribbling over the crosses.

In late May 2022, Metropolitan Onuphrius of Kiev, the Primate of the OCU, said that from February to May 2022 there were more than 40 cases of seizures of OCU churches in Ukraine. According to the head of the church, both Ukrainian officials and local government bodies were involved in the seizure of church property. About 50 religious communities of the OCU were forcibly transferred to the UOC<sup>2583</sup>.

On 14 June 2022, a group of unknown people attacked the house of Father Petr Monastyrskiy, rector of the Pokrovskiy Church of the OCU in the village of Novozhyvotov in Vinnitsa Oblast. The vandals threw stones at the priest's house, breaking the windows.

On the night of 19-20 June 2022, a fire broke out as a result of arson in the Lvov church of St. Equal-to-the-Apostles Prince Vladimir in the Lvov-Sikhov microdistrict.

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<sup>2583</sup> <https://lenta.ru/news/2022/05/27/upc/?ysclid=lmgpwakjrq743121602>

Since November 2022, the Ukrainian Security Service (SBU) has tightened the repression against the OCU to the maximum. It started "counterintelligence activities" in churches and monasteries belonging to it, while intimidating the believers. The media reported that the SBU conducted searches at 19 sites of the OCU in Zakarpatye, Chernovtsi, Rovno, Volyn, Nikolaev, Sumy, Lvov, Zhitomir Oblasts and the Kiev-controlled part of Kherson Oblast. In total, more than 100 organizations of the UOC were searched. In particular, searches took place in the Holy Protection Church and Holy Exaltation Cathedral in Uzhgorod, Holy Trinity Church in Lvov, Holy Basil Cathedral in the city of Ovruch in Zhitomir Oblast, Holy Dormition Monastery in Rovno district.<sup>2584</sup> Ukrainian security forces have repeatedly searched the territory of the Kiev-Pechersk Lavra.

In the course of such "measures", the special services interrogated clergymen and monks and searched for allegedly "subversive pro-Russian literature", including Easter messages from the Moscow Patriarch, which are sent to all dioceses of the Moscow Patriarchate.

Kiev's unleashed persecution of the OCU reached its pinnacle in early December 2022, when Vladimir Zelenskiy enacted the National Council of Security and Defence decision on restrictive measures and sanctions against the church, essentially formalizing its complete ban.

In mid-December 2022, official documents of the SBU Department of the Kherson Oblast published by the media confirmed that Ukrainian security forces had been intimidating OCU priests for several years after the 2014 coup. They threatened them with criminal articles and tried to instil their understanding of "patriotism". In particular, it is known about such "preventive measures" in St. Dukhov Cathedral and St. Catherine's Cathedral in Kherson in January and April 2016. Under the pretext of checking the vigilance of church staff, an SBU officer visited the temples and intimidated clergy, threatening to use articles of the Ukrainian Criminal Code that punish crimes against national security. He called his actions to intimidate the clergy "formation of responsibility for their actions". Along

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<sup>2584</sup> <https://rg.ru/2022/12/14/sbu-prishla-s-obyskom-v-pravoslavnye-hramy-v-deviati-oblastiah-ukrainy.html>

with this, he cited examples of "heroism" of a number of Kherson residents who participated in punitive operations in the Donbass in order to "instil a sense of patriotism" in the priests. To intimidate the clergy, the SBU officer told the clerics of the OCU about "the successes of the SBU in the Kherson Oblast in combating separatism and other anti-constitutional activities of certain groups and individuals". In addition, "for the purpose of reasonable assimilation of the material" he left packages mimicking explosive devices in St. Catherine's Cathedral and St. Dukhov Cathedral.<sup>2585</sup>

The number of forceful seizures of OCU churches increased for almost 20 times in 2022. In the report of the manager of the OCU Metropolitan Antonyi it is noted that in 2022 in Ukraine the number of raider seizures of OCU churches and illegal re-registration of its parishes increased many times. In particular, 129 such seizures of OCU churches were recorded, as well as 93 cases of preparation for forced change of subordination of OCU parishes, 74 decisions of local authorities to ban the activities of OCU religious organizations, 84 cases of re-registration of parishes by regional administrations, 31 transitions of parishes with rectors and 13 cases of transition without a rector, 10 acts of vandalism<sup>2586</sup>.

In 2023, the actions of schismatics to seize churches by force and destroy them continued. Including the seizure of the Church of the Apostles Peter and Paul in the village of Horov, Rovno Oblast, on 6 June 2023, the Assumption of the Blessed Virgin Mary in the village of Uladovka, Vinnitsa Oblast, on 20 June 2023, the Archangel Michael in the village of Belogorodka, Kiev Oblast, on 25 June 2023, the icon of the Mother of God "Neopalimaya Kupina" on 9 July 2023, and St. Paraskeva in the town of Neteshyn, Khmelnytskyi Oblast, on 27 July 2023.

On 21 August 2023, in the village of Khalyavyn in Chernigov Oblast due to arson almost completely burned down the Holy Trinity Church of the UOC. A canister with remains of gasoline was found at the scene.<sup>2587</sup>

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<sup>2585</sup> <https://rg.ru/2022/12/13/sbu-neskolko-let-vela-rabotu-protiv-ukrainskoj-pravoslavnoj-cerkvi-obnaruzheny-sekretnye-dokumenty.html>

<sup>2586</sup> <https://tass.ru/obschestvo/16691353?ysclid=lmgpw2342o357713255>

<sup>2587</sup> <https://iz.ru/1562132/2023-08-21/khram-kanonicheskoi-uprc-pochti-polnostiu-sgorel-pod-chernigovom-posle-podzhoga>

22 August 2023, Khmelnytskiy diocese of the UOC reported that activists of the OCU seized two temples of the canonical church in Khmelnytskiy Oblast – St. Nicholas Church in the village of Mytintsy and St. John the Theologian Church in the village of Volitsa. Even the will of the rectors and active parishioners – members of religious communities of the UOC to remain under the aegis the UOC failed to prevent the seizure of the church.<sup>2588</sup>

On 4 September 2023, police broke into the Holy Epiphaniy Nunnery in Ternopol Oblast. The reason behind this was the end of the term of the lease agreement. The regional authorities expectedly did not renew it and decided to close the monastery and evict the nuns.<sup>2589</sup>

In early January 2024, there was a forceful seizure of the Kazan Church of the UOC in the town of Ladyzhyn in Vinnitsa Oblast. During the seizure, raiders from among the followers of the OCU beat the priest and parishioners.<sup>2590</sup>

On the night of 10 January 2024, in the village of Lesniki in Kiev Oblast, perpetrators cut the locks and seized the Church of the Transfiguration of the Lord.

On 10 January 2024, supporters of the OCU seized the UOC Church in Honour of the Kazan Icon of the Mother of God in the village of Pishcha in Volyn Oblast. During the seizure, the raiders broke down the door of the ancient church, that had been built in 1801 – a monument of national importance.<sup>2591</sup>

On 14 January 2024, representatives of the OCU, with the assistance of the authorities, seized the Holy Protection Church of the UOC in the village of Chepelevka in Khmelnytskiy Oblast. Besides "athletic" men, the deputy of Khmelnytskiy district council A. Chernievich and deputies of Krasilov city council took part in this seizure.

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<sup>2588</sup> <https://iz.ru/1562558/2023-08-22/storonniki-ptcu-zakhvatili-dva-khrama-uptyc-v-khmelnitckoi-oblasti?ysclid=lmgpw5jtit524131723>

<sup>2589</sup> <https://www.1tv.ru/news/2023-09-04/460551->

[na\\_ukraine\\_politsiya\\_vorvalas\\_v\\_svyato\\_bogoyavlenskiy\\_zhenskiy\\_monastyr](https://t.me/stranaua/139396)

<sup>2590</sup> <https://t.me/stranaua/139396>

<sup>2591</sup> <https://spzh.media/ru/news/77932-v-sele-pishcha-na-volyni-storonniki-ptsu-zakhvatili-kazanskij-khram-uptyc>



On 22-23 January 2024, attempts to seize the church in honour of the Nativity of the Blessed Virgin Mary in the city of Kamne-Kashirskiy in Volyn Oblast were recorded. The UOC believers managed to defend it.<sup>2592</sup>

On 27 January 2024, after a church service in the UOC church in the village of Pecheskoye in Khmelnytskyi Oblast, local supporters of the OCU took possession of the church premises in the absence of police officers. They pushed the rector Archpriest Mykhailo Furman and Archpriest Vitaly Duntz, dean of Krasilov district, out of the church.

According to Ukrainian sources, between the time former Ukrainian President Poroshenko received the tomos of autocephaly from Patriarch Bartholomew of Constantinople and the end of 2023, more than 1.5 thousand congregations "moved" (i.e. were forcibly transferred) under the aegis OCU.<sup>2593</sup> At the same time, the mass appearance of new parishes in the PCU has led to a serious staff shortage in this structure, and its churches were not filled with parishioners.<sup>2594</sup>

Zelenskiy's regime does not stop its efforts to gain control over the country's main sanctuary, the UNESCO World Heritage Site of Kiev-Pechersk Lavra. In early 2023, the Ministry of Culture of Ukraine broke the lease agreement with the UOC for part of the Lavra's facilities. After that, the clergy of the canonical church were not allowed to enter these premises for the Christmas service. Instead of them, representatives of the OCU were demonstratively brought there.

Since March 2023, the monks have been under regular pressure from Ukrainian security forces. In early July 2023, the Ministry of Culture demanded that the monks vacate five buildings of the Lower Lavra, the territory of which is under the jurisdiction of the canonical UOC. In case of refusal, representatives of the Ministry threatened to replace the locks and seal the buildings. The following facts testify to the coordinated nature of such steps of the authorities.

<sup>2592</sup> <https://spzh.media/ru/news/78517-v-kamne-kashirskom-prikhozhane-upts-otstojali-svoj-khram-ot-zakhvata-rejderami>

<sup>2593</sup> <https://espreso.tv/skilki-gromad-uzhe-pokinulo-moskovskiy-patriarkhat-v-ukraini-karta-po-regionakh>

<sup>2594</sup> S. Melnikov, P. Lebedev, V. Begdash. The Black Decade Chronicle: Religious Persecutions in Ukraine 2014-2023. page 199, Moscow 2023. You can familiarize with this book on the website of Russian Religious Freedom Association: <https://religsvoboda.ru/content/doklad-rars-hronika-chernogo-desyatiletia-religioznye-goneniya-na-ukraine-2014-2023-g>

On 10 August 2023, the Economic Court of Kiev satisfied the claim of the National Kiev-Pechersk Historical and Cultural Reserve "to remove obstacles to the use of property", thus legalizing the eviction of the monks from their permanent residence.<sup>2595</sup>

On 11 August, the Lavra was surrounded by Ukrainian security forces, blocking the entrance for believers and pilgrims, and a commission of the Ministry of Culture sealed several buildings. Two days earlier, on 9 August, the representatives of the Lavra were denied a counterclaim against the reserve to recognize the unilateral termination of the agreement on the use of the monastery as illegal.<sup>2596</sup>

On 12 September 2023, the Ministry of Culture of Ukraine announced that it had transferred to the control of the authorities 13 objects out of about 40 full-fledged structures on the territory of the monastery.<sup>2597</sup>

The Kiev regime is also capturing another major monastery of the UOC – the Holy Dormition Pochaev Lavra.

In May 2023, the Ternopol Oblast's Prosecutor's Office opened a criminal case on the mismanagement of the lands of the Holy Dormition Pochaev Lavra, and the Ministry of Culture sent a departmental commission there. The pretext was that the monks allegedly used a plot of land of more than one thousand square meters without permission, and removed the top layer of the agricultural land. The Ukrainian authorities did not hide their invasive intentions. In March 2023, head of the Ternopol Regional Council Mikhail Golovko said he intended to demand the termination of the agreement with the UOC on the use of the land by the monastery. The 50-year lease agreement was concluded in 2003. A far-fetched accusation that the canonical church had violated its contractual obligations could be used as a pretext for this. The actions of the representatives of the Ukrainian authorities

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<sup>2595</sup> <https://ria.ru/amp/20230810/lavra-1889366070.html>

<sup>2596</sup> <https://360tv.ru/news/obschestvo/vlasti-ukrainy-lishat-monahov-dostupa-k-korpusam-kievo-pecherskoj-lavry/>,  
<https://iz.ru/1557646/elena-vasileva/opechatnoe-slovo-v-kieve-nachalsia-silovoi-zakhvat-lavry>

<sup>2597</sup> <https://www.ukrinform.ua/rubric-kyiv/3760404-u-niznij-lavri-pid-kontrol-zapovidnika-povernuli-vze-13-obektiv.html>

confirm this attitude. In addition to the state, the schismatic OCU and the Ukrainian Greek Catholic Church (UGCC) also claimed to the Pochaev Lavra.<sup>2598</sup>

On 19 August 2023, the authorities of the Ternopol Oblast allegedly "for security reasons" banned the procession to Pochaev Lavra in honour of the Feast of the Dormition of the Virgin Mary. The procession was blocked in three oblasts: Ternopol, Khmelnytskyi and Rivne. At the place of gathering of believers in the cathedral in Kamenets-Podolskyi in Khmelnytskyi Oblast, parishioners and clergy were faced with police. The law enforcers also tried to serve summonses to men of conscription age.<sup>2599</sup>

The Kiev regime has unleashed criminal persecution of UOC priests, while cynically claiming that there is allegedly no religious persecution in the country, and all that the state requires from the canonical UOC is to cut ties with Russia.

On 21 December 2022, the head of the SBU, Vasiliy Malyuk, said in an interview published on the Ukrainian TV channel 1+1's YouTube channel that the service had opened 50 criminal cases against UOC priests. He particularly emphasized the need to "weed out all this hostile environment of moles in cassocks".<sup>2600</sup> The defendants in these criminal cases are 55 clergymen of the UOC, including 14 bishops<sup>2601</sup>.

Amid efforts to seize the Kiev-Pechersk Lavra, its vicar, Metropolitan Pavel of Vyshgorod and Chernobyl, was charged with "denial of aggression by Russia. In mid-July 2023, he was placed in a detention center and released on 7 August 2023, after posting bail (almost \$1 million, which was raised with the involvement of more than a thousand people).<sup>2602</sup> The criminal case against the Metropolitan is still open.

Repressions against other hierarchs and clerics of the UOC also began. Metropolitan Theodosius (Snegirev) of Cherkasy, Metropolitan Ioasaph (Guben), former Metropolitan of Kirovograd and Novomirgorod and now Metropolitan of Vasylkov, Metropolitan Jonathan (Eletsikh) of Tulchyn and Bratslav, Pavel

<sup>2598</sup> <https://360tv.ru/news/obschestvo/vlasti-ukrainy-natselilis-na-zahvat-pochaevskoj-lavry-smi/>

<sup>2599</sup> [https://www.1tv.ru/news/2023-08-19/459560-](https://www.1tv.ru/news/2023-08-19/459560-vlasti-ternopolskoy-hmelnitskoy-i-rovenskoy-oblastey-zapretili-krestnyy-hod-k-pochaevskoy-lavre)

[vlasti-ternopolskoy-hmelnitskoy-i-rovenskoy-oblastey-zapretili-krestnyy-hod-k-pochaevskoy-lavre](https://www.1tv.ru/news/2023-08-19/459560-vlasti-ternopolskoy-hmelnitskoy-i-rovenskoy-oblastey-zapretili-krestnyy-hod-k-pochaevskoy-lavre)

<sup>2600</sup> <https://iz.ru/1444393/2022-12-21/na-ukraine-zavedeno-50-ugolovnykh-del-protiv-sviashchennikov-uprc>

<sup>2601</sup> <https://tass.ru/obschestvo/18462289?ysclid=imgs853axa989219718>

<sup>2602</sup> [https://risu.us/ru/vosstanavlivaetsya-posle-operacii-advokat-o-sostoyanii-mitropolita-pavla-lebedya\\_n141809](https://risu.us/ru/vosstanavlivaetsya-posle-operacii-advokat-o-sostoyanii-mitropolita-pavla-lebedya_n141809)

(Lebed) of Vyshgorod, and others were subjected to criminal prosecution on charges of "inciting religious hatred" starting from 2022.

The first sentence was handed down in May 2023. The Leninskiy District Court of Kirovohrad sentenced Metropolitan Ioasaph (Gubanya) and the secretary of the diocese Roman Kondratyuk to three years. The priests were found guilty of "inciting religious discord".<sup>2603</sup>

On 7 July 2023, the SBU detained Archpriest Viktor Talko, a cleric of the UOC, rector of the Church of St. Michael the Archangel in Borodyanka, Kiev Oblast, on suspicion of helping to evacuate residents of the region to Belarus. Criminal proceedings have been launched against him on suspicion of "collaborationist activity". The priest faces up to 5 years in prison.<sup>2604</sup>

On 7 August 2023, the head of the Tulchyn diocese of the UOC, Metropolitan Ionafan (Yeletsikh), was sentenced to five years in prison "for publicly justifying the armed aggression against Ukraine". On 11 August, the Vinnytsia prosecutor's office said that it would appeal against the court ruling in his case. Ukrainian prosecutors were displeased with the fact that instead of six years, the hierarch was sentenced to five years in prison.<sup>2605</sup>

In September 2023, a case was brought to court against Metropolitan Longin, the rector of the Ascension Banchen Monastery (UOC), in connection with the initiation of a criminal case against him under Article 161 of the Criminal Code of Ukraine (incitement of interreligious hatred)<sup>2606</sup> because of his "disparaging" statements against the schismatic OCU. Metropolitan Longin is the founder and head of the orphanage at the monastery in the village of Molnitsa in Chernovtsi Oblast, where more than 400 orphans are under his care. For his many years of charitable work the clergyman was awarded the title of Hero of Ukraine in 2008. On 22 January 2024, he was beaten in his own home.<sup>2607</sup>

<sup>2603</sup> <https://360tv.ru/news/mir/mitropolitu-upts-dali-tri-goda-tjurmy-na-ukraine/>

<sup>2604</sup> <https://rusk.ru/newsdata.php?idar=116887>

<sup>2605</sup> <https://tass.ru/obschestvo/18462289?ysclid=lmgs853axa989219718>, <https://iz.ru/1557646/elena-vasileva/opechatnoe-slovo-v-kieve-nachalsia-silovoi-zakhvat-lavry>

<sup>2606</sup> <https://news.church.ua/2023/05/22/proti-mitropolita-banchenskogo-longina-yakij-usinoviv-ponad-400-ditej-ta-jegerojem-ukrajini-policiya-vidkrila-spravu-ta-viklikaje-na-dopit-video/#2023-10-04>

<sup>2607</sup> <https://radonezh.ru/2024/02/06/na-ukraine-neizvestnye-izbili-mitropolita-banchenskogo-longina>

On 12 January 2024, the SBU charged Metropolitan Vasiliy (Povoroznyuk) of Lugansk and Alchevsk of the UOC in absentia with the charge that the hierarch "was present in the Kremlin at the ceremony of signing agreements on the admission of the Donetsk and Lugansk People's Republics, Zaporozhye and Kherson oblasts to Russia".<sup>2608</sup>

On 13 February 2024, a court in Dnepropetrovsk Oblast sentenced the rector of the church of the local diocese of the UOC to five years in prison in a case of justification of Russian aggression.<sup>2609</sup>

In February 2024, the Archdeacon of the Kiev-Pechersk Lavra Pavlo (Muzychuk) was persecuted, accused of justifying "the armed aggression of the Russian Federation against Ukraine" and imprisoned in a pre-trial detention center. The Solomenskiy District Court of Kiev released him on bail in the amount of 121,000 hryvnias, with the mandatory wearing of an electronic bracelet. Archdeacon Pavel is known as an active defender of canonical Orthodox faith in Ukraine, opposing the illegal deprivation of the rights of believers to use the temples of the Kiev-Pechersk Lavra and the eviction of monks from the monastery.<sup>2610</sup>

On 12 April 2024, the SBU conducted searches and reported the deputy chairman of the Synodal Department for External Church Relations of the UOC Archpriest Nikolai Danilevich as a suspect, accusing him of "justifying Russia's armed aggression" because he allegedly called to pray for Russians.<sup>2611</sup>

On 24 April 2024, the SBU reported suspicion and arrested Metropolitan Arseniy (Yakovenko), the rector of the Sviatogorsk Lavra of the UOC, for two months without bail, who allegedly gave the addresses of Ukrainian troops' roadblocks to the parishioners during the liturgy.<sup>2612</sup>

On 1 May 2024, the SBU searched Metropolitan of the UOC of Zaporozhye and Melitopol Luka (Kovalenko). The issue of selecting a preventive measure is

<sup>2608</sup> <https://informator.ua/uk/sbu-ogolosila-pro-pidozru-mitropolitu-upc-mp-yakiy-blagosloviv-priyednannya-luganska-do-rf>

<sup>2609</sup> <https://www.currenttime.tv/a/prigovor-svyashenniku-upz-mp/32817825.html>

<sup>2610</sup> Report of the Humanitarian and Economic Cooperation Fund "On Persecution of Dissidents and Political Repressions in Ukraine (December 2023 – February 2024)

<sup>2611</sup> [https://risu.ua/ru/sbu-soobshchila-o-podozrenii-protiireyu-upc-mp-nikolayu-danilevichu\\_n147559](https://risu.ua/ru/sbu-soobshchila-o-podozrenii-protiireyu-upc-mp-nikolayu-danilevichu_n147559)

<sup>2612</sup> [https://risu.ua/ru/sbu-soobshchila-o-podozrenii-mitropolitu-svyatogorskoj-lavry-vydal-vragu-pozicii-vsu\\_n147798](https://risu.ua/ru/sbu-soobshchila-o-podozrenii-mitropolitu-svyatogorskoj-lavry-vydal-vragu-pozicii-vsu_n147798)

being decided. He is suspected of "inciting religious hatred. Allegedly in his phone found messages with prayers for Moscow."<sup>2613</sup>

In total, according to the SBU, from February 2022 to December 2023, more than 70 criminal cases against clergymen of the UOC, 16 of whom are metropolitans, 26 hierarchs and clerics were charged, 19 of them were convicted.<sup>2614</sup>

In April 2024, the mass media quoted the head of the Security Service of Ukraine (SBU), Vasiliy Malyuk, as saying that 23 priests of the Ukrainian Orthodox Church were convicted, 37 clergymen were suspected, and criminal proceedings were launched against more than 80 ministers of the canonical church. According to Malyuk, the religious figures are mainly accused of such crimes as inciting inter-religious discord and treason.<sup>2615</sup>

Citizenship of Ukraine was stripped from 19 hierarchs of the Ukrainian Orthodox Church, which is prohibited by the country's constitution. Among them are Metropolitans Ionafan of Tulchyn and Bratslav (Yeletsikh), Meletii of Chernovtsi and Bukovyna (Egorenko), Irinei of Dnepropetrovsk and Pavlograd (Seredniy), Metropolitan Arseniy (Yakovenko), Metropolitan of Svyatogorsk, Metropolitan Mark (Petrovtsev), Metropolitan of Khust and Vinogradov, Archbishops Panteleimon (Bashchuk) of Buchansk and Viktor (Bykov) of Artsyzsk, and others. On 11 April 2023, the website of Vladimir Zelenskiy's office published a petition demanding that Metropolitan Onufry, the Primate of the UOC, be stripped of his Ukrainian citizenship.

On 21 January 2023, the National Security and Defence Council imposed sanctions against two dozen Russian religious figures.

In 2023, a new tactic of Ukrainian law enforcement agencies against believers of the canonical church was recorded. On 1 August, in the town of Horodenka, Ivano-Frankovsk Oblast, for the first time police dispersed UOC believers who had gathered for prayer in a private house, since previously all UOC churches in the

<sup>2613</sup> <https://www.pravda.com.ua/rus/news/2024/05/1/7453725/index.amp>

<sup>2614</sup> <https://sinfo-mp.ru/v-v-kipshidze-pirrova-pobeda-ukrainskich-vlastej-borba-protiv-ukrainskoj-pravoslavnoj-czerkvi.html>

<sup>2615</sup> <https://antifashist.com/item/kapellan-mer-pensionerka-i-pevica-na-ukraine-kollaborantom-i-agentom-fsb-mozhet-stat-kazhdij.html>

region had been transferred to the OCU or closed by the authorities. The legal department of the UOC appealed to the specialized state structures of Ukraine with a demand to stop unlawful actions on the part of officials.<sup>2616</sup>

Kiev's persecution of the canonical church has come to the attention of international human rights monitoring mechanisms. In November 2021, the UN Human Rights Committee expressed its concern. In particular, the Committee mentioned incidents of aggression, intimidation and vandalism in churches related to the process of reorganization of churches and religious communities from under the aegis of the UOC to under that of the OCU. The Human Rights Committee also referred to the inaction of the Ukrainian police in such incidents and the lack of information on the investigation of offenses.<sup>2617</sup>

In the OHCHR report on the human rights situation in Ukraine for the period from 1 August 2022, to 31 January 2023, in connection with the above described draft laws restricting the activities of the UOC, it is noted that "due to vague legal terminology and lack of sufficient justification" the norms of these draft laws cannot be considered as legally prescribed and necessary within the meaning of Article 18(3) of the International Covenant on Civil and Political Rights. With regard to the searches conducted by the SBU in the structures of the UOC in late 2022, it is noted that the United Nations Human Rights Monitoring Mission in Ukraine is concerned that overall influence of "the actions of the state directed against the UOC may be discriminatory".<sup>2618</sup>

In addition, the report notes that in April 2023, the United Nations Human Rights Monitoring Mission in Ukraine documented a spike in hate speech and several incidents of violence against the UOC and its clergy. This included reports that discriminatory rhetoric and open calls for violence against UOC clergy and

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<sup>2616</sup> S.Melnikov, P.Lebedev, V.Begdash. The Black Decade Chronicle: Religious Persecutions in Ukraine 2014-2023, Moscow 2023. You can familiarize with this book on the website of Russian Religious Freedom Association: <https://religsvoboda.ru/content/doklad-rars-hronika-chernogo-desyatiletia-religioznye-goneniya-na-ukraine-2014-2023-g>

<sup>2617</sup> Concluding observations on the eighth periodic report of Ukraine of the Human Rights Committee. November 2021 (published in February 2022). [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en)

<sup>2618</sup> <https://ukraine.un.org/en/224748-report-human-rights-situation-ukraine-1-august-2022—31-january-2023>

supporters were used by Ukrainian government officials, bloggers and opinion leaders.

In addition, law enforcement failed to effectively address incidents of hate speech against the UOC.

In early 2024, the human rights organization Public Advocacy at the international level recognized the violation of the rights of the UOC and that the Ukrainian authorities pursue a systematic policy of discrimination against this religious denomination and restrict the rights of its hierarchs and believers.<sup>2619</sup> This statement was made after the publication of the joint request of the Special Rapporteurs of the United Nations Human Rights Council on freedom of religion or belief, on the rights of minorities and on the right to freedom of peaceful assembly and of association regarding violations of the rights of believers of the Ukrainian Orthodox Church recorded in Ukraine<sup>2620</sup> and the response of the Permanent Mission of Ukraine to the United Nations Office and other international organizations in Geneva to this request on 29 January 2024. In their request, the special procedures of the HRC expressed concern about the persecution of the UOC and its believers, which, according to the Special Rapporteurs, is related to the lawful and peaceful exercise of the rights of the UOC believers to freedom of religion or belief, freedom of expression and freedom of association, enshrined in articles 18, 19 and 22 of the International Covenant on Civil and Political Rights. Among other things, the request pointed to the fact that one of the hierarchs of the UOC had been served with suspicion of incitement to religious hatred and that his home had been searched, as well as to the fact that another hierarch of the Church had been sentenced to a real prison term. The Special Rapporteurs also drew attention to the decisions of Ukrainian courts encouraging the authorities to confiscate the Kiev-Pechersk Lavra used by the UOC, and to the numerous searches conducted by Ukrainian security forces in monasteries, offices, educational

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<sup>2619</sup> <https://www.protiktor.com/rus/srua-un-communication/>

<sup>2620</sup> <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=28562>

The request was sent by the Special Procedures to the Ukrainian authorities on 8 November 2023, but was made public two months later, along with the response, in accordance with the practice of the Special Procedures of the UN Human Rights Council.



institutions and other premises of the UOC in November 2022. They also noted with concern the increasing number of manifestations of hatred and incitement to violence against believers and clergy of the UOC in some areas of Ukraine, especially in the western regions.

Public Defence human rights organization said that despite the the fact that violations committed against the believers of the UOC in 2022-2023 and earlier periods are obvious and that international human rights organizations have already articulated their position that the Ukrainian government is largely responsible for such actions, the response of the Permanent Mission of Ukraine to the UN Office and other international organizations to the Special Rapporteurs of the Human Rights Council was incomplete and in a number of points contained unreliable information.<sup>2621</sup>

The World Council of Churches also stated that the current version of the draft law No. 8371 aimed at banning the activity of the Ukrainian Orthodox Church violates international norms of freedom of religion and may divide Ukrainian society.<sup>2622</sup> The UN High Commissioner for Human Rights, Volker Türk, while presenting the report on Ukraine to the UN Human Rights Council on 19 December 2023, also pointed out that such actions of the Ukrainian authorities threaten freedom of religion and do not comply with the norms of international law.<sup>2623</sup>

In addition, lawyer Robert Amsterdam from Amsterdam & Partners appealed to US President Joe Biden, British Prime Minister Rishi Sunak and European Commission President Ursula von der Leyen to persuade Zelenskiy not to ban the Ukrainian Orthodox Church. In his letter to the mentioned politicians, the lawyer assessed the proposed ban of the UOC as "an overly punitive attack that will cause serious harm to Orthodox Ukrainians."<sup>2624</sup>

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<sup>2621</sup> <https://www.protiktor.com/rus/srua-un-communication/>

<sup>2622</sup> <https://strana.today/news/447901-zapret-dejatelnosti-ukrainskoj-pravoslavnoj-tserkvi-vsts-vystupili-protiv-zakonoproekta.html>

<sup>2623</sup> <https://www.pnp.ru/politics/kirov-sobiraetsya-zapretit-ukrainskuyu-pravoslavnuyu-cerkov-vopreki-svoey-zhe-konstitucii.html>

<sup>2624</sup> <https://spzh.news/ru/news/77895-juristy-prizvali-liderov-ssha-britanii-i-es-vmeshatsja-v-situatsiju-vokruh-upts>

At the same time, Romanian MEP Maria Grapini sent a written request to the European Commission about the violation of the religious rights of the Romanian minority in Ukraine.<sup>2625</sup>

Moreover, experts point out that many major pro-Western NGOs, including Amnesty International, Human Rights Watch, and Freedom House, have not reported on violations of religious freedom in Ukraine, although they have documented similar violations in other countries (with some exception of Human Rights Watch, which reported on the aggression against UOC priests and SBU searches only in 2019).<sup>2626</sup>

Since Ukraine gained its independence, the authorities have pursued a policy of forced Ukrainization of all spheres of public life and the assimilation of all ethnic groups living in the country in order to create a mono-ethnic state. These processes accelerated significantly after the 2014 coup d'état. At the same time, Kiev's policy toward different national communities has taken on a differential character, which contradicts the Constitution of Ukraine, which guarantees equal rights and freedoms to all citizens.

Legally, Crimean Tatars, Krymchaks and Karaites are in a privileged position in Ukraine, now constituting no more than 0.1 per cent of the population, according to the most optimistic estimates in Kiev. However, these privileges were legalized quite recently: The Law on the Indigenous Peoples of Ukraine<sup>2627</sup> was adopted in July 2021 in the interests of these groups. It stipulates their right to study in their native language, to establish their own educational institutions and mass media, and also guarantees them protection from assimilation (other national minorities were not granted this privilege).

As for other nationalities, the Kiev regime has pursued a consistent policy of adopting laws aimed at ensuring the dominant role of the Ukrainian language and restricting, with varying degrees of severity, the opportunities for the use of other

<sup>2625</sup> [https://www.europarl.europa.eu/doceo/document/E-9-2023-003695\\_EN.html](https://www.europarl.europa.eu/doceo/document/E-9-2023-003695_EN.html)

<sup>2626</sup> S.A. Melnikov, P.V. Lebedev, V.A. Begdash. *Chronicles of The Black Decade. Religious Persecutions in Ukraine 2014–2023*. Moscow, 2023. The monograph is available on the website of the Russian Association for the Protection of Religious Freedom: <https://religsvoboda.ru/content/doklad-rars-hronika-chernogo-desyatiletia-religioznye-goneniya-na-ukraine-2014-2023-g>

<sup>2627</sup> [https://online.zakon.kz/Document/?doc\\_id=36748189](https://online.zakon.kz/Document/?doc_id=36748189)

languages in the public sphere. The Russian language, which is the mother tongue of millions of Ukrainians – not only ethnic Russians, but also Belarusians, Ukrainians, Armenians, Jews, Greeks and representatives of other nationalities – is subjected to the greatest repression. Therefore, the rights of the Russian and Russian-speaking population have been most restricted, as the Kiev regime's efforts have led to a step-by-step legislative restriction of the linguistic rights of ethnic Russians and numerous Russian-speaking representatives of other nationalities.

For example, in 2017, the Law on Education<sup>2628</sup> was adopted, which obliges the Ukrainian educational institutions to provide education only in the state language from 2020. Only preschools and elementary schools were allowed to teach in minority languages.

According to the opinion of the Council of Europe's Venice Commission,<sup>2629</sup> many provisions of this Law are discriminatory. The PACE resolution on the Protection and Promotion of Regional and Minority Languages in Europe also criticizes it.<sup>2630</sup> In particular, the author of the report on the subject of the resolution, Hungarian MP Rózsa Hoffman, said: "I firmly believe that in adopting the new legislation, the country has failed to comply with its international obligations and the standards of the Council of Europe." In December 2018, the then OSCE High Commissioner on National Minorities, Lamberto Zannier, stressed that Ukraine "must remain a space for all nationalities with different languages, which they should have the right to use."<sup>2631</sup>

In April 2019, the Law on Ensuring the Functioning of the Ukrainian Language as the State Language<sup>2632</sup> was adopted, which enshrined the use of the Ukrainian language in all spheres of public life, except for private communication and religious ceremonies. According to the Law, any attempt to introduce official multilingualism in Ukraine is recognized as actions aimed at forcibly changing or overthrowing the constitutional order.

<sup>2628</sup> [https://online.zakon.kz/Document/?doc\\_id=37708387](https://online.zakon.kz/Document/?doc_id=37708387)

<sup>2629</sup> [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)030-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)030-e)

<sup>2630</sup> <https://pace.coe.int/en/files/23532#trace-1>

<sup>2631</sup> <https://ria.ru/20181206/1547556068.html>

<sup>2632</sup> [https://online.zakon.kz/Document/?doc\\_id=33624660](https://online.zakon.kz/Document/?doc_id=33624660)

The decision of the Constitutional Court of Ukraine in February 2018 preceded this Law. This decision declared unconstitutional the Law on the Principles of State Language Policy,<sup>2633</sup> according to which Russian was a regional language in certain regions of the country (in 13 out of 24 regions). Later, at the instigation of some "language activists," Ukrainian courts stripped Russian of its regional status in these areas.

In accordance with the Law on Ensuring the Functioning of the Ukrainian Language as the State Language, two bodies, the Office of the Commissioner for the Protection of the Official Language and the National Commission on Ukrainian Language Standards, were established in 2019 to monitor the implementation of legal acts on language. In reality, the Office of the Commissioner performs the functions of a repressive mechanism, since its responsibilities include monitoring compliance with the requirements set forth in the language laws, including conducting official investigations and proposing the imposition of disciplinary or administrative sanctions on individuals or organizations that violate the language laws. In 2022 a legal provision imposing liability for debasing or disparaging the Ukrainian language came into effect thus enlarging the powers of the Commissioner. The system of fines introduced is impressive, ranging from 200 to 400 minimum wages.

On 21 June 2019, a group of 51 MPs of the Verkhovnaya Rada of Ukraine filed a submission to the Constitutional Court of Ukraine (CCU) raising the issue of the constitutionality of the Law on Ensuring the Functioning of the Ukrainian Language as the State Language with regard to the restrictions it imposes on the right of citizens to use and protect their native language and the right to develop the linguistic identity of indigenous peoples and national minorities of Ukraine.<sup>2634</sup> One of the initiators of the appeal to the court, Novynskiy, noted that instead of regulating public relations in the field of language policy in a multinational state,

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<sup>2633</sup> <https://ria.ru/20180228/1515481546.html>

<sup>2634</sup> <https://www.ukrinform.ru/rubric-politics/3057613-konstitucionnyj-sud-vo-vtornik-vozmetsa-za-azykovo-j-zakon.html>

this law pits Ukrainian- and Russian-speaking citizens against each other.<sup>2635</sup> On 14 July 2021, the CCU issued a ruling recognizing this Law as constitutional.<sup>2636</sup>

In addition to the Russian language, the languages of other national minorities, especially Hungarian, were also subject to restrictions. In December 2020, after the Commissioner for the Protection of Official Languages Taras Kremen requested the Ukrainian Prosecutor General, all decisions of the Beregovskiy and Vinogradovskiy district councils in Transcarpathia on the functioning of regional languages were declared illegal and revoked.<sup>2637</sup>

Since the adoption of the Law on Ensuring the Functioning of the Ukrainian Language as a State Language, its provisions have gradually come into force.

Article 32 of the Law, which defines the state language as the language of advertising in Ukraine, entered into force on 16 January 2020. The exceptions are the same as in other areas: Print media and advertisements may be published in any EU language. The corresponding amendments have been introduced into the Law on Advertising.

On 16 July 2020, additional provisions of the Law came into force, introducing the Ukrainian language into the scientific sphere. The new regulations allow the use of official EU languages in addition to Ukrainian for the publication of scientific works; however, such publications should necessarily include an abstract in Ukrainian. Since then, dissertations, monographs, and abstracts should be written in Ukrainian or English. Their defence and public scholarly events should also be carried out in the same languages.

Article 30 of the Law introducing the Ukrainian language in the service sector entered into force on 16 January 2021.

Since 16 July 2021, a new stage of Ukrainization of all spheres of public life has been launched in the country. It involves the entry into force of Articles 23 and

<sup>2635</sup> <https://vesti.ua/strana/obrashhenie-v-ksu-po-yazykovomu-zakonu-yavlyaetsya-zashhitoy-prav-russkoyazychnyh>  
<https://strana.today/articles/analysis/277345-pochemu-predstavitel-prezidenta-v-ks-zajavil-chto-ne-nuzhno-otmenjat-zakon-o-totalnoj-ukrainizatsii-.html> (previously at <https://strana.ua/articles/analysis/277345-pochemu-predstavitel-prezidenta-v-ks-zajavil-chto-ne-nuzhno-otmenjat-zakon-o-totalnoj-ukrainizatsii-.html>)

<sup>2636</sup> <https://tass.ru.turbopages.org/turbo/tass.ru/s/mezhdunarodnaya-panorama/11902213>

<sup>2637</sup> <https://strana.today/news/312768-na-zakarpate-utratali-dejstvie-mestnye-reshenija-o-rehionalnykh-jazykakh.html>  
 (formerly <https://strana.ua/news/312768-na-zakarpate-utratali-dejstvie-mestnye-reshenija-o-rehionalnykh-jazykakh.html>)

26 of the Law on Language, according to which all cultural and mass events should be held in the Ukrainian language, including theatrical performances, concerts, and show programmes. The production of banners and posters in foreign languages is not allowed, except for the names of authors, performers, or performing groups. Information stands, audio-video guides, brochures and labels on exhibits in museums, galleries and exhibition halls should be in the state language. Films in other languages shown on television or in cinemas are subject to mandatory dubbing into Ukrainian. As for publishing houses, they are required to publish at least 50 per cent of the total annual printed books in Ukrainian. Tourism and guided tours have also fallen under Ukrainization. At the same time, mandatory Ukrainian language certification was introduced for candidates applying for civil service positions.

On 16 January 2022, a new provision of the Law on Language concerning the media came into force in Ukraine. Beginning in January 2022, national print media are required to publish a mandatory Ukrainian copy of editions published in a non-state language (for regional media, the same regulation will come into effect in July 2024). Russian language content is available as an additional option only. In July 2024, the quota for TV and radio programmes and films in Ukrainian will be increased to 90 per cent for national TV channels and 80 per cent for regional channels (currently 75 and 60 per cent, respectively).

The law prohibits press advertising in languages other than Ukrainian. Exceptions are made for English, official EU languages, and indigenous languages. In this regard, the Opposition Platform – For Life political party (banned in March 2022, along with the other 17 (as of January 2023) political parties in Ukraine) issued a statement where it called the destruction of Russian language print media as discrimination and humiliation of millions of Russian-speaking citizens of Ukraine. The party noted that the introduced norm will make it unprofitable to publish media in Russian and impossible for Russian-speaking citizens of Ukraine to receive information in their native language.

From 16 July 2022, in accordance with the latest provisions of the Law on Language, which came into force, all websites and social media pages of state

authorities, local self-government bodies, enterprises, institutions and organizations registered in Ukraine should load the Ukrainian language version by default. All items with installed computer programs should have a Ukrainian language interface. Also from this day on, individuals may be fined for using the Russian language if its use is deemed to violate the provisions of the aforementioned law.

It is worth noting that due to a strong backlash from several European countries, first of all Hungary, against the discriminatory provisions of the Law on Education, a provision was included in the Law on Ensuring the Functioning of the Ukrainian Language as the State Language, according to which members of national minorities whose languages are official in the European Union have the right to continue their general secondary education in their mother tongue until 1 September 2023, if they started their general secondary education before 1 September 2018. In June 2023, the Verkhovna Rada of Ukraine approved a bill to extend this period for another year, i.e. until 1 September 2024.<sup>2638</sup> However, the new norms did not apply to other national minorities. Thus, the Russian language is doubly discriminated against (in relation to both the state language and the official languages of the EU), which was again pointed out by the Venice Commission of the Council of Europe,<sup>2639</sup> which reacted to the contradiction between the Law on Language and Ukraine's international obligations, and also expressed fears that the Law could create inter-ethnic tensions in society. OHCHR supported the Commission's assessments and recommendations.<sup>2640</sup>

Nevertheless, Kiev ignored the recommendations of the Venice Commission. The next step towards the establishment of a mono-ethnic language regime in the multi-ethnic state was the adoption of the Law on Complete Secondary Education on 16 January 2020.<sup>2641</sup> The document introduced three teaching models that depend on the language spoken by the students. Provision was made for teaching Ukraine's indigenous peoples (which in Ukrainian law refers to the Crimean Tatars,

<sup>2638</sup> <https://delo.ua/ru/politics/v-ukraine-prodlyat-na-god-perexod-skol-nacmensinstv-na-ukrainskii-yazyk-obuceniya-419048/>

<sup>2639</sup> [https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2019\)032-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2019)032-e)

<sup>2640</sup> 16 February – 31 July 2020 [https://www.ohchr.org/Documents/Countries/UA/30thReportUkraine\\_RU.pdf](https://www.ohchr.org/Documents/Countries/UA/30thReportUkraine_RU.pdf)

<sup>2641</sup> <https://iz.ru/986778/2020-03-13/prezident-ukrainy-podpisal-zakon-ob-obrazovanii>

Krymchaks, and Karaites) in their native languages throughout their studies. Representatives of national minorities whose languages are official languages of the European Union have the opportunity to receive education in these languages for the first four years, after which the number of subjects taught in Ukrainian will gradually increase from 20 to 60 per cent by the ninth grade. For all other students, the proportion of instruction in the state language should reach 80-100 per cent by the fifth grade.

As the result of a number of the laws adopted, including the Laws on Education, on General Secondary Education and On Ensuring Functioning of the Ukrainian Language as the State Language, the Russian language was subjected to triple discrimination in the Ukrainian state: in respect of the state language, official languages of the EU and indigenous people's languages.

As a result of the Kiev authorities' policy of squeezing out the Russian language, beginning from 2020, Russian-language schools in Ukraine have virtually ceased to exist. From September 2022, Ukrainian school curricula no longer provide for the teaching of subjects in Russian and the study of Russian either as a subject or as an elective.

A report published on 30 April 2024 by Commissioner for the Protection of the State Language Taras Kremen, indicated that there are only three schools left in Ukraine where Russian is taught as a subject. Over the past two years, the number of schoolchildren studying Russian has decreased from 454,800 to 768 children.<sup>2642</sup>

In addition, the oppressed status of the Russian language (defined as "the language of a national minority that is the state (official) language of the state recognized by the Verkhovna Rada of Ukraine as an aggressor state or an occupying state") is clearly spelled out in the 2022 Law on National Minorities (Communities) of Ukraine (as amended on 21 September and 8 December 2023, in response to criticism voiced by the Venice Commission). Previously, it was planned to restore some rights related to the use of the Russian language five years after the lifting of martial law, but the amendments adopted in December 2023 (the Law "On

<sup>2642</sup> <https://kommersant-ru.turbopages..org/turbo/kommersant.ru/s/doc/6679806>



Amending Certain Laws of Ukraine Concerning the Consideration of the Expert Assessment of the Council of Europe and its Bodies On the Rights of National Minorities (Communities) in Specific Spheres") made the restrictions indefinite. In this way, the total discrimination of the Russian language in Ukraine has now been enshrined in law.

It is indicative that the Ukrainian authorities were not ready to implement these restrictive innovations. Before this comprehensive transition to the Ukrainian language in education, the second half of June 2022 was marked by a centralized evaluation of school library stocks to provide all educational institutions with student books. However, the resources found were not sufficient to implement the requirements of the law. Students' parents said that the schools were not able to provide the children with books, and they were advised to buy them at their own expense.<sup>2643</sup>

The school year 2020/2021 has shown that the implementation of the Law on Education was carried out following the most rigid scenario, with the situation being aggravated in certain regions by the local authorities. In Lvov, for example, the Ukrainization of the Russian Lyceum No. 45, one of the city's most prestigious educational institutions, where about 1,000 children of different ethnicities studied, was presented as a special "achievement." The headmaster, who actively promoted the teaching of the Russian language, was forced to resign in order to give his position to a person who advocated the abandonment of the Russian language and who had no previous connection with the lyceum.

In order to "squeeze out" the Russian language, the forces of "civil society" (often radical organizations) were also involved, who, with the indulgence of the authorities, organized various aggressive actions against teachers who continued to use the Russian language. In March 2020 the nationalists started to harass the teachers of the Lyceum in Lvov. The teachers were accused of the "propaganda of

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<sup>2643</sup> <https://strana.today/news/272272-zakrytie-russkikh-shkol-v-ukraine-hde-brat-uchebniki-na-move.html> (formerly <https://strana.ua/news/272272-zakrytie-russkikh-shkol-v-ukraine-hde-brat-uchebniki-na-move.html>)

the Russian world" and "Russification of the Ukrainian children".<sup>2644</sup> The same happened to the honoured teacher of Ukraine Pavel Viktor. In April 2020, nationalists launched an aggressive campaign because of the video class in physics which he filmed in Russian.<sup>2645</sup>

In November 2020, Valery Gromov, a professor at the National Technical University "Dneprovskaya Politehnika" (Dnepr/Dnepropetrovsk), was forced to resign under pressure exercised by the university administration after a student formally complained about him lecturing in Russian.<sup>2646</sup>

In general, the Ukrainian government's education policy has led to a decrease in the number of Russian-language schools in the country since 2013, from 1,275 to 25 in the 2021/2022 school year.

As already mentioned, in 2022 Ukraine finished the process of "squeezing out" the Russian language from the educational sphere: in 2022/2023, secondary school curricula did not include subjects in Russian. There were also no compulsory or optional courses where the Russian language would be taught. All works of Russian and Soviet (except for Ukrainian) authors have been removed from the literary programmes of Ukrainian schools.<sup>2647</sup> The Ukrainian Ministry of Culture and Information Policy developed recommendations to exclude Russian literature considered propagandistic from libraries. These works, according to representatives of the Ministry, "will be sent to waste paper for the printing of Ukrainian books". In 2022, about 11,000,000 Russian-language books were written off and destroyed in public libraries as part of the "derussification" programme.<sup>2648</sup> This continued in 2023. On 5 October 2023, more than 400,000 books in Russian and publications of Russian authors were removed from the libraries in the Kiev Oblast.<sup>2649</sup>

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<sup>2644</sup> <https://strana.today/news/253594-kak-vo-lvove-natsionalisty-atakujut-shkolu-s-russkim-jazykom-obuchenija-.html> (previously at <https://strana.ua/news/253594-kak-vo-lvove-natsionalisty-atakujut-shkolu-s-russkim-jazykom-obuchenija-.html>)

<sup>2645</sup> <https://vesti.ua/odessa/rabotaet-na-kreml-v-odesse-zatravili-izvestnogo-professora-iz-za-yazyka>

<sup>2646</sup> <https://strana.today/news/299846-jazykovojskandal-v-dnepre-za-chto-uvolili-professora-hromova-iz-dpi.html> (previously at <https://strana.ua/news/299846-jazykovojskandal-v-dnepre-za-chto-uvolili-professora-hromova-iz-dpi.html>)

<sup>2647</sup> [https://ru.osvita.ua/doc/files/news/866/86629/1\\_Rishennya.pdf](https://ru.osvita.ua/doc/files/news/866/86629/1_Rishennya.pdf)

<sup>2648</sup> <https://www.rbc.ru/rbcfreenews/63e1f2a79a79470c4ae86e5b>

<sup>2649</sup> <https://iz.ru/1584681/2023-10-05/v-bibliotekakh-kievskoi-oblasti-iziato-bolee-400-tys-knig-na-russkom-iazyke>

At the same time, repressions were launched against Russian-speaking teachers. On 7 February 2022, Kiev schools (Lyceum No. 303 and School No. 152) fired two teachers for using the Russian language in class. They were fired leave after the auditing conducted in the two educational institutions by the Office of the Commissioner for the Protection of the State Language. Teachers were reprimanded before being dismissed.

The Ukrainian authorities have also actively banned any public use of the Russian language. On 9 February 2022, Commissioner for the Protection of the State Language, Taras Kremen, addressed the mayors of a number of Ukrainian cities with a demand to dismantle the outdoor advertising, billboards and signs installed in violation of the Law on Language. The message informing about this demand was published on the Facebook page of Taras Kremen. In particular, it mentioned the letters being sent to the heads of Kiev, Kharkov, Odessa, Dnepr (Dnepropetrovsk), Zaporozhye, Nikolaev, Kherson, Sumy, Poltava, Chernigov, Cherkassy, Chernovtsy, Kropivnitskiy (formerly Kirovograd), Uzhgorod, Kremenchug, Beregovo, Mariupol, Kramatorsk, Bakhmut (formerly Artemovsk) and Krivoy Rog, as well as to the heads of military and civil administrations of Volnovakha, Slavyansk, Severodonetsk, and Lisichansk cities.

In April 2022, Taras Kremen publicly called for the abolition of teaching in the Russian language in all educational institutions of the country since 1 September 2023.<sup>2650</sup> His proposal was to replace Russian with other subjects, such as Ukrainian history or English, and until then, he suggested that teachers should explain to Russian-speaking children before each Russian lesson that their mother tongue was by definition the language of the aggressor, which it was shameful to speak. Taras Kremen also said that the programme of foreign literature should be revised, since it places a significant emphasis on the study of the works of Russian writers. On 11 April 2022, he called for the elimination of the Russian names of settlements, supporting the idea with the slogan "Ukraine for Ukrainians".<sup>2651</sup> Moreover, on

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<sup>2650</sup> <https://strana.today/news/386692-v-shkolakh-mohut-perestat-obuchat-russkomu.html>

<sup>2651</sup> <https://ria.ru/20220411/yazyk-1782979284.html>

31 October 2023 he said that students and teachers should also speak only in Ukrainian during breaks between classes.<sup>2652</sup>

The Kiev authorities do not stop at the exclusion of the Russian language from education and scientific life. In mid-December 2022, the Verkhovna Rada of Ukraine passed in the first reading draft law No. 7633 on banning the use of "Russian sources of information" in education, which provides for a ban on the use of Russian-language literature in science and education. The document envisages amendments to the Law on Education, which will stipulate that Ukrainian educational programmes cannot contain references to literature and information sources published in Ukraine in the state language by citizens or legal entities of the Russian Federation. Similar changes are envisaged in the Law on Scientific and Scientific-Technical Activity. All this is being introduced for the sake of "protecting Ukraine's educational and information space from the influence of the Russian imperialism".<sup>2653</sup> In fact, this means a complete ban on scientific literature published in Russian, on the territory of Russia or by Russian citizens. Russian-language sources may no longer be used in schools, universities, or for scientific work.

Previous obstacles introduced by the Ukrainian authorities to the import of Russian books (in the form of refusal to issue licenses) have already had negative consequences. According to Strana.UA (a Ukrainian online newspaper), between November 2019 and 8 July 2020, not a single Russian publication was imported to Ukraine and not a single license was issued.

Not only fiction, but also specialized literature fell under the restrictions, which led to its shortage. The shortage of up-to-date scientific works on virology became particularly acute during the pandemic.<sup>2654</sup>

On 14 March 2022, the Television and Radio Broadcasting Committee of Ukraine announced a ban on the import and distribution of all publishing products

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<sup>2652</sup> <https://informer.ua/uk/ce-tezh-osvitniy-proces-kremin-povidomiv-yakoyu-movoyu-mayut-spilkuvatisya-vchitelia-diti-na-perervah>

<sup>2653</sup> <https://www.rubaltic.ru/amp/article/politika-i-obshchestvo/20221219-v-pogone-za-movoy-ukraina-polnostyu-khoronit-ostatki-svoey-nauki-i-kultury/>

<sup>2654</sup> <https://strana.today/news/277505-zapret-na-vvoz-knih-iz-rossii-sprovotsiroval-defitsit-na-rynke-nauchnoj-literatury-v-ukraine.html> (previously at <https://strana.ua/news/277505-zapret-na-vvoz-knih-iz-rossii-sprovotsiroval-defitsit-na-rynke-nauchnoj-literatury-v-ukraine.html>)

from Russia, including to "prevent Russia's cultural and informational influence on Ukrainians".<sup>2655</sup>

In addition, in June 2022, laws were passed prohibiting the import and distribution of books and other publishing products from Russia and Belarus, and the publication and sale of books authored by Russian citizens.

Since 2017, there has been a ban on access to 468 Russian websites and social media platforms on Ukrainian territory, including Yandex, Mail.ru, VKontakte, and Odnoklassniki, as well as software products from 1C, Kaspersky Lab, and Doctor Web. In September 2020, the secretary of the National Security and Defence Council, O. Danilov, said that the Ukrainian security services intended to track and register users of the above-mentioned social networks.<sup>2656</sup>

Despite the imposed legal restrictions, programmes in Russian were still in demand (now Russian-language programmes are almost non-existent), although the Ukrainian authorities were trying to combat this. It is indicative that on 13 January 2022, the National Television and Radio Broadcasting Council of Ukraine announced during an online meeting that it would conduct checks on Ukrainian channels due to the abundance of Russian-language content on New Year's Eve.

Simultaneously, the provisions of the law "On Television and Radio Broadcasting"<sup>2657</sup> (this law was repealed due to the adoption of the law "On Media") prohibited the broadcasting of films and programmes with the participation of "banned" actors. In accordance with the law "On Cinematography"<sup>2658</sup>, Ukraine is not allowed to show films and TV series about Russian security forces, as well as Russian TV and film productions created after 2014.

In June 2022, the Verkhovna Rada of Ukraine passed laws banning the public performance of Russian songs and their use on radio and television. Import and distribution of books and other publishing products from the Russian Federation

<sup>2655</sup> <https://iz.ru/1304904/2022-03-14/na-ukraine-vveli-zapret-na-vvoz-i-rasprostranenie-vsekh-knig-iz-rossii>

<sup>2656</sup> <https://www.rbc.ru/politics/25/09/2020/5f6db5599a794765448c5e81>

<sup>2657</sup> [https://urst.com.ua/ru/act/o\\_televidenii\\_i\\_radioveschani](https://urst.com.ua/ru/act/o_televidenii_i_radioveschani)

<sup>2658</sup> [https://kodeksy.com.ua/ka/o\\_kinematografii.htm](https://kodeksy.com.ua/ka/o_kinematografii.htm)

and Belarus, publication and sale of books authored by Russian citizens were also banned (the laws came into force in June 2023).

On 7 October 2022, the law "On Amendments to Certain Laws of Ukraine on Support of National Musical Productions and Restriction of Public Usage of Music by an Aggressor State"<sup>2659</sup> came into force. In accordance with this law the broadcasting of Russian music on television, radio and in public places, as well as tours of performers from Russia is prohibited.

The Law "On Media", which came into force in March 2023, tightens language quotas – from January 2024 the share of Ukrainian language on national and regional television should increase from 75 per cent to 90 per cent, on local TV channels – from 60 per cent to 80 per cent. In accordance with the amendments introduced by the Law of 8 December 2023 "On Amending Certain Laws of Ukraine Regarding the Consideration of the Expert Assessment of the Council of Europe and its Bodies on the Rights of National Minorities (Communities) in Certain Spheres", for TV and radio broadcasters who, in addition to the state language, broadcast in indigenous or minority languages, which are official languages of the European Union or to which the provisions of the European Charter for Regional or Minority Languages apply, this threshold is reduced to 30 per

cent. At the same time, the Law explicitly states that these provisions do not apply to the Russian language.

It should be noted that even before the adoption of this law, nationalists were actively involved in the fight against the public singing of Russian songs and, in general, against the use of the Russian language in everyday life. Thus, since the beginning of 2021, unofficial unions radicalized against the Russian language – "language activists"<sup>2660</sup>, consisting mainly of young people, have become active in Lvov.<sup>2661</sup> In the city, they are remembered for a number of actions of the relevant direction. For example, "language activists" demanded that the administration of "Puzata Khata" stop broadcasting Russian music in the establishment and sent a

<sup>2659</sup> <https://zakon.rada.gov.ua/go/2310-20>

<sup>2660</sup> Self-designation – "movny patrol", that is – "language patrol".

<sup>2661</sup> <https://is.gd/TmiDr3> (page of one of the associations of the "movny patrol" in the social network Facebook).

complaint to the head office of the chain of establishments. Such "figures" provoked a conflict in the city center with an animator who worked to Russian music. Another clash took place in the "AzArt" hookah café between the "activist blogger", Andreyev, and one of the café owners. V. Andreyev as an ultimatum demanded from the owner to turn off the Russian music that was playing in the place, to which he refused and was expelled. Unable to continue the confrontation in person, the blogger published a critical post on social media and appealed to the city administration to check the establishment.

The pressure on citizens who use the Russian language in everyday life was not limited to formal measures. For example, on 5 March 2021, in Lvov, nationalists assaulted two street musicians who were performing songs in Russian. The local police did not respond to this illegal attack as they should have done.<sup>2662</sup>

There have also been cases of discrimination against Russian-speaking customers in a number of catering establishments, especially in Western Ukraine. For example, the administration of the New York Street Pizza cafe in Chernovtsi displayed a crossed-out image of a pig painted in Russian flag colours on its entrance. In response to the journalists' appeals, the administrator of the establishment said: "Such visitors refuse to communicate in English and in Ukrainian. And we, on principle, do not communicate in Russian. It's our language policy."<sup>2663</sup>

On 30 May 2022, a video from Lvov appeared on the Internet showing a volunteer refusing to provide the UN humanitarian aid to refugees from the eastern part of Ukraine because they spoke Russian. When asked, the volunteer told the women that he did not understand them and demanded that they address him in Ukrainian. A nearby police officer pointed out to the refugees that it was forbidden to film the volunteer and, in response to their indignation, threatened to take the outraged women to the police station.

<sup>2662</sup> <https://lvov.strana.today/366447-zakon-o-jazyke-vo-lvove-izbili-ulichnykh-muzykantov-za-pesni-na-russkom.html> (previously at <https://lvov.strana.ua/321171-zakon-o-jazyke-dobraljsja-do-muzykantov-vo-lvove-izbili-ljudej-za-russkij-jazyk.html>), <https://iz.ru/1262808/2021-12-10/vo-lvove-izbili-ispolniavshikh-pesni-na-russkom-muzykantov>

<sup>2663</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

On 2 June 2023, a minor from Odessa singing Viktor Tsoi songs in Russian was detained in Lvov on the application of Natalia Pipa (she was one of the initiators of the notorious Bill No. 7213 against the UOC), an MP from the "Golos" party, who called the police. After the detention, he was sent from the police station to a shelter for minors in Lvov, where he spent a week because his disabled mother could not come and pick him up in person.<sup>2664</sup>

According to statements made by Ukrainian officials, the authorities are purposefully pursuing a policy of elimination of the Russian-speaking space in Ukraine. In particular, the Secretary of the National Security and Defence Council of Ukraine Aleksey Danilov openly stated that "the Russian language should disappear from the territory of Ukraine".<sup>2665</sup>

Moreover, Ukrainian officials deny the Russian population the very right to exist on Ukrainian territory. In November 2023, Deputy Prime Minister for European and Euro-Atlantic Integration Olga Stefanishina stated that there is "no Russian minority in the country, it does not exist".<sup>2666</sup> Subsequently, this view was supported by the speaker of the Verkhovna Rada, Ruslan Stefanchuk.

Some Ukrainian officials have also been harassed for using the Russian language. On 13 January 2023, Kharkov Mayor Igor Terekhov sued the language ombudsman Taras Kremen for repeatedly fining him for using the Russian language. Previously, in November 2022, he had been fined for using a non-state language while speaking on the Ukrainian national telethon. At the same time, he was given a warning for the fact that the social pages of the mayor of Kharkov are in Russian. In response, Igor Terekhov said that he would continue to use Russian in his communication with Kharkov citizens, as it is spoken by 80 per cent of the citizens.

Meanwhile, the data from a sociological survey conducted by the Kiev International Institute of Sociology (KIIS) in February 2020 showed that 33 per cent of respondents believe that the state should provide all Russian-speaking citizens

<sup>2664</sup> <https://focus.ua/ukraine/571602-skandal-s-pesney-coya-vo-lvove-paren-vyshel-iz-priyuta-i-rasskazal-o-planah-video>

<sup>2665</sup> <https://www.rbc.ru/politics/21/10/2022/6352a7b49a7947f3b9632b73>, <https://iz.ru/1414045/2022-10-21/sekretar-snbo-prizval-iskorenit-russkii-iazyk-na-ukraine>

<sup>2666</sup> [www.eurointegration.com.ua/rus/news/2023/11/9/7173188/](http://www.eurointegration.com.ua/rus/news/2023/11/9/7173188/)



throughout Ukraine with the right to receive their school education in Russian. 40 per cent of the respondents consider that the Russian-speaking population should have that right in those regions where the majority of the population so wishes, but not throughout all Ukraine. Another 24 per cent of respondents consider the state should not support such a right. In addition, 37 per cent of respondents believe that the state should provide Russian-speaking citizens throughout Ukraine with the right to communicate with government officials in Russian, while another 31 per cent believe this should be applied in those regions where the majority of the population wants this, but not throughout all of Ukraine, and 28 per cent of respondents believe that the state should not support such a right.<sup>2667</sup>

Furthermore, according to the results of another KIIS survey conducted in April 2020, 48.8 per cent of respondents believe that the Russian language is part of Ukraine's historical heritage, and should be developed.<sup>2668</sup>

Against this background, it is obvious that all the above-mentioned laws adopted by the Kiev regime are directed against the Russian language and their purpose is to narrow its use. The following examples may be provided. In October 2020, the Cabinet of Ministers of Ukraine approved the Concept of the State Target Social Programme of National-Patriotic Education until 2025<sup>2669</sup>, which published the data of a sociological survey showing that less than half of the country's population – only 46 per cent – uses the Ukrainian language in family and household communication. It is noted that this indicator corresponds to zero in the Donbass. This situation is qualified by the Ukrainian authorities as "threatening".<sup>2670</sup>

This demonstrates that, contrary to what the Kiev authorities claim, the underlying goal of legal management of the language field in Ukraine is not at all the popularization and development of the Ukrainian language, but a forced change in the linguistic identity of non-Ukrainian-speaking citizens living in the country.

<sup>2667</sup> <https://www.kiis.com.ua/?lang=rus&cat=reports&id=920&page=7>

<sup>2668</sup> [https://www.kiis.com.ua/materials/pr/20200406\\_pressconf/politics\\_april%202020.pdf](https://www.kiis.com.ua/materials/pr/20200406_pressconf/politics_april%202020.pdf)

<sup>2669</sup> <https://www.kmu.gov.ua/news/prijnyato-koncepciyu-derzhavnoyi-cilovoyi-socialnoyi-programi-nacionalno-patriotichnogo-vihovannya-na-period-do-2025-r>

<sup>2670</sup> <https://zakon.rada.gov.ua/laws/show/1233-2020-%D1%80#Text>, <https://zakon.rada.gov.ua/laws/show/1233-2020-p#Text>).

This set of legislative measures, aimed at the gradual squeezing of the Russian language out of public life, contradicts both national legislation and Ukraine's international obligations. In particular, the policy of Ukrainianization conflicts with Article 10 of the Constitution of Ukraine, which guarantees free development, use and protection of Russian and other languages of national minorities of Ukraine; with Article 22, which states that the content and scope of existing rights and freedoms may not be restricted when new laws are adopted or when existing documents are amended; and with Article 53, which states the right of national minorities to study in their native language.

The provisions of the above acts contradict Ukraine's obligations under the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child, the Council of Europe's Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, the Convention for the Protection of Human Rights and Fundamental Freedoms, and a number of soft law acts: The UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the OSCE, the Concluding Document of the Vienna OSCE Meeting, and The Hague Declaration on the Rights of National Minorities to Education.

It should be noted that all measures aimed at squeezing the Russian language out of public life of Ukraine were adopted, as indicated above, despite critics from the international human rights structures. The OSCE High Commissioner on National Minorities and the OHCHR have expressed their comments about the discriminatory legislative measures taken by the Ukrainian authorities. It is also worth highlighting the opinion delivered by the Venice Commission of the Council of Europe regarding the law "On Education" (December 2017)<sup>2671</sup>, which confirmed the existence of discriminatory provisions in the document, and regarding the Law

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<sup>2671</sup> Opinion No. 902 / 2017 of the Venice Commission (December 8 – 9, 2017)  
[https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD\(2017\)030-e](https://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2017)030-e)

"On the functioning of the Ukrainian language as the official language" (December 2019)<sup>2672</sup>, which pointed out the inconsistencies between its provisions and Ukraine's international obligations. The Commission's assessments and recommendations were supported by OHCHR.<sup>2673</sup>

In addition to the elimination of the Russian language from all facets of Ukrainian society, there have been ongoing initiatives to spread hostility toward Russian citizens and the Russian culture as a whole. Such activities were not only not condemned or responded to by the authorities, but were also undertaken by the Ukrainian leadership itself. For example, President Zelenskiy, in an interview<sup>2674</sup> published on August 5, 2021, advised Russians to get out of Ukraine.

Hatred of Russians was openly propagandized on national and regional television channels. Russophobic statements and calls for the murder of Russians were regularly heard on air. For example, the official advertisement for the programme of Ukrainian journalist Yanina Sokolova on Channel 5 sounded like this: "Turn on the 5th! This infuriates Muscovites!" In August 2022, she said on the NTA TV channel that Russians could not be taken prisoner, they should be killed, adding that she wanted "all of them to be destroyed as quickly as possible."

Journalist and TV presenter, former media director of the ZIK TV channel Ostap Drozdov has repeatedly publicly insulted Russian-speaking citizens arguing that the Russian language is not only foreign, but also "aggressively occupying and threatening" to Ukraine. He also called those who live in the country and speak Russian "the guarantors of war" arguing that such people should "disappear as a species." In November 2022, Olga Lakunova, a UAF member who returned from captivity as an exchange, stated that "the entire Russian population should be destroyed." Tellingly, she urged not to spare even children.

In these and other cases, the issue is not even about the mental adequacy of the above-mentioned and similar characters, but about the policy of the authorities,

<sup>2672</sup> Conclusion No. 960/2019 of the Venice Commission (December 6-7, 2019)

[https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD\(2019\)032-e](https://www.venice.coe.int/webforms/documents/default.aspx?pdffile=CDL-AD(2019)032-e)

<sup>2673</sup> OHCHR Report on the human rights situation in Ukraine. 16 february – 31 July 2020.

[https://www.ohchr.org/Documents/Countries/UA/30thReportUkraine\\_RU.pdf](https://www.ohchr.org/Documents/Countries/UA/30thReportUkraine_RU.pdf)

<sup>2674</sup> <https://kanaldom.tv/esli-ty-schitaesh-chto-my-russkie-bolshaya-oshibka-ostavatsya-zhit-na-donbasse-zelenskij-video/>

who allow such hate speech in public space and, moreover, do not condemn it. Similar statements by official Ukrainian figures themselves are also quoted in the text of the report.

Russophobia spreads unhindered on the Internet and social networks. By now, many different publications, pictures, collages have been published that contain not just derogatory attitudes toward Russians, but that directly dehumanize them. Well-known are such abusive nicknames as "Colorado beetles", "vatniks", "orcs". Materials justifying the murders of Russians and calling for such are being actively circulated.

Non-governmental organizations defending the interests of the Russian-speaking population of Ukraine have repeatedly sent appeals to European regional and international structures, including the Council of Europe and the OSCE, to ensure the rights of the Russian-speaking community. However, there was no adequate reaction from these structures. According to non-governmental groups, the OSCE High Commissioner on National Minorities Kairat Abdrakhmanov did not meet with members of Russian communities or heads of Russian-language human rights organizations during his official visit to Ukraine in September 2021. Similarly, the meeting of Marija Pejčinović Burić, Secretary General of the Council of Europe, with Russian-speaking human rights activists was not organized.<sup>2675</sup> The specialized structures of the European Union, to which the current Ukraine is so keen to be admitted, blatantly ignore the dismal human rights situation in that country.

The position of our compatriots in Ukraine has recently substantially deteriorated due to the unprecedented Russophobic hysteria generated by the Kiev-controlled media. Ukrainian officials make serious efforts in this area. So, in response to the fraudulent staged-up action in Bucha, Culture Minister Aleksandr Tkachenko stated in an interview with 1+1 TV channel that "there is no mention of good Russians, as there are no good Russians" and urged people to fight them all

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<sup>2675</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

over the world. The advisor to the President of Ukraine Anton Geraschenko called on in the social media "to find and punish" all civilians who cooperated with the Russian military servicemen in the Kiev Oblast. Boris Filatov, the mayor of Dnepropetrovsk (Dnepr) known for his hate of all things Russian, called on Facebook to "kill Russians all over the world and in large numbers." The secretary of the National Security and Defence Council, Alexei Danilov, called the Russians "rats" and "swine dogs" ("schweinehund"), and called for "poisoning them" and "destroying them by all means".

On 17 June 2022, the Cabinet of Ministers of Ukraine adopted Decree No. 692<sup>2676</sup> on withdrawal from the Agreement between the Government of the Russian Federation and the Government of Ukraine on visa-free travels of citizens of the Russian Federation and Ukraine of 16 January 1997, which expired on 1 January 2023, and on 10 April 2023, the Cabinet adopted a law on termination of the Agreement between the Government of the Russian Federation and the Cabinet of Ministers of Ukraine on the procedure of crossing the Russian-Ukrainian border by the residents of border regions of the Russian Federation and Ukraine of 18 October 2011.

Russian journalists were de facto deprived of their rights to pursue activities in Ukraine by 2021. They were not allowed to events designated for the media, conducted by the state governmental institutions. Their accreditation requests were not taken into consideration. In 2021, the Kiev office of TASS was closed due to sanctions restrictions introduced against it.

Russian compatriots continue to face a challenging scenario as their rights and liberties are frequently abused. In recent years, the rights of Russian-speaking activists to inviolability of person, home, and property have been constantly violated. They are subjected to intimidation and pressure from law enforcement agencies, intelligence services and nationalist groups.

In December 2018, NCA officers searched the premises of members of the Russian-speaking community in Poltava. The coordinator of the All-Ukrainian

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<sup>2676</sup> [https://base.spininform.ru/show\\_doc.fwx?rgn=141570](https://base.spininform.ru/show_doc.fwx?rgn=141570)

Coordinating Council of Russian Compatriot Organizations, Sergei Provatorov (who also heads the Ukraine's Russkoye Sodruzhestvo (Russian Commonwealth) association), had his Pushkin medal confiscated.

Investigative activities were conducted in respect of the historian Yuriy Pogoda (a well-known researcher of the Great Northern War period), poet and publicist Victor Shestakov (head of the Poltava Oblast Russian Community). Criminal proceedings were brought against them under Article 110 of the Criminal Code of Ukraine ("attempts on territorial integrity").

In May 2019, the SBU conducted a search at the premises of Vladimir Saltykov, head of the Rus Transcarpathia Regional Association. They seized mobile communications devices and his personal computers.

The arrest (in August 2020) on suspicion of treason (which is subject to a punishment in the form of imprisonment for a period of 12 to 15 years with confiscation of property) by the SBU officers of a Russian language and literature teacher, head of the non-government organization Russian National Community "Rusich", a distinguished teacher with long-term experience, Tatiana Kuzmich, who is widely known for her active work to promote the Russian language in Ukraine, has caused great public outcry. The Ukrainian security services accused her of the fact that during her stay in Crimea she allegedly "was involved by the FSB of Russia in espionage activities, transferred materials for conducting subversion activities in the Kherson Oblast and all over Ukraine" and that she was also involved in "creation of a spy network". It is worth noting that Tariana Kuzmich has paid regular visits to the peninsula since 2008 within the framework of her professional duties for taking part in the Great Russian Word Festival. The measure of restraint chosen for her was remand in custody, however in the beginning of October 2020 she was released on bail.

Since the start of the special military operation to denazify and demilitarize Ukraine and protect civilians in the Donbass, the Russian Foreign Ministry has received appeals from more than 5,000 Russian citizens staying in Ukraine. In most of the cases, these letters contained requests to inform about safe ways of evacuation

from Ukraine to Russia and other countries. Many of our fellow citizens point to the violence unleashed in Ukrainian cities by members of the so-called Territory Defence Forces and others who obtained firearms through uncontrolled distribution, and also complain about the violation of their rights by the authorities in Kiev.

Among those kept prisoner by Ukrainian authorities were over a hundred Russian sailors in the ports of Odessa and Izmail, as well as students from other countries attending Ukrainian colleges and crew members of maritime vessels. They were treated inappropriately and were subjected to physical abuse. The Russian sailors were released in several exchanges, the last of which did not take place until mid-October 2022. One of the sailors, unfortunately, did not live to see the release. Also truck drivers caught by the special military operation at the Ukrainian border were detained by the Kiev authorities.

The Kiev regime governmental authorities take measures for restrictions on our citizens' rights. The National Bank of Ukraine became one of the first among such bodies that prohibited to the credit institutions in the country to perform any currency operations using the Russian ruble. This step made by the regulator left thousands of persons in the country without means of subsistence.

On 1 March 2022 all mobile operators in Ukraine banned communication for phones with Russian numbers.<sup>2677</sup>

The private property rights of Russians are also violated. The Ukrainian law titled "On the Main Principles of Compulsory Seizure of Property in Ukraine of the Russian Federation and its Residents"<sup>2678</sup> came into force on 7 March 2022. The law allows for the extrajudicial seizure of movable and immovable property, money, bank deposits, and other items by the decision of the National Security and Defence Council, which was implemented by presidential decree, without providing any sort of compensation.

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<sup>2677</sup> <https://www.gazeta.ru/social/news/2022/03/03/17376829.shtml>

<sup>2678</sup> [https://online.zakon.kz/Document/?doc\\_id=33474326&pos=10;-32#pos=10;-32](https://online.zakon.kz/Document/?doc_id=33474326&pos=10;-32#pos=10;-32)

On November 2, 2022 the decision to halt processing of Russian citizen applications for immigration and residency permits during the duration of martial law was made by the Ukrainian Cabinet of Ministers.<sup>2679</sup>

On 30 December 2022 Vladimir Zelenskiy signed Law No. 8224 "On National Minorities (Communities) of Ukraine", adopted by the Parliament on 13 December 2022, according to which ethnic Russians, or as they are veiled in the text – "who identify their affiliation by ethnic origin with the state recognized in Ukraine and/or international organizations as the state-terrorist (aggressor-state)", for the duration of martial law in Ukraine and for six months after its lifting, are limited in virtually all rights and freedoms, including the right to peaceful assembly, to receive funding, to establish consultative bodies under local administrations, and the right to participate in international activities.

The provisions of this law were criticized in the report of the Venice Commission of 12 June 2023, therefore, in order to remove obstacles to European integration, on 21 September 2023, the Verkhovna Rada of Ukraine voted to amend the law on national minorities. At the same time, these amendments do not imply any real expansion of the rights and freedoms of Ukraine's national minorities, and even impose additional restrictions on Russian-speaking citizens.<sup>2680</sup>

Modern Ukraine has the full spectrum of manifestations of xenophobia. Large-scale efforts to glorify Ukrainian Nazi collaborators, who also organized and participated in the extermination of the Jewish population in the country during World War II, have led to a significant increase in manifestations of antisemitism.

It went so far as to directly borrow the methods used by the Nazis (which the Ukrainian authorities began to demonstrate widely in 2022). The first and very revealing incident in this respect was the case involving the Jewish community of Kolomyia. On 11 February 2020, Yakov Zalitsker, head of the Jewish community of the city, received a letter on behalf of the National Police Department in the Ivano-Frankovsk Oblast demanding to provide the department with a comprehensive list of

<sup>2679</sup> <https://www.rbc.ru/politics/02/11/2022/6361c4e79a79478937e28120>

<sup>2680</sup> <https://ukraina.ru/20230922/1049615530.html>



all residents of this nationality, including students, their addresses and contacts. This request was explained as being part of the fight against organized crime.<sup>2681</sup>

According to a survey conducted by the Anti-Defamation League, Ukraine is the second most antisemitic country in Europe. In 2016, 32 per cent of Ukrainians admitted to being intolerant of Jews, and by 2019 the proportion was 46 per cent.<sup>2682</sup> At the same time, the position of this US-based non-governmental organization towards Ukraine has recently softened. According to the 2023 monitoring data, the level of antisemitism was 29 per cent.<sup>2683</sup> Furthermore, in March 2022, the organization began to justify the neo-Nazi Kiev regime having published an interview with David Fishman, professor of Jewish history at the Jewish Theological Seminary, where he said that neo-Nazis in Ukraine were a small and very marginal group with no political influence and who didn't attack Jews.<sup>2684</sup>

According to the Kantor Center Antisemitism Worldwide Report, the number of recorded incidents of antisemitism in Ukraine in 2020 has increased compared to past levels.<sup>2685</sup>

The 2020 Antisemitism in Ukraine Report<sup>2686</sup> by the United Jewish Community of Ukraine mentions, among other things, attacks on synagogues in Vinnytsia and Mariupol, and an attempted arson attack on a synagogue in Kherson on 20 April 2020. The investigation into the latter incident revealed that the perpetrators supported Nazi ideology and tried to set fire to the synagogue building to celebrate the anniversary of Hitler's birth in this way.

On 19 January 2020, a memorial sign commemorating 15,000 Jews exterminated in the Holocaust was desecrated in Krivoy Rog, Dnepropetrovsk Oblast.

<sup>2681</sup> [https://lenta.ru/news/2020/05/13/perepis\\_jude/](https://lenta.ru/news/2020/05/13/perepis_jude/)

<sup>2682</sup> <https://apnews.com/f18c9fa70b794974b214b6e9f1552cfd>

<sup>2683</sup> <https://global100.adl.org/country/ukraine/2023>

<sup>2684</sup> See, for example, <https://www.informationliberation.com/?id=62981>, <https://www.sott.net/article/465995-ADL-defends-Ukraines-neo-Nazis-They-dont-attack-Jews-or-Jewish-institutions?ysclid=lmgpcgkh6q921807334>

<sup>2685</sup> <https://lenta.ru/news/2021/04/07/antisemitism/>

<sup>2686</sup> Antisemitism in Ukraine, Report for 2020. <https://jewishnews.com.ua/society/otchyot-po-antisemitizmu-v-ukraine-za-2020-god>

On 20 February 2020, an unidentified man in camouflage burst into the synagogue in Vinnitsa and attacked a member of the congregation, shouting "beat the Jews!"

On 15 June 2020, an announcement was circulated on the Internet, including Facebook, about the 1st all-Ukrainian competition-festival of contemporary music "Gonta-fest," named after the organizer of the Uman massacre, Ivan Gonta.<sup>2687</sup>

On 11 September 2020, a sign in Ukrainian/Hebrew appeared in the Kozerozh cafe in Uman, Cherkasy Oblast, stating that "Hasidim are not served/Hasidim are not allowed in."

On the night of 24-25 October 2020, in Melitopol, Zaporozhye Oblast, unknown persons desecrated the monument "Crying for the Unborn," set up in memory of Holocaust victims.

In December 2020, employees of the Southeast Interregional Department of the Ukrainian Institute of National Memory used images with antisemitic content in their presentation materials.

In 2021, the total number of antisemitic incidents was slightly higher than in 2020. At the same time, there was an increase in the number of antisemitic vandalism cases, which peaked during Hanukkah celebrations in late November and early December 2021. At that time, six Hanukkiahs and the Holocaust memorial in Lysychansk were damaged as a result of antisemitic vandalism.<sup>2688</sup>

The manifestations of antisemitism in Ukraine in 2021 include: vandalism of a memorial sign erected on the site of a former ghetto in Khmelnytskyi, destruction of a memorial to Holocaust victims in the village of Novy Píkov, Kalynivskiy district, Vinnytsia Oblast, and distribution of xenophobic flyers in Lvov by the Galician Youth organization (May); desecration and destruction of 10 tombstones at the Radvanka Jewish cemetery in Uzhgorod (June); threats by nationalists against Hasidim visiting Uman to celebrate the Jewish New Year (September); insulting

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<sup>2687</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

<sup>2688</sup> Antisemitism in Ukraine – 2021. <https://jewishnews.com.ua/society/antisemitism2021>

inscriptions and swastikas on an information stand near the Jewish cemetery in Boguslav in the Kiev Oblast and on the gates of a synagogue in Nikolaev, removal of a historical Yiddish inscription on a residential building in Lvov (October); and another music festival "Let's Repeat Koliivshchyna"<sup>2689</sup> in Kiev (also in October). In late 2021, there were also antisemitic incidents, which the perpetrators timed to coincide with the Jewish holiday of Hanukkah in Rovno. According to reports from the United Jewish Community of Ukraine, vandals damaged a Hanukkiah lamp in Dnepr (Dnepropetrovsk) on 29 November and in Kiev on 30 November. On 4 December, a Hanukkiah in Rovno was damaged.<sup>2690</sup>

A wide public response was caused by the statements made by deputy mayor of Shepetovka (Khmelnyskiy Oblast) Yuriy Vakhotskiy in September 2021, saying that the tragedy of Babiy Yar is "God's punishment to the Jews for the Holodomor", and the statements by head of the Khmelnytskyi branch of the All-Ukrainian Union "Fatherland" A. Sholovey, who said that the more he watches the Hanukkah celebration, "the better he understands Hitler."

On 7 February 2021, the Center of Educational Literature published the book "Jews or Zhids" by the Nazi collaborator and OUN activist Zinoviy Knysh. Zinoviy Knysh was directly involved in organizing the Jewish pogroms and led the antisemitic Ukrainian Central Committee.<sup>2691</sup>

In 2022, antisemitic acts and attacks continued.

On 18 January 2022, in Lisichansk, another antisemitic act of vandalism was recorded. Unknown persons destroyed a memorial to Jewish victims of World War II in Lysychansk located at the city cemetery "Green Grove". This is the second destruction of the monument. After the first, which occurred in December 2021, the monument was rebuilt with donations from concerned citizens.

On 28 January 2022, a similar attack occurred in Dnepr (Dnepropetrovsk): unknown persons desecrated lamps at the monument to the Holocaust victims in the

<sup>2689</sup> The Haidamak uprising in the 17th century, in which about 10,000 Jews were killed.

<sup>2690</sup> <https://tass.ru/obschestvo/13112933?ysclid=lmgp74s2g1129419910>

<sup>2691</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

Gagarin Park, and the memorial was doused with paint. Igor Romanov, director of the Dnepropetrovsk Oblast association of Jewish communities, noted that this was not the first act of vandalism, and due to the lack of video surveillance cameras, previous desecrations of memorials had also gone unpunished. According to him, such criminal acts are timed either to coincide with Jewish holidays or Holocaust-related mourning dates, including the International Holocaust Remembrance Day.<sup>2692</sup>

At the beginning of February 2022, the Center for Contemporary Art of Ivano-Frankovsk hosted an exhibition of antisemitic paintings by the Ukrainian artist Roman Bonchuk as part of the Precursor exhibition. One of them was titled "A Jew with a Pig". Another depicted a monster in a black hat, while a Torah scroll was presented in place of meat in a shawarma machine. After complaints from the United Jewish Community of Ukraine, they were removed on 6 February.

On 31 March 2022, in Ivano-Frankovsk, the director of the Ivano-Frankovsk Jewish Community Igor Perelman was attacked while handing out lunches to the needy and was stabbed three times. Physical violence was accompanied by antisemitic remarks in front of numerous witnesses.<sup>2693</sup>

On 16 May 2022, vandals in Khmelnytskyi drew a swastika on the Jewish community center "Tkhia".<sup>2694</sup>

On 26 July 2022, Mikhail Kovalchuk, a former deputy of the Kiev City Council and head of the National-Patriotic Movement of Ukraine, published an antisemitic post on his Facebook page in which, among other things, he claimed that "orthodox Jews practice ritual murder of people".<sup>2695</sup>

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<sup>2692</sup> <https://ria.ru/20220627/vandaly-1797851444.html>

<sup>2693</sup> <https://www.unian.net/incidents/direktor-evreyskoy-obshchiny-ivano-frankovska-poluchil-tri-nozhevyh-raneniya-novosti-ukraina-amp-11767225.html>

<sup>2694</sup> <https://jewishnews.com.ua/society/vandalyi-narisovali-svastiku-na-evrejskom-obshhinnom-centre-v-xmelniczkom>

<sup>2695</sup> <https://amp.strana.today/news/401075-eks-deputat-kievrady-mikhail-kovalchuk-zajavil-chto-evrei-ubivajut-detej.html>

On 29 September 2022 (on Babi Yar Memorial Day), the "OKKO" gas station near Yavorov, Lvov Oblast, refused to serve Hasidim on the basis of their nationality and religion.<sup>2696</sup>

On 4 October 2022, in Ivano-Frankovsk, a group of young people destroyed part of the fence at the oldest cemetery in the city, tearing down the Star of David.

On 26 December 2022, a graffiti appeared in Uzhgorod with antisemitic writings and a call to kill Jews.<sup>2697</sup>

On 14 February 2023, unknown people threw paint on the recently restored monument to Jewish poet Paul Celan.<sup>2698</sup>

On 11 April 2023, the United Jewish Community of Ukraine reported that antisemitic inscriptions were systematically appearing in Mirgorod, Poltava Oblast.<sup>2699</sup>

On 23 June 2023, an old Jewish cemetery was desecrated in Khorol, Poltava Oblast.<sup>2700</sup>

On 28 July 2023, in Ovruch, Zhitomir Oblast, heavy machinery destroyed the territory of the old Jewish cemetery.<sup>2701</sup>

In August 2023, a 15-year-old teenager from Radomyshl, Zhitomir Oblast, committed several acts of vandalism and antisemitism with encouragement from a National Socialist-inspired Telegram community, which also consisted of users from Vinnitsa, Dnepr (Dnepropetrovsk), Ivano-Frankovsk, and Lvov. The perpetrator desecrated a memorial complex commemorating Jewish children killed during World War II and the home of a local Jewish resident, drawing swastikas and insulting inscriptions on them. He also painted Nazi symbols on steles honouring those who fought against Nazism.<sup>2702</sup>

<sup>2696</sup> <https://jewishnews.com.ua/society/na-okko-v%D1%96dmovlyayut-v-obsługovuvann%D1%96-xasidam-za-nacz%D1%96onalnoyu-ta-rel%D1%96g%>

<sup>2697</sup> <https://jewishnews.com.ua/society/vipadok-antisem%D1%96tskogo-vandal%D1%96zmu-v-uzhgorod%D1%96>

<sup>2698</sup> <https://jewishnews.com.ua/society/u-chern%D1%96vczyax-oblil-farboyu-pamyatnik-poeta-evrejskogo-poxodzhennya>

<sup>2699</sup> <https://jewishnews.com.ua/society/antisem%D1%96tsk%D1%96-napisi-pom%D1%96tili-v-mirgorod%D1%96>

<sup>2700</sup> <https://jewishnews.com.ua/society/u-xorol%D1%96-oskvernyayut-stare-kladovishhe>

<sup>2701</sup> <https://jewishnews.com.ua/society/v-ovruch%D1%96-oskvernyayut-stare-evrejske-kladovishhe-foto>

<sup>2702</sup> <https://jewishnews.com.ua/society/sbu-ta-gunp-vikrili-sp%D1%96lnotu-p%D1%96dl%D1%96tk%D1%96v-neonacist%D1%96v>

On 26 October 2023, synagogues in Nikolaev and two other Ukrainian cities were doused with red paint.<sup>2703</sup>

On 15 December 2023, in Kremenchug, Poltava Oblast, unknown persons toppled a Hanukkiah set up by representatives of the city's Jewish community to celebrate Hanukkah.<sup>2704</sup>

On 19 December 2023, in Kiev, an unknown person desecrated Europe's largest Hanukkiah installed on Independence Square, and posted a video of his offense in social networks.<sup>2705</sup>

On 26 January 2024, on the eve of the International Holocaust Remembrance Day, vandals destroyed a memorial to Holocaust victims in the village of Sosnovoye (former Ludvipol) Rovno Oblast, where the Nazis shot more than a thousand prisoners of the local ghetto in 1942.<sup>2706</sup>

On 25 February 2024 in Lvov, a memorial sign dedicated to the Holocaust victims killed by the Nazis in the Stalag 23 camp in Lvov was painted with the inscription "death to the Jews".<sup>2707</sup>

On 12 April 2024, in Uman, Cherkassy Oblast, a man drew a swastika on the building of a Jewish canteen near the pilgrimage quarter of Bratslav Hasidic Jews.<sup>2708</sup>

The sharp increase in pressure on Russians and Russian-speaking citizens of Ukraine in 2022 did not mean that all the problems of other national minorities in the country had been addressed. Budapest and Bucharest still have serious concerns about the continuing infringement of the rights of compatriots in Ukraine. They note that Kiev has not abandoned its attempts to assimilate the Hungarian and Romanian communities and continues its policy of depriving them of the opportunity to use their native language "outside the home" and receive education in it. It is not by

<sup>2703</sup> <https://jewishnews.com.ua/society/sinagogu-v-mikolaev%D1%96-oblilichervonoyu-farboyu>

<sup>2704</sup> <https://jewishnews.com.ua/society/u-kremenchucz%D1%96-vandal-perekinuv-xanuk%D1%96yu-pol%D1%96cz%D1%96ya-%D1%96nkrim%D1%96nue-lishe-dr%D1%96bne-xul%D1%96ganstvo>

<sup>2705</sup> <https://jewishnews.com.ua/society/u-kiev%D1%96-oskvernili-najb%D1%96lshu-xanuk%D1%96yu-evropi>

<sup>2706</sup> <https://jewishnews.com.ua/society/vandali-zrujnuvali-memor%D1%96al-zhertvam-golokostu-na-r%D1%96vnenshh%D1%96n%D1%96>

<sup>2707</sup> <https://jewishnews.com.ua/society/akt-antisem%D1%96tskogo-vandal%D1%96zmu-zd%D1%96jsneno-u-lvov%D1%96>

<sup>2708</sup> <https://jewishnews.com.ua/society/v-uman%D1%96-namalyuvali-svastiku-na-evrejsk%D1%96j-bud%D1%96vl%D1%96>

chance that back in January 2023 the Hungarian and Romanian Ombudsmen for Human Rights announced their plans to visit Ukraine in the near future in order to find out on the spot to what extent Law No. 8224 "On National Minorities (Communities)" adopted by the Verkhovna Rada on 13 December 2022 actually meets the task of protecting their rights.

A blatant violation by the Ukrainian authorities of the Hungarian community's right to preserve its cultural identity, as stated in this law, was the dismantling of the Turul sculpture in Mukachevo Palanok Castle (Transcarpathian Oblast) on 13 October 2022, which was replaced by a Ukrainian trident.

The Kiev regime exerted brutal pressure on the Hungarian community living in Transcarpathian Oblast. At the end of 2020, armed Ukrainian special forces searched Laszio Brenzovich's residence and the headquarters of the Transcarpathian Hungarian Cultural Society for signs of separatist activity. The pretext for the raids was the fact that the Hungarian national anthem had been performed in a meeting of the organization. According to the representatives of the organization, this had been done during previous formal meetings in which no resolutions were adopted, but nobody had attached any importance to it. The organization believes that the actions of the Ukrainian special forces, which are founded on baseless political accusations, are aimed at preventing Hungarian organizations from carrying out their activities and intimidating the Transcarpathian Hungarians and their leaders.<sup>2709</sup>

The administrative changes taking place in the country also pose a threat to the interests of ethnic minorities. Thus, on 17 July 2020, the Verkhovna Rada decided to enlarge Beregov district where Hungarians accounted for 76 per cent of the population. According to Josip Borto, deputy head of the Transcarpathian Regional Council, MP of the Party of Hungarians of Ukraine, after the expansion of its territory by adding Vinogradov district, the percentage of the Hungarian minority decreased to 43 per cent. A similar situation can be observed in all the areas across Transcarpathia, which were densely populated by this nationality. Thus, after the

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<sup>2709</sup> <https://strana.today/news/304131-venhry-zakarpatja-nazvali-okhotoj-na-vedm-obyski-v-venherskom-fonde-i-proverku-sbu.html>

enlargement of Uzhgorod district, Hungarians accounted for only 13 per cent of the total population instead of 33 per cent, and in Mukachevo district – for 4 per cent instead of 12 per cent.<sup>2710</sup>

On 8 December 2023, Kiev adopted the law "On Amendments to Certain Laws of Ukraine Concerning the Consideration of the Expert Assessment of the Council of Europe and its Bodies on the Rights of National Minorities (Communities) in Certain Spheres"; the law, issued under pressure from European institutions, secured a number of rights for minorities whose languages are official languages of the EU. In particular, this includes the right to basic and specialized secondary education in mother tongue, except for subjects related to the study of the Ukrainian language, Ukrainian literature and history of Ukraine, as well as the defence of Ukraine, which are taught in the state language; to higher education in mother tongue in private educational institutions provided that the state language is studied as a separate academic discipline; waiving the requirement to publish at least 50 per cent of book titles in the state language for publishing products in minority languages, which are official languages of the EU; the reduction of quotas of up to 30 per cent of the total length of programmes and broadcasts in the state language for TV and radio broadcasters working in the languages of national minorities; the dissemination of election campaign materials, as well as indoor and outdoor advertising (for areas where national minorities traditionally reside or constitute a significant part of the population), made in the respective languages of national minorities with mandatory duplication in the state language, etc.

However, the measures taken have not been satisfactory to Budapest, who believes that they are not adequate and "do not bring the restoration of the rights of Transcarpathian Hungarians any closer to the pre-2015 status quo". The Hungarian side continues to demand legislative safeguards of the rights of the Hungarian national minority to use their mother tongue outside of special lessons, secondary school final exams to be permanently organized in Hungarian, the organization of

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<sup>2710</sup> <https://ukraina.ru/exclusive/20200613/1027978005.html>; <https://gordonua.com/amp/newspolitics/rada-vmesto-490-sozdala-v-ukraine-136-rajonov-polnyj-spisok-1509766.html>



Hungarian grammar and literature examinations, the celebration of national holidays or the use of symbols associated with them, the establishment of cultural and educational institutions for national minorities, and representation of national minorities in Parliament.

Budapest's ongoing dialog with Kiev on this issue has not yet resulted in a solution acceptable to both sides.

Representatives of the Romanian community also claim that their rights have been violated as a result of the language and administrative reforms carried out by the Ukrainian authorities. The redrawing of the borders of the districts densely populated by members of this minority resulted in the creation of new administrative-territorial units in which the Romanians account for about 10 per cent of the total population. For them, this means loss of representation in the country's parliament and its decrease in local councils, as well as forced assimilation in violation of Ukraine's international obligations.<sup>2711</sup>

The fact that the majority of persons belonging to ethnic or national minorities in Ukraine are at risk of discrimination and stigmatization was noted by international human rights monitoring mechanisms. Among others, the Committee on the Elimination of Racial Discrimination noted that radical right-wing organizations operating in the country, such as the Right Sector, the Azov Civilian Corps and the Social National Assembly, promote activities that amount to incitement to racial hatred and racist propaganda.<sup>2712</sup> There have been numerous instances of propaganda of intolerance on the Internet. Racist and antisemitic content is posted on specific web sites promoting a nationalist agenda.<sup>2713</sup> Ukraine's human rights organizations noted an increase in cases of xenophobia and aggression against foreigners in law-enforcement agencies. Detention, arrests and document checks based on a person's race and ethnicity are still widespread.

<sup>2711</sup> <https://strana.today/news/278990-ukrainskie-rumyny-pozhalovalis-bukharestu-na-prinuditelnuju-ukrainizatsiju-i-adminreformu.html> (previously at <https://strana.ua/news/278990-ukrainskie-rumyny-pozhalovalis-bukharestu-na-prinuditelnuju-ukrainizatsiju-i-adminreformu.html>)

<sup>2712</sup> Committee on the Elimination of Racial Discrimination, Concluding observations on the twenty-second and twenty-third periodic reports of Ukraine. August 2016  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en)

<sup>2713</sup> <https://strana.ua/opinions/161506-ukrainskie-natsionalisty-nachali-raspolzatsja-po-seti.html>

The Committee on the Elimination of Racial Discrimination expressed its concern at reports of a rise in racist hate speech and discriminatory statements in the public discourse, at rallies, including by public and political figures, in the media and on the Internet.<sup>2714</sup>

In November 2021, the Human Rights Committee indicated that hate speech was widespread in the country and hate crimes against minorities were frequently committed by members of right-wing organizations. These minority groups included Roma, Hungarians, Crimean Tatars, etc.<sup>2715</sup>

Human rights advocates have recorded dozens of instances of intolerant or aggressive conduct towards members of minorities or persons with alternative political views. Of particular concern are illegal actions by the members of radical nationalist organizations (C14, Right Sector, Tradition and Order, National Corps, National Vigilantes, OUN, etc.). Their violent attacks are almost entirely ignored by Ukraine's law enforcement bodies. The right-wing radicals make no attempt to hide the fact that their activities are closely coordinated with the SBU and Interior Ministry.

Roma are still being stereotyped and discriminated against. There are frequent instances of members of this community being subjected to aggression, physically attacked and even murdered. Right-wing radicals regularly harass Roma on the Internet, publishing offensive texts, caricatures, and collages. For instance, in November 2020, several news outlets in Ivano-Frankovsk (whose authorities are already known for their particularly – even against the background of Ukraine – high level of tolerance for acts of Russophobia and antisemitism) published articles in which Roma were described using negative ethnic stereotypes, which sparked a

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<sup>2714</sup> Committee on the Elimination of Racial Discrimination, Concluding observations on the twenty-second and twenty-third periodic reports of Ukraine. August 2016  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en)

<sup>2715</sup> Human Rights Committee, Concluding observations on the eighth periodic report of Ukraine. November 2021. (the observations were published in February 2022).  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en)

wave of hate speech against the Roma community and resulted in calls for violence on social media.<sup>2716</sup>

International human rights organizations and bodies have noted that the Ukrainian justice system barely responds to attacks on the Roma community by nationalists.<sup>2717</sup> Moreover, Ukrainian civil servants actually take part in the persecution of this national minority. In March 2020, the then Minister of Infrastructure of Ukraine, Vladislav Krykly, together with members of the radical structures S14 and Municipal Guard, took part in a "raid to combat" Roma at the railway station in Kiev.

Ivano-Frankovsk Mayor Ruslan Martsinkiv issued a formal order on 22 April 2020, directing all members of the Roma community to relocate to the Transcarpathian Oblast.<sup>2718</sup>

Attacks against the Roma community are recorded regularly in Ukraine. On 10 January 2021 in Lvov, unknown persons attacked a member of this nationality, accusing him of theft, doused him with the dilute alcoholic solution of brilliant green and beat him up.<sup>2719</sup>

On 5 October 2021, a similar attack took place in Dnepr (Dnepropetrovsk), during which an unknown right-wing radical beat a Roma man and sprayed a gas canister in his face.<sup>2720</sup>

On 17 October 2021, members of the neo-Nazi organization S14 and the "Municipal Guard" attacked a tabor of Roma in the town of Irpen with flares and smoke bombs. One of the organizers of the attack was Andrey Mevedko, who was charged with the murder of the writer Oles Buzina.

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<sup>2716</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

<sup>2717</sup> Committee on the Elimination of Racial Discrimination, Concluding observations on the twenty-second and twenty-third periodic reports of Ukraine. August 2016  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en)

<sup>2718</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

<sup>2719</sup> <https://violence-marker.org.ua/blog/2022/06/03/ultrapravi-konfrontacziyi-ta-nasylstvo-u-2021-roczni/>

<sup>2720</sup> Ibid.

On 23 October 2021, a member of the Azov battalion, M. Yarosh, openly and cynically beat a Roma woman in the center of Kiev. The attack was videotaped and subsequently circulated on the Internet.<sup>2721</sup>

On 17 November 2021, Ukrainian neo-Nazis again attacked Roma girls in the center of Kiev. During the abuse, the radicals damaged the victims' faces and clothes. They filmed their actions and disseminated them on the Internet.<sup>2722</sup>

On 14 January 2022, in Lutsk, a man with a gun attacked a Roma family, threatened to kill everyone, and hit a child with a brick.<sup>2723</sup>

Even deputies have been subjected to attacks by nationalists. On 13 August 2021, a Verkhovna Rada deputy from the "Servant of the People" party, Jean Beleniuk (his father is Rwandan, his mother is Ukrainian), was insulted in Kiev by two radicals who called him a "black monkey" and suggested that he "go back to Africa".

The international community was shocked by the manifestations of racism towards Asian and African nationals in Ukraine reported in February-March 2022. These included the beating of students from India for their country's refusal to vote against Russia in the UN General Assembly; rude treatment of Africans wishing to leave Ukraine; negative attitude towards Chinese citizens, etc.

Many testimonies of victims who had been subjected to racial discrimination while trying to leave the country with Ukrainians were published in the media. In particular, there is a clear pattern of people of African and Asian descent being prevented from boarding trains or buses, being kicked out of vehicles, and being held in separate queues at border checkpoints.

Concern about the situation of African citizens in Ukraine was expressed by the African Union in its statement of 28 February 2022, noting that the "singling out" of Africans and unacceptable unequal (dissimilar) treatment of them were shockingly racist.

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<sup>2721</sup> Ibid.

<sup>2722</sup> The Online Environment as a Tool for Violation of Rights and Freedoms in Ukraine. The Irina Berezhnaya Institute for Legal Policy and Social Protection. 2022.

<sup>2723</sup> <https://youtu.be/ru71taHU3yU> (Lutsk and Volyn news)

Ukrainian authorities have openly exerted pressure on the media, interfering in the work of those media outlets whose editorial policy and opinions contradict the position of official Kiev. Obstacles are put in the way of journalists' independent work, and attempts are made to tighten censorship. Security services often interfere in the work of the media and public organizations that hold views that diverge from the official position.<sup>2724</sup> In this connection, the level of aggression against media workers remains high. Thus, there have been repeated cases of blocking by right-wing radical "activists" of television channels that Kiev deems undesirable.

Despite calls by many human rights organizations and mechanisms, no appreciable progress has yet been made in the high-profile criminal cases related to the killings of Oles Buzina and Pavel Sheremet.

International observers have also pointed to numerous problems in the media field. Specifically, they have noted the trend towards limited editorial independence of the media owing to political bias of their owners. Journalists also face difficulties accessing public information due to administrative barriers created by the authorities. In addition, it has been noted that the actions of the state regulator – the National Council on Television and Radio Broadcasting – in relation to the media may also be biased by virtue of its affiliation with a number of politically biased media resources.

The Kiev regime has clamped down on the attempts to present an alternative view of the situation in the country or relations with Russia, and this started long before 2022. On 2 February 2021, President Zelenskiy issued a decree blocking the broadcasting of a number of nationwide news TV channels, including 112-Ukraine, NewsOne, and ZIK TV channel, owned by Taras Kozak, an MP from the Opposition Platform – For Life. Taras Kozak himself was placed on a sanctions list for a period of 5 years. He believes that the reason for all these actions was that the position adopted by the TV channels was not in line with the main policy pursued by the

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<sup>2724</sup> Monitoring of the human rights situation in Ukraine, January 2018 – April 2019.  
<https://forbiddentoforbid.org.ua/ru/monitoring-prav-cheloveka-konets-2018-nachalo-2019/>

authorities.<sup>2725</sup> The Strana.UA media outlet has also been subjected to sanctions. Sergei Tomilenko, president of the National Union of Journalists of Ukraine, characterized these sanctions as politically motivated.

Previously, the ZIK and 112-Ukraine TV channels, as well as the NASH TV channel, had already been persecuted by Ukrainian law enforcers. They were accused of broadcasting programmes whose participants allegedly made statements amounting to manifestations of national and racial hatred, called for undermining the constitutional order of the state, violating its territorial integrity and sovereignty, and made comments popularising the authorities of the "aggressor country" and justifying the "occupation of Ukrainian territories." However, it did not go as far as to close the channels.

Following the decision of the Ukrainian president to close the channels, journalists who had worked for them created a new TV channel – Pershiy Nezalezhniy ("First Independent"). As soon as the channel went on air for the first time, it was almost immediately disconnected from broadcasting. Against the backdrop of these events, several dozen well-known Ukrainian journalists from various media outlets formed an association to defend their rights and demanded that the country's authorities stop attacking the press.<sup>2726</sup>

Criminal prosecution remains a common means of exerting pressure on dissenting journalists by the Kiev regime. The editorial offices of news agencies have been repeatedly searched. Since 2015, numerous charges have been brought against I. Guzhva, editor-in-chief of Strana.UA, Ukraine's largest independent Internet media outlet, as a result of which he was forced to leave the country and seek political asylum in Austria. In August 2021, by a relevant decision of the National Security and Defence Council (NSDC) he was subjected to sanctions, which also applied to legal entities associated with him. This included the blocking of the Strana.UA website. Owner of the Open Ukraine news agency and former

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<sup>2725</sup> <https://strana.today/articles/analysis/315598-kakimi-budut-posledstviya-blokirovki-kanalov-dlja-zelenskoho-.html> (previously at <https://strana.ua/articles/analysis/315598-kakimi-budut-posledstviya-blokirovki-kanalov-dlja-zelenskoho-.html>)

<sup>2726</sup> <https://tass.ru/mezhdunarodnaya-panorama/11581293>

military man A. Medinskiy,<sup>2727</sup> head of RIA Novosti Ukraine Kirill Vyshinskiy, and independent journalists Y. Lukashin and V. Skachko have also faced persecution. A number of journalists were placed in pre-trial detention facilities, usually without the right to bail, including D. Vasilets<sup>2728</sup> (released under house arrest in 2018, as the Court of Appeal reversed the verdict, but the case was not closed), V. Muravitskiy<sup>2729</sup> (since 2018 was under 24/7 house arrest, since November 2019 – under overnight house arrest), P. Volkov<sup>2730</sup> (fully acquitted in March 2019).

Moreover, in addition to the direct pressure exerted on media outlets that take an independent position on most sensitive issues, offices of such media agencies have suffered attacks by nationalists, with the de facto connivance of the authorities. Thus, the buildings and premises of such TV channels as Inter, NASH, 112-Ukraine, and NewsOne have been repeatedly threatened and attacked by radicals. As a rule, such incidents occurred in connection with events involving participants from Russia or the demonstration of materials criticizing the Kiev authorities (including the well-known documentary by American director Oliver Stone "Revealing Ukraine").

On 11 June 2020, supporters of Sergei Sternenko, a radical activist accused of committing a murder in Odessa in May 2018, chased away journalists working for Anatoly Shariy's media outlets from the SBU building, where the investigative actions were taking place. A video published on Twitter shows how, in response to a journalist's question about the reasons for inappropriate behaviour with her colleagues, nationalists turn on a siren and, standing very close to the journalist, start speaking through a loudspeaker using foul language.<sup>2731</sup>

On 28 November 2020, Violetta Toveks, a correspondent from the NewsOne television channel, was assaulted while reporting from Kiev's Park of Glory. During

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<sup>2727</sup> Ibid.

<sup>2728</sup> <https://riafan.ru/1212680-otsidevshii-bolee-dvukh-let-ukrainskii-zhurnalist-rasskazal-o-terrore-rezhima-poroshenko>

<sup>2729</sup> <https://uspishna-varta.com/ru/pravozashhitnye-kejsy/delo-vasiliya-muravitskogo>

<sup>2730</sup> <https://ukraina.ru/news/20190327/1023114167.html>

<sup>2731</sup> <https://strana.today/news/272646-storonniki-sternenko-prohnali-ot-zdanija-sbu-storonnikov-sharija.html> (previously at <https://strana.ua/news/272646-storonniki-sternenko-prohnali-ot-zdanija-sbu-storonnikov-sharija.html>); <https://strana.today/news/272487-pod-zdaniem-sbu-hruppa-podderzhki-sternenko-prizyvaet-plevat-v-litso-zhurnalistam.html> (previously at <https://strana.ua/news/272487-pod-zdaniem-sbu-hruppa-podderzhki-sternenko-prizyvaet-plevat-v-litso-zhurnalistam.html>)

the live broadcast, an unknown person wearing a mask and a hood approached the journalist, took away and smashed her microphone on the pavement while shouting "This is a Russist channel!", and then he pushed her, shouted several insults and fled. Although the police opened a criminal case into the incident, no information on any suspect being identified and arrested has followed so far.

On 12 February 2021, in Kiev, radicals from the S14 group attacked V. Shevchuk, a journalist from the Pravovoy Kontrol media project, who was covering a rally organized by nationalists near the premises of the NASH TV channel. Law enforcers did not arrest the attacker, although Shevchuk detained him, and deliberately delayed the process of obtaining surveillance footage. The lawyer of the attacked journalist stated that the investigators had interest in covering up the crime.<sup>2732</sup>

Human rights organizations have pointed out that the impunity of perpetrators of previous attacks worsens the situation with media freedom. The brutal beating in Cherkasy of investigative journalist V. Komarov, who died on 20 June 2019 after spending six weeks in a coma, was cited as an example.<sup>2733</sup> In 2019, the UN Human Rights Monitoring Mission in Ukraine also noted that radical right-wing nationalist groups had continually been putting pressure on the proceedings concerning the killing of Oles Buzina, which had lasted by then for more than three years. Eventually, the case, which had been considered by several different judges, was in effect been put on hold and the proceedings had to be restarted from scratch after the presiding judge recused himself in May 2019.<sup>2734</sup> At the same time, on 12 December 2019, law enforcement agencies detained three suspects in the 2016 murder of prominent journalist Pavel Sheremet.<sup>2735</sup>

In November 2021, the UN Human Rights Committee expressed concern about the attacks and acts of intimidation against journalists and human rights

<sup>2732</sup> <https://strana.today/news/317443-ljudi-karasja-sovershili-na-menja-otkrovennoe-napadenie-a-politsii-zatjahaet-s-rassledovaniem-zhurnalist-serhej-shevchuk-o-podrobnostjakh-napadenija-.html>

<sup>2733</sup> Amnesty International Report: Human Rights in Eastern Europe and Central Asia. Review of 2019.

<https://www.amnesty.org/download/Documents/EUR0113552020ENGLISH.PDF>

<https://www.amnesty.org/download/Documents/EUR0113552020ENGLISH.PDF>

<sup>2734</sup> <https://www.ohchr.org/EN/NewsEvents/Pages/AttacksAgainstJournalists.aspx>

<sup>2735</sup> [https://ria.ru/20191224/1562805139.html?rcmd\\_alg=svd](https://ria.ru/20191224/1562805139.html?rcmd_alg=svd)



defenders committed by right-wing radicals (among the victims, anti-corruption activists and LGBT defenders were specially noted). It also mentioned delays in the investigations into the murders of journalists Oles Buzina, Pavel Sheremet and V. Komarov, as a result of which the perpetrators still have not been found. It was recommended that Kiev prohibit officials from interfering in the lawful activities of journalists and human rights defenders, guarantee their protection from any kind of threats, pressure and attacks, and ensure the confidentiality of journalists' sources.<sup>2736</sup>

As noted above, the Kiev authorities actively used the 2022 developments for making the state the only source of information. This is not to say that Kiev officials had not made such attempts before. On 11 March 2021, Ukrainian President Vladimir Zelenskiy approved a decision by the NSDC on creation of a Center for Countering Disinformation to be established as a working body of the NSDC.<sup>2737</sup> The Center has now become known for spreading fake news and information on a mass scale.

Legislative steps are taken to combat dissenting viewpoints in the country. On 19 March 2022, the president of Ukraine enacted the decision of the NSDC "On the implementation of a unified information policy under martial law," providing that all national TV channels are to be united on a single information platform of strategic communication – the 24/7 information marathon "United News." According to a survey among journalists conducted by the Democratic Initiatives Foundation in January 2023, 62 per cent of them believe that this United Marathon amounts to censorship.<sup>2738</sup>

On 31 March 2023, the controversial Law No. 2849-IX "On the media" of 13 December 2022, which is designed to be used by the authorities as a tool for fighting against dissenting media, entered into force. It imposes a ban on the

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<sup>2736</sup> Concluding observations of the Human Rights Committee on the 8th periodic report of Ukraine. November 2021 (the observations were published in February 2022).

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en)

<sup>2737</sup> <https://tass.ru/mezhdunarodnaya-panorama/10952263>

<sup>2738</sup> <https://zmina.info/news/zhurnalisty-nazvaly-osnovni-porushennya-svobody-slova-pid-chas-rosiys%ca%b9koyi-navaly-opytuvannya-onovleno/>

publication of "materials containing popularisation or propaganda of bodies of the aggressor state" and "unreliable materials" (the criteria for defining such materials are very vague), which in practice implies a total control over the media<sup>2739</sup> and an opportunity for extrajudicial blocking of any periodicals, as well as a de facto ban on the publication of any information about Russia, even if neutral. Besides, the law tightens the language quotas: starting from January 2023, the share of Ukrainian language on national television should increase from 75 per cent to 90 per cent.

The legislation was adopted without regard to the opinion of the journalistic community. In the summer of 2022, the document (still a draft law at the time) was criticized by, among others, the European Federation of Journalists, which described it as "worthy of the worst authoritarian regimes." Back during the preparation of the bill, it was severely criticized by the scientific and expert department of the parliament itself, which noted in its conclusion that "the provisions of the bill contradict the constitution of Ukraine, do not take into account the legal positions of the Constitutional Court of Ukraine, the international legal obligations of Ukraine and the jurisprudence of the European Court of Human Rights." It was also stated that "the general regulation mechanism is implemented through typical means of state coercion characteristic of heavy regulation of the activities by state bodies".<sup>2740</sup>

General Secretary of the International Federation of Journalists Anthoniy Bellanger, in his statement of 12 January 2023, criticized the new Law on the Media as a threat to the freedom of the press and diversity of opinions and called on the Kiev authorities to revise it in consultation with journalist associations.<sup>2741</sup>

Any attempts by journalists to publicize information that differs from the official point of view trigger accusations by Kiev officials of "distorting reality" and violating Ukrainian law. One of the most recent examples involves a report about

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<sup>2739</sup> The law vests the National Council on Television and Radio Broadcasting of Ukraine with unlimited powers to put pressure on any mass media outlets, up to heavy fines and extrajudicial closure.

<sup>2740</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221216-dostoyinyy-khudshikh-avtoritarnykh-rezhimov-na-ukraine-prinyali-shokiruyushchiy-zakon-o-smi/>

<sup>2741</sup> <https://www.ifj.org/media-centre/news/detail/category/press-releases/article/ukraine-ifj-calls-on-the-government-to-revise-new-media-law.html>

the restoration of Mariupol by the Russian authorities released by Germany's ZDF TV channel in January 2024.<sup>2742</sup>

Sometimes such activism costs journalists their freedom or even their lives. In January 2024, Chilean and American citizen Gonzalo Lira, an independent journalist and blogger who criticized Zelenskiy, died in a Ukrainian prison after having been kidnapped by the SBU in April 2022, then released and detained again while trying to leave Ukraine (he intended to seek political asylum in Hungary), and held in detention ever since up until his death.<sup>2743</sup>

Similarly, in March 2022, the SBU kidnapped political observer and journalist Dmitriy Dzhangirov. His current whereabouts are unknown. In February 2023, Dmitriy Skvortsov, a journalist and blogger who defended the canonical tradition of the Orthodox Church in Ukraine, was detained for "justifying Russian aggression."<sup>2744</sup>

Since 2022, the West and relevant international organizations have preferred to turn a blind eye to all these violations by the Kiev authorities. In 2023, the Institute of Mass Information recorded 83 cases of violations of freedom of speech "the responsibility for which lies with the Ukrainian side", but no unlawful detentions of journalists were mentioned among them. The list only included the obstruction of legitimate journalistic activities (29 cases), restriction of access to public information (20 cases), threats (11), cybercrime (11), beatings (4), indirect pressure (3), legal pressure (2), censorship (2), damage to property (1).<sup>2745</sup>

While the Ukrainian authorities are trying to gain full control over the law-abiding media offering an alternative view of the situation in the country, the notorious "Myrotvorets" website, which blatantly violates citizens' right to privacy, continues to operate without any hindrance. The site publishes illegally collected personal data of both Ukrainian citizens and foreigners whom it considers to be

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<sup>2742</sup> <https://www.ukr.net/ru/news/details/society/102520854.html>

<sup>2743</sup> <https://ria.ru/amp/20240115/blogger-1921310087.html>

<sup>2744</sup> <https://hromadske.ua/ru/amp/posts/sbu-zaderzhala-v-kieve-prorossijskogo-blogera-dmitriya-skvorcova-on-skryvalsya-v-monastyre-upc-mp>

<sup>2745</sup> <https://interfax.com.ua/news/general/960116-amp.html>

"separatists" or "enemies of Ukraine", including reporters, politicians, cultural figures and even Russian diplomats.

Ukrainian special services and radical nationalist structures actively use the said web resource to exert psychological pressure on those whomever they may accuse of "separatism and high treason." Moreover, those who are listed in the "Myrotvorets" database automatically become potential targets for repression by local security services and violent acts by nationalist radicals.

The most outrageous case involved the publication in 2015 of personal data, including residential address, of writer Oles Buzina and journalist Pavel Sheremet shortly after this information was published on the website, they were killed.

The list of those killed further includes Italian journalist Andrea Rocchelli, former MP from the Party of Regions Oleg Kalashnikov, militiaman Roman Dzhumayev, and Russian journalist Daria Dugina, to name a few. The Ukrainian public figures considered undesirable have also been subjected to illegal persecution. Many of them, like, for example, Alexei Selivanov, chief ataman of the Faithful Cossacks organization, were forced to leave the territory of Ukraine, fearing for their lives. When a blacklisted person dies, their profile is labelled as "eliminated." This was also the case with Italian businessman and politician Silvio Berlusconi.

In many cases, the inclusion of persons, such as media workers, into the extremist website's database has been followed by the blocking of their bank accounts in connection with their being listed as the "enemies of Ukraine." It is also known that, in May 2016, head of the National Bank of Ukraine Valeria Gontareva signed a letter addressed to Ukrainian organizations and enterprises recommending using the "Myrotvorets" website to obtain data necessary to "combat abuses in the financial sector and terrorist financing." "Myrotvorets" is also used as a source of evidence by the Ukrainian courts at all stages of the judicial procedure, as has been clearly demonstrated by the Uspishna Varta NGO, which identified more than

100 court decisions in criminal cases that refer to materials from the "Myrotvorets" website in their statement of reasons.<sup>2746</sup>

"Myrotvoret" editor-in-chief Roman Zaitsev, in an interview with Ukrainian periodical Fakti on 14 March 2021, made it clear that this web resource was supported by Ukrainian authorities (ministries of foreign affairs, internal affairs and defence; the SBU; border services), as well as by foreign (Western) intelligence agencies.

To date, more than 240 thousand people are listed in the "Myrotvorets" database, of which about 75 thousand are Russians. This includes the disclosure of personal information of over 300 minors. In October 2021, Faina Savenkova, a 12-year-old girl from Lugansk who allegedly "poses a threat to the national security of Ukraine," was included in the "Myrotvorets" database. The reason was her open appeal to the members of the UN Security Council on Children's Day where she drew attention to the situation of children in the Donbass.

In January 2022, "Myrotvorets" announced the opening of a new area of activity to combat unscrupulous law enforcement officers who allegedly fabricate criminal cases. However, the site administrators referred to this category only those investigators and prosecutors who conducted criminal proceedings against veterans of the ATO and members of nationalist battalions, as well as against MP Sofia Fedina, who is known for making extremist statements.

International human rights organizations have brought attention to the problems caused by the operation of this vile Internet resource in Ukraine. In 2019, the OHCHR Monitoring Mission in Ukraine called on deputies of the Verkhovna Rada to initiate the closure of the nationalist resource; similar calls were voiced by the EU office in Kiev and the Journalists without Borders NGO, which, however, has had no effect.

In November 2021, the UN Human Rights Committee pointed out the lack of information on the outcome of criminal investigations carried out in relation to this

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<sup>2746</sup> Use of materials from the "Myrotvorets" site in court practice. Uspishna Varta Human Rights Platform. 22 January 2019. <https://uspishna-varta.com/ru/news/ispolzovaniye-materialov-sayta-mirotvorets-v-sudebnoy-praktike>

notorious website. In particular, this refers to the publication of personal data of thousands of Ukrainians and other individuals allegedly linked to armed groups or labelled by the resource as "terrorists."<sup>2747</sup> The HRCtee attached great importance to this issue. This is indicated, in particular, by the fact that the recommendation to ensure the right to privacy, including in the context of the Myrotvorets website, along with comments on ensuring the independence of the judiciary and the administration of justice, as well as freedom of expression in the context of journalists' activities, was included by the Committee in the list of issues that are to be reported on within a year.

In the spirit of the best Nazi examples, the Kiev authorities are conducting a campaign to purge political circles of undesirable figures and forces that oppose the biased domestic and foreign policy and represent competition to the ruling elite. To this end, the special services and the country's judicial system are actively involved.

Back in November 2021, the UN Human Rights Committee highlighted a number of issues related to the operation of political parties in Ukraine. It was particularly concerned about reports indicating that there was corruption, misuse of State resources and a lack of transparency in campaign financing. The Committee was also concerned about broad and vague legal provisions which allowed for the denial or revocation of party registration on the pretext of threats to national security. In addition to the need to ensure transparency, effective monitoring of campaign financing and the investigation of corruption allegations, the recommendations to Kiev include the promotion of the culture of political pluralism. At the same time, the Committee's experts pointed out that the realization of civil and political rights in the country had been affected by the authorities' efforts to combat the coronavirus. As a result, the Ukrainian Government had introduced restrictive measures under the pretext of combating the disease. They mostly impacted conflict-affected populations, women, Roma, and older persons.

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<sup>2747</sup> Concluding observations of the Human Rights Committee on the 8th periodic report of Ukraine. November 2021 (observations were published in 2022).

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FUKR%2FCO%2F8&Lang=en)

The Human Rights Committee also expressed concern regarding the judiciary system. In particular, it noted the lack of measures to fully ensure the independence of judges and prosecutors, the lack of transparency in the procedure for the appointment and dismissal of judges; the challenges faced during the qualification assessment of judges; and the investigation of possible cases of corruption. As a result, these factors, together with the insufficient number of judges in the country, lead to delays and lack of access to justice for a significant number of Ukrainian citizens. The authorities were advised to refrain from interfering in the judiciary and safeguard the full independence of judges. The fact that the investigations into the Maidan tragedies (the investigation has been completed and charges have been brought against Viktor Yanukovich and security forces in absentia) and the Odessa tragedy have been slowed down was cited as a manifestation of the understaffing and underfunding of the courts.<sup>2748</sup>

Moreover, the Kiev regime keeps compiling more "enemies of Ukraine" lists, one of which is the recently launched The Germs of "Russian World" Internet resource. It features European citizens and organizations that allegedly support the Russian Federation and its policy in various forms. It also includes Russian compatriots and their organizations.

To be featured on this proscription list, one only needs not to condemn Russia or to speak positively about anything related to it. The page is owned by Texty (texty.org.ua) and contains the names of about 1,300 individuals and some 900 organizations from 19 European countries. It is sponsored by the Soros Foundation.

Evidently, the new "Myrotvorets" (Peacekeeper), just like its prototype, will be used to harass those featured in it, target people for any dissent, and purposefully spread hatred between nations.

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<sup>2748</sup> Concluding observations of the Human Rights Committee on the 8th periodic report of Ukraine. November 2021 (the observations themselves were published in February 2022)  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F8%2FUKR%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F8%2FUKR%2FCO%2F8&Lang=en)

The state of martial law imposed in 2022 has been used by Vladimir Zelenskiy not only to limit freedom of speech and purge the country's media space, but also to eliminate any possible political concurrents. One of the first political parties to be targeted by Zelenskiy's regime was the Opposition Platform – For Life – including its leaders. Following the closure of three national news channels owned by party member Taras Kozak in early February 2021, the National Security and Defence Council, on 19 February, imposed sanctions on the leader of this party, Viktor Medvedchuk, and his wife, TV presenter Oksana Marchenko, freezing all of their assets and property in Ukraine. The grounds for that were an investigation conducted by the SBU into the financing of terrorism.<sup>2749</sup> As of May 2021, a criminal case was opened against Viktor Medvedchuk and Taras Kozak for high treason and attempted theft of national resources in Crimea.

In 2022, measures to eliminate opposition parties became even more active. On 14 May 2022, Vladimir Zelenskiy signed a law banning pro-Russian parties in the country. As a follow-up to this decision, by the end of 2023, Ukrainian courts had banned 18 opposition parties representing the interests of millions of Russian-speaking residents of Ukraine and advocating for a dialog with Russia. Their property, finances, and other assets were seized and turned over to the state. The leadership of these parties was subject to criminal prosecution.

On 23 April 2022, amendments to the Criminal Code (CC) regarding "ensuring the accountability of individuals who carry out collaborationist activities" came into force. Complicity with the "aggressor state" is punishable by imprisonment for up to 12 years. The Criminal Procedure Code (CPC) was also amended to allow prosecutors to order pre-trial custody of suspects and to pass rulings on other matters of criminal proceedings, which previously used to require the judge's authorization. In addition, the CPC was also amended to establish imprisonment as the only punitive measure applicable to crimes associated with a

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<sup>2749</sup> <https://strana.today/news/318673-sanktsii-snbo-protiv-medvedchuka-19-fevralja-hlavnoe.html> (previously at <https://strana.ua/news/318673-sanktsii-snbo-protiv-medvedchuka-19-fevralja-hlavnoe.html>)



"military conflict" while martial law is in effect. Furthermore, Ukrainian law enforcement officers were allowed to conduct night searches without witnesses.

The above-mentioned legislative amendments were also criticized in the OHCHR report on the human rights situation in Ukraine for the period from February 2022 to May 2023, which, among other things, mentions that these amendments, "combined with practices employed by Ukrainian security forces, have also resulted in an environment conducive to arbitrary detention". According to the information disclosed in this report, during the reporting period alone, OHCHR documented 75 confirmed cases of arbitrary detention by Ukrainian security forces. Fifty-seven per cent of the detainees interviewed described subjection to torture or ill-treatment; 17 per cent reported improper conditions of detention.<sup>2750</sup>

The Ukrainian authorities also open politically motivated cases against undesirable individuals under articles 109 – 114-2, 258 – 258-6, 260, 261, 437 – 442 of the Criminal Code of Ukraine, for crimes against national security of Ukraine – articles 109 – 114-2, for crimes against public security – articles 258 – 258-6, 260, 261 (generally used to convict militias and residents of the DPR and the LPR), for criminal offenses against peace, security of mankind and international legal order – articles 437 – 442 (cases directly related to warfare). Besides, cases are opened for criminal offenses related to the protection of state secrets, inviolability of state borders and mobilization – articles 328, 330, 332, 335-337 of the Criminal Code of Ukraine; criminal offenses against the established procedure of military service (military offenses) (disobedience, absence without leave from a military unit or place of service, desertion) – articles 402-403, 407 – 409, 422, 427, 429 – 431 of the Criminal Code of Ukraine; dissemination of communist or Nazi symbols or propaganda; justification, validation or denial of the "military aggression of the Russian Federation against Ukraine"; and "glorification" of its participants – article 436 of the Criminal Code of Ukraine.<sup>2751</sup>

<sup>2750</sup> <https://www.ohchr.org/sites/default/files/2023-06/2023-06-27-Ukraine-thematic-report-detention-ENG.pdf>

<sup>2751</sup> Report of the Foundation for Humanitarian Economic Cooperation entitled "Persecution of Dissidents and Political Repressions in Ukraine" (December 2023 – February 2024)

In reality, all of the criminal law regulations in the country are used by Ukrainian authorities to persecute the dissidents. As of 15 February 2024, the Prosecutor General's Office of Ukraine reported opening 16,345 criminal cases on suspicion of committing crimes against national security, including: trespass against territorial integrity and inviolability of Ukraine (article 110 of the Criminal Code) – 3,473, high treason (article 111 of the Criminal Code) – 3,081, collaborationism (article 111-1 of the Criminal Code) – 7,286, aiding and abetting the aggressor state (article 111-2 of the Criminal Code) – 1,081, sabotage (article 113 of the Criminal Code) – 97.

Concerning the further development of such cases, the Office of the Prosecutor General of Ukraine reports that in 2022-2023, 195,776 criminal cases were opened in relation to the military conflict. 74,302 cases were opened for political dissidence. In 16,571 cases, suspicion notices were given, and 12,793 cases with an indictment were forwarded to court.<sup>2752</sup>

Over the past two years, more than 3,000 cases under article 111 of the Criminal Code of Ukraine ("high treason") have been opened (mostly in the Kharkov Oblast and areas of the Donetsk Oblast, the Zaporozhye Oblast, the Kherson Oblast, and the Kiev Oblast under Kiev control). Besides, residents of these territories, some of which have temporarily got back under the UAF control, fall under the articles "collaborationism" (111-1) and "aiding and abetting the aggressor state" (111-2).<sup>2753</sup> Human rights activists note that the given statistics don't cover those who have gone missing, as well as victims of forced disappearances. At the same time, some political and public figures in Ukraine recognize the existence of such victims, but the Kiev authorities refrain from covering this unpopular topic in the mass media.

According to the Ministry of Internal Affairs of Ukraine, in 2023, the country's law enforcement agencies put 7,422 people on the wanted list, a record for the past five years (including a 40 per cent increase over 2021). These individuals

<sup>2752</sup> <https://ukraina.ru/20240119/1052773811.html>

<sup>2753</sup> Report of the Foundation for Humanitarian Economic Cooperation entitled "Persecution of Dissidents and Political Repressions in Ukraine" (December 2023 – February 2024)

were wanted on the following charges: 21.7 per cent for collaborationism, 18.2 per cent for theft, 5.3 per cent for high treason, and 4.8 per cent for fraud. As of the end of January 2024, according to the Ukrainian Ministry of Internal Affairs, there were 55,992 people wanted in Ukraine.<sup>2754</sup>

It has gotten to the point where Ukrainian senior citizens who have "liked" posts on the social media platforms Odnoklassniki, Vkontakte and other sites have been sentenced to real terms on criminal charges. For supporting pro-Russian post, they risk imprisonment up to five years, which is equal to the convictions for theft, murder or rape. Ninety-nine such convictions have been handed down from March to September 2022, 176 from October 2022 to September 2023.<sup>2755</sup>

Public figures and human rights activists, mainly those who advocate for the rights of Russians in Ukraine and those who speak out in favour of establishing cooperative relations with Russia, are also being persecuted on false charges. An illustrative example is the case of Elena Berezhnaya, well-known Ukrainian public activist, who is actively defending the rights of the Russian-speaking population and national minorities of Ukraine. Her regular appearances at the UN, the OSCE, and other international organizations most likely became one of the main reasons for the persecution of this activist by the Ukrainian security services. On 16 March 2022, Elena Berezhnaya was detained by the SBU under the pretext that she was suspected of high treason; since then she has been kept in a pre-trial detention facility. Several human rights activists have drawn attention to her fate. She also addressed letters herself to the Council of Europe and the OSCE. However, there is still no progress in her case, and the activist has been already held in detention for more than two years.

In the spring of 2022, in Ukraine, there were numerous cases of persecution against the public figures that expressed their personal views on the situation in the country and disagreed with the official policy. In March 2022, writer, satirist, publicist and TV host Yan Taksir was detained. The reason was the satirist's

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<sup>2754</sup> <https://opendatabot.ua/ru/analytics/person-wanted-2023>

<sup>2755</sup> <https://www.bbc.com/russian/articles/c4nxmxm1ev7o>

literary works, which allegedly "undermined the sovereignty of the state." Yan Taksyur was held in a pre-trial detention facility despite having serious health issues. A few months later he was released on bail.

In June 2022, Mikhail Pogrebinskiy, well-known Ukrainian political scientist, was charged in absentia with high treason. He was accused of acting as an "expert" and "repeatedly participating in TV programmes and talk shows, disseminating well-written Russian messages aimed at destabilizing the socio-political situation in the country". Earlier, in March 2022, Pogrebinskiy's apartment was searched.

The media also reported on the detention of activist Aleksander Gorbenko, political scientist and journalist Dmitriy Dzhangirov; political scientist Yuriy Dudkin, who had taken part in live broadcasts of such channels as 112-Ukraine, NewsOne, and ZIK, which had been closed by the Kiev regime; anti-fascist politicians Mikhail and Aleksander Kononovichi; political scientist and blogger Gleb Lyashenko; anti-fascist activist Aleksander Mayevskiy (he managed to escape during the burning of the Trade Union House in Odessa on 2 May 2014); communist and anti-fascist Aleksander Matyushenko; journalist of the NewsOne and NASH TV channels Maks Nazarov, head of the Slavic Movement "Russia Revived" public organization Aleksander Tarnashinskiy, lawyer Dmitriy Tikhonenkov, who had defended anti-Maidan activists, journalist Yuriy Tkachev, professor of the Nikolaev Institute of Law Sergei Shubin, and many others.<sup>2756</sup>

Other political prisoners whose future is of particular concern are: Energy expert and commentator Dmitriy Marunych (detained by the SBU in April 2022, his current whereabouts are unknown), Kiev historian and publicist, author of books on the common history of East Slavic peoples Aleksander Karevin (captured by the SBU on 9 March 2022 in his own apartment, his further fate is unknown), former deputy of the district council, person with disabilities, anti-Maidan activist Oleg Novikov (detained by the SBU in April 2022, his current whereabouts are unknown), the head of the Russian community in the Poltava Oblast, writer,

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<sup>2756</sup> <https://ukraina.ru/20220715/1036459856.html>

journalist Viktor Shestakov (detained by the SBU in July 2023, currently in a pre-trial detention center).

Sentences have been handed down in the cases of some public figures. Thus, in May 2022, Aleksander Matyushenko was sentenced to three years in prison on charges of "trespass against territorial integrity of Ukraine".<sup>2757</sup> In November 2023, head of the Department of Humanities of the Nikolaev Institute of Law Sergei Shubin was sentenced to 15 years in prison (arrested by the SBU in June 2022)).

Actual prison sentences are imposed even on elderly people, and given their age, this is equivalent to a death sentence. For example, in January 2024, an 82-year-old Afghan War veteran, holder of the Order of the Red Star, writer and journalist, Yuriy Chernyshev was sentenced to 15 years in prison.

Following the start of the special military operation, the SBU, using the tactics of criminals and terrorists, began to harass and intimidate Ukrainian deputies and officials who accepted humanitarian cargoes from Russia or negotiated with the Russian military on the establishment of civilian evacuation corridors. On 1 March 2022, Vladimir Struk, mayor of Kremennaya, was kidnapped by men in military uniform. Two days later his body was discovered with signs of torture. On 7 March 2022, Yuriy Prilipko, mayor of Gostomel, was found murdered. He negotiated with the Russian military to establish a humanitarian corridor for civilians. On 24 March 2022, Gennady Matsegora, mayor of Kupyansk, published a video calling on Zelenskiy and his administration to release his daughter, who had been kidnapped by SBU agents to put pressure on the official. The media also reported on the detention of Aleksander Bryukhanov, mayor of Yuzhnoye; Cherkasy City Council deputy from the "Opposition Platform – For Life" Aleksander Zamiraylo; Kherson City Council deputy Ilya Karamalikov; Mariupol City Council deputy Vladimir Klimenko; politician I. Kolesnikov; mayor of Sary Saltov Eduard Konovalov; mayor of Buryn Viktor Ladukha; and Andrey Lazurenko, deputy of Solonitsevskiy village council of the Kharkov Oblast.

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<sup>2757</sup> <https://ukraina.ru/20220715/1036459856.html>

In 2023, the Kiev regime continued to cleanse the political space of alternative opinions. On 25 July 2023, the SBU accused of high treason former deputy of the Verkhovnaya Rada, leader of the now-banned party "Nashi" Evgueniy Muraev. Earlier, in November 2022, Ukrainian security services searched his house.<sup>2758</sup> In the same month, a criminal case for high treason was opened against another former deputy Vadim Rabinovich. He was arrested in absentia.<sup>2759</sup>

Ukrainian security forces began to regularly prosecute civil population, primarily, Russian-speaking. A significant number of criminal prosecutions are being conducted in connection with the alleged work of the accused persons for the Russian intelligence services. However, there are also known cases when citizens are prosecuted for publicly drawing attention to inappropriate behaviour of the Ukrainian military. Thus, in early April 2024, the SBU detained in Kharkov a 54-year-old director of School No. 38 who publicly complained about drug use by UAF militants on the territory of the educational institution. The woman published photos on social networks showing janitors collecting used syringes and empty packages of drugs for drug addicts scattered by the militants on the territory of the school, criticizing the "defenders". A few days later, the teacher was detained, a "preventive conversation" was held with her and a criminal case was opened.<sup>2760</sup>

At the same time, it became known about the arrest in Kharkov of six former employees of Ukrainian design institutes (traditionally, they are often suspected of working for Russia). According to the version of the so-called investigation, they were commissioned by the Russian state corporation Rosatom to develop research and design documentation for the modernization of Russian nuclear power plants in Kursk, Rostov, Novovoronezh and Balakovo. The detainees were also allegedly supposed to help connect the Zaporozhye NPP to the Russian energy system.<sup>2761</sup>

Often representatives of the Ukrainian security services directly inform the detainees that the reason for their arrest is the intention to use them to exchange

<sup>2758</sup> <https://tass.ru/mezhdunarodnaya-panorama/18353577?ysclid=lmgo78j2vv396866235>

<sup>2759</sup> <https://ren.tv/news/v-mire/1128632-ukrainskogo-deputata-rabinovicha-zaochno-arestovali-zagostizmenu?ysclid=lmgoejpg3r636374100>

<sup>2760</sup> <https://antifashist.com/item/inzheneriy-atomshhiki-pedagogi-i-informatory-s-trikolorom-sbu-prodolzhaet-shtampovat-absurdnye-ugolovnye-dela-protiv-ukraincev.html>

<sup>2761</sup> Ibid.

them for Ukrainian soldiers who have surrendered to the Russian Federation Armed Forces.

About 700 citizens' complaints of illegal criminal prosecution in Ukraine for their pro-Russian position are under consideration in the Office of the Commissioner for Human Rights in the Russian Federation Tatyana Moskalkova.

Despite the connivance of a number of international organizations with the Kiev regime, information about the methods used by Kiev to persecute potential political opponents and simply people with different views still appears in the information space. The fact that such actions are not in accordance with the international law was pointed out by the UN High Commissioner for Human Rights Michelle Bachelet in her report at the 50th session of the UN Human Rights Council in July 2022.

In October 2023, during the discussion at the UN Human Rights Council meeting of the OHCHR regular report on Ukraine, United Nations Deputy High Commissioner for Human Rights Nada Al-Nashif noted that about 6,000 criminal cases related to charges of "collaboration activities" had been opened on the territory under Kiev control and their number was still growing. The OHCHR expressed concern regarding this issue.<sup>2762</sup>

Numerous cases of detention of dissidents in Ukraine came to the attention of Western media. For example, the Guardian published an article on this issue on 3 February 2024.<sup>2763</sup> Among others, it reported that in recent years Ukraine's SBU security service had opened more than 8,100 criminal proceedings related to collaboration of Ukrainian citizens with Russia. It was also noted that Ukrainians convicted on these counts were only held in certain prisons, where they were kept away from other inmates. Many of the correspondents' interlocutors claimed that they admitted guilt under pressure. At the same time, it should be noted that although this publication has recognized the fact of persecution of opposition and dissenting citizens in Ukraine, nevertheless, the entire material is written as a

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<sup>2762</sup> <https://news.un.org/ru/story/2023/10/1445597>

<sup>2763</sup> <https://www.theguardian.com/world/2024/feb/02/jailed-as-collaborators-the-stories-of-ukrainians-who-ended-up-in-prison>

description of the cases of "traitors and collaborators", with the use of appropriate negative language, and does not contain the slightest sympathy for people (even for their professional colleagues) who have become victims of the crimes of the Kiev regime.



## Finland

Human rights belong to the topics traditionally prioritized by the Finnish government. Finland is a party to the major international treaties in this field and has advanced human rights legislation. The country regularly holds leading positions in international rankings compiled by Western NGOs on the extent of freedoms<sup>2764</sup>, rule of law<sup>2765</sup>, security and police operation<sup>2766</sup>, independence of the judicial system<sup>2767</sup>, and government efficiency<sup>2768</sup>.

However, in spite of Finland's efforts towards maintaining its "model state" reputation in terms of ensuring rights and freedoms, recent events have proven that the country has glaring problems when it comes to the protection of human rights.

The appointment of the new Finnish government following the April 2023 parliamentary elections was marked by a series of scandals involving a number of ministers from the second largest ruling political party, the Finns Party. Vilhelm Junnila, Minister of Economic Affairs, who belongs to that party, was accused of having ties with far-right radical forces and sympathizing with Nazis<sup>2769</sup>, which led to his resignation after just eleven days in office. In particular, it came to light that during his previous parliamentary term (2019-2023) he repeatedly tried to lobby the additional state funding for the NGO Veljesapu-Perinneyhdistys ("Fraternal Aid") – the union of the Finnish volunteer unit veterans who served in the Waffen-SS and their relatives. It was also recalled that in his 2019 parliamentary inquiry Vilhelm Junnila advised the government to promote abortions in African countries with a view to containing overpopulation in "underdeveloped societies" and their climate carbon footprint.

The Minister of Finance and head of the Finns Party, Riikka Purra (who had to apologize for her derogatory comments about migrants on social media fifteen

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<sup>2764</sup> See, in particular, Global Freedom Scores (compiled by the NGO Freedom House), which place Finland at the top of the list along with Norway and Sweden.

<sup>2765</sup> Rule of Law Index 2023, third after Denmark and Norway.

<sup>2766</sup> World Internal Security and Police Index 2016, second to Singapore.

<sup>2767</sup> Global Competitiveness Report 2019, ranked first in judicial independence.

<sup>2768</sup> Legatum Prosperity Index 2023, ranked first in government efficiency.

<sup>2769</sup> <https://yle.fi/a/74-20039199>

years ago, including the possibility of using violence against them, etc.)<sup>2770</sup>, as well as the successor of Vilhelm Junnila, Wille Rydman (his dismissive remarks about migrants in his personal messages on social media came into the public eye)<sup>2771</sup> also have a history of making openly racist statements regarding national minorities. Both, however, retained their positions as ministers, despite the opposition's persistent demands for their resignation. This situation was not left unnoticed by Finnish President Sauli Niinistö, who called on the government to explicitly declare "zero racism tolerance" to send "a good message, to the outside world alike".

The mentioned incidents triggered a wider public debate on the situation with racism in Finland. Twenty six Islamic communities and organizations published a joint appeal to the government demanding a more active condemnation of the hate speech and taking concrete steps against racist thinking in the country.<sup>2772</sup> Migrants who had come to Finland from various countries began to share their personal experiences of encountering manifestations of racism in their everyday lives and at workplaces.<sup>2773</sup> Massive protest demonstrations were held.<sup>2774</sup> The Finnish press drew attention to sociological studies indicating that Finland was considered one of the most racist countries in the European Union as perceived by people of African descent.<sup>2775</sup>

Having come to the brink of crisis, the current government responded to public demand by drafting and adopting a statement on measures to promote equality, equity and non-discrimination in Finnish society<sup>2776</sup>, which included such steps as launching a Government-led anti-racism campaign with the involvement of labour market associations and civil society organizations, fostering substantive communication with NGOs, intensifying preventive law enforcement work, proposal to criminalize Holocaust denial, etc. While there were some useful initiatives among the proposed measures, stakeholders groups had mixed reactions to this

<sup>2770</sup> <https://yle.fi/a/74-20040580>

<sup>2771</sup> <https://www.politico.eu/article/racism-scandal-in-finland-economic-minister-under-fire-for-racist-slurs/>

<sup>2772</sup> <https://yle.fi/a/74-20041271>

<sup>2773</sup> <https://yle.fi/a/74-20044278>

<sup>2774</sup> <https://yle.fi/a/74-20048295>

<sup>2775</sup> <https://www.helsinkitimes.fi/finland/finland-news/domestic/24376-study-finland-is-perceived-as-one-of-the-most-racist-countries-in-eu.html>

<sup>2776</sup> <https://julkaisut.valtioneuvosto.fi/handle/10024/165131>

statement<sup>2777</sup>, with the opposition harshly criticizing the document<sup>2778</sup> and expressing doubts about the Cabinet's intention to implement it.

Although it is not common for Helsinki officials to actively attempt to rewrite the history of the Second World War and to question its outcomes, the debate on the possibility of revising the international legal status of the Åland Islands, which followed Finland's decision to join NATO, has attracted attention. Namely, there have been some speculations about the refusal to demilitarize the archipelago, as well as statements about the "undesirability" of the Russian consular office bring there.

Manifestations of racism and racial discrimination have been reported among the personnel of the Finnish law enforcement agencies. Ethnic profiling in the field of public order policing has been repeatedly observed. In 2021, the police, in fact, publicly admitted to the press<sup>2779</sup> that between 2013 and 2017 the Roma population movements had been specifically monitored in the metropolitan area. On 8 September 2022, the Supreme Administrative Court handed down a conviction against Helsinki police officers who in 2016 stopped two black women on the street as part of a monitoring of street prostitution<sup>2780</sup>: the court ruled that the police officers' actions were discriminatory as it was determined that they had no other reason to conduct the check other than the ethnicity of the individuals in question.

The presence of people with racist views among Finnish law enforcement personnel has been confirmed by a number of internal inspections. At the beginning of 2022, the Helsinki Metropolitan Police Department dismissed an officer who had been engaged in inappropriate correspondence with a colleague in relation to ethnic minorities.<sup>2781</sup> Earlier, in 2021, two law enforcement officers from the capital were dismissed due to similar behaviour. Such incidents have also been reported in other police departments across Finland.

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<sup>2777</sup> <https://yle.fi/a/74-20048092>

<sup>2778</sup> <https://yle.fi/a/74-20048865>

<sup>2779</sup> <https://yle.fi/a/73-11920475>; <https://www.helsinkitimes.fi/finland/finland-news/domestic/19201-two-yle-reports-set-off-discussion-about-police-racism-in-finland.html>

<sup>2780</sup> <https://yle.fi/a/3-12615086>. This case is also mentioned in the EU Fundamental Rights Agency's 2023 report on the human rights in the EU Member States. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf).

<sup>2781</sup> <https://www.hs.fi/kotimaa/art-2000008554173.html>

Both universal and regional human rights mechanisms (in particular, the UN Committee on Economic, Social and Cultural Rights (CESCR) and the UN Human Rights Committee (HRCttee), as well as the European Commission against Racism and Intolerance (ECRI)) have also noted cases of racial or ethnic profiling among Finnish police officers. The need to tackle racial profiling in law enforcement as well as manifestations of hatred and discrimination was one of the most frequently made recommendations for Finland within the regular cycle of the Universal Periodic Review within the UN Human Rights Council (HRC) in November 2022<sup>2782</sup>.

It should be also noted that the Finnish authorities recognize the increase in far-right extremist sentiments in society. In particular, this fact has been noted by the Finnish Security and Intelligence Service, SUPO, in its annual report. Such ideologies have also gained ground among law enforcement officials. An investigation conducted in 2020-2022 exposed a group of employees in the Finnish Police who held radical right-wing views. As a result, three officers were dismissed from the department, two of which were suspected of preparing a crime.

However, in general, the radical far-right movement in Finland is not well-organized, with experts estimating the total number of its active members at several hundred. Until recently, the largest of such organizations with an office in Finland was "Pohjoismaiden Vastarintaliike" (also known as the "Nordic Resistance Movement"), which shared an overtly neo-Nazi ideology and advocated for it, inter alia, by means of violence. After the Supreme Court finally banned the Movement's activities in 2020, there are no other major radical right-wing formations left in Finland. However, there are still some organizations and initiatives uniting right-wing radicals.

Among the currently operating organizations, the most prominent one is the "Soldiers of Odin", which campaigns against "uncontrolled migration, Islamization, the EU and globalization". Despite its radical agenda, this organization is officially

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<sup>2782</sup> Report of the Working Group on the Universal Periodic Review on Finland. January 2023.  
<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F9&Language=E&DeviceType=Desktop&LangRequested=False>

listed in the Finnish NGO register, has branches in 34 municipalities and occasionally participates in rallies publicly declaring its "values". Another organization that has attracted public attention is Sinimusta Liike ("Blue-Black Movement"), which is making active efforts to enter the political arena. In particular, this structure, which does not conceal the proximity of its ideological base to classical fascism, made Finnish authorities to register it as a political party in 2022, and in April 2023 took part in the parliamentary elections (88 candidates in four districts), expecting to obtain at least one parliamentary mandate (but lost the elections with less than 0.1 per cent of the votes). In addition, the Kohti Vapautta ("Towards Freedom!") movement, whose members, in fact, continue the work of the banned Nordic Resistance Movement under a different name, is still active in the public space.

The Finnish authorities neither take actions against organizations opposing neo-Nazism – just like right-wing radicals, anti-fascists are free to take part in rallies as long as they act within the legal space.

Finland's policy on the preservation of historical memory in the international area also raises concerns over whether Finnish political community is still conscious of the country's role in World War II. As you know in 2022 and 2023, following the common confrontational line of the EU and the collective West, Finland has voted against the resolution "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance", adopted annually at the initiative of Russia and other cosponsors in the framework of the UN General Assembly, to condemn various efforts to gloss over Nazism and its followers. Finland's attitude towards this issue appears all the more unsightly because it contradicts its official domestic policy. Finnish legislation neither explicitly outlaw Nazism, neo-Nazism or any other radical ideology, nor Nazi symbols. However, for the time being the authorities are tackling those phenomena within the existing legal rules. For instance, such cases can be qualified in Finland as "incitement to inter-ethnic hatred" (paragraphs 10 and 10a of Chapter 11 of the Criminal Code), although

experts note that the threshold for the application of such articles for criminal prosecution is rather high.

Meanwhile, the swastika continues to be incorporated into the insignia of some Finnish Air Force units. In June 2022, another debate on this topic was triggered by the celebration of the country's Air Force Flag Day. In response to criticism, the Finnish military emphasize that this symbol has a long history and has been used by the Finnish Air Force since 1918 yet, long before Hitler came to power in Germany. In addition, the swastika can be found on one of the country's highest national awards – Vapaudenristi (the Cross of Freedom), depicted, among other items, on the Finnish president's standard.

Particular concern is raised by xenophobic attitudes prevailing in Finnish society. According to experts, Finns are typically cautious about people with foreign backgrounds at the everyday level (as indicated by the UN Committee on the Elimination of Racial Discrimination (CERD) in 2017)<sup>2783</sup>, and employment and self-realisation opportunities for foreigners, especially those of non-European origin, have been historically worse than those available to ethnic Finnish citizens. In particular, Russian-speaking residents of Finland have faced, along with other foreigners, negative attitudes towards them, including on the basis of language or origin, as reflected by the results of relevant surveys.

As regards manifestations of discrimination against foreigners in Finland, the situation of Russian immigrants in the country is a matter of concern.

From a formal perspective, the legal framework of Finnish legislation with regard to national minorities consists of multilateral treaties to which Finland is a party, bilateral agreements (the 1992 Treaty on the Foundations of Relations is applicable to relations with Russia) and national acts (including the Constitution (731/1999), the Equality Act (1325/2014), the Act on Facilitating the Integration of

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<sup>2783</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the 23rd periodic report of Finland. May 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FFIN%2FCO%2F23&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FFIN%2FCO%2F23&Lang=ru)

Immigrants (1386/2010), the Language Act (423/2003), a series of so-called education acts, including the Basic Education Act (628/1998), etc.).

In legal terms the Swedish-speaking community (287,000 or 5.2 per cent of the population), whose language, along with Finnish, has the status of the State language, holds the most privileged position. In addition to the Swedes, it is declared that special attention is given to the Sami community, the only indigenous people of Finland, which densely inhabits the northern part of the country. The legislation notably mentions the Roma as a national minority, but it does not promote complete eradication of discrimination against them.

In the national legislation the Russian and Russian-speaking diaspora are classified as "other groups", which have the right to maintain and develop their own languages and cultures. The provisions on the guarantees for natives of Russia are also included in the Russian-Finnish Treaty on the Foundations of Relations, as well as in the specialized Agreement on Cooperation in the Field of Culture, Education and Scientific Research of 1992, which provides for rendering support by the Finnish side in preserving their identity and cultural heritage.

According to the national Statistics Center, more than 71,000 Russian citizens (1.3 per cent of the population) were residing in the country as of 31 December 2022. The number of those who speak Russian as their mother tongue on the same date was 93,500 (1.7 per cent of the population), making Russian the most common foreign language in Finland.

Despite legislative guarantees, the Russian-speaking diaspora in Finland faces a number of problems. For instance, along with a higher unemployment than among the Finnish population, which is an important problem, it is still difficult for compatriots belonging to the economically active population to find a job with a profession acquired in the USSR or the Russian Federation. Many of them have to agree to low-paid and low-skilled jobs.

Manifestations of discrimination against non-Finnish communities has been experienced by Russian residents long before 2022, as also noted by international human rights mechanisms. For example, the Advisory Committee of the Framework

Convention for the Protection of National Minorities (ACFCNM) in June 2019 expressed concern about the increasing intolerance observed in Finland in recent years, resulting in, as it was noted, increased pressure on local national minorities, including Russians. The Committee had emphasized, among other things, that a large part of those with Russian background faced discrimination on the basis of their origin and language. It was also noted that no mechanism existed for monitoring Russophobic statements.

After the Armed Forces of the Russian Federation launched a special military operation aimed at denazifying and demilitarizing Ukraine and protecting the civilians of Donbas, a large-scale anti-Russian campaign unfolded in the Finnish media, with increased negative and discriminatory attitudes towards the local Russian-speaking population being noted. The Finnish authorities, on their part, tried to prevent a possible escalation of social tensions by repeatedly calling to prevent violations of the rights of Russians. The situation has been stabilized to some extent: a social survey conducted in June-July 2022 by the Finnish foundation "Cultura" showed<sup>2784</sup> that the vast majority of Russian speakers (82 per cent) have not faced discrimination or hate speech on the grounds of their language since the start of the special military operation. Nevertheless, despite this generally positive picture, the same survey indicates that a significant part of the Russian-speaking diaspora (17 per cent) has experienced the effects of anti-Russian rhetoric fuelled by the local press. Occasional episodes of showing intolerance covered by the media following the survey confirmed the persistence of Russophobic attitudes in Finnish society in various areas, including labour, education, culture, and sports.

According to press reports, the large-scale anti-Russian media campaign has also led to a decline in the popularity of the Russian language among applicants of some universities and language course attendees. Bilateral cooperation between Finnish and Russian educational institutions has been put on hold. A number of former partners who were involved in the popularization of the Russian language,

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<sup>2784</sup> <https://culturas.fi/wp-content/uploads/2022/10/Cultura-sa-a-tio-sr-Suomen-vena-ja-nkielis-et-2022-selvitys.pdf>



including the leading NGO in this field, the Finland-Russia Society, have discredited themselves through that hostile stance.

Finland's consistent support for the Russophobic course of the collective West has also negatively impacted on the situation of numerous compatriots' organizations in the country. Given the dominance of anti-Russian sentiments spread by the Finnish media, and at times even due to undisguised external pressure, a significant number of compatriots' organizations have drastically reduced their activities. At the same time, some of them were forced to refrain from contacts with Russian partners out of fear of negative consequences.

The presence of the Russian Orthodox Church in Finland was also affected by the wide anti-Russian campaign. Amid the Russophobic frenzy, the authorities in Turku revoked a permit issued earlier for the usage of a municipal building neighbouring the Russian Consulate General in Turku, which housed a parish of the Russian Orthodox Church of the Moscow Patriarchate. As a result, the Church of the Dormition of the Blessed Virgin Mary, which had existed there since 2001 with a permanent congregation, had to close down in the summer of 2022, leaving its staff to search for other ways to continue its activities needed by local Russian-speakers.

Furthermore, despite an unacceptability of infringement of the rights of a certain group of citizens declared by the Finnish authorities, the country continues to take discriminatory measures against Russian citizens, including visa restrictions. This can be illustrated with visa restrictions imposed by the Finnish government against Russians, which, in fact, have become a manifestation of nationality-based discrimination. In August 2022, a daily quota for the total number of accepted applications was introduced for the Russian citizens (500 total per day for the whole Russia, including 100 tourist ones). Subsequently, a full ban on tourist visa issuance to Russian citizens from 30 September 2022, and on restricting entry of the citizens of the Russian Federation for tourist purposes to Finland were introduced.

On 6 July 2023, the Finnish authorities introduced another set of restrictions, which from 10 July made entry for Russian students of Finnish educational institutions, businessmen and owners of property in Finland more difficult.

Businessmen are only allowed to travel to Finland with transit to other countries through Finnish territory being prohibited. In addition, in each case businessmen are required to substantiate the need for visiting the country and personally conducting business there. Property owners now also have to provide grounds for staying in the country. Students are only allowed to enter Finland if they receive an academic degree at the end of their studies.<sup>2785,2786</sup>

The evidence of Russophobia prevailing in Finland has repeatedly come to the public attention. The disqualification of a contestant of The Voice of Finland TV show in October 2022 due to her Russian citizenship<sup>2787</sup> has become widely known. Russian IT specialists, one of whom was dismissed from Kela, the national pension fund, following a security check, and another was not allowed to work on a commercial project related to the fund<sup>2788</sup>, have reported employment difficulties. Russian citizens have been denied flight training, participation in advanced scientific studies and national sporting events on the grounds of European-wide restrictive measures or security concerns.<sup>2789</sup>

Russian owners of Finnish real estate are under special scrutiny in Finland. It is known that it is especially due to concerns regarding property transactions involving Russians that in 2022 the Finnish authorities adopted amendments to national legislation that strengthened the control and blocking powers of supervisory authorities, in particular the Finnish Ministry of Defense. In October 2023, this agency prevented three real estate acquisitions with Russian participation,<sup>2790</sup> and another one in January 2024.<sup>2791</sup> Defense Minister Antti Häkkinen established an interdepartmental working group to study the possibility of a complete ban on such transactions for Russian citizens and organizations,<sup>2792</sup> while a similar group formed

<sup>2785</sup> <https://iz.ru/1540403/2023-07-06/finliandiia-uzhestochit-vezd-abiturientam-biznesmenam-vladeltcam-nedvizhimosti-rf-s-10-iiulia>

<sup>2786</sup> <https://valtioneuvosto.fi/en/-/finland-continues-to-impose-travel-restrictions-on-russian-citizens>

<sup>2787</sup> <https://yle.fi/a/3-12665460>

<sup>2788</sup> <https://yle.fi/a/74-20009664>

<sup>2789</sup> <https://yle.fi/a/74-20017058>

<sup>2790</sup> <https://yle.fi/a/74-20056035>

<sup>2791</sup> [https://www.defmin.fi/en/topical/press\\_releases\\_and\\_news/three\\_negative\\_decisions\\_on\\_real\\_estate\\_transactions\\_in\\_ilomantsi\\_and\\_sotkamo.14098.news#9042a51a](https://www.defmin.fi/en/topical/press_releases_and_news/three_negative_decisions_on_real_estate_transactions_in_ilomantsi_and_sotkamo.14098.news#9042a51a)

<sup>2792</sup> [https://www.defmin.fi/ajankohtaista/tiedotteet\\_ja\\_uutiset/venalaisten\\_kiinteistönhankinnan\\_tayskieltoa\\_arvioiva\\_toryhma\\_aloittaa\\_lainsaadantovalmistelun.14141.news#9042a51a](https://www.defmin.fi/ajankohtaista/tiedotteet_ja_uutiset/venalaisten_kiinteistönhankinnan_tayskieltoa_arvioiva_toryhma_aloittaa_lainsaadantovalmistelun.14141.news#9042a51a)

by the previous minister concluded that such a measure would be inexpedient.<sup>2793</sup> Häkkänen justified the need to try to "tighten the screws" again by the "changes in the field of security", referring to the possibility of Russia using Finnish real estate to exert some influence on the country.

In November-December 2023, in violation of the international commitments undertaken by Finland, including within the framework of the OSCE, to facilitate mutual travel and contacts between citizens, the Finnish authorities, under the pretext of a "critical situation" with asylum-seekers at the border and Russia's allegedly deliberate actions to organize such flows,<sup>2794</sup> took decisions to close checkpoints on the Russian-Finnish border, which led, inter alia, to the severance of family ties on both sides of the border. According to another such decision, as of the beginning of April 2024, the Russian-Finnish state border was closed until 14 April 2024. Given the Finnish government's determination to fight "hybrid threats" and its blatant disregard for the rights of ordinary people, it cannot be ruled out that the restrictions will be extended further.

The attempts of the Finnish local authorities to displace Russian-language education in their regions look more and more persistent. In autumn 2023, the Turku city administration, citing organizational and financial reasons, announced plans to close enrolment in "Finnish-Russian classes" combining Finnish and partly Russian language teaching at Puolala Municipal School from 2024.<sup>2795</sup> As a result of a public campaign launched by activists and the parent community, the effective date of this decision was pushed back to 2025.<sup>2796</sup>

In addition, earlier this year, the administrations of three Finnish border towns – Lappeenranta, Imatra and Joensuu – announced joint plans to close in 2025 the School of Eastern Finland (established in 1997, about 600 pupils),<sup>2797</sup> one of two specialized schools in the country with partial instruction in Russian. The authorities justified their intentions by the overall reduction in the number of children enrolled

<sup>2793</sup> [https://www.defmin.fi/en/topical/press\\_releases\\_and\\_news/press\\_release\\_archive/2022/working\\_group\\_does\\_not\\_recommend\\_total\\_ban\\_on\\_russian\\_real\\_estate\\_ownership.13288.news#9042a51a](https://www.defmin.fi/en/topical/press_releases_and_news/press_release_archive/2022/working_group_does_not_recommend_total_ban_on_russian_real_estate_ownership.13288.news#9042a51a)

<sup>2794</sup> <https://www.mid.ru/ru/maps/fi/1916021/>

<sup>2795</sup> <https://yle.fi/a/74-20054406>

<sup>2796</sup> <https://www.hs.fi/kotimaa/turku/art-2000009990368.html>

<sup>2797</sup> <https://yle.fi/a/74-20069115>

in school against the backdrop of poor demographics, as well as budgetary considerations: about 3.9 million euros are invested annually in the three branches of the school, which can be used for other purposes after the closure of these educational institutions. As in the case of the Finnish-Russian classes in Turku, a campaign to save the school was launched by the stakeholders: appeals have been addressed to local authorities, petitions have been signed, articles have been published in local media. As far as can be seen, only the city of Imatra has listened to its residents: after reviewing the administration's proposal, the city government unanimously sent it for revision and instructed to find ways to preserve the school.<sup>2798</sup> However, the authorities in Lappeenranta and Joensuu supported the proposals of their administrations to abolish the institution.<sup>2799</sup>

The Finnish sports authorities, who share the common position of the Nordic countries that "now is not the right time for Russians to return to international sport," continue to consistently defend the anti-Russian line. Relevant statements were also made by Finnish officials. In particular, Minister of Science and Culture Petri Honkonen stated in December 2022 that "Russia, as well as Belarus, which supports it, should not be allowed to participate in international sports competitions". With this in mind, the promulgation by the International Olympic Committee of the conditions for the admission of Russian and Belorussian athletes to international sports competitions in late March 2023, and to the Summer Olympic Games in Paris in early December 2023 was met with clear rejection by the official Helsinki. However, the Finnish side does not intend to boycott the upcoming Games, which was publicly announced by the chairman of the Finnish Olympic Committee, Jan Vapaavuori.<sup>2800</sup>

As far as the detention of Russian citizens abroad is concerned, the case of Voislav Torden (Yan Petrovsky) resonated. The Russian citizen was detained in July 2023 at Vantaa airport for violating the procedure for entering the territory of

<sup>2798</sup> <https://www.imatra.fi/kaupunginhallitus-toivoo-ita-suomen-koulun-toiminnan-jatkuvan-imatralla>

<sup>2799</sup> <https://www.mtvuutiset.fi/artikkeli/ita-suomen-koulun-sulkemisuhkaa-vastan-useita-vetoomuksia/8860534>

<sup>2800</sup> <https://www.helsinkitimes.fi/finland/finland-news/dornestic/24610-chief-of-finnish-olympic-committee-rejects-calls-to-boycott-paris-2024.html>

Finland. Later, in August of the same year, he was transferred to prison as an interim measure in connection with a request from the Prosecutor General's Office of Ukraine for his extradition on charges of "committing criminal offenses in Donetsk region in 2014-2015".<sup>2801</sup> After examining the request and all the circumstances, the Supreme Court of Finland decided to refuse extradition due to the fact that expulsion to Ukraine could jeopardize Torden's life and health.<sup>2802</sup> As a result, the Russian was transferred to the Migration Service's Temporary Detention Center to address the issue of his deportation. Shortly thereafter, however, the Finnish Prosecutor General's Office decided to launch its own investigation into the case, based on the so-called universal jurisdiction, which allows for the examination of cases of crimes of grave and socially significant nature, regardless of the place of commission and nationality of the perpetrator or the victim.<sup>2803</sup> To this end, the District Court of Helsinki on 18 December 2023 authorized the remand of Voislav Torden in custody as an interim measure for the investigation. The deadline for collecting evidence and bringing charges is 31 May 2024.<sup>2804</sup> Since Finnish prosecutors have not formulated any charges against V. Torden in connection with his alleged war crimes in Ukraine, his lawyers cannot predict when the investigation and evidence collection will be completed.

The situation of the Sami, the indigenous people of Finland (about 10,000 people in total, and about 2,000 native speakers of the language), shows significant shortcomings in terms of discrimination. International human rights mechanisms have identified a number of significant shortcomings in the enjoyment of the rights by this group of population. Most often, attention is focused on problems related to the practical realization of the right to use the Sami language, which is enshrined in legislation. The ratification by Finland of the International Labor Organization Convention No. 169 concerning Indigenous and Tribal Peoples, signed by Finland in 1989 along with other countries, has been "in limbo" for a long

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<sup>2801</sup> <https://yle.fi/a/74-20047065>

<sup>2802</sup> <https://yle.fi/a/74-20047065>

<sup>2803</sup> <https://ria.ru/20240112/torden-1920859418.html>

<sup>2804</sup> <https://tass.ru/mezhdunarodnaya-panorama/19568501>

time. The issue of ratification of the instrument to strengthen the protection of the rights of the Sami people has been repeatedly raised by States during the Universal Periodic Review of Finland at the HRC in November 2022.<sup>2805</sup>

The right of citizens to participate in elections to the Sami Parliament is high on the agenda: over the past decade, there have been numerous cases in which persons who have been rejected from the electoral roll by the Sami authorities have challenged the rejection before the Supreme Administrative Court of Finland and have been eventually included in the electoral roll. The court's judgments have been based on an expansive interpretation of the criteria for membership of the Sami community as set out in the Sami Parliament Act. The Sami view this as a violation of their legal rights, including the right to self-determination under article 3 of the United Nations Declaration on the Rights of Indigenous Peoples. The Sami attitude is shared by international human rights bodies, including the UN Human Rights Committee and the UN Committee on the Elimination of Racial Discrimination, which issued observations and recommendations on this issue to the Finnish authorities on the country's periodic reports on the fulfilment of its obligations under the relevant international treaties in February 2019 and June 2022, respectively.<sup>2806</sup> Under public pressure, the Government has accelerated its regulatory work and in November 2022 submitted to the Parliament a bill amending the Sami Parliament Act to, inter alia, narrow the criteria for including persons on the Sami electoral list. The amendments to this statutory instrument are intended to promote the rights of the Sami community by removing ambiguity regarding the definition of who is Sami and can vote in elections to the Sami Parliament. The amendments to the Act also aim to strengthen the voice of indigenous people in interaction with the Finnish authorities by expanding and specifying the mechanism for mandatory consultation with them.

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<sup>2805</sup> Report of the Working Group on the Universal Periodic Review on Finland. January 2023.

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F9&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>2806</sup> <https://www.ohchr.org/en/press-releases/2019/02/un-human-rights-experts-find-finland-violated-sami-political-rights-sami>, <https://www.euronews.com/2022/06/15/un-flnds-finland-violated-political-rights-of-indigenous-sami-people>

The Sami themselves believe that by using the wording of the relevant law, which allows for an expansive interpretation of the concept of a Sami, the Finnish authorities deliberately introduce certain "elements" into the Sami Parliament that are far from understanding the specifics and needs of this indigenous people. For example, in 2019 alone, the board of the Sami assemblies rejected 200 applications for inclusion on the electoral roll (with a total electoral roll for the Sami Parliament of 5,800).

The 2023 electoral lists (approved in February 2023) have had a record number of eligible voters, exceeding 6,000.<sup>2807</sup> Besides, there are twice as many newly registered voters as in the previous election cycle. According to the Sami representatives, this indicates not so much an increase in the consciousness of the Sami themselves or in the size of the community, but confirms the fact that the Finnish authorities have deliberately expanded the electoral list of the Sami Parliament.

In their petition from the Sami Parliamentary Council to Prime Minister of Finland Sanna Marin on March 23, 2023, Sami expressed disappointment at the failure of amending the law. They also noted that many statements made by Finnish authorities and municipalities during the consideration of the bill made it clear that the rights of the Sami as indigenous peoples, "even though they are also specified in the Finnish Constitution, are not understood or seen as necessary for realization in Finland."<sup>2808</sup>

The issue of Sami rights has also received attention in the international arena. Thus, when Finland underwent the next round of the Universal Periodic Review at the HRC in November 2022, among the recommendations concerning the rights of Finland's indigenous people, the early finalization of the updated draft Act on the

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<sup>2807</sup> <https://www.samediggi.fi/2023/03/16/tiedote-saamelaiskarajien-vuoden-2023-vaaliluettelin-vahvistamiseen-liittyen/>

<sup>2808</sup> [https://dokumentit.solinum.fi/samediggi/download/?d=documenttipankki/kansainv%C3%A4linen\\_toiminta/saamelainen\\_parlamentaarinen\\_neuvosto/saamelaisen\\_parlamentaarisen\\_neuvoston\\_vetoomus\\_p%C3%A4%C3%A4ministeri\\_mainille.pdf](https://dokumentit.solinum.fi/samediggi/download/?d=documenttipankki/kansainv%C3%A4linen_toiminta/saamelainen_parlamentaarinen_neuvosto/saamelaisen_parlamentaarisen_neuvoston_vetoomus_p%C3%A4%C3%A4ministeri_mainille.pdf)

Sami Parliament was frequently mentioned, while taking into account the views of the Sami themselves as a matter of priority.<sup>2809</sup>

As of March 2024, the reform of the Sami Parliament Act has not been implemented, as the completed cabinet headed by Prime Minister Sanna Marin failed to rush it through the previous legislature, and the renewed body of deputies, formed following the April 2023 elections, is therefore forced to consider the issue "from scratch". The changes are scheduled to be passed during the spring legislative session and take effect 1 July 2024.

In terms of land use, indigenous people are dissatisfied since their interests are ignored in certain matters relating to economic activity in the Sami region, such as the issuance of permits to resource extraction corporations. In decisions on claims by the Sami community, the Finnish courts have ruled that the Sami communities and the Sami Parliament have no authority to challenge the licenses granted. According to the law, the hereditary rights to Sami land are based on the principle of permanent use, but these rights have not been documented for the Sami, and the territories are therefore under the jurisdiction of the State. Also in this context, the ratification by Finland of the above-mentioned International Labour Organization Convention No. 169 "Indigenous and Tribal Peoples" has long been on the agenda.

It should be noted that the development of mineral deposits in the Sámi grasslands has received considerable attention in scientific studies (e.g., plans for the development of the Sokli ore deposit in Finland's largest grassland area, Kemin-Sompio). There are also examples where infrastructure projects, which are steadily increasing in number, are having an impact on the areas where they are located. For example, wind turbines, a common phenomenon, benefit local remote settlements but also provoke conflicts between Sami and the companies that own the facilities (as they are installed mainly in Sami pasture areas).<sup>2810</sup> In the case of reindeer herding, which is practiced by the Sami, the construction of such a facility affects

<sup>2809</sup> Report of the Working Group on the Universal Periodic Review on Finland. January 2023.

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F9&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>2810</sup> Examples of conflicts between the Saami people and private companies over the construction of wind energy facilities are given in the section "Sapmi." in *The Indigenous World 2020*, ed. by Dwayne Mamo. P. 526-535. IWGIA, 2020.



the surrounding area and causes a deterioration of the traditional way of life of indigenous peoples. According to academics, the standards of legislative regulation adopted by Finland in this field have not been positively applied in practice thus far.<sup>2811</sup>

In addition, at the initiative of activists of the Sami community, topics are being considered in Finnish courts concerning the issue of participation of indigenous representatives in the election of deputies to the Sami representative body, the Sami Parliament. The current position under Finnish law is that the Finnish Supreme Administrative Court has the final say in the matter, which may grant a person's application to be placed on the electoral roll even if Parliament has previously refused to do so. The problem relates to an expansive interpretation of the definition of who is a Sami in the current version of the Sami Parliament Act, which the Court first applied in connection with the 2011 Sami elections. This has subsequently been the case in other elections to the Sami representative body. According to the non-governmental organization Sami Union, with a total of 5,800 voters in the Sami Parliament, Finnish courts have admitted 161 people into the Parliament since 2011, against the will of the Parliament itself. Thus, the demands of Sami organizations for the above-mentioned amendments to the Sami Parliament Act include, *inter alia*, the repeal of previous court decisions and amendments to the legislation in order to avoid ambiguities in the interpretation of the definition of Sami enshrined therein.

The Finnish authorities' policy towards Sami children who were sent to boarding schools also remains quite sensitive. The Finnish way of life promoted in these educational institutions, which aimed to form "real" Finnish citizens, resulted in the blurring of Sami children's identity and contributed to their feeling of being "between" two worlds and their inability to fully integrate into Sami or dominant Finnish society.<sup>2812</sup>

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<sup>2811</sup> S. Nysten-Haarala1, T. Joona, I. Hovila. Wind energy projects and reindeer herders' rights in Finnish Lapland: A legal framework. / *Elem Sci Anth* (ELEMENTA Science of Anthropocene). 2021.

<sup>2812</sup> This issue is investigated in more detail in: Sandra Alexis Juutilainen. Structural racism and indigenous health. A critical reflection of Canada and Finland. (Academic dissertation). University of Oulu, Faculty of medicine. Oulu 2017.

The wide range of problems faced by Sami children in the field of education was highlighted by the HRC Special Rapporteur on the right to education, Farida Shaheed, following her visit to Finland in November 2023.<sup>2813</sup> In particular, she pointed to the lack of both qualified teachers with knowledge of the Sami language and of teaching aids in this language. In addition, during the visit Farida Shaheed identified serious problems in Finnish education in general. Referring to the School Health Promotion Study 2023, she highlighted worrying trends of increasing feelings of loneliness, depression and anxiety among young people in Finland, which contribute to their psychological problems. The main cause of "sabbaticals" during school is specifically mental health, which the report indicates is often linked to a lack of social interaction between young people, as more children and young people spend time on social media to the detriment of face-to-face interaction, sport or other forms of leisure. There has also been an increase in bullying and harassment of fellow students, including online. There are problems related to equal access to education due to segregation of certain ethnic groups. According to the Special Rapporteur, the Finnish education system does not sufficiently ensure the social mobility of certain population groups and does not contribute to overcoming existing inequalities based on socio-economic status, language, place of birth or residence, religion and disability. In addition, the principle of equality in access to education, which, according to Farida Shaheed, is important for successful integration into Finnish society, is also undermined by the fact that Finnish schools may have up to 80 per cent of pupils whose mother tongue is not Finnish. While noting that the authorities are taking measures to remedy the situation, Farida Shaheed indicated that they still do not address the root causes of the problem and recommended a more thorough study of the issue. The Special Rapporteur also noted with concern the Finnish authorities' announced intentions to reduce budgetary allocations to municipalities in the long term, which would seriously affect the

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<sup>2813</sup> Statement by the HRC Special Rapporteur on the right to education, Farida Shaheed, following her visit to Finland. November 29, 2023.

<https://www.ohchr.org/sites/default/files/documents/issues/education/statements/20231129-eom-statement-finland-sr-education.pdf>

education sector, as well as budgetary expenditures for further digitalization of the education sector in the country. The Special Rapporteur noted that she had received signals from pupils and their parents who reported that they were learning only with electronic learning materials, without sufficient books or paper copies of learning materials for the whole class, and in some schools sometimes even without computers. It is also noted that the ongoing digitalization of education is not accompanied by a discussion of its shortcomings, including the physical and mental health of students, the protection of their personal data on the Internet, as well as the risks of the transition to this form of education associated with students' isolation and possible subsequent inability to communicate in person.

Manifestations of racism in Finland include violations of the rights of migrants and Roma, who faced various forms of discrimination in areas such as employment, housing and education. There are a number of restrictions on refugee status, *inter alia*, it is not allowed to enter new information in repeated asylum applications, and obstacles to family reunification, including the requirement of an appropriate income.

The Finnish authorities are steadily tightening their migrant policy. In spring 2022, in order to counter "hybrid threats," including the migration crisis and the growing number of asylum seekers, the Border Guard Act was amended to allow the Finnish authorities to limit the reception of asylum applications in emergency circumstances by concentrating them at only one or a few border crossings. This change was received with concern by international human rights bodies. In her letter to the Finnish Minister of the Interior dated 27 July 2022, the Commissioner for Human Rights of the Council of Europe,<sup>2814</sup> while generally understanding the concerns of Finns, drew attention to the fact that the provisions introduced may lead to violation of the universal principle of non-refoulement of a person to their home country where they may be in danger. Such measures essentially deny foreigners the fundamental right to claim asylum if they are turned away *en masse* at the border.

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<sup>2814</sup> <https://rm.coe.int/letter-to-krista-mikkonen-minister-of-the-interior-of-finland-by-dunja/1680a7537d>

The letter also emphasized that the measures envisaged by the amendments may result in migrants being placed more often in special centers located at the border.

In a separate risk group are seasonal workers from developing countries with poor knowledge of the local language and legislation, who are almost entirely dependent on the employer. For example, in the fall of 2023, it became known that the Finnish police had completed an investigation into the large-scale exploitation of berry pickers from Thailand in Finland, which took place in 2020–2022.<sup>2815</sup> There are five people as suspects in the case, the potential number of victims exceeds 2,000. The collected materials are transferred to the Finnish prosecutor's office for a decision on bringing charges in court. In Thailand, with which the Finnish side has cooperated in the case, the relevant investigative activities are still ongoing.

The UN Human Rights Committee<sup>2816</sup> and the UN Committee on Economic, Social and Cultural Rights,<sup>2817</sup> among others, have drawn attention to the problems of migrants in Finland. The UN Committee on the Rights of the Child has also raised the issue of various forms of discrimination against migrant children. More generally, it expressed concern about the persistent discrimination against children and adolescents living in Finland based on gender, age, language, and national or ethnic origin, migratory background, disability and religion. It also pointed out the problem of violence and bullying against children from vulnerable groups on the Internet and in everyday life, including bullying in schools, suggesting that a research on root causes of such violence be carried out. The Committee also highlighted the problem of obtaining quality education free from discriminatory attitudes for children from vulnerable categories, which include migrants, Roma, children with disabilities and children from disadvantaged families, as well as Sami children. CRC experts called on the Finnish authorities to intensify awareness campaigns that promote equality, and can contribute to changing conduct and behaviour of people, as well as social discriminatory norms. The situation of migrant

<sup>2815</sup> <https://poliisi.fi/en/-/large-human-trafficking-case-of-thai-berry-pickers-to-consideration-of-charges>

<sup>2816</sup> Concluding observations of the Human Rights Committee on the 7th periodic report of Finland. March 2021. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/FIN/CO/7&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/FIN/CO/7&Lang=Ru)

<sup>2817</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 7th periodic report of Finland. March 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/FIN/CO/7&Lang=En](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E/C.12/FIN/CO/7&Lang=En)

children has also come to the attention of CRC, in particular cases of the Finnish authorities preventing unaccompanied migrant children from being reunited with their families.<sup>2818</sup>

The repatriation to Finland of children of Finnish citizens from Syrian camps for the families of terrorist fighters has received much less attention from the international community. This problem is common to many European countries whose citizens have taken part in fighting in Syria on the side of terrorists. According to the Finnish Border Guard, in 2012-2016, about 80 Finnish citizens left the country to join the terrorist organization ISIS (prohibited in the Russian Federation). Since 2019, when the decision was made to repatriate them, Finland has been able to return a total of 26 children and 9 adults, with "a dozen more Finns" remaining in the camps, most of them minors, according to press reports.<sup>2819</sup> The Finnish authorities characterize the situation as unpromising, noting that mothers of minors held in such camps refuse to cooperate with Finnish officials, and the option of separating children from parents is seen as inhumane.<sup>2820</sup> In this regard, there are no Finnish plans at this stage to take the remaining Syrian camp residents home, although the authorities generally express their readiness to take the children back when the opportunity arises.

This issue has also been addressed at the international level. Concerns about the situation of these children were expressed by the Human Rights Committee in March 2021.<sup>2821</sup> This issue was also raised by representatives of several Middle East countries during the next round of the Universal Periodic Review of Finland at the HRC in November 2022.<sup>2822</sup>

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<sup>2818</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Finland. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FFIN%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FFIN%2FCO%2F5-6&Lang=en)

<sup>2819</sup> <https://yle.fi/a/74-20043931>

<sup>2820</sup> <https://yle.fi/a/74-20043956>

<sup>2821</sup> Concluding observations of the Human Rights Committee on the 7th periodic report of Finland. March 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/FIN/CO/7&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/FIN/CO/7&Lang=Ru)

<sup>2822</sup> Report of the Working Group on the Universal Periodic Review on Finland. January 2023.

<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F52%2F9&Language=E&DeviceType=Desktop&LangRequested=False>

In October 2022, the Committee on the Rights of the Child indicated that Finland should repatriate Finnish children from Syrian refugee camps. This decision was made by the Committee after considering a communication (individual complaint) of relatives of the children.<sup>2823</sup> This is the second decision of this body on this issue (the first was on France).

With regard to women's rights and opportunities, researchers continue to point out the relevance of gender segregation in the Finnish labour market and the persistence of the wage gap between women and men.

In addition, Finland remains a country with a relatively high degree of violence against women. According to a Eurostat sociological study published in 2023,<sup>2824</sup> almost one in three Finnish women aged 18-74 have been subjected to physical violence by a partner, and half of all women have been subjected to psychological violence. Finland also has alarming rates of sexual harassment at work: more than half of the surveyed women aged 18-74 have experienced it at least once. Such negative trends were most pronounced in Finland compared to the other ten focus countries. However, the FRA noted that Finland is working to develop legislation in this area.

The UN Committee on the Elimination of Discrimination against Women has also drawn attention to the problems of gender segregation in the labour market, the persistence of the wage gap, and cases of violence against women.<sup>2825</sup>

There are also problems with the rights of the elderly. Meanwhile, the population of this country is one of the oldest in Europe. According to Claudia Mahler, Independent Expert on the enjoyment of all human rights by older persons, the number of people aged 65 and older in the country has almost doubled from

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<sup>2823</sup> Views adopted by the Committee under the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, concerning communication No. 100/2019. 12 October 2022.  
<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsqrmBuLu9J7Rgo8IDUtMmbHgC%2fa0eHNdJv%2fg2BMTAQTF0dvfkiJ3CQXC6jLNR81jHDEEKqKHmIk5fs%2fXHgT1lkxkua%2f3obC0BHNwaZZ%2b%2b39CgVcG9tFVE9NMvjS750Tazw%3d%3d>

<sup>2824</sup> <https://www.stat.fi/uutinen/valituloksia-eurooppalaisesta-vertailututkimuksesta-naisiin-kohdistuva-vakivalta-hyvin-yleista-suomessa>

<sup>2825</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the eighth periodic report of Finland. October 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FFIN%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FFIN%2FCO%2F8&Lang=en)

1981 to 2021. Forecasts in this area are disappointing: the number of young, economically active population (under 65) is expected to steadily decline, and the proportion of the older generation (i.e. over 65) will increase from the current 22 per cent to 26 per cent by 2030 and 29 per cent by 2060.<sup>2826</sup> Accordingly, the problems identified in this category affect a fairly large part of society. The rights of the elderly have been particularly restricted due to the spread of the coronavirus pandemic in the country. Measures taken by Finnish authorities have affected health and care services, the ability for the older generation to get outdoors. The demands of maintaining social distance for many older people have led to a withdrawal of communication and information. The closure of public libraries and other places with access to communication technologies due to the spread of the coronavirus has led to significant difficulties for older people who do not have their own electronic devices but need to use the Internet.<sup>2827</sup>

In recent years, Finland, like other Western countries, has seen attempts to forcibly impose neoliberal values. An aggressive lobbying of the LGBT agenda is evident in the country's public and political discourse, and there are increasing voices about the need to "protect" the rights of sexual minorities. A major victory for the "gay lobby" is considered to be the passage in 2017 of a law allowing same-sex marriages. The government's proposal to "decouple" the Sex Verification Act of 2002 from medical tests and processes, particularly the applicant's mandated sterilization and psychiatric evaluation, has become a "hot topic" recently. In the future, with the adoption of amendments to the legislation, in order to change sex, a citizen will only need to present an explanation to official bodies that he feels that he belongs to the opposite sex "on a permanent basis". At the moment this innovation, still being considered by Parliament, is designed for adults. However, there are already persistent voices from leftist parties, such as the Green Alliance, that the age bar should be lowered, thus extending the law to minors. In addition, the Act on

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<sup>2826</sup> Statement by C. Mahler, Independent Expert of the UN Human Rights Council on the realization of the rights of older persons, following her visit to Finland. November 4, 2021. <https://www.ohchr.org/en/2021/11/end-mission-statement-united-nations-independent-expert-enjoyment-all-human-rights-older>

<sup>2827</sup> Ibid.

parenthood (passed in August 2022) came into effect from 1 January 2023, stating that a maximum of two parents can be listed when registering a child, and they can be either two women or two men.<sup>2828</sup>

The disproportionate use of force by Finnish law enforcement authorities during peaceful demonstrations continues to raise questions. In 2023, the violent dispersal by the police of the "Helsinki without Nazis" rally organized on 6 December Finland's Independence Day, in the capital's Töölöntori Square caused a resonance.<sup>2829</sup> Video footage shows law enforcers riding on horses over a peaceful crowd, thus posing a clear threat to the health of the protesters. In addition, 54 activists were detained for allegedly failing to respond to an order from the authorities to disperse to their homes. As a result, the victims sent a number of complaints about the police actions to the Parliamentary Ombudsman, who took the matter under control and launched his own investigation.<sup>2830</sup> Local experts on criminal law also pointed out the inadequacy of the behaviour of mounted law enforcers when commenting on the story to the press.<sup>2831</sup> In this respect, it is telling that although both anti-fascists and extreme right-wing organizations can freely hold rallies in Finland, there have been no recent cases of police brutally dispersing demonstrations by Finnish radicals.

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<sup>2828</sup> The EU Agency for Fundamental Rights. Fundamental Rights report 2023.

<sup>2829</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>2830</sup> <https://yle.fi/a/74-20063818>

<sup>2831</sup> <https://www.oikeusasiamies.fi/en/w/parliamentary-ombudsman-to-investigate-the-actions-of-the-police-at-demonstrations-on-independence-day>

<sup>2831</sup> <https://www.hs.fi/kaupunki/art-2000010043040.html>



## France

The Ombudsperson and the National Consultative Commission on Human Rights (Commission nationale consultative des droits de l'homme, CNCDH) are the main government bodies in charge of human rights situation in the country.

The post of the Ombudsperson has been enshrined in the Constitution since 2008 and established by law since 29 March 2011 instead of the "Mediator of the Republic" (Médiateur de la République) that had existed since 1973. The Ombudsperson is appointed by the President of France for six years without possible extension or reassignment. The candidate is subject to approval by the National Assembly and the Senate. The Ombudsperson's terms of reference cover fighting all forms of discrimination, protecting the rights of children and persons applying to public authorities, monitoring observance of professional ethics by law enforcement officials.

The CNCDH (established 1947) is an independent public authority whose tasks include monitoring the respect of its national and international obligations by the French state, preparing recommendations for government and parliament, expert assessment of draft laws. The Commission is composed of members from human rights NGO, trade unions, religious associations, both chambers of parliament, as well as the Ombudsperson.

An Inter-Ministerial Committee to Fight Racism, Anti-Semitism and Hatred towards the LGBT community (Comité interministériel de lutte contre le racisme, l'antisémitisme et la haine envers les personnes lesbiennes, gays, bi et trans) under the Prime Minister of France has been operational since 2012.

Within the French Ministry of Foreign Affairs the issues of international cooperation for human rights are addressed by the Directorate for the UN and international organizations, human rights and Francophonie, as well as by an Ambassador at Large. In October 2022 the Ministry established the position of an Ambassador for the Rights of LGBT community.

Over recent years, France, as most other Western countries, has experienced a curtailment of civil and socio-economic rights and freedoms, due to a number of

reasons. Control over the information space (censorship elements, including under the guise of fighting "fake news") and civil society (restrictions on NGO activities) is noticeably increasing. Labour and social legislation is being tightened. The classical doctrine of human rights is undergoing significant changes with the onset of the so-called progressive (left-liberal) ideology and its characteristic "cancel culture" and fight against dissent. The main emphasis is shifting to the prioritized rights of sexual minorities and migrants to the detriment of traditional values and rights of the indigenous population. The anti-Russian course pursued by country's authorities is accompanied by manifestations of Russophobia and pressure on "disloyal" media.

Relevant international structures and NGOs note the growing interethnic and interreligious tension in the country, manifestations of racism and racial discrimination, xenophobia and related intolerance. According to the CNCDH, the level of tolerance in French society has been steadily declining since 2010.

Interpreting the principle of non-discrimination on the basis of ethnicity, religion or race in their own way, the French authorities traditionally fail to recognize the existence of ethnic and linguistic minorities, as well as indigenous peoples in the country; there is a formal ban on the collection of relevant statistical data.

For that reason France maintains reservations to Article 27 of the International Covenant on Civil and Political Rights, has not ratified the European Charter for Regional or Minorities Languages and is no party to Protocol No. 12 to the European Convention on Human Rights and Fundamental Freedoms, the Framework Convention for the Protection of National Minorities or the European Convention on the Participation of Foreigners in Public Life at the Local Level.

The materials of the Office of the United Nations High Commissioner for Human Rights (OHCHR) for the May 2023 session of the United Nations Human Rights Council (UNHRC) Working Group on the Universal Periodic Review (UPR) state that in France "racial discrimination still has systemic nature and is rooted in an

economic model<sup>2832</sup> that denies people of African descent meaningful and effective development," as well as in the education system. The UPR addressed 355 recommendations to France, of which 274 were supported by Paris and 81 taken note of. The UN Committee on the Elimination of Discrimination against Women (CEDAW), the UN Human Rights Committee (HRCttee) and the UN Committee against Torture (CAT) also indicated the spread of racist and xenophobic manifestations in the country, including those of a violent nature.<sup>2833</sup>

The OHCHR notes that "police and law enforcement officials often use identity checks, discriminatory arrests and penalties to disproportionately target members of certain minorities, especially Africans, people of African and Arab descent, Roma, travellers and non-citizens." France is called on to clearly define in law and prohibit such racial and ethnic profiling.

In 2023, human rights organizations and the media published a number of materials also indicative of discrimination on racial, ethnic and religious grounds as a widespread phenomenon in France. As noted, such discrimination is mainly experienced by people of African descent and Muslims. These population groups most often face the inability to provide themselves with a decent standard of living, healthcare and education.

According to SOS Racisme, people from Africa and the Maghreb, even with a stable official income, have difficulty renting housing. Real estate agencies tacitly keep in mind the requirements of landlords regarding the origin of tenants.<sup>2834</sup> The same NGO, following an audit, published data on discrimination in the tourism and leisure sector: every seventh establishment, including restaurants and bars, either

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<sup>2832</sup> And this despite some forecasts saying that non-titular population (mainly of African and Asian origin) in France (and a number of other European countries) can reach the number of titular one in those countries over the years to come.

<sup>2833</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fFRA%2fCO%2f7-8&Lang=ru;](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fFRA%2fCO%2f7-8&Lang=ru;)

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fFRA%2fCO%2f5&Lang=ru;](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fFRA%2fCO%2f5&Lang=ru;)

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fFRA%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fFRA%2fCO%2f7&Lang=ru)

<sup>2834</sup> [https://www.francetvinfo.fr/societe/racisme/racisme-la-discrimination-au-logement-persiste\\_6093930.html](https://www.francetvinfo.fr/societe/racisme/racisme-la-discrimination-au-logement-persiste_6093930.html)

provides an inferior quality of service to people with black skin or Arab origin, or generally denies them access to services under flimsy pretexts.<sup>2835</sup>

An Observatoire des inégalités report<sup>2836</sup> published in November 2023, highlighted systemic discrimination in hiring: 5.4 million jobs (i.e. almost one in five) in the French labour market are "closed" to foreigners who are not EU natives.

A French Ministry of Internal Affairs report published in March 2023 registered 12.6 thousand offenses on ethnic, racial or religious grounds in 2022 (12.5 thousand in 2021), of which 6.6 thousand were of criminal nature. At the same time, the number of criminal offenses increased by 5% compared to 2021 (6.3 thousand in 2021), and administrative offenses decreased by 12% to 6 thousand, which indicates an increased degree of public danger of the acts. Public insults and provocations were the most common crimes in 2022 (58%, increase by 4%), threats and blackmail (17%, decrease by 8%). Attempts on the life and health of people accounted for 6% of the total number of crimes, while their 31% increase was recorded compared to 2021. The most disadvantaged regions are the capital Ile-de-France, the Lower Rhine, the Alpes-Maritimes.

At the same time, the CNCDH notes that racist attacks are underreported in France. According to surveys, over one million citizens have faced threats, violence or discrimination on ethnic or religious grounds.

Most offenses committed on religious grounds have a Christianophobic orientation. Basically, what is meant here is vandalism against churches, attacks and verbal aggression on the part of radicalized members of the Muslim community against Catholics conducting religious ceremonies. According to the French Ministry of Internal Affairs, 1,659 anti-religious actions were registered in the country in 2021, among them 857 Christianophobic, 589 anti-Semitic and 213 Islamophobic. Despite the public outcry caused by the publication of this information, the topic of Christianophobia is hushed up by the media and government. It is significant that since 2022, the Ministry of Internal Affairs began

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<sup>2835</sup> <https://www.neonmag.fr/societe-politique/a-la-plage-ou-dans-les-boites-de-nuit-sos-racisme-note-la-persistence-des-discriminations-561132>

<sup>2836</sup> <https://www.inegalites.fr/Rapport-sur-les-discriminations-en-France>

to publish statistics on such offenses without indicating the object of religious hostility.

The high level of anti-Semitism is one of the serious problems of French society. France, whose Jewish community of about 500 thousand people is considered one of the largest in Europe<sup>2837</sup>, continues to hold the first place in the EU as to the number of anti-Semitic actions. It is noteworthy that in most cases anti-Semitism comes from the radicalized Muslims, not from ultra-right forces.

According to the Jewish Community Protection Service, 436 anti-Semitic acts were recorded in 2022 (589 in 2021). More than half (53%) are attacks against individuals, including attacks with weapons (14%), including one murder. The number of physical attacks increased by 36%. However, only in 24% of cases the violators were held accountable.

A new anti-Semitic surge was provoked by a sharp escalation of the Palestinian-Israeli conflict in October 2023. On 24 January 2024, the Representative Council of Jewish Institutions in France (CRIF), with reference to the French Interior Ministry and Jewish Community Protection Service reported 1,676 anti-Semitic incidents throughout 2023 – four times as many as in the previous year. Anti-Semitism cases occurred in 632 cities and 95 of 101 departments. The majority of incidents (57.8%) were directed against people (physical violence, threatening gestures and utterances, circulated letters and leaflets), with 12.7% occurring in schools.

Against this background, on 12 October 2023, French Interior Minister Gérald Darmanin sent out a circular instruction to prefects to prohibit any pro-Palestinian demonstrations, "as they could lead to a disruption of public order."<sup>2838</sup> There was no ban on pro-Israeli rallies. Pro-Palestinian NGOs and human rights activists tried to challenge this decision in court, but the courts supported the minister.<sup>2839</sup> The State Council, in a resolution dated 18 October 2023, emphasized that the instruction by

<sup>2837</sup> France. Population. //The Great Russian Encyclopedia: <http://bigenc.ru/c/frantiia-naselenie-f07cd5>

<sup>2838</sup> [https://www.lemonde.fr/societe/article/2023/10/12/dans-un-telegramme-adresse-aux-prefets-gerald-darmanin-demande-l-interdiction-de-toutes-les-manifestations-propalestiniennes\\_6194007\\_3224.html](https://www.lemonde.fr/societe/article/2023/10/12/dans-un-telegramme-adresse-aux-prefets-gerald-darmanin-demande-l-interdiction-de-toutes-les-manifestations-propalestiniennes_6194007_3224.html)

<sup>2839</sup> <https://www.la-croix.com/france/Darmanin-ordonne-linterdiction-manifestations-pro-palestiniennes-2023-10-12-1201286604>

the head of the Ministry of Internal Affairs "is not a gross and clearly illegal violation of the freedom of manifestation and freedom of expression."<sup>2840</sup>

Meanwhile, the authorities decided to dissolve pro-Palestinian NGOs out of court under the pretext that they support Hamas. On 14 October 2023 G  rald Darmanin announced the start of a procedure to dissolve a number of such associations.<sup>2841</sup> The increasing practice of disbanding NGOs has previously been criticized by human rights activists, who call on the state to formulate legal provisions more clearly to prevent arbitrary infringements of the rights to privacy, freedom of expression and freedom of the press.

As experts note, government has not yet been able to stop the spread of radical Islamist anti-Semitism, while the authorities, for internal political reasons, are shifting the emphasis on this issue to the fight against far-right movements.

Anti-Semitism is also intensifying at the everyday level among ordinary citizens who are inclined to blame Jews for the shortcomings of capitalism and globalization. Anti-Semitic slogans and manifestations occurred during the 2019 "yellow vest" rallies, and then during the coronavirus pandemic.

The problem of Islamophobia in France is largely a consequence of the long-term systemic migration crisis, the reaction of part of society to the growth of radical Islamist sentiments and the increased terrorist threat.

Throughout 2022, 188 Islamophobic actions were registered – such data were given by head of the French Ministry of the Interior at a meeting with the spiritual leaders of French Muslims in April 2023. In general, the number of hostile actions against Muslims decreased slightly after a surge in Islamophobic sentiments in wake of the 2015-2016 terrorist attacks in Paris and Nice. According to the NGO Collective Against Islamophobia, Muslim women are most often the targets of aggression, although there are also cases of desecration of cemeteries, cultural centres, mosques and the Q'oran. Some Muslim associations argue that the figures provided by the Ministry of the Interior are underestimated.

<sup>2840</sup> <https://www.legifrance.gouv.fr/juri/id/CETATEXT000048234644>

<sup>2841</sup> [https://www.liberation.fr/societe/police-justice/procedures-de-dissolution-les-collectifs-propalestiniens-relayant-le-hamas-dans-le-viseur-de-darmanin-20231015\\_SPT4EVI7GNFZHFBNJ3PXALHVZE/](https://www.liberation.fr/societe/police-justice/procedures-de-dissolution-les-collectifs-propalestiniens-relayant-le-hamas-dans-le-viseur-de-darmanin-20231015_SPT4EVI7GNFZHFBNJ3PXALHVZE/)

As part of measures to combat radical Islamism, the state began to systematically interfere with the Muslim intra-confessional affairs, which, is often accompanied by abuses and encroachments on the freedom of religion and worship according to human rights NGOs.

In 2021, as a result of such actions by the authorities, the French Council for the Muslim Worship (CFCM), which united members of the main religious groups and movements, ceased its work. Instead, with the assistance of the French Ministry of the Interior, an NGO Forum of Islam of France (ForIF) was created. The new structure does not enjoy authority among Muslims. Many associations that used to be CFCM members do not accept the idea of dissolving the Council. The government also banned and dissolved the NGO Collective Against Islamophobia as an organization that supported radical Islamist ideology.

In February 2022, more than 30 representatives of French academic community addressed an open appeal to President Emmanuel Macron, expressing deep concern over the "institutionalization of Islamophobia" at the level of state power, which sees signs of radicalism in ordinary Muslim religious practices already and prohibits them under the pretext of the primacy of the republican principle of secularism. But the major media refused to publish the appeal, considering it an inappropriate intervention ahead of the presidential election.

Human rights activists assail the practice of closing mosques in France if the imams preaching there spread Islamist ideology. They consider this a typical example of the collective responsibility practice, from which parishioners suffer more. The OHCHR notes that "the closure of places of worship is a serious problem that damages France's international reputation."

Discrimination and stigmatization of the Roma is widespread. Racist discourse is often used against this category of population, including by elected politicians, with calls to exclude them from society. The authorities forcibly close illegal Roma settlements, often with the excessive use of force. One noted the low school enrolment level among children from Roma communities, as well as cases of some municipalities' refusal to enrol Roma children in schools. The CERD, CAT,

HRCttee and CESCR have pointed out to the many problems faced by the Roma in France.

In 2019, the National Department for Combating Hate Crimes was created under the General Directorate of the National Gendarmerie of the French Ministry of Internal Affairs in order to collect information, prevent and investigate crimes and offenses motivated by racism and xenophobia.<sup>2842</sup>

The problem of far-right extremism is aggravating in France. The competent authorities count approximately 3 thousand far-right radicals in the country, including 1,300 violent individuals listed in the National Security Threat Database.<sup>2843</sup> According to police estimates, far-right activity has increased recently. They are recruiting young people into new groups created to replace the banned ones.<sup>2844</sup> Approximately 100 radicals are under special control of the Main Directorate of Internal Security as potential terrorists.<sup>2845</sup>

French ultranationalist associations are traditionally active in the regions of Brittany, Burgundy-Franche-Comté and Alsace, as well as in the cities of Lyon and Marseille. The Strasbourg Offender group operates in Alsace; its members are involved in illegal arms trafficking on a particularly large scale,<sup>2846</sup> threaten journalists,<sup>2847</sup> and attack foreigners.<sup>2848</sup> In Lyon, which has acquired the image of the "capital" of the far-right movement, there have been attempts to recreate the "French Nationalist Party".<sup>2849</sup> Currently, the Bastions group operates there, whose members beat up representatives of the left-wing France Insoumise<sup>2850</sup> and hold

<sup>2842</sup> <https://www.lesechos.fr/politique-societe/gouvernement/cimetiere-juif-profane-christophe-castaner-cree-un-office-national-de-lutte-contre-la-haine-1153644>

<sup>2843</sup> <https://www.france24.com/fr/france/20230405-en-france-une-menace-terroriste-d-extr%C3%A0me-droite-en-nette-progression>

<sup>2844</sup> <https://www.leparisien.fr/politique/ultradroite-la-mouvance-est-en-train-de-se-reorganiser-en-petits-groupes-27-12-2022-KUCLZ2KYFFCP5LH3CREHABZSAE.php?ts=1676460171303>

<sup>2845</sup> <https://www.radiofrance.fr/franceinter/ultra-droite-en-france-la-nouvelle-menace-terroriste-1612243>

<sup>2846</sup> <https://www.rue89strasbourg.com/deux-hooligans-strasbourg-offender-perquisitions-armes-mouvance-neonazie-238434>; <https://www.rue89strasbourg.com/deux-hooligans-strasbourg-offender-perquisitions-armes-mouvance-neonazie-238434>

<sup>2847</sup> <https://www.rue89strasbourg.com/journaliste-menaces-neonazis-248618>

<sup>2848</sup> <https://www.rue89strasbourg.com/hooligans-strasbourg-offender-agresse-proches-joueur-racing-239111>

<sup>2849</sup> <https://www.rue89lyon.fr/2021/10/23/extreme-droite-lyon-panorama-groupuscules/>

<sup>2850</sup> [https://www.ouest-france.fr/auvergne-rhone-alpes/lyon-69000/le-maire-de-lyon-demande-des-mesures-contre-l-ultra-droite-locale-apres-l-agression-de-militants-lfi-7e355020-7617-11ed-8508-e43b098bc9f7#error=login\\_required&state=25e48f29-09ab-42c7-8e6c-7523cb570275](https://www.ouest-france.fr/auvergne-rhone-alpes/lyon-69000/le-maire-de-lyon-demande-des-mesures-contre-l-ultra-droite-locale-apres-l-agression-de-militants-lfi-7e355020-7617-11ed-8508-e43b098bc9f7#error=login_required&state=25e48f29-09ab-42c7-8e6c-7523cb570275)



torchlight processions.<sup>2851</sup> On 5 January 2023, neo-Nazis pasted over the historical Center of Resistance and Deportation of Lyon with leaflets with images of war criminal Klaus Barbie, guilty of torture and murder of Resistance Movement members.<sup>2852</sup>

In Burgundy – Franche-Comté, there is a group called "Vandal Besak", created in 2021, which incidentally carries out various actions in the administrative centre of the region, Besançon, including marches accompanied by the performance of Nazi songs, fascist salutes, posters and leaflets with SS symbols.<sup>2853</sup> In coordination with other groups, in November 2023, it participated in anti-Muslim demonstrations and riots organized in various towns in the country after a French teenager had been killed in Crépol.<sup>2854</sup> In September 2023, it came to light that two of the active military men from the 35<sup>th</sup> infantry regiment of Belfort participated therein.<sup>2855</sup> Since December 2022, in Burgundy – Franche-Comté, there has been a group called "Nationalist Raccoons" that spreads quotes from the anti-Semitic writer Maurice Barrès on social networks and praises the founder of the British Union of Fascists Oswald Mosley.<sup>2856</sup>

In November 2023, in many cities in France simultaneously, neo-Nazi leaflets and posters were posted.<sup>2857</sup>

Recently, the radicals have become more active also in other regions, including the metropolitan area where, at the end of 2022, the far-right "Group for Union and Defence" (GUD) was re-created. Its leader Marc de Cacqueray-Valménier rallied around himself the smaller and disunited groups such

<sup>2851</sup> [https://www.bfmtv.com/lyon/lyon-l-ultra-droite-a-brave-l-interdiction-de-participer-a-la-montee-aux-flambeaux\\_AV-202212090312.html](https://www.bfmtv.com/lyon/lyon-l-ultra-droite-a-brave-l-interdiction-de-participer-a-la-montee-aux-flambeaux_AV-202212090312.html); <https://www.mediapart.fr/journal/france/151222/lyon-l-ultradroite-se-lache-et-defie-de-nouveau-les-pouvoirs-publics>

<sup>2852</sup> <https://www.20minutes.fr/justice/4017648-20230106-lyon-justice-saisie-apres-decouverte-stickers-neonazis-colles-ville>

<sup>2853</sup> <https://www.estrepubicain.fr/faits-divers-justice/2023/10/29/decouverte-d-autocollants-vandal-de-besak-colles-sur-la-facade-du-pixel-anne-vignot-compte-deposer-plainte>; <https://france3-regions.francetvinfo.fr/bourgogne-franche-comte/doubs/besancon/un-comite-anti-fasciste-voit-le-jour-a-besancon-pour-sauver-la-democratie-en-danger-2868506.html>

<sup>2854</sup> <https://www.streetpress.com/sujet/1704793962-neonazis-agression-transphobe-raciste-vandal-besak-doubs-attaque-romans>

<sup>2855</sup> <https://www.streetpress.com/sujet/1693819816-nazi-militaires-neonazis-regiment-belfort-besancon-vandal>

<sup>2856</sup> <https://www.macommune.info/neonazis-deambulant-dans-les-rues-de-besancon-que-font-la-police-et-la-ville/>; [https://www.lemonde.fr/societe/article/2022/12/26/a-besancon-l-ombre-de-la-culture-neonazie-derriere-la-degradation-de-la-statue-de-victor-hugo\\_6155690\\_3224.html](https://www.lemonde.fr/societe/article/2022/12/26/a-besancon-l-ombre-de-la-culture-neonazie-derriere-la-degradation-de-la-statue-de-victor-hugo_6155690_3224.html)

<sup>2857</sup> <https://www.mediapart.fr/journal/france/091223/dans-le-gard-des-tracts-neonazis-et-une-ambiance-qui-monte>

as the "Versailles of Auctorum", "Luminis" and "Martel Division". In 2023, the GUD arranged meetings on three occasions<sup>2858</sup> and organized a public demonstration<sup>2859</sup> in memory of the Nazi collaborator journalist Robert Brasillach, who was executed by sentence of a French court in February 1945. Every May, it gathers radicals in Paris, including representatives of the banned far-right organizations such as the "Social Bastion" (dissolved in 2019), "Generation Identity" and "Alvarium" (dissolved in 2021), as well as the "Zouaves Paris" (dissolved in 2022) for a rally in memory of the nationalist Sébastien Deyzieux, who died on 9 May 1994<sup>2860</sup>: 550 to 700 people in black cloaks, with their faces hidden under masks and hoods, they march with black flags and Celtic crosses. It all ends with a concert of musical groups showcasing Nazi greetings and symbols, as well as flags with the logo of the Ukrainian terrorist organization "Azov".<sup>2861</sup> The prefect's bans on such events are being challenged in court or ignored.

The GUD-associated youth group called "Waffen Assas" has been carrying out raids on the capital's university campus since the beginning of 2023, beating students with left-wing political views.<sup>2862</sup>

On 25 February 2023, a concert of neo-Nazi groups took place near the city of Chambéry (Department of Savoy). Some performers came from neighbouring countries. The song "White Legion" was performed, *inter alia*, to glorify the SS division "Wallonia". Nazi symbols and gestures were demonstrated at the event and Nazi slogans were heard; the organizers sold T-shirts and flags, including those

<sup>2858</sup> <https://www.mediapart.fr/journal/france/040523/apres-une-vague-de-dissolutions-l-ultradroite-se-regroupe>

<sup>2859</sup> [https://www.liberation.fr/societe/a-paris-lhommage-a-brasillach-grouillait-de-fiches-s-20230208\\_DDLV7KZMSBCOVCMYUR5N7PE24/](https://www.liberation.fr/societe/a-paris-lhommage-a-brasillach-grouillait-de-fiches-s-20230208_DDLV7KZMSBCOVCMYUR5N7PE24/); <https://www.leparisien.fr/paris-75/paris-enquete-en-cours-apres-letrange-ceremonie-dun-groupuscule-dextreme-droite-au-cimetiere-de-charonne-07-02-2023-YWPYQVUUB5FGFCGMA3YK4P737Q.php>

<sup>2860</sup> [https://www.lemonde.fr/societe/article/2023/05/10/gerald-darmanin-s-en-remet-aux-tribunaux-pour-l-interdiction-des-manifestations-de-l-ultradroite\\_6172732\\_3224.html](https://www.lemonde.fr/societe/article/2023/05/10/gerald-darmanin-s-en-remet-aux-tribunaux-pour-l-interdiction-des-manifestations-de-l-ultradroite_6172732_3224.html)

<sup>2861</sup> <https://www.mediapart.fr/journal/france/090523/le-defile-neonazi-de-paris-s-est-acheve-par-un-concert-de-rock-aryen-dans-une-salle-simone-veil>; [https://www.bfmtv.com/paris/un-concert-de-groupes-neonazis-organise-dans-une-salle-simone-veil-a-l-issue-de-la-manifestation-d-ultradroite-a-paris\\_AN-202305090642.html](https://www.bfmtv.com/paris/un-concert-de-groupes-neonazis-organise-dans-une-salle-simone-veil-a-l-issue-de-la-manifestation-d-ultradroite-a-paris_AN-202305090642.html); <https://www.20minutes.fr/paris/4036180-20230509-manifestation-ultradroite-paris-fin-soiree-espace-simone-veil-ecouter-concert-neonazi>

<sup>2862</sup> <https://www.mediapart.fr/journal/france/280323/les-waffen-assas-nettoient-les-universites-barres-de-fer-la-main>

depicting the emblem of the SS division "Totenkopf".<sup>2863</sup> In the Brittany region, despite the government bans, concerts by neo-Nazi groups are held annually.<sup>2864</sup>

In other regions, many of the previously disbanded extremist groups have been re-registered under different names.<sup>2865</sup> In addition, their activity is not limited to manifestations, pseudo-sporting events or singing songs. In a number of cities, heads of autonomies receive anonymous threats. On 9 May 2023, Mayor of Saint-Brevin-les-Pins Yannick Morez, who was building a refugee centre, resigned due to constant attacks and the recent arson of his house.<sup>2866</sup> On 11 January 2023, the mayor of Callac<sup>2867</sup> abandoned such a project due to pressure from Breton nationalist radicals, and the editorial staff of the "Poher" local weekly, which supported the project, received physical threats almost every day.<sup>2868</sup> In Bordeaux, since the beginning of 2023, neo-Nazis gangs have been organizing acts of vandalism in mosques, terrorizing humanitarian NGOs, including the local branch of the "SOS Racism", intimidating representatives of the mayor's office and deputies of the city council with threats of murder and physical violence.<sup>2869</sup>

The representatives of the General Directorate for Internal Security of the French Ministry of Internal Affairs, in an interview with French media on the condition of anonymity, note that the applied administrative dissolution of far-right groups and associations has turned out to be counterproductive and only contributes to their unity.<sup>2870</sup> It is quite often that such procedure is followed by the re-creation of the group in its previous composition with its name changed or as a so-called undeclared association.

<sup>2863</sup> [https://www.liberation.fr/politique/en-savoie-un-concert-nazi-organise-au-nez-et-a-la-barbe-des-autorites-20230227\\_S345V6YCVRCHTKV232CP3WIA6M/?redirected=1](https://www.liberation.fr/politique/en-savoie-un-concert-nazi-organise-au-nez-et-a-la-barbe-des-autorites-20230227_S345V6YCVRCHTKV232CP3WIA6M/?redirected=1)

<sup>2864</sup> <https://www.ouest-france.fr/bretagne/rosporten-29140/des-soirees-neonazies-dans-la-campagne-de-rosporten-4650224a-84ab-11ee-aabe-38ea97092852>; <https://www.letelegramme.fr/bretagne/a-rosporten-de-sombres-nuits-neonazies-dans-la-campagne-kernevelloise-6469507.php>

<sup>2865</sup> <https://www.mediapart.fr/journal/france/040523/apres-une-vague-de-dissolutions-l-ultradroite-se-regroupe>

<sup>2866</sup> <https://www.ouest-france.fr/pays-de-la-loire/saint-brevin-les-pins-44250/demission-du-maire-de-saint-brevin-hommage-a-lassemblee-nationale-des-elus-reagissent-1972dfac-efc7-11ed-b3bc-e6c5fd5ee2eb>

<sup>2867</sup> [https://www.liberation.fr/societe/logement/sous-la-pression-de-lextreme-droite-une-commune-bretonne-renonce-a-accueillir-des-refugies-20230111\\_KTRMLZSD4ZE6FP7LZV7AE4GYQA/](https://www.liberation.fr/societe/logement/sous-la-pression-de-lextreme-droite-une-commune-bretonne-renonce-a-accueillir-des-refugies-20230111_KTRMLZSD4ZE6FP7LZV7AE4GYQA/)

<sup>2868</sup> [https://www.lemonde.fr/economie/article/2023/03/01/en-bretagne-l-equipe-d-un-hebdomadaire-local-menacee-en-raison-de-ses-articles-sur-un-projet-de-centre-pour-les-refugies-a-callac\\_6163692\\_3234.html](https://www.lemonde.fr/economie/article/2023/03/01/en-bretagne-l-equipe-d-un-hebdomadaire-local-menacee-en-raison-de-ses-articles-sur-un-projet-de-centre-pour-les-refugies-a-callac_6163692_3234.html)

<sup>2869</sup> <https://www.mediapart.fr/journal/france/020323/bordeaux-un-debut-de-sursaut-contre-une-extreme-droite-decomplexee>

<sup>2870</sup> <https://www.mediapart.fr/journal/france/040523/apres-une-vague-de-dissolutions-l-ultradroite-se-regroupe>

Far-right radicals are behind the whole range of resonant acts of anti-Semitism and especially Islamophobia. They include the desecration of 10 Jewish tombs on a German cemetery in November 2023 and of 96 tombs on a Jewish cemetery in the Lower Rhine department in February 2019; demolition and desecration of a monument sign with a swastika on the site of a synagogue destroyed by the Nazis and a poster with a swastika at the entrance to a kindergarten in Strasbourg; and Islamophobic graffiti that appeared in November 2022 on the walls of a French-Turkish mosque in the commune of Fleuré (the Orne department).

It has become chronicity on the part of law enforcement to use excessive force, notably often based on racial discrimination and various forms of xenophobia.

Deaths inflicted by policemen and gendarmes grow. The official statistics have been published by general inspectorates of the National Police and National Gendarmerie since 2018, i.e. 14 persons in 2017, 17 persons – in 2018, 27 – in 2019, 32 – in 2020 and 37 – in 2021. The inspectorates' reports do not contain any assessments of legitimacy of the actions of law enforcement officers. The data provided include both eliminated terrorists and persons killed as a result of police abuse of power or an accident.

In 40 per cent of cases, the information from public sources on legal consequences of peoples' deaths resulting from the actions of the law enforcement officers is absent, in 20 per cent – investigations are terminated due to a lack of evidence, in 10 per cent – courts justify the actions of the law enforcement, in 25 per cent – only a conditional sentence is imposed and in as few as 5 per cent cases the sentence is imposed indicating real terms of imprisonment.

The French human rights non-commercial organization called "Basta!" provides different figures that reflect higher deaths caused by the law enforcement: in 2017 – 27 persons, in 2018 – 26 persons, in 2019 – 26 persons, in 2020 – 40 persons, in 2021 – 52 persons and in 2022 – 39 persons. A typical victim is described as a 25-30 year old black-skinned or Arab from a poor suburban area of the regional centre or Paris.

Death is often caused by a heart attack or suffocation during arrest or pre-trial detention due to the use of special restraint techniques (prohibited in many countries, but not in France, the "postural constraint" and "mechanical asphyxia"), recognized as cruel in 2002 by the European Committee for the Prevention of Torture (CPT) functioning within the Council of Europe, including due to a high risk of death. France still ignores recommendations of law enforcement structures prohibiting the use of such techniques.

The most common cause of death is gunshot wounds and injuries caused by the so-called non-lethal weapons. In 70 per cent of cases, this refers to the actions of the criminal or border police and not of the units neutralizing terrorists or dangerous criminals. It is often that, when there is an attempt to escape or refusal to abide by the police requests, policemen shoot to kill even in the absence of a direct threat to themselves or third parties.

"Basta!" relates the increased fatal outcomes to the changes in the law enforcement practices after the adoption of the law on public security on 28 February 2017, which eased the use of fire arms by the police.

In June 2023, the killing by the police in Nanterre of the 17-year old teen of North African origin Nahel Merzouk, who had refused to abide by the police orders, set off riots throughout France, which quickly escalated into massive multi-day disorders that set a "historic record" for the scale of damage caused.

The OHCHR expressed concern over the killing of the teenager and called on the French authorities to "reflect on addressing the racism and discrimination deeply rooted in law enforcement" and to ensure that "the use of force by the police complies with the principles of legality, proportionality, non-discrimination, discretion and accountability".

On 7 July 2023, the Committee on the Elimination of Racial Discrimination (CERD) adopted a statement on the situation in France, in which it made a number of recommendations regarding racial profiling and excessive use of force by law

enforcement agencies.<sup>2871</sup> The statement was supported by the HRC Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance Tendayi E. Achiume, the UN Permanent Forum on People of African Descent, the HRC Working Group of Experts on People of African Descent and the International Expert Mechanism to Advance Racial Justice and Equality in the Context of Law Enforcement.

During Emmanuelle Macron's tenure as Head of State, the protests accompanied by riots and use of harsh measures by the police became a kind of visiting card of France.

In 2018, the country was rocked by the protests of "yellow vests", which were dispersed with stun grenades and traumatic guns to led to several human deaths and cause numerous injuries and casualties.

A number of human rights advocates believe that France regularly violates the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and speak about impunity for law enforcement officers. Concerns are voiced in relation to the accuracy of investigations into the acts of the law enforcement violence and official misconduct. There are many cases of refusal to initiate legal proceedings, or once initiated, administrative punishments that are disproportionate to the severity of the offense are applied.

Complaints against "men in uniform", depending on their structural affiliation, are first considered by either the Directorate General of the National Police or the Directorate General of the National Gendarmerie, which delays possible prosecution.

During the coronavirus pandemic, forceful dispersal of demonstrations against the sanitary pass regime, as well as other mass events organized in violation of "anti-Covid" restrictions, was a regular occurrence. Amnesty International NGO in its report for 2021 notes that at the same time, there were numerous cases of indiscriminate and disproportionate use of special means by law enforcement

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<sup>2871</sup> [tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FSWA%2F9833&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCERD%2FSWA%2F9833&Lang=en)

agencies, including tear gas and stun grenades. It is emphasized that an independent investigation has not yet been launched even into the flagrant case of the brutal break-up of hundreds of participants of the Redon teknival (Brittany region), as a result of which several people were seriously injured.

In May 2022, police used tear gas in an attempt to suppress mass disorders during the Championship League on the Stade de France in the Parisian suburb of Saint-Denis. The riots were caused by poor organization of the event (more than 2,000 people who bought tickets were unable to enter the stadium) and by the failure of the police to provide adequate security level and protect fans from local gangs of robbers.

From January till May 2023, the whole France was embraced by demonstrations against pension reform, during the dispersal of which law enforcement agencies disproportionately used force and special means, including stun grenades. In March 2023, the Brav-M gendarmerie unit "distinguished itself" by breaking up environmental activists who opposed the construction of a reservoir in Sainte-Soline. According to human rights non-commercial organisations, gendarmes used over five thousand stun grenades and tear-gas grenades, actively used traumatic guns and impeded access to ambulances. As a result, more than 200 people were injured; five of them were in serious condition and two – remained critically ill.

In September 2021, President Macron informed about establishing a mechanism of parliamentary monitoring of human rights violations by law enforcement officers. Human rights advocates believe that this measure does not guarantee a completely independent control over the police and gendarmerie activities.

The inept operational national justice system remains a source of human rights violations in France. Human rights activists note biased attitudes towards foreigners: unacceptably long processing times for cases, discriminatory and biased approach to sentencing and unfairly harsh sentences. Investigations are not impartial. Limited is access of lawyers to persons on remand and to investigation materials that are transferred to the defence piecemeal and with a significant delay.

Russians in France who have been subjected to politically motivated decisions face similar problems. A good example is the situation with A.V. Vinnik, who was extradited to France from Greece and sentenced to imprisonment on charges of extorting money by means of a virus programme and laundering the proceeds. A.V. Vinnik served his sentence and was to be released on 30 June 2022, but despite the Russian Embassy's demands that the French side execute the request of the General Prosecutor's Office of the Russian Federation for his extradition to Russia, in August 2022 A.V. Vinnik was extradited to the USA at the request of the American authorities.

The French penitentiary system is a traditional target of harsh criticism by human rights activists. Overcrowded French prisons and detention centres have for many years been considered almost the worst in Western Europe. According to the French Ministry of Justice, as of 1 June 2023, 73,699 people were held in detention centres, while there were 60,562 places available. The average occupancy rate in prisons is 121.7%, in ten prisons it exceeds 200%, including in Nîmes, Rochefort and Perpignan, and in Majikavo prison (Mayotte) it reaches a "record" 297.4%.

In a report published in May 2023, the Comptroller General of places of deprivation of liberty, D. Simoneau, notes the deplorable state of French prisons. According to her data, their average occupancy rate is 142.2%, and the people held there live in conditions that violate human dignity and sanitary standards. In April 2023, at the height of demonstrations against pension reform, D. Simoneau wrote a letter to the head of the French Interior Ministry criticising the indiscriminate preventive detention of protesters, which violates fundamental freedoms, as well as the "instrumentalisation of this preventive measure for repressive purposes".

Every year, the reports of the Comptroller General of places of deprivation of liberty state a particularly harsh approach to the holding of Islamist prisoners. They are placed in isolation blocks in order to prevent the spread of their ideology, are not allowed to work, get education, and are not provided with psychologists, despite their requests. Although it is not always about persons who should serve their sentences under a strict regime for serious offences. All Islamist prisoners are



subject to high security measures. They are held in conditions that go beyond legal norms. For the slightest misdemeanour, their sentence is extended to the maximum extent possible.

Lawyers complain about the practice of "labelling". Sometimes in the literal sense: the prison administration may hang a sign on the cell door stating that a prisoner is under surveillance for signs of radicalisation.

The harsh approach to the holding of Islamist prisoners is recognised at the official level. The prosecutor of the Court of Cassation, F. Malan (formerly head of the anti-terrorism unit of the prosecutor's office), stated that this allows "to protect society by prolonging their stay in prisons for as long as possible".

In June 2022, the French section of the International Prison Observatory and the NGO Amnesty International demanded that the French government develop a nationwide action plan to urgently address prison overcrowding and inhumane prison conditions.

On 24 July 2021, the European Committee for the Prevention of Torture (CPT) expressed concern about widespread cases of ill-treatment of prisoners in France, inadequate conditions of detention, prison overcrowding, and racism against them by police and prison authorities. In the CPT's assessment, "conditions of detention, particularly in national police stations, do not always correspond to the notion of human dignity".<sup>2872</sup>

The strengthening of state control over the Internet and various types of telecommunications has been criticised by human rights activists. Evidence of mass interception of metadata by French intelligence services outside of court and without the approval of the National Commission for Informatics and Freedoms is constantly "surfacing". Mobile phone operators are forced to unofficially grant intelligence agencies unrestricted access to their customers' databases and metadata.

There are no mechanisms to monitor the work of the National Platform of Judicial Intercepts, which allows to obtain at any time information passing through

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<sup>2872</sup> Report to the French Government on the visit to France carried out by the CPT from 23 to 30 November 2018  
Published on 24 March 2020. <https://rm.coe.int/16809cffaf>

the channels of all major types of digital communications at the national level. The ability of the established supervisory committee of six people (a judge, a deputy, a senator and experts from the Ministry of Justice, the Ministry of Internal Affairs and the Ministry of Culture) to track the flow of five million requests and 40,000 wiretaps per year (the estimated capacity of the platform) is questionable.

In this regard, the NGO Reporters Without Borders claimed a violation of media freedom and demanded that the confidentiality of journalists' sources and their right to work without surveillance be protected, and that judges be involved in the procedures for authorising surveillance.

The undemocratic and irrelevant mechanisms of forming, adding to and updating the list of persons "posing a threat to the state security of France" are noteworthy. This list includes not only potential or actual terrorists and disruptors of public order, but also political activists, journalists and organisers of demonstrations who speak from alternative positions. All of them may be subject to information and communications interception or physical surveillance. The procedure for updating the database is bureaucratized. As a result, files on potential terrorists regularly get lost (as in the case of the perpetrators of the January 2015 attacks), while political activists remain in the database almost for life.

On 30 July 2021, the law No. 2021-998 was adopted that transferred exceptional measures introduced under the state of emergency regime in November 2015 because of the high level of terrorist threat and extended in 2017 on a pilot basis until the end of 2020. Thus, special services and law enforcement bodies preserved most of the unprecedented powers granted under the state of emergency.

Reports by the National Intelligence Technology Control Commission indicate that intelligence agencies are increasingly using the latest technologies to obtain information, especially undifferentiated collection/interception techniques. In 2021, 22,958 people were subject to surveillance by intelligence agencies. This is 994 more than in 2020. The number of cases of IMSI interceptor-type devices

(IMSI-catcher)<sup>2873</sup> increased by 87.5% compared to 2020. In 2022, there were fewer surveillance targets – 20,958 persons, but the practice of mass and uncontrolled data collection became even more widespread, and the number of cases of IMSI-catcher use increased by 135.7% compared to 2021. In addition, there was a 40.5% increase in the number of covert intrusion operations on private property and an 81% increase in covert photo and video surveillance operations on private property. Other methods of surveillance, monitoring, wiretapping and interception of telecommunications also recorded increases ranging from 9.9% to 13.4%, with the exception of obtaining metadata from telecom operators.

The HRC Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, F. Ni'Aloin, emphasised that the counter-terrorism actions of the French Government should be based on international law, including human rights, humanitarian law and refugee rights. She recommended the establishment of an independent, adequately resourced expert oversight body to oversee the implementation of the competent agencies' powers and to review national security and counter-terrorism legislation, law enforcement practices and policies.<sup>2874</sup>

To counter Islamist ideology that nourishes terrorism, the French government follows a course of strengthening control over NGOs and confessional organizations. On 24 August 2021, the law No. 2021-1109 "On strengthening republican principles" was adopted, introducing new restrictions against three civil freedoms at once: those of religion, assembly and expression (especially in the context of academic freedom).

The document provides, inter alia, strengthening control over the financing of religious organizations, facilitates procedures for closing NGOs and places of worship, considerably restricts the possibility of home schooling, and strengthens control over private educational institutions. Prefects were allowed to close Islamic

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<sup>2873</sup> According to Internet resources, IMSI-catcher is a special device that disguises itself as a base station of the cellular telephone network and intercepts IMSI – a unique identifier written in the SIM-card of the mobile device, and further can deactivate the encryption function enabled by the subscriber.

<sup>2874</sup> <https://documents.un.org/doc/undoc/gen/g19/134/01/pdf/g1913401.pdf?token=ZZ2lTHGnSuBM8J0laj&fe=true>

schools violating republican principles. The provision of subsidies to the NGOs is now conditioned by their commitment to respect the values and principles of the Republic and the signing of a relevant treaty (*contrat d'engagement republicain*) with the State. The report of the NGO Amnesty International notes that such a strict control over the NGO activity based on vague criteria could give rise to abuse and disproportionate restrictions of the freedom of assembly.

It is noteworthy that in the history of the Fifth Republic, it was under Macron that the largest number of NGOs was banned out of court – 34 as of January 2024<sup>2875</sup>. The procedure of administrative dissolution by decree of the Council of Ministers has been applied not as an exceptional measure, but on a regular basis. On the basis of anonymity, employees of the relevant departments of the Ministry of Internal Affairs, in their contacts with the media, state that this mechanism has been instrumentalised by the Ministry of Internal Affairs: the process of "orders" coming from above for NGOs and associations that the government wants to dissolve has been put on the stream under Minister J. Darmanen<sup>2876</sup>.

For example, in April 2023, the head of the Ministry of the Interior threatened to deprive the NGO "League of Human Rights" of 500,000 euros of state funding because of its publications about the violent dispersal of the aforementioned demonstration of eco-activists in St.-Solin. At the same time, Prime Minister E. Bourne stated at the Senate hearings that she no longer recognised that human rights NGO.

In September 2022, the Prefect of Vienne and the municipality of Poitiers withdrew €5,000 in funding from Alternatiba, an association fighting climate change and social inequality, on the grounds that the NGO had planned to hold workshops on civil disobedience.

The General Security Act, passed in 2021, significantly expands the powers of the municipal police and the list of law enforcement officers authorized to get access

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<sup>2875</sup> [https://www.lemonde.fr/les-decodeurs/article/2023/11/10/trente-quatre-associations-visees-par-une-dissolution-sous-la-presidence-macron-une-annulation-par-le-conseil-d-etat\\_6184932\\_4355771.html](https://www.lemonde.fr/les-decodeurs/article/2023/11/10/trente-quatre-associations-visees-par-une-dissolution-sous-la-presidence-macron-une-annulation-par-le-conseil-d-etat_6184932_4355771.html)

<sup>2876</sup> <https://www.streetpress.com/sujet/1705591951-gud-extreme-droite-hooligans-assos-pro-palestiniennes-darmanin-nouvelles-dissolutions>

to security footage, and allows using drones to ensure public order, locate offenders and save people.

The existing mechanisms at the national level for protection against discrimination on the grounds of age and, especially, disability in such areas as education, access to goods and services, health care, and social protection are regularly criticised. The HRC Special Rapporteur on the rights of persons with disabilities recommended that the French Government improve access to health care for this category of people, "guarantee the realisation of legal capacity for all persons with disabilities by abolishing all forms of formal and informal substitute decision-making", develop an effective system of early detection of autism, and eliminate negative and harmful stereotypes of persons with psychosocial disabilities.

The UN Committee on the Rights of Persons with Disabilities called on France to strengthen measures to implement a national strategy to prevent suicide among persons with disabilities, recommended "ensuring that child protection legislation includes children with disabilities, adopting a specific strategy with timelines and benchmarks to facilitate the inclusion of children with disabilities in all spheres of life, creating a safe and enabling environment that respects their life and dignity on an equal basis with other children, and training all teachers, specialists and school assistants to provide inclusive education and personalised support, creating an inclusive and accessible environment" for children with disabilities in ordinary schools.

Human rights organizations draw attention to the French authorities' lack of sensitivity to persons with disabilities, especially in the 16-18 age group. They are not sufficiently socially integrated, which is why many of them prefer to move to Belgium when they reach adulthood where the living conditions for disabled people are better. In France, more than 20,000 children with developmental disabilities are not provided with adequate educational opportunities.

According to a number of human rights NGOs, French laws prohibiting the wearing of religious symbols (including the full-face niqab and hijab) in public places violate the right to freedom of conscience and religion. Employers, at times

abusing the principle of secularism, impose restrictions not provided for in the legislation on the wearing of religious and ethnic symbols and clothing. The UN Human Rights Committee "found that the general criminal ban on the wearing of the niqab in public places introduced in French law disproportionately infringed the applicants' right to express their religious beliefs and that France had not adequately explained why it was necessary to ban this garment". The Committee was "not persuaded by France's statement that the ban on face closure is necessary and proportionate in terms of security or to achieve the goal of 'living together' in society".

Profiled international organisations note the problem of violent or aggressive actions used against journalists during demonstrations. In this regard, criticism towards Paris is also expressed by the CoE Commissioner for Human Rights and a number of UN agencies.

According to professional journalists' organizations in France, around 200 cases of various discriminatory acts against journalists were observed in 2019 in the country, in particular, physical injuries (including arms and ribs fractures, face damage), intimidation, and prohibition to exercise their profession from police, gendarmes, and judges.

The situation with respect for the rights of migrants and asylum seekers is of serious concern to human rights defenders.

UN human rights treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Racial Discrimination, the Committee against Torture and the Committee on the Elimination of Discrimination against Women regularly criticize the plight of migrants in France. The experts noted with concern the substandard conditions existing in the reception and accommodation facilities for asylum seekers, poor sanitation and housing conditions in accommodation centres, lack of access to food, clean water, health care, psychological support and legal counselling, and increased risks of violence or exploitation. In June 2020, around 50 NGOs supporting refugees

declared that only a half of those who were in need received places in reception centres and called upon the authorities to address the lack of resettlement sites.<sup>2877</sup>

On 22 July 2021, the European Court of Human Rights (ECtHR) ruled against France in relation to inhuman treatment of a woman and her infant in one of such centres in the department Loir-et-Cher. OHCHR is concerned about France's "increasingly regressive migration policy" and the "inhumane and substandard conditions in which migrants are held". Hundreds of migrants and asylum seekers in Calais, Grande Saintes and other places on the northern coast of France are found to be living without temporary accommodation and adequate access to drinking water, toilets and washing facilities.

Refugees in France are often deprived of a chance for the resettlement and integration. Under French law, a person who has applied for refugee status to the French Office for the Protection of Refugees and Stateless Persons is entitled to free accommodation for three months (the usual time limit for processing applications). In practice, however, applicants for refugee status often join the army of homeless people. They are forced to settle illegally in empty buildings or in illegally established camps.

In December 2022, the ECtHR delivered in its judgement in *M.K. and Others v. France* that the French government had violated the right of access to court for disadvantaged asylum seekers by failing to implement emergency accommodation orders issued by the judge of the Administrative Court for Urgent Applications. In July 2020, the European Court of Human Rights (ECtHR) delivered its judgment in the case *N.H. and others v. France*, declaring the State guilty of violating the rights of three asylum-seekers from Afghanistan, Russia, and Iran by creating inhuman and degrading conditions for them. The migrants were deprived of due material and financial support and forced to live in the street, without access to sanitary facilities and in constant fear of being attacked or robbed.

The Amnesty International (NGO) Report 2022/23 found that French border police detained and summarily returned persons to Italy, including unaccompanied

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<sup>2877</sup> <https://www.asylumineurope.org/reports/country/france>

minors, without due process or examination of the individual circumstances, and used racial profiling. Persons crossing the border were detained outside of any legal framework before being handed over to the Italian police. Dozens of people died while attempting dangerous crossings.

The NGO Association for Assistance to Undocumented Persons states that up to 10,000 people are detained at Paris airports each year and placed in detention centres (often with no opportunity to contact lawyers and relatives in a timely manner). The cells are overcrowded and unhygienic, and the conditions of detention are degrading. According to human rights defenders, the procedure of repatriation of illegal immigrants is still humiliating.

Human rights defenders also point to violations of migrants' rights to family life. The French authorities often refuse to grant visas to their next of kin, thus preventing family reunification. Refugees from conflict zones are sometimes unjustifiably denied the right to asylum, being expelled from the country until all necessary procedures are completed.

In 2021, Amnesty International found that migrants and refugees in France continued to be subjected to degrading treatment. In Menton and Briançon, cases of refusals to grant asylum are reported. In Calais, police and local authorities restrict migrants' access to humanitarian aid. In search of better opportunities, they try to cross the English Channel, but their attempts periodically end tragically. Thus, on 24 November 2022, at least 27 people drowned trying to reach Great Britain by boat.

Many human rights NGOs reported cases of discrimination of refugees on national grounds in France: after 24 February 2022, natives of Ukraine were given priority when granting housing, social and financial aid to the detriment of asylum-seekers from other countries.

In areas of compact settlement of legal migrants from Muslim countries, Islamist radicalism, whose attitudes are far from modern human rights principles, is strengthening its position. Muslims, who place Sharia law above Republican one, practice forced marriages, disinheritance of women, polygamy, etc. The attempts by the authorities to influence the situation have remained unsuccessful.



UNICEF France emphasizes the "extremely worrying situation of minors on the coast", calls to reform the procedure for the initial reception of unaccompanied minors to ensure the right to an effective remedy so that they are protected until a final judicial decision is taken, and to guarantee the same level of protection to all minors placed in the care of the Social Assistance for Children service. It was recommended that the Government of France put an end to the illegal practice of denying asylum and "expulsions without any diagnostics or offer of resettlement", introduce a legislative ban on the administrative detention of children for migration reasons, whether in detention or in a waiting zone, and give preference to non-custodial solutions.

On 2 June 2023, the UN Committee on the Rights of the Child (CRC) issued its findings after reviewing the situation of the protection of children's rights in France. Thus, the Committee expressed concern over the increasing number of children and families living in poverty, shantytowns and "emergency accommodation" for long periods of time. The Committee recommended that the French authorities eradicate "child poverty" throughout its territory and allocate the necessary human, technical and financial resources to programmes to support children and families most in need. CRC regretted that the situation of asylum-seeking and migrant children remained unchanged. The Committee was deeply concerned about the continuous detention of families with children and unaccompanied children in waiting zones in airports and other administrative detention facilities.<sup>2878</sup>

80% of migrant children living in emergency housing or temporarily with relatives do not attend school. In the *EUROCEF v. France* decision, the European Committee of Social Rights considered that France had violated the right of unaccompanied foreign children to social, legal and economic protection on several grounds: shortcomings in the national shelter assessment and allocation system for unaccompanied foreign children; delays in appointing an ad hoc guardian; the

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<sup>2878</sup> <https://www.ohchr.org/en/press-releases/2023/06/un-child-rights-committee-publishes-findings-finland-france-jordan-sao-tome>

detention of unaccompanied migrant children in waiting areas and in hotels; the use of bone testing to determine age, which the committee considered inappropriate and unreliable; and a lack of clarity about how unaccompanied migrant children could access an effective remedy.<sup>2879</sup>

In the case of *Khan v. France*, the ECtHR found that the state had violated Article 3 of the European Convention on Human Rights, which prohibits inhuman or degrading treatment, as the authorities had failed to provide accommodation for an unaccompanied 15-year-old child evicted from an informal refugee camp in Calais.

France ranks as one of the leaders among EU countries in the number of restrictions on the liberty of migrant minors for less than 48 hours prior to their subsequent distribution under the Dublin system. Although detention of unaccompanied children is not authorized by law, France assumes that this measure may be applied to families with children in extreme cases.

In mainland France, 276 minors from 113 families were held in conditions of limited freedom slightly less than two days in 2019. However, the largest number of children are being detained in the overseas department of Mayotte – around 3,100 young migrants from over 2,200 families in 2019 (1,221 children in 2018). Most children come from the nearby Comoro Islands. According to NGOs working on the island of Mayotte, there have been cases of officials disregarding birth certificates certifying that a migrant has not reached the age of majority.

Former France's Human Rights Defender, Jacques Toubon, regularly noted that unaccompanied migrant children in the country constantly faced difficulties in exercising their rights to access to justice, to a lawyer, and to an interpreter. The lack of care on the part of the state increases the risk that they may be (and often are) subject to human trafficking and various forms of exploitation, including sexual exploitation. This is compounded by the fact that trafficked children, like adults, are viewed and treated as perpetrators rather than victims.

The situation surrounding natives of the Chechen Republic of the Russian Federation living in France deserves special attention. Recently, there has been an

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<sup>2879</sup> [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-fundamental-rights-report-2019\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf)

increase in the number of cases of revocation of refugee status from foreigners suspected of radicalization or convicted of breaching public order, with a view to their subsequent expulsion to their country of origin. In 2020, the French Office for the Protection of Refugees and Stateless Persons revoked refugee status from 312 persons. Almost a quarter of them were Russians, most were Chechens. This is considerably beyond that for other ethnic groups. Thus, Afghans, the largest group among asylum seekers in France, have been subjected only to 5 per cent withdrawals. The human rights community notes that these are often claims and suspicions that do not constitute sufficient grounds for deprivation of refugee status.

Until 2022, French authorities refused to repatriate its citizens suspected of terrorist offenses and their families from Syria. In the summer of 2022, 16 women and 35 children were returned to France. However, according to Amnesty International, Paris has taken a selective approach to repatriation. Dozens of other French, including children, remain in overcrowded camps in Kurdish-controlled territory in life-threatening conditions.

In September 2022, in a judgment in the case of *H.F. and Others v. France*, the ECtHR condemned France for refusing to repatriate two women of French nationality held in Kurdish camps because of suspicions that their husbands were ISIL fighters.

On 24 February 2022, the UN Committee on the Rights of the Child found that France's refusal to repatriate French children from Syria violated their right to life as well as their right to be free from inhuman and degrading treatment. It is emphasized that France, which is responsible for the lives of these children, has not demonstrated that it has duly taken into account the best interests of children when considering their relatives' requests for repatriation. The Committee called for urgent measures to repatriate the remaining children and reduce the risks to their life, survival and development. UNICEF France made similar recommendations.

On 30 October 2023, the UN Committee on the Elimination of Discrimination against Women issued its findings on France after reviewing its ninth periodic report. In particular, the Committee expresses concern at the low rate of prosecution

and conviction in cases of gender-based discrimination; the lack of a legal definition of femicide in the Criminal Code; the persistence of gender-based violence against women; and the overly restrictive definition of rape, which limits the possibility of conviction and makes the criminal process more difficult for complainants.<sup>2880</sup>

On 19 January 2024, the HRC Special Rapporteur on the sale and sexual exploitation of children, Ms Mama Fatima Singhateh, the HRC Special Rapporteur on violence against women and girls, its causes and consequences, Ms Reem Alsalem, and the HRC Working Group on Discrimination against Women and Girls called on France to protect children from incest and all forms of sexual harassment, and to support the mothers of these children, who are often subjected to penalties for trying to protect their children from incestuous acts committed by their fathers.<sup>2881</sup>

Human rights and feminist organizations condemn the lack of resources allocated to the implementation of the measures announced in 2019 to address domestic violence. According to the Ministry of the Interior, the number of such cases in France increased by more than 45% during the pandemic. In July 2020, the National Assembly adopted a law that increases penalties for individuals responsible for acts that lead to a victim's suicide or suicide attempt, and also allows doctors to violate medical confidentiality if they believe a victim's life is in imminent danger.

In recent years, the policy pursued by the country's leadership has been aimed at aggressively promoting LGBT rights in all spheres of public life to the detriment of traditional family and moral values. This causes resentment among a large part of French society, which sometimes results in protests. In 2013, after the adoption of the same-sex marriage law under President Hollande, the SOS-Homophobia association recorded 3,517 such protest acts. Their numbers trended to decline in subsequent years: in 2014 – 2,197, in 2015 – 1,318, but then started to grow again: 1,575 cases in 2016, 1,650 in 2017, 1,905 in 2018 and 1,899 in 2019.

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<sup>2880</sup> <https://www.ohchr.org/en/press-releases/2023/10/un-womens-rights-committee-publishes-findings-albania-bhutan-france>

<sup>2881</sup> <https://www.ohchr.org/en/press-releases/2024/01/un-experts-urge-france-protect-children-incest-and-all-forms-sexual-abuse>

The Constitutional Council of France denied mayors opposed to the same-sex marriage law the right to use the freedom of conscience clause in delegating the authority to register such marriages to their deputies. According to some experts, this constitutes a violation of the civil rights enshrined in the country's Constitution and in Article 9 of the European Convention on Human Rights.

The Macron administration decided not to stop there, and in 2017 included in the draft law "On Combating Sexual and Sexist Violence" a provision specifying the age of minors at which sexual intercourse with them with their consent is not considered molestation and rape, and suggested 15 years of age as the age of consent. The High Council on Equality between Women and Men found it acceptable to lower it to 13 years. The draft law sparked strong public outcry. It was rightly observed that this was about legalizing pedophilia. Eventually, Parliament, under pressure from public opinion, removed the provision on the minimum age of minors when adopting the law.

Sexual intercourse with a minor is now criminalized in France only if it can be proven that violence, threat, coercion or deception took place. The extent to which moral values have shifted in French society can be seen in law enforcement practice, where acquittals of persons who have had sexual intercourse with minors are not uncommon. For example, in October 2017, the Jury of the Department of Seine-et-Marne acquitted a 30-year-old citizen who had sexual intercourse with an 11-year-old girl.

French school and pre-school sex education programmes deserve special attention. In 2015, the teaching of "gender theory" was introduced on an experimental basis into the educational program of several hundred schools and kindergartens, ostensibly to prevent discrimination based on sexual orientation. However, in practice, LGBT attitudes destructive to child's mind are promoted among children, including through fairy tales, cartoons and so on.

Attempts were made to introduce teaching "gender theory" in all kindergartens and schools at the national level. However, the initiative met resistance from society. Its implementation has been suspended (although not

completely abandoned). It still has some echoes. Thus, at the interview when enrolling a child in kindergarten, the incoming pupil is asked about his or her gender identity, so that later teachers can communicate with the child "in accordance with his or her self-perception".

There are serious "excesses" and double standards in juvenile justice. However, these issues have so far been ignored by human rights activists.

On the one hand, French bodies of social control are known for their almost absurd severity. The vague language used in the legislation means that parents can be deprived of parental rights even for minor violations. Thus, children are often separated from their families because of their "suffocating love" – this concept can theoretically include almost any action. On the other hand, the same bodies of social control do not care about the numerous beggars who spend all day long with small children on the streets. These children grow up in unsanitary conditions, often engage in petty theft and prostitution at the instigation of adults, and do not receive compulsory education.

The human rights situation in France's overseas territories raises many questions among the human rights community.

Thus, the UN Committee on Economic, Social and Cultural Rights examined France's fifth periodic report in October 2023 under the International Covenant on Economic, Social and Cultural Rights. The questions addressed to the French State concerned inequalities between metropolitan France and the overseas departments (unemployment rates were 2.5 to five times higher, etc.).<sup>2882</sup> CERD, with regard to overseas territories, noted that the legal regime of land use for mining sites that have belonged to indigenous peoples from time immemorial prevented them from practicing their traditional way of life. These groups are unable to fully enjoy their right to housing and encounter obstacles in exercising their freedom of movement. They face difficulties in accessing education, health care and public services, in particular civil registration and justice.

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<sup>2882</sup> <https://www.ohchr.org/en/news/2023/10/committee-economic-social-and-cultural-rights-commends-france-allowing-committee>

In New Caledonia, land ownership issues relating to the Kanak population have not been resolved. This community faces difficulties in securing its economic and social rights and is underrepresented in administrative bodies. They also experience difficulties in accessing education in local languages and Kanak culture for children.

A large proportion of the indigenous population of French Guiana and almost half of the population of Mayotte lack birth certificates and identity documents, which deprives them of basic services, including education and health care. This is largely due to the fact that Article 55 of the French Civil Code provides for an extremely short period for birth registration, upon expiration of which one has to go through a judicial procedure that takes up to 18 months, leaving children with no legal confirmation of their existence. Barriers to indigenous people's access to health services are one of the reasons for the high maternal mortality rates in these overseas departments.

According to human rights defenders, the French authorities do not pay due attention to the negative impact on public health of military and economic activities in overseas territories: the consequences of nuclear tests in French Polynesia, mercury poisoning of water and soil resulting from mining activities in French Guiana, etc.

## **Federal Republic of Germany (the)**

Germany endorses a double-standard approach to human rights issues. On the one hand, human rights issues are often misused by the German authorities as a useful lever for pressure on foreign partners. At the same time, the German government applies it very selectively with regard to foreign states, "turning a blind eye" to even outrageous cases when necessary. On the other hand, as a rule, the German state itself flatly rejects any accusations of human rights violations occurring in Germany. Such cases do not receive adequate coverage in the German mainstream media and are often simply silenced. Activities of the German authorities are fully and publicly criticized mainly by a small number of specialized non-profit organizations which are independent of state and government sources of funding. Moreover, there is an increasing tendency for German law enforcement and intelligence agencies to expand their powers of intrusion upon citizens' privacy.

Particularly alarming is the changing attitude toward historical memory in Germany. The country's historical responsibility for the crimes of the Nazi regime is still recognized at the state level. Public denial, justification or understatement of the crimes of National Socialism, public approval or glorification of Nazi tyranny, distribution of propaganda materials and use of symbols of anti-constitutional organizations, including the Nazi and neo-Nazi organizations are prosecuted under the law (para. 86, 86a and 130 of the German Criminal Code (CC)).

Despite the fact that the German establishment understands that attempts to revive the Nazi ideology and the theory of racial superiority in modern conditions are inadmissible and that it still recognizes Germany's negative role in World War II, the activities of the German authorities regarding preservation of historical memory and growing manifestations of neo-Nazi ideology in Germany are cause for concern.

Official Berlin's policy calls into question the German authorities' commitment to preserving the historical truth about the World War II. For example, Germany maintains double standards with regard to the payment of individual compensations to those who survived the siege of Leningrad, which was one of the most horrific acts of genocide perpetrated by Nazi Germany against the peoples of



the Soviet Union during the Great Patriotic War. More than 1,000,000 Leningrad residents of various nationalities have fallen prey to this genocide. Under far-fetched pretexts Germany makes payments only to Jews who survived the blockade, who, of course, have every moral right to receive them. The German authorities have refused for years to extend payments to the remaining survivors of the blockade, to the defenders and residents of the city. Leningrad defenders and residents published an open appeal to the Government of the Federal Republic of Germany on 8 September 2023, the next anniversary of the blockade. They called on the German authorities to restore historical and human justice by paying humanitarian compensations to all living survivors of the blockade regardless of their nationality and country of residence.

Germany's refusal to extend payments to all blockade survivors without discrimination on the basis of nationality is shocking in light of the social benefits it has been paying for decades to former Third Reich soldiers who served in the SS units and other recognized criminal paramilitary structures, as well as to foreign collaborators of the Hitler regime who were directly involved in the blockade of Leningrad.

According to AFP, 1,532 people in Europe receive such pensions, including 573 in Poland, 184 in Slovenia, 101 in Austria, 94 in the Czech Republic, 71 in Croatia, 54 in France, 48 in Hungary, 34 in the UK, 34 in the Netherlands, and 18 in Belgium. In total, more than 2,030 people worldwide received payments in February 2023, amounting to approximately 1,300 euros per month per person, including 250 people in the USA and 121 people in Canada.<sup>2883</sup> The case of an 80-year-old former Nazi SS officer Heinz Barth is illustrative. He had been serving a life sentence in a German prison for his role in the massacre of hundreds of civilians in the French town of Oradour in June 1944.<sup>2884</sup> After the German reunification in 1990, he became eligible for a monthly payment of \$450 on the grounds that he had lost a leg in the war.

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2883 Nazisme: 2 000 personnes dans le monde touchent une pension controversée. The Times of Israel. 22 February 2019 <https://fr.timesofisrael.com/nazisme-2-000-personnes-dans-le-monde-touchent-une-pension-controversee/>

2884 Nazi war criminal dies in Germany. BBC.14 August 2007. <http://news.bbc.co.uk/2/hi/europe/6946159.stm>

At the same time, there are known cases of prosecution of persons who previously collaborated with the Nazis. For example, on 20 December 2022, the court in Itzehoe passed a two-year suspended sentence of detention on 97-year-old Irmgard Furchner, who in 1943-1945 worked as a secretary and stenographer at the Stutthof concentration camp near the Polish city of Gdańsk.<sup>2885</sup> The case revealed that Irmgard Furchner enjoyed the trust of the camp authorities. Because the defendant was a minor when she worked for the Nazis, she was tried in juvenile court. The charges against Furchner stemmed from an investigation that started in 2016 and from interviews with witnesses that spanned several countries. According to media reports, Irmgard Furchner gave her testimony as a witness in other cases in the 1950s in 2021. At the time, she testified that she used to type out execution orders for the commandant of the camp, Paul Werner Hoppe, and that most of his letters crossed her desk. During the trial, prosecutor Maxi Wantzen quoted a former colleague of Furchner, Ellen Steussloff, who said during an interrogation in the 1950s that it was common knowledge that Jewish prisoners were gassed at Stutthof, and that anyone claiming otherwise was not telling the truth.<sup>2886</sup>

The fact that the German delegation votes against the draft resolution on "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance", which the Russian Federation, together with other co-sponsors, submits every year to the United Nations General Assembly, is yet another indicator of the real attitude of the German authorities towards the inadmissibility of the rehabilitation of Nazism. In December 2022 and again in December 2023, Germany, along with its former World War II Nazi Axis allies (Italy, Japan, etc.) voted against the draft resolution. This behaviour marked the first time in history that former Axis member states openly opposed a document condemning the glorification of Nazism and various forms of racial discrimination. In previous years, the German delegation also abstained, in line with the collective EU policy.

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<sup>2885</sup> [https://www.lemonde.fr/international/article/2022/12/20/une-ex-secretaire-d-un-camp-nazi-condamnee-a-deux-ans-de-prison-avec-sursis-en-allemgne\\_6155170\\_3210.html%20](https://www.lemonde.fr/international/article/2022/12/20/une-ex-secretaire-d-un-camp-nazi-condamnee-a-deux-ans-de-prison-avec-sursis-en-allemgne_6155170_3210.html%20)

<sup>2886</sup> <https://www.washingtonpost.com/world/2022/12/20/nazi-irmgard-furchner-secretary-holocaust-stutthof/>

Regarding the today's situation, among the manifestations of racist ideologies that have intensified among the political elites of Germany in recent years, we should first mention the aggressive Russophobia that has developed, including at the state level, with the unlimited support from the Kiev regime. As a pretext for the persecution of Russian citizens and compatriots, the German authorities used the special military operation launched by the Armed Forces of the Russian Federation in February 2022 to denazify and demilitarize Ukraine and protect civilians in Donbass.

With the beginning of the special military operation, the German authorities set a goal of inflicting a "strategic defeat" on Russia. This policy included freezing of contacts and cooperation between Russian and German government agencies, and has negatively affected the attitude of the German authorities and society towards Russian-speaking residents of Germany.

The display of the "Z" and "V" symbols was prohibited throughout Germany (prosecuted under para. 140 of the German Criminal Code "Encouragement and Approval of Crimes", punishable by up to three years' imprisonment). Other restrictions were regulated on a case-by-case basis and varied widely from state to state.

In Berlin, a police order prohibited:

- wearing military uniform, its elements, and military insignia;
- demonstrating the St. George's Ribbon, flags of Russia, flags and coat of arms of the USSR, coat of arms of the Chechen Republic, pictures of the heads of Russia/USSR and the Chechen Republic;
- demonstrating flags of the Republic of Crimea, Donetsk and Lugansk People's Republics, Zaporozhye and Kherson Oblasts, Russian and Soviet military flags, images of the territory of Ukraine without the Republic of Crimea, Donetsk and Lugansk People's Republics, Zaporozhye and Kherson Oblasts;
- playing and performing Russian marches and war songs at the Soviet war memorials in Treptow Park, Tiergarten and Pankov and adjacent areas from 6 a.m. on 8 May 2023 until 10 p.m. on 9 May 2023.

The colours of the Russian flag and the St. George's Ribbon were allowed only as elements of the design of wreaths, bouquets, etc., intended for placing on monuments or graves. Restrictions on the wearing of military uniforms, insignia and the St. George's Ribbon did not apply to veterans of the Great Patriotic War. These prohibitions did not apply also to diplomatic delegations.<sup>2887</sup>

In other federal states, restrictions were imposed as part of specific announced actions. In particular, Russian and Soviet flags, the Victory Banner, elements of military uniforms, St. George's ribbons, etc., were not allowed during the "Immortal Regiment" processions in Munich. In Hamburg, the ban applied to all flags, banners and military uniforms, in Augsburg – only to the St. George's ribbon. In Frankfurt am Main it was possible to use the flags of Russia, the USSR and the Victory Banner, in Kiel – only the flag of the USSR and the Victory Banner, in Saarbrücken – the flag of Russia and the St. George's Ribbon, in Stuttgart – the St. George's Ribbon. In Cologne and Hürth there were no bans.

In reality, after the Russian Armed Forces launched a special military operation, there was a sharp increase in cases of discrimination, insults, threats and direct violence against Russian-speaking citizens living in Germany. According to the BKA, at its peak in the spring of 2022, up to 200 crimes per week were recorded on this basis.<sup>2888</sup>

It should be noted that the sharp increase in discrimination after the start of Russian special military operation was directed against all representatives of the Russian-speaking diaspora, including Jews and Russian Germans from among the late resettlers, who are also citizens of Germany. Since the end of February, there have been many incidents of all kinds, even those that go beyond the legal framework, and cases of violence: the use of physical force, threats, insults, deliberate damage to the property of Russian-speaking people, refusal to provide them with services, including medical and banking services, illegal dismissal from

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2887 Polizei Berlin schützt Versammlungen und Veranstaltungen am 8. und 9. Mai. Berlin.de Das offizielle Hauptstadtportal. 5 May 2023 <https://www.berlin.de/polizei/polizeimeldungen/2023/pressemitteilung.1320879.php>  
 2888 BKA registriert Dutzende Delikte: Angriffe auf Russen und Ukrainer in Deutschland. N-TV. 19 April 2022 <https://n-tv.de/politik/Angriffe-auf-Russen-und-Ukrainer-in-Deutschland-article23275758.html>

work, forced public repentance and condemnation of actions of the Russian authorities, etc. Psychological harassment and persecution of Russian-speaking children in schools – both by classmates and teachers – have become widespread. Many schools hold classes in which teachers, following centralized instructions, assigned homework which discredited Russia and its authorities and distorted information about what is happening in Ukraine and in the Russian regions, including the Crimea, the Donetsk and Lugansk People's Republics, and Zaporozhye and Kherson Oblasts. Russian-speaking children who refuse to attend such classes and complete assignments are threatened with expulsion from school.

Both German human rights activists and the police recognized the facts of discrimination against Russian-speaking residents of Germany, i.e. the entire community of German residents for whom Russian is their native language or one of the main means of communication, as well as against citizens of Russia and Belarus.<sup>2889</sup>

There have been cases of discrimination on the grounds of language and nationality exercised by Ukrainian companies operating in the EU. For example, during a job interview in the social network "Linkedin.com" conducted by managers of the Ukrainian Intellias company, which is widely represented in the EU countries, a Latvian citizen was denied employment in the Spanish branch of the company in Malaga because of his ethnic origin and mother tongue (Russian) indicated in his Latvian passport. During the interview, the company's manager told him that Intellias always uses an ethnicity test when interviewing its candidates, because from the company's point of view, a person's ethnicity is an important way of identifying a person. It is telling the company states on its website that it is committed to equality, diversity and inclusion, and that it "provides a level playing

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2889 Wegen Angriffskrieg gegen die Ukraine. Anfeindungen gegen Deutsche aus Russland: So bekommen Betroffene Hilfe. SWR. 09.03.2022. <https://www.swr.de/swraktuell/baden-wuerttemberg/diskriminierung-deutsche-aus-russland-100.html>

field for all employees regardless of race, colour, religion, sex, nationality, age, disability, sexual preference, language, social origin or political affiliation".<sup>2890</sup>

The Russian Embassy in Berlin actively receives feedback from Russian compatriots in order to collect information about cases of discrimination and harassment of Russian-speaking people, as well as to respond promptly to their concerns about such incidents. The Embassy systematizes the information received through this hotline on specific cases of violation of the rights of Russian-speaking citizens in Germany and publishes them on its official website in the section #StopHatingRussians.

The cultural and religious spheres were affected by the wave of Russophobia. A campaign to force Russian cultural figures to publicly condemn the actions of the Russian leadership has been launched in Germany. This was followed by demonstrative refusals to cooperate with Russian cultural figures and institutions, as well as attempts to eliminate works by Russian authors from programs. In March 2022, there were attacks on and desecration of Russian Orthodox churches of the Moscow Patriarchate in Düsseldorf, Essen, and Krefeld and of the Russian Orthodox Church Abroad in Hanover, Berlin, and Bielefeld.

The German authorities are putting pressure on and intimidating those activists of the Russian-speaking community who openly express their disagreement with the ongoing demonization of Russia in Germany and show a loyal attitude to our country. The German media publish articles claiming that such activists are under the control of the Kremlin, accusing them of working with the Russian Embassy and collaborating with extremists.

A striking example of the persecution of Russian citizens in Germany is the criminal proceedings initiated by the German authorities against the pro-Russian activist Yelena Kolbasnikova, who has been living in the country for many years now, and her husband Maxim Schlund. They are known for their active participation in the organization of several pro-Russian automobile rallies in Germany. Following

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<sup>2890</sup> Xenophobia, minority rights and extremism in the OSCE region. 2020-2022. Report by the European Center for the Development of Democracy and the Center for the Study of Extremism and Radicalism at the Moscow Institute of Economics. 2023 [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

a criminal case against Yelena Kolbasnikova, the Cologne District Court found her guilty and fined her with 900 euros for her statements in support of Russia on 8 May 2022 during the Victory Day event in June 2023. At the same time, she was charged with "war propaganda" under Article 140 of the German Criminal Code for publicly supporting Russia's "aggression against Ukraine". An appeal was filed against the court's decision.

Yelena Kolbasnikova and Maxim Shlund are being investigated on suspicion of violating the Foreign Trade and Payments Act of the Federal Republic of Germany, which prohibits the export and transfer of goods subject to EU sanctions (the maximum penalty under this law is up to five years in prison). In particular, as the investigation believes, they handed over insulated tents, helmets, cash, etc. to the Russian military during a trip to Donbass in the fall of 2022. As part of this investigation, the apartments of Yelena Kolbasnikova and Maxim Shlund were searched on 27 March and 21 August 2023.<sup>2891</sup>

The International Association of Russian Speaking Lawyers (IARL) and the International Council of Russian Compatriots (ICRC) issued a statement calling on the German authorities to stop politically motivated persecution of Yelena Kolbasnikova and suggesting that international human rights organizations provide an objective assessment of the gross ideologically motivated actions of the German authorities.<sup>2892</sup>

Yelena Kolbasnikova's husband Maxim Schlund (the Russian citizen) is also being persecuted. Because of his participation in pro-Russian rallies, he was first denied access to his workplace because his employer allegedly had reason to doubt his trustworthiness, then suspended from work, and in March 2023, he was fired.

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2891 The trial of Yelena Kolbasnikova, accused of war propaganda, began in Germany. Fund for the Support and Protection of the Rights of Compatriots Living Abroad, 10 March 2023, [https://pravfond.ru/press-tsentr/v-germanii-nachalsya-sudebnyy-protsess-nad-rossiyanoy-elenoy-kolbasnikovoy-obvinyayemoy-v-propagande/?sphrase\\_id=3344](https://pravfond.ru/press-tsentr/v-germanii-nachalsya-sudebnyy-protsess-nad-rossiyanoy-elenoy-kolbasnikovoy-obvinyayemoy-v-propagande/?sphrase_id=3344); Organizer of large pro-Russian rallies sought in Germany. RIA Novosti, 27 March 2023 <https://ria.ru/20230327/obysk-1861092501.html>; A pro-Russian activist fined in Germany. Lenta.RU., 7 June 2023 <https://lenta.ru/news/2023/06/07/germany/>; A court in Cologne sentenced pro-Russian activist Yelena Kolbasnikova. Fund for the Support and Protection of the Rights of Compatriots Living Abroad, 7 June 2023 [https://pravfond.ru/press-tsentr/sud-kyelna-vynes-prigovor-prorossiyskoy-aktivistke-elene-kolbasnikovoy/?sphrase\\_id=3344](https://pravfond.ru/press-tsentr/sud-kyelna-vynes-prigovor-prorossiyskoy-aktivistke-elene-kolbasnikovoy/?sphrase_id=3344)

2892 ICRC and IARL adopted a Statement in connection with the criminal prosecution in Germany of Elena Kolbasnikova, a German citizen. The International Council of Russian Compatriots. 8 June 2023 <https://www.msrs.ru/news-orb/item/609-2023-047>

The activist has been trying to defend his rights in court, get financial compensation from his former employer and be reinstated.

German authorities persecute also other Russian citizens: V.A.Dekanov, A.Gevorkov, Y.Y.Orekhov, Y.S.Prokhorova, and M.V.Gatzemeier. Most of the cases brought against Russian citizens were initiated after they published pro-Russian content on social networks.<sup>2893</sup>

In addition to criminal prosecutions, in 2023 there were a significant number of cases when personal vehicles of the Russian citizens residing in Germany (including Bavaria, Berlin, Hamburg, Schleswig-Holstein) or staying in the country for the purpose of transit were seized under the EU Council Regulation No. 833/2014 of 31 July 2014. Article 31 of this document establishes a ban on the import of a number of cargoes and goods from Russia to the territory of EU countries, including personal cars, telephones, computers, bags, clothes, cosmetics, hygiene products, etc. In response to the Russian Embassy's notes on the invalidity and illegality of the German authorities' actions, the German Foreign Ministry noted that the possibility of exemption from the sanctions regime is being considered by the competent customs and judicial authorities on a case-by-case basis. At the same time, the German side points out that the judicial authorities are guided by the legislation in force and are independent in the interpretation of legal norms. Thus, the German federal government indicated that it has no leverage in deciding on individual specific cases involving the confiscation of property of Russian citizens.

After the beginning of the special military operation, the Russian diplomatic missions in Germany recorded a sharp increase in the number of cases of desecration / vandalism at Russian (Soviet) war graves and memorials in Germany: three such incidents took place in 2021, 16 – in 2022, and nine – from January to mid-May 2023.

The German authorities have applied double standards and various methods of pressure to the Russian media operating in Germany. After the beginning of the

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<sup>2893</sup> Detailed information on the above-mentioned cases of persecution can be found in the report of the Ministry of Foreign Affairs of Russia on persecution of Russian citizens and compatriots abroad ([www.mid.ru](http://www.mid.ru)).



special military operation to demilitarize and denazify Ukraine, the Russian media outlets RT DE and SNA News (formerly Sputnik Deutschland) fell under EU-wide sanctions, which prohibit their activities in all European Union member states. SNA News took the decision to completely stop broadcasting in Germany and closed its official web portal and social network accounts. The RT DE TV channel is officially blocked in Germany. Significant fines were imposed on Russian media outlets. Attempts to challenge them in court were rejected and the fines were subsequently increased.

It is telling that targeted attacks on the part of social, political and journalistic circles against the Russian media active in Germany had taken place even earlier, since 2020. First of all, they were directed against the Russia Today (RT DE) TV channel and its affiliated video agency Ruptly. A toxic environment has been carefully created around RT DE since 2020: the German press has spread unfounded insinuations about its political prejudices and biases, attempts to sow discord in German society, etc. In May 2021, accounts of RT DE and Ruptly were closed without explanation and services were terminated. Under pressure from Berlin, the Luxembourg authorities refused to grant the Russian TV channel an appropriate broadcasting license. The refusal came despite the fact that the channel's application had been prepared in accordance with Luxembourg and general EU legislation and had been submitted on the same grounds as a number of other media, including from countries outside the European Union, which had previously been approved by the Luxembourg authorities without any difficulty. The climax of the campaign was the announcement voiced by representatives of the German intelligence agencies that they were officially "monitoring" the activities of RT DE. On 2 February 2022, the Berlin-based company managing the TV Channel received an official notice from the media regulator to cease its linear broadcasts via the Internet, satellite and third-party media platforms and applications.

Independent media work in the Federal Republic of Germany faces many challenges. For example, the Western-oriented NGO Reporters Without Borders noted with alarm the decline in the diversity of daily print media in the country due

to their deteriorating economic situation.<sup>2894</sup> According to the NGO, in 2022 a record number of incidents involving violence against journalists (103) were recorded in Germany (80 in 2021). Public events accounted for most of these incidents. Six cases of unjustified use of force by police against journalists were recorded.

Right-wing extremism continues to be regarded by German authorities as one of the most serious threats to the country's internal security. According to the Federal Office for the Protection of the Constitution of the Federal Republic of Germany (BfV; internal security and counterintelligence service), there were an estimated 38,800 right-wing extremists in Germany in 2022 (34,000 in 2021). About 14,000 of them were considered prone to violence (in 2021 – 13,500).<sup>2895</sup>

There are several right-wing political parties in the country. The largest of these is the National Democratic Party of Germany (NPDG), which has existed since 1964 and has about 3,000 members. The "Right", the "Third Way", and the "Free Saxons" parties (each with no more than 500-600 members) take an active part in organizing and holding mass events with appropriate right-wing extremist slogans and disseminate aggressive nationalist propaganda on the Internet.<sup>2896</sup>

Not only political parties, but also right-wing groups carry out their activities through other organizations and movements registered as legal entities or existing on an informal basis. These include, among others, the "Identity Movemen", "Patriotic Europeans Against the Islamization of the West" (PEGIDA), the "Citizens' Movement for Chemnitz", neo-Nazi "free associations," self-appointed "civil defense squads," etc. The BfV points to a decline in the influence of officially registered right-wing extremist parties and organizations in favour of informal, non-permanent structures without a common leader, which emerge, inter alia, on the Internet, which makes monitoring by law enforcement agencies more difficult.<sup>2897</sup> In February 2020, this principle was used in particular by the "Group C" (whose

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2894 <https://www.reporter-ohne-grenzen.de/nahaufnahme/2023>

2895 Bundesamt für Verfassungsschutz. Rechtsextremismus. Zahlen und Fakten.

[https://www.verfassungsschutz.de/DE/themen/rechtsextremismus/zahlen-und-fakten/zahlen-und-fakten\\_node.html](https://www.verfassungsschutz.de/DE/themen/rechtsextremismus/zahlen-und-fakten/zahlen-und-fakten_node.html)

2896 Bundesministerium des Innern und für Heimat. Verfassungsschutzbericht 2022.

[https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/sicherheit/vsb2022-BMI23007.pdf;jsessionid=24D6218B60F6522D15730F4D0C3A17E3.2\\_cid350?\\_\\_blob=publicationFile&v=8](https://www.bmi.bund.de/SharedDocs/downloads/DE/publikationen/themen/sicherheit/vsb2022-BMI23007.pdf;jsessionid=24D6218B60F6522D15730F4D0C3A17E3.2_cid350?__blob=publicationFile&v=8)

2897 Ibid.

members planned terrorist attacks against Muslims and political figures), the right-wing extremist organization Combat 18, which was banned by the German Ministry of the Interior in January 2020, and cells of the international neo-Nazi groups "Blood and Honor"<sup>2898</sup> and "Atomwaffen Division".<sup>2899</sup>

A recent trend noted by the Center for the Study of Extremism and Radicalism regarding the activities of far-right groups, mostly small groups of a few dozen people, is noteworthy. Such associations are officially registered as NGOs. At the same time, almost all of them were either associated with criminals or engaged in criminal activities. Therefore, the process of banning such a group takes a considerable amount of time, not least because of its status as an NGO.<sup>2900</sup>

The law enforcement agencies of the Federal Republic of Germany are seriously concerned with Reichsbürger – revisionists who do not recognize the legitimacy of Germany and its authorities and consider themselves citizens of the German Empire within its pre-war borders. Their number has been increasing and is currently estimated at about 23,000 people. More than 2,000 of them are considered to be prone to violence.<sup>2901</sup> The radicalization of these people has increased, as has their willingness to engage in open conflict with the authorities. On 7 December 2022, during a large-scale special police operation, the activities of Reichsbürger, who according to investigators were planning an attempted armed coup d'état, were suppressed.<sup>2902</sup> They allegedly planned to storm the Reichstag and the Bundestag, arrest deputies, overthrow the federal government and return the constitutional order to that of the Second Reich. Twenty-five people were detained. Arrests of persons accused of involvement in the coup took place simultaneously in several countries

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2898 Rechtsextremes Netzwerk vor Gericht. Tagesschau. 8 April 2022 <https://www.tagesschau.de/investigativ/ndr-wdr/prozess-blood-honour-101.html>

2899 Atomwaffen Division und Combat 18. ZEIT. <https://www.zeit.de/politik/2022-04/atomwaffen-division-und-combat-18>

2900 Xenophobia, minority rights and extremism in the OSCE region. 2020-2022. Report by the European Center for the Development of Democracy and the Center for the Study of Extremism and Radicalism at the Moscow Institute of Economics. 2023 [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

2901 Bundesamt für Verfassungsschutz. Reichsbürger und Selbstverwalter. Zahlen und Fakten. [https://www.verfassungsschutz.de/DE/themen/reichsbuerger-und-selbstverwalter/zahlen-und-fakten\\_node.html](https://www.verfassungsschutz.de/DE/themen/reichsbuerger-und-selbstverwalter/zahlen-und-fakten_node.html)

2902 Bundesamt für Verfassungsschutz. Exekutivmaßnahmen gegen Vereinigung aus „Reichsbürger“-Spektrum. <https://www.verfassungsschutz.de/SharedDocs/hintergruende/DE/reichsbuerger-und-selbstverwalter/exekutivmassnahmen-gegen-reichsbuerger-spektrum.html>

besides Germany. Earlier, on 19 March 2020, one of the largest organizations of Reichsbürger – "United German Nations and Tribes" – was banned.

Sociological studies indicate that extremist ideologies have gradually spread to broad segments of German society. In 2022, a major study by the University of Leipzig was released in Germany regarding the wide range of radical and extremist attitudes in society.<sup>2903</sup> Its authors (drawing parallels with a similar paper from 2020) conclude that the number of people with deep, holistic right-wing radical views is declining slightly, but that extremist circles have effectively consolidated. In addition, the level of intolerance towards foreigners is not on the rise, but is at a high level. The same people hold a range of discriminatory beliefs (including supporting racism, homophobia, and sexism).

The results of a study conducted by the Friedrich Ebert Foundation in 2018-2019 on the political attitudes of the German middle class, published in June 2021, showed a decline in purely right-wing extremist views in society. On the other hand, the number of those who do not sufficiently distance themselves from statements with populist and xenophobic overtones has increased.

Similar trends were revealed in a study conducted by the Friedrich Ebert Foundation on right-wing extremist and anti-democratic trends in Germany in 2020-2021.<sup>2904</sup> It notes that 70.3 per cent of respondents consider right-wing extremism a threat to the country (first place in the list of threats), 35.3 per cent named Islamism as the main threat, and 34.8 per cent – left-wing extremism. Support for the populist ideas decreased from 38.2 per cent of respondents in 2018-2019 to 28.2 per cent in 2020-2021. Such trends are noticeable not only among supporters of far-right parties, but also among voters of the CDU/CSU, SPD and the Left Party.

The study had found that such theses as "it is in the national interest to establish a dictatorship" and "we need a leader who will rule Germany with a strong hand" were condemned by the overwhelming number of respondents (summing up

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2903 Xenophobia, minority rights and extremism in the OSCE region. 2020-2022. Report by the European Center for the Development of Democracy and the Center for the Study of Extremism and Radicalism at the Moscow Institute of Economics. 2023 [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

2904 Xenophobia, minority rights and extremism in the OSCE region. 2020-2022. Report by the European Center for the Development of Democracy and the Center for the Study of Extremism and Radicalism at the Moscow Institute of Economics. 2023 [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

the answers "completely disagree" and "mostly disagree", 85.1 per cent and 84.4 per cent respectively). Also, the absolute majority did not support the statements "foreigners come to Germany to take advantage of its social system" (against 57.3 per cent), "if there is a shortage of jobs, foreigners should be deported to their home countries" (80.4 per cent) and "there are already so many foreigners in the country that it already constitutes a danger for us" (67.4 per cent).

It is also noted that verbal "disapproval" of foreigners and stereotypes unrelated to the potential use of violence, are much more widespread than other forms of xenophobia. The negative attitude to antisemitic clichés is quite unambiguous. 80.7 per cent of respondents disagreed with the statement "even today the influence of Jews is too great". 86.2 per cent with the statement "Jews more often than representatives of other nationalities use cunning methods to achieve their goals", 84.9 per cent with the statement "Jews have special characteristics and properties; they are not suitable for our society". In general, only 4.5 per cent of respondents expressed unequivocal support for hatred of foreigners, 1.7 per cent for antisemitism, 1.7 per cent for right-wing extremism, and 2.2 per cent for a dictatorial form of government. All of these manifestations are more widespread in East Germany than in West Germany. The authors summarize: only a small part of the population has unambiguously right-wing extremist views. But the percentage of such in the latent plane is higher, because a larger proportion of respondents are susceptible to right-wing populist propaganda, which may lead to the formation of right-wing radical views in the future.

In addressing a noticeable increase in extreme right-wing sentiments in the society, the German authorities are building up comprehensive opposition to the relevant political groups. At the same time, the German State invokes the need to fight radicals as a cover to actually suppress citizens who disagree with the social and political realities established in the country. The so-called German mainstream media has been waging a campaign aimed at promoting social intolerance toward dissidents. The German authorities, hoping therethrough to shackle German society, which is losing its internal stability for objective reasons, have only been further

polarizing it by pushing more and more Germans, who become victims of this pressure, to organize themselves in often highly offbeat movements.

Experts point out that German authorities have increased in recent years pressure on right-wing circles (including the Alternative for Germany party) which oppose the sanctions policy against Russia. In early December 2022, this was prompted by an above-mentioned alleged coup attempt prepared by supporters of the "Second Reich". Reportedly, many of the participants shared extreme right-wing views, many had served in the armies of the Federal Republic of Germany and the former German Democratic Republic in the past.

Mass right-wing extremist and xenophobic events are regularly held in the country. Among the largest of such events are demonstrations in Dresden on the anniversary of the barbaric bombing of the city by British and American aircraft on 13-15 February 1945. Up to 600 people took part in another such demonstration with revisionist slogans on 13 February 2023.<sup>2905</sup> Besides, right-wing forces regularly organize protests against accommodation of asylum-seekers in densely populated areas, gathering up to several hundred people, primarily in the east of the country.<sup>2906</sup> The German law enforcement community reports close interaction between local neo-Nazi circles, "citizens of the Reich" (Reichsbürger), COVID dissidents groups, and various "conspiracy theories" supporters.

The scale of the integration of right-wing extremist elements into law enforcement agencies is significant. For example, according to the second special report of the German Federal Ministry of the Interior, from July 2018 to June 2021, 860 checks were carried out against members of the security services (police, special services, Bundeswehr, customs) on suspicion of having right-wing extremist views or views close to those of "Reich citizens". In 327 cases (38 per cent of the total number) the suspicions were confirmed. Over 450 criminal cases on incitement of

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2905 Dresden: Keine Menschenkette zum 13. Februar. Saechsische.De.

<https://www.saechsische.de/dresden/lokales/menschenkette-und-demos-was-in-dresden-am-13-februar-wichtig-ist-5820520-amp.html>

2906 Wie Rechtsextreme wieder gegen Flüchtlingsunterkünfte mobilisieren. Redaktions Netzwerk Deutschland, 4 February 2023. <https://www.rnd.de/politik/rechtsextreme-machen-wieder-gegen-fluechtlingsunterkuenfte-mobil-MOSR4IA3CRDQRHTNLDD5KXXH3Q.html>

ethnic hatred, use of symbols and propaganda of anti-constitutional organizations and others were opened.<sup>2907</sup>

In a profile report published in December 2020 by the Parliamentary Oversight Panel of the Bundestag (which supervises the activities of law enforcement agencies) it was stated that right-wing radicals in the police, special services, and Bundeswehr maintained close ties with right-wing extremist parties, movements, and groups (the SPD, the "Identity Movement", neo-Nazi "partnerships", etc.).<sup>2908</sup>

The same is said in the government response, published in July 2022, to the request submitted by some Bundestag delegates concerning the analysis for the period from 1 July 2018 to 30 June 2021. In addition to 319 alleged manifestations of right-wing extremism within the national security agencies and 58 cases in the federal security bodies (at the level of federal Länder – 684 and 176 cases respectively) indicated in the first report, the number of such incidents on the federal and regional levels has increased. Accordingly, it is assumed that the federal Länder have recorded 189 confirmed cases of officers affiliation with right-wing extremists, and 138 such cases within the federal government. The German Federal Office for the Protection of the Constitution (Bundesamt für Verfassungsschutz, BfV) said that it was primarily connected with increased attention to this issue due to its great sensibility for German society. The reason was also the inclusion in the analysis of additional categories of "Reich citizens". It was noted that 201 officers out of 327 security services officers put on the list of probable or confirmed cases of

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2907 Bundesamt für Verfassungsschutz. Lagebericht „Rechtsextremisten, ‚Reichsbürger‘ und ‚Selbstverwalter‘ in Sicherheitsbehörden“. May 2022

<https://www.verfassungsschutz.de/SharedDocs/publikationen/DE/rechtsextremismus/2022-05-lagebericht-rechtsextremisten-reichsbuerger-und-selbstverwalter-in-sicherheitsbehoerden.pdf>

2908 Unterrichtung durch das Parlamentarische Kontrollgremium Öffentliche Bewertung des Parlamentarischen Kontrollgremiums gemäß § 10 Absatz 2 Satz 1 des Kontrollgremiumsgesetzes zum Kontrollauftrag Erkenntnisse, Beiträge und Maßnahmen von Bundesamt für den Militärischen Abschirmdienst, Bundesamt für Verfassungsschutz und Bundesnachrichtendienst zur Aufklärung möglicher rechtsextremistischer Netzwerke mit Bezügen zur Bundeswehr. Deutscher Bundestag 19. Wahlperiode. Drucksache 19/25180. 11 December 2020  
<https://dip21.bundestag.de/dip21/btd/19/251/1925180.pdf>

affiliation with right-wing extremists really maintained contacts with right-wing organizations.<sup>2909</sup>

In the German armed forces, the most problematic unit in terms of right-wing extremist sentiments is the KSK Special Forces, one of whose companies was disbanded in July 2020 for this reason. It was revealed that in April 2021, German soldiers in the NATO contingent in Lithuania had organized Nazi parties, where Hitler had been glorified and sexual violence had taken place.<sup>2910</sup>

The German police was repeatedly shaken by scandals involving dozens of its officers in electronic chat rooms, where pictures of Hitler, swastikas, photo montages of shootings of black people, etc. were forwarded.<sup>2911</sup> The participation in extremist chats by police officers from Hesse, Baden-Württemberg, and Bavaria in 2018-2019<sup>2912</sup> as well as Berlin and North Rhine-Westphalia in 2020 came to public attention.<sup>2913</sup>

There have been cases when German authorities took measures against right-wing extremists. In April 2022, media outlets reported that German law enforcement agencies conducted searches in the homes of 50 suspects in 11 federal Länder as they were believed to belong to the far-right criminal groups such as "Knockout 51", "Combat 18", "Atomwaffen Division", and "Sonderkommando 1418". One of the suspects was a non-commissioned officer in the German armed forces. Eleven individuals associated with these structures were reportedly detained.<sup>2914</sup>

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2909 Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Martina Renner, Nicole Gohlke, Göky Akbulut, weiterer Abgeordneter und der Fraktion DIE LINKE. – Drucksache 20/2366 – Lagebild Rechtsextremisten in Sicherheitsbehörden. Deutscher Bundestag. 20. Wahlperiode. 22 July 2022

<https://dserver.bundestag.de/btd/20/028/2002873.pdf>

2910 German soldiers dismissed over Hitler birthday song. Reuters. 16 June 2021

<https://www.reuters.com/world/europe/german-soldiers-dismissed-over-hitler-birthday-song-2021-06-16/>; Germany withdraws platoon from Nato mission in Lithuania. BBC. 16 June 2021 <https://www.bbc.com/news/world-europe-57487869>; German soldiers hold a Nazi party in Lithuania. Gazeta.RU. 17 June 2021

<https://www.gazeta.ru/army/news/2021/06/17/16115654.shtml?updated>

2911 Berlin und NRW: Neue rassistische Chatgruppen bei Polizei entdeckt. Frankfurter Allgemeine Zeitung.

1 October 2020 <https://www.faz.net/aktuell/politik/inland/berlin-und-nrw-neue-rassistische-chatgruppen-bei-polizei-entdeckt-16981029.html>

2912 Right-wing extremists among German police officers? It all started in a chat room. DW. 17 September 2020 <https://www.dw.com/ru/pravye-jekstremisty-v-rjadah-policii-frg-vse-nachalos-v-chate/a-54963251>

2913 Berlin und NRW: Neue rassistische Chatgruppen bei Polizei entdeckt. Frankfurter Allgemeine Zeitung.

1 October 2020 <https://www.faz.net/aktuell/politik/inland/berlin-und-nrw-neue-rassistische-chatgruppen-bei-polizei-entdeckt-16981029.html>

2914 German police raid neo-Nazi cells across country. The Guardian. 6 April 2022

<https://www.theguardian.com/world/2022/apr/06/german-police-raid-neo-nazi-cells-across-country>



Civil society activists pointed out that the German authorities tolerated various neo-Nazi manifestations, although they pretended not to notice them. In particular, the chairman of the German Union of Freethinkers Klaus Hartmann pointed this out when referring to participation of the German military in the above mentioned NATO regular military exercises in Lithuania, which had a scandalous name "Iron Wolf" from the historical point of view. The name of these exercises refers to the Lithuanian nationalist movement of the 1930s "Iron Wolf" (Geležinis Vilkas), also known as the "Association of the Iron Wolves". The movement was antisemitic and Nazi in nature, and its ideology called for ridding Lithuania of Poles and Jews and generally creating a powerful state similar to the European fascist movements. During World War II, its members collaborated with the Nazi authorities.<sup>2915</sup> Such exercises were last held in October 2023. About 3,500 soldiers and 600 pieces of military equipment from various units of the Lithuanian Army and seven other NATO countries such as Belgium, the Czech Republic, Germany, Luxembourg, Netherlands, Norway, and the United States participated in these exercises.<sup>2916</sup>

The fact that German right-wing radicals established ties to foreign structures which also shared extremist views has been made public. Investigative journalism materials published in February 2021 by Die Zeit revealed the fact that German far-right organizations had strengthened ties to Ukrainian neo-Nazis and, among other things, had participated in the armed conflict in Donbass on the side of the Kiev regime. Active efforts of the Ukrainian neo-Nazi regiment "Azov" in Germany and its cooperation with German neo-Nazi associations were mentioned.<sup>2917</sup>

The Internet plays a significant role in the spread of right-wing extremist ideology in Germany. The far-right actively use the possibilities of popular social networks to propagate and mobilize participants in mass events. Such views are also

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2915 The name of Lithuanian "Iron Wolf" exercises has caused outrage in Germany. Sputnik. Lithuania 15 November 2019. <https://lt.sputniknews.ru/20191115/V-Germanii-vozmutilis-nazvaniem-uchenyi-Zheleznyy-volk-v-Litve-10675615.html>

2916 <https://lt.sputniknews.ru/20231020/v-litve-zakonchilis-krupnye-voennye-ucheniya-nato-30803929.html>

2917 The Brown Internationale. Kai Biermann, Christian Fuchs, Astrid Geisler, Yassin Musharbash, Hogler Stark. Die Zeit. 11 February 2021. [https://www.zeit.de/gesellschaft/zeitgeschehen/2021-02/fascism-international-right-wing-extremism-neo-nazis-english/komplettansicht?utm\\_referrer=https%3A%2F%2Fwww.google.com%2F](https://www.zeit.de/gesellschaft/zeitgeschehen/2021-02/fascism-international-right-wing-extremism-neo-nazis-english/komplettansicht?utm_referrer=https%3A%2F%2Fwww.google.com%2F)

disseminated on so-called image-boards ("4chan", "8chan", etc.) and on platforms for gamers ("Steam", "Discord", etc.).<sup>2918</sup> Sociological research has recorded a consistently high level of hate speech against persons belonging to ethnic and religious minorities in the German segment of the Internet.<sup>2919</sup>

According to the Federal Criminal Police Office of Germany (BKA), in 2022, about 23,500 politically motivated right-wing extremist crimes were registered in the country, over 1,100 of which were violent and about 14 thousand were regarded as "propaganda". There were recorded 11,500 offenses motivated by hatred towards certain groups of population, over 1,400 of which were violent. This category comprises over 10 thousand xenophobic, 3,200 racist, 2,600 antisemitic, and over 600 Islamophobic criminal acts as well as 145 anti-Roma acts (different motives may be combined in one act). One thousand four hundred crimes were targeted against refugees and asylum-seekers, 278 of which were violent. One hundred twenty torts were targeted against accommodation facilities for them.<sup>2920</sup>

The EU Agency for Fundamental Rights (FRA) with reference to German relevant agencies identified a 23 per cent increase in hate crime, an all-time high since data collection commenced in 2001. The 29 per cent increase in antisemitic crimes was recorded. Equality bodies also identified high numbers of discrimination complaints in Germany. In particular, out of a total of 5,617 complaints filed with the Federal Anti-Discrimination Agency in 2022, 2,080 cases (37 per cent) were related to racial discrimination.<sup>2921</sup>

The need to counter extreme right-wing activity was highlighted by multilateral human rights monitoring mechanisms. In March 2020, the European Commission against Racism and Intolerance (ECRI) called on Germany to intensify

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2918 Antwort der Bundesregierung auf die Kleine Anfrage der Abgeordneten Petra Pau, Dr. André Hahn, Doris Achelwilm, weiterer Abgeordneter und der Fraktion DIE LINKE. – Drucksache 19/15214 – Global vernetzter Online-Rechtsextremismus – Sicherheitsarchitektur und Prävention. Deutscher Bundestag – 19. Wahlperiode. 19 February 2019 <http://dipbt.bundestag.de/doc/btd/19/161/1916170.pdf>

2919 #HASS IM NETZ: DER SCHLEICHENDE ANGRIFF AUF UNSERE DEMOKRATIE EINE BUNDESWEITE REPRÄSENTATIVE UNTERSUCHUNG. Institut für Demokratie und Zivilgesellschaft. June 2019 [https://www.idz-jena.de/fileadmin/user\\_upload/\\_Hass\\_im\\_Netz\\_-\\_Der\\_schleichende\\_Angriff.pdf](https://www.idz-jena.de/fileadmin/user_upload/_Hass_im_Netz_-_Der_schleichende_Angriff.pdf)

2920 Politisch motivierte Kriminalität – Bundesweite Fallzahlen 2022. Bundeskriminalamt. 9 May 2023 <https://www.bka.de/SharedDocs/Downloads/DE/UnsereAufgaben/Deliktsbereiche/PMK/2022PMKFallzahlen.pdf>

2921 The EU Agency for Fundamental Rights. Fundamental Rights Report 2023 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

its efforts to prevent and combat right-wing extremism and neo-Nazism, as well as to establish guarantees for the effective prosecution of hate speech in the Internet. ECRI was alarmed by the rise of hate speech, xenophobia and Islamophobia in German public discourse and the rise of violent right-wing extremists. Its report contained recommendations for the creation of a comprehensive system of independent bodies to counter discrimination at both the federal and *Land* levels.<sup>2922</sup>

In November 2021, the UN Human Rights Committee also highlighted this problem. In particular, the Committee expressed concern about incitement of hatred, including verbal attacks, online publications and hate speech in the context of political discourse, as well as the significant number of hate crimes, including violent attacks and desecration of religious sites, committed against people of African descent, Roma, Muslims, Jews, refugees and migrants.<sup>2923</sup>

In December 2023, the Committee on the Elimination of Racial Discrimination (CERD) also expressed concern about the increase of racist hate speech, and incitement to racial discrimination, including in public and political discourse, on the Internet and on social media. The Committee was also concerned about the lack of an adequate legal framework in Germany that prohibits racist hate speech and incitement to hatred and that provides access to effective legal remedies for victims.<sup>2924</sup> Despite the measures adopted by German government, the experts also noted the increasing number of extremist organizations and groups, including right wing extremist political parties, such as Alternative for Germany. The Committee was also concerned about the increase in the number of violent racially based incidents, including violent attacks against persons belonging to ethnic minorities, in which right-wing extremist groups are sometimes involved. German authorities are recommended to effectively investigate all acts of racist hate speech

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2922 Report of the European Commission against Racism and Intolerance on Germany (six monitoring cycle). Adopted on 10 December 2019. Published on 17 March 2020 <https://rm.coe.int/ecri-report-on-germanv-sixth-monitoring-cycle-/16809ce4be>

2923 Concluding observations of the Human Rights Committee on the 7th periodic report of Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

2924 Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 26th periodic reports of Germany. December 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en)

and hate crimes, including those committed by political and public figures, and encourage the authorities to actively distance themselves from expressions of racist hate speech by public and political figures. The German government is also recommended to adopt measures aimed at strengthening public trust in the authorities, and thus ensure that such crimes are identified and recorded.

It should be noted that German government makes efforts to develop the legal framework to combat manifestations of hatred. In 2021, a new law against right-wing extremism and hate crimes (Gesetz zur Bekämpfung des Rechtsextremismus und der Hasskriminalität) came into force in Germany. It emphasizes threats and hate speech on the Internet, including against social groups.<sup>2925</sup> However, there are no statistics yet on its application.

Ordinary citizens experience manifestations of racism. According to the German Center for Integration and Migration Research, over 80 per cent of respondents reported systemic inequality caused by racial differences in such spheres as education, employment, and renting housing. The National Monitoring of Discrimination and Racism for 2022 reported that 22 per cent of all German citizens and 58 per cent of those who may be discriminated because of "appearance" had experienced racism. 45 per cent of respondents experienced racial discrimination at least once. 90 per cent of respondents acknowledged the existence of racism in Germany, 61 per cent of which agreed that it was quite common, and 70 per cent expressed their personnel willingness to confront racism as best they could.<sup>2926</sup>

The Committee on the Elimination of Racial Discrimination noted manifestations of discrimination against athletes belonging to ethnic minorities, in particular football players.<sup>2927</sup>

According to the German Federal Anti-Discrimination Agency, the body received more than 6,600 citizen appeals in 2022. In 43 per cent of the cases, the

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2925 Xenophobia, Minority Rights and Radicalisation in the OSCE Area 2020-2022 Report of the European Center of Democracy Development and the Center for Extremism and Radicalism Studies at the Moscow Economic Institute. 2023. [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

2926 Ibid.

2927 Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 26th periodic reports of Germany. December 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en)

applicants complained about violations of their rights on ethnic/racial grounds, in 27 per cent on disability, in 21 per cent on gender grounds. This was followed by grounds such as age (10 per cent), religion and world view (6 per cent), and sexual identity (4 per cent).<sup>2928</sup>

There were also manifestations of racism towards Ukrainian refugees in Germany. The human rights community and especially immigrant associations criticize Germany for giving Ukrainian refugees greater rights than asylum-seekers from other crisis regions of the world. In June 2022, for example, 57 organizations in the Federal Republic of Germany addressed the Ministry of Social Protection demanding an end to the unequal treatment of Ukrainian and non-Ukrainian refugees. Particular attention was paid in the Open Letter to medical care. It also criticized the treatment of persons without Ukrainian citizenship who resided in Ukraine as of 23.02.2022. This particularly affected foreign students who had a limited Ukrainian residence permit. Human rights defenders recorded cases of discrimination against students from African countries who arrived in Germany from the territory of Ukraine.<sup>2929</sup>

FRA reported that such discriminatory treatment influenced attitude to Ukrainian Roma. The latter were repeatedly portrayed in the media in a negative way; therefore they were treated differently from other Ukrainian nationals.<sup>2930</sup>

Human rights defenders are concerned about the worsening problem of antisemitism in Germany. According to police statistics, there is a steady increase in the number of such offences (considered as politically motivated offences by the Federal Criminal Police Office (BKA). There were 2,638 such offences in 2022 (2,351 in 2020), of which 88 were violent. During the attacks, 31 people were injured. There were 1,597 suspects identified. Among the most common antisemitic offences are incitement to ethnic hatred, use of symbols of anti-constitutional organizations, damage to property, insults, and desecration of burial places.

2928 [https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Jahresberichte/2022.pdf?\\_\\_blob=publicationFile&v=3](https://www.antidiskriminierungsstelle.de/SharedDocs/downloads/DE/publikationen/Jahresberichte/2022.pdf?__blob=publicationFile&v=3)

2929 Xenophobia, Minority Rights and Radicalisation in the OSCE Area 2020-2022 Report of the European Center of Democracy Development and the Center for Extremism and Radicalism Studies at the Moscow Economic Institute.

2023 [https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023\\_3.pdf](https://www.ru.civic-nation.org/obshcheevropeyskiy-doklad/Доклад%202023_3.pdf)

2930 Ibid.

Throughout 2023, according to preliminary data, 2,874 criminal delicts motivated by hatred against Jews were reported, 88 of them violent.<sup>2931</sup>

According to the Anti-Defamation League, there has been a decline in the number of people in Germany harbouring some degree of antisemitic attitudes, despite an increase in the number of antisemitic offences. In 2023, nearly 8.4 million people or 12 per cent of the country's population harboured such attitudes (in 2019, 15 per cent or 10.2 million people).<sup>2932</sup>

According to a separate 2012-2022 FRA report on manifestations of antisemitism, in 2022, the police recorded 2,641 politically motivated crimes with an antisemitic motive, 969 of them were committed online.<sup>2933</sup> This figure is lower than in the previous year (3,027 antisemitic offences in 2021, with 1,194 committed online).<sup>2934</sup> However, the FRA notes that as the number of politically motivated crimes with an antisemitic motive recorded by the police has increased every year since 2015, the overall trend covering 2012-2022 shows an upward trend, despite the 2022 decrease. Politically motivated crimes with an antisemitic motive made up around 23 per cent (2,641 out of 11,520) of all crimes with a hate motive. Given that the Jewish population in Germany makes up around 0.1 per cent of the total population, such a high rate of crimes with an antisemitic motive indicates a disproportionately high level of persecution of Jews.<sup>2935</sup>

With reference to German law enforcement authorities, the FRA also notes a general trend of increasing acts of violence with antisemitic motives. In 2022, 88 such incidents were reported (compared to 64 in 2021). In this context, it is also important to note that such an incident is included in the statistics on manifestations of antisemitism if the victim was physically injured or wounded, and the local police authority conducting the investigation has passed the information to the Criminal

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2931 <https://www.rnd.de/politik/nahostkonflikt-antisemitische-straftaten-nehmen-seit-hamas-angriff-drastisch-zu-WGAHMLJZIVO3PBL2DM7FZIFSSU.html>

2932 ADL Global 100, Germany. <https://global100.adl.org/country/germany/>

2933 The EU Agency for Fundamental Rights. Antisemitism. Overview of antisemitic incidents recorded on the European Union. 2012-2022. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

2934 The EU Agency for Fundamental Rights. Antisemitism. Overview of antisemitic incidents recorded on the European Union. 2012-2022. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

2935 Ibid.

Investigation Registration Service (Kriminalpolizeilicher Meldedienst – Politisch motivierte Kriminalität, KPMD PMK), which is responsible for collecting statistical data.

Experts recognize that such cases are the "tip of the iceberg" without taking into account "domestic" incidents that are not prosecuted. Relevant NGOs provide more a complete view of the situation. For instance, the Research and Information Centre on Antisemitism (RIAS) in its 2022 report (released in June 2023) recorded 2,480 incidents on this ground. Of these, 1,912 cases involved offensive language or inscriptions of a relevant nature. There were 186 cases of property damage, 72 cases of threats, and 56 attempts to use physical violence that posed a serious threat to life and health (such offences included arson, as well as shooting at Jewish communal properties).<sup>2936</sup>

In Berlin alone, 450 antisemitic incidents were recorded by RIAS Berlin in the first half of 2022.<sup>2937</sup> According to the said NGO, more than one-third of the incidents (843) took place on the Internet, 426 during public events, 94 in cultural institutions, and 76 in schools. Among the German federal states, Berlin (848), Bavaria (442) and Thuringia (237) had the highest number of antisemitic incidents. Experts point to the unwillingness of many victims to seek help from the police for fear of reprisals by their attackers or lack of confidence in the work of law enforcement, resulting in a significant number of incidents not coming to the attention of the police. It is also noted that the motives for antisemitic offences are becoming increasingly diverse. Among its causes, apart from the growth of right-wing extremist sentiments, are the rise of Islamism, especially among migrants from the Middle East and North Africa, the spread of other extremist ideologies (including those associated with the increasing number of supporters of the Turkish Grey Wolves in Germany), and the growing popularity of various "conspiracy theories." In 75 per cent of cases, victims are unable to identify what was the reason

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2936 Bundesverband RIAS e. V. Federal Association of Departments for Research and Information on Antisemitism. Annual Report. Antisemitic incidents in Germany 2022, 27 June 2023. [https://report-antisemitism.de/documents/Antisemitic\\_incidents\\_in\\_Germany\\_Annual-Report\\_Federal\\_Association\\_RIAS\\_2022.pdf](https://report-antisemitism.de/documents/Antisemitic_incidents_in_Germany_Annual-Report_Federal_Association_RIAS_2022.pdf)

2937 Antisemitische Vorfälle in Berlin Januar bis Juni 2022. Ein Bericht der Recherche- und Informationsstelle Antisemitismus Berlin (RIAS Berlin). [https://report-antisemitism.de/documents/rias\\_berlin\\_antisemitische\\_vorfaelle\\_jan\\_jun\\_2022.pdf](https://report-antisemitism.de/documents/rias_berlin_antisemitische_vorfaelle_jan_jun_2022.pdf)

for the incident. In addition, when presenting the report, Benjamin Steinitz, Chair of the Board of the Research and Information Centre on Antisemitism, pointed out that the manifestations of antisemitism have a direct impact on the daily lives of Jews in Germany, many of whom hide their nationality and do not wear religious symbols for fear.

In its database, the Amadeu Antonio Foundation cites the following data: 201 antisemitic incidents in 2020, 309 in 2021, and 132 in 2022. These are mainly assaults, vandalism, insults and other such acts.<sup>2938</sup>

Moreover, there has been an increase in Islamophobic sentiments in Germany, including their significant spread in broad segments of German society and in all spheres of public life. According the report by the independent expert group for combating Islamophobia at the Federal Ministry of the Interior in Germany (established in September 2020 "following the trail" of the racist terrorist attack in Hanau on 19 February 2020), there is an increase in Islamophobic sentiments, including their significant spread in broad segments of German society and in all spheres of public life. Among other things, the report notes that Islamophobic attitudes and stereotypes are shared by one in two people in Germany. Thus, 45 per cent of respondents would not want their municipality to be headed by a Muslim; 38 per cent of respondents indicated that the large number of Muslims living in Germany made them feel like "strangers in their own country"; 46 per cent believe that there are many fanatical Islamists among Muslims living in Germany; 49 per cent of respondents do not agree with the view that Muslim migrants integrate well into German society; 29 per cent of respondents approve the demand for a ban on immigration for Muslims; 30 per cent of respondents supported restrictions on the practice of Muslim religion in Germany; 42 per cent of respondents supported the idea of banning the construction of mosques in Germany; and 43 per cent of respondents believe that the Muslim community should be under state control. The study also noted that there is a widespread attitude in Germany towards Islam as a backward archaic religion that is not compatible with modern traditions and

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<sup>2938</sup> Amadeu-Antonio-Stiftung, Chronik. <https://www.amadeu-antonio-stiftung.de/chronik/>



religious teachings. There is also a widespread opinion that Islam promotes violence and restricts women's rights. In this context, adherence to religious practices is often interpreted as fundamentalism, and individuals who demonstrate adherence to that religion are perceived as a threat.

The platform [brandeilig.org](https://brandeilig.org/),<sup>2939</sup> which records manifestations of Islamophobia against religious facilities (mosques) in Germany (in particular, offensive graffiti, acts of vandalism, arson, attempts to disrupt services, written and verbal threats to imams, mullahs and worshippers, ultra-right-wing actions directly outside mosques, etc.), provides the following data: 149 such incidents were recorded in 2020, 63 in 2021, and 10 in 2022. Experts note that such a dramatic reduction in the number of registered cases does not mean a significant decrease in Islamophobia in practice, but is rather related to the difficulty of recording such manifestations, which is more or less favourable in different periods. Moreover, the victims are usually reluctant to report to the police or public organizations in order to avoid publicity.

The human rights community expresses concern about the use of forcible deportation of persons identified as potentially dangerous, against whom there is strong evidence or strong, substantiated suspicion of links to terrorist organizations, as one of the preventive tools used in Germany to combat Islamist terrorism. However, in 2020, the European Court of Justice upheld Germany's right to preventively imprison suspects if their actions pose a tangible threat to the national security of the state.<sup>2940</sup>

The Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM) in 2022 noted with concern the deformation of the general atmosphere of tolerance in Germany. In particular, it pointed out that while mainstream political discourse had come to acknowledge that Germany is an immigration country with an ethnically, linguistically and religiously diverse society, the voice of those opposing diversity has become louder. According to the

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2939 Brandeilig. Initiative gegen Moscheeangriffe. <https://brandeilig.org/>

2940 Xenophobia, Minority Rights and Radicalisation in the OSCE Area, 2020-2022. Report by the European Centre of Democracy Development and the Center for the Study of Extremism and Radicalism at the Moscow Institute of Economics, 2023. [https://civic-nation.org/pan-european-report/Report%202023%20en%20\(3\).pdf](https://civic-nation.org/pan-european-report/Report%202023%20en%20(3).pdf)

ACFCNM, this is due, *inter alia*, to the growing popularity of far-right parties. Moreover, with politicians publicly voicing such xenophobic, antisemitic and Islamophobic views, the ideology began to resonate in public debates, entering the mainstream political discourse. Consequently, fuelled by social media, the polarization between those advocating for openness towards diversity and those opposing it is increasing. With reference to two 2019 studies on antisemitism and Islamophobia, the ACFCNM noted that Antisemitism (according to a related case study, more than a quarter of respondents agreed with a number of antisemitic statements and stereotypes about Jews) and Islamophobia had reinforced in German society. Moreover, according to the second survey, Islam is perceived by about half of those surveyed in a 2019 study as a threat. This is a view amplified by German media reports, which often cast Islam in a negative light.<sup>2941</sup>

The UN Committee on the Elimination of Racial Discrimination has expressed concern about persistent racial and xenophobic, including antisemitic and Islamophobic, prejudices and stereotypes towards persons belonging to ethnic minorities, in Germany.<sup>2942</sup> With regard to antisemitic manifestations, CERD noted an increase in antisemitic sentiment, hate crimes and hate speech in Germany, in particular after the outbreak of the Palestinian-Israeli conflict in Gaza in early October 2023. The Committee also expressed concern that Muslims in Germany are often faced by general suspicion from public authorities, which fuels prejudice and negative stereotypes against ethnic Muslim communities. In this regard, the Committee noted with concern the bans against peaceful demonstrations commemorating the Nakbah and peaceful demonstrations in support of Palestinians in Gaza.

The Committee noted that structural discrimination against people of African descent still persisted in the country. CERD also noted that the history of Germany

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2941 Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Germany. Adopted on 3 February 2022. Published on 14 June 2022. <https://rm.coe.int/5th-op-germany-en/1680a6e008>

2942 Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-third to twenty-sixth reports of Germany. December 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en)

regarding colonialism and slavery was not included in school curricula. There is still structural discrimination and stigmatization against people of African descent. The Committee experts expressed concern that Germany's colonial past and its role in slavery continued to fuel racial discrimination and racial inequalities. Berlin is recommended to provide comprehensive restitution and compensation to the descendants of the victims of the genocide of the Ovaherero and Nama tribes in the former German colonies in Africa in the early 20th century.<sup>2943</sup>

In the light of concerns expressed by international human rights monitoring mechanisms about the persistence of discrimination and xenophobia in Germany, there are some worrying ideas to change the German Law, namely the initiative launched in 2020 to exclude from Article 3 of the Basic Law of the Federal Republic of Germany the reference to race as a ground on which no discrimination can take place. The proponents of amending the constitution cite the following arguments: the definition of "race" is outdated in itself and even racist. Experts note that such innovations may have discriminatory consequences for racial and ethnic minorities. Alliance 90/The Greens and the Left Party expressed support for the initiative in parliamentary debates held the same year. The initiative has not yet been adopted, rather because of the complexity of the process of changing Germany's Basic Law than because the parties in the ruling coalition have no such intentions. In addition, similar processes at the land level are proceeding at a markedly faster pace. In August 2022, the ruling coalition in the state of Hamburg decided to remove the word "race" from the text of land laws.<sup>2944</sup>

The situation with migrants is closely linked to manifestations of Islamophobia. Experts indicate that the situation in this area may become more complicated as the number of arriving migrants continues to grow, and the German authorities continue to pursue a policy of attracting migrants. According to the

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2943 Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-third to twenty-sixth reports of Germany. December 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en)

2944 Xenophobia, Minority Rights and Radicalisation in the OSCE Area, 2020-2022. Report by the European Centre of Democracy Development and the Center for the Study of Extremism and Radicalism at the Moscow Institute of Economics, 2023. [https://civic-nation.org/pan-european-report/Report%202023%20en%20\(3\).pdf](https://civic-nation.org/pan-european-report/Report%202023%20en%20(3).pdf)

media, Germany received 191,000 migrants in 2022, 57 per cent more than in 2021. The government is developing plans to attract workers and specialists, while German businesses and trade unions are calling for a comprehensive policy in this area and simplified citizenship procedures. In autumn 2022, the government defined the key provisions of the new immigration law for skilled workers. It is assumed that non-EU citizens without recognized qualifications will also be allowed to enter the country. Selection criteria should include professional experience or a connection to Germany.<sup>2945</sup>

On 18 January 2024, the Bundestag passed a law to improve the deportation of foreigners from Germany.<sup>2946</sup> Among the innovations are an increase in the maximum period of placement of deportees in places of compulsory detention before expulsion from 10 to 28 days, as well as the cancellation of prior notification of impending deportation (except for families with children under 12 years of age). Police officers are empowered to seize electronic devices in order to identify migrants, as well as to conduct searches in their places of accommodation. The changes have been criticized by human rights defenders. Reference is made to violations of the basic rights of asylum-seekers, including the right to privacy and confidentiality of personal correspondence.<sup>2947</sup>

The majority of migrants in Germany come from the Middle East and North Africa. Meanwhile, the inflow of refugees from Ukraine decreased in 2023. Of the 261,600 asylum applications decided in 2023, 42,500 were fully satisfied; 71,300 applicants received so-called subsidiary protection and 21,400 received temporary deferral of deportation. The aggregate "protection quota," i.e. the acceptance rate, was 51.8 per cent.<sup>2948</sup>

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2945 "Mit offenen Armen empfangen". Wirtschaft fordert mehr Zuzug nach Deutschland - und begrüßt Ampel-Pläne, FOCUS Online, 26 December 2022. [https://www.focus.de/finanzen/news/mit-offenen-armen-empfangen-wirtschaft-fordert-mehr-zuzug-nach-deutschland-und-begruesst-ampel-plaene\\_id\\_181328595.html](https://www.focus.de/finanzen/news/mit-offenen-armen-empfangen-wirtschaft-fordert-mehr-zuzug-nach-deutschland-und-begruesst-ampel-plaene_id_181328595.html)

2946 <https://www.tagesschau.de/inland/innenpolitik/rueckfuehrungen-abschiebungen-100.html>

2947 <https://www.proasyl.de/news/das-neue-rueckfuehrungsgesetz-bedient-rechten-populismus-loest-aber-keine-probleme/>

2948 <https://www.bamf.de/SharedDocs/Anlagen/DE/Statistik/SchluesselfzahlenAsyl/flyer-schluesselfzahlen-asyl-2023.pdf>

The UN Committee on the Elimination of Racial Discrimination is also concerned about numerous cases of racial discrimination and racist acts against athletes belonging to ethnic minorities, in particular football players.<sup>2949</sup>

Moreover, decisions by German migration authorities to grant residence rights do not take into account the actual capacity of municipalities to accommodate and integrate refugees. Primary accommodation centres for refugees are overcrowded in most German cities. In addition, the stay of asylum-seekers in temporary accommodation centres is protracted, sometimes for months. The fact that many of those who have arrived are unable to find any housing (therefore, they continue to live in temporary accommodation centres) does not contribute to solving the problem of migrants. In particular, 25 per cent of asylum-seekers who came to Germany in 2015 and were granted permission to stay in Germany are still unable to find their own accommodation and are still in migration centres. Besides, there are problems with receiving medical services by this category of people, as well as with sending children to kindergartens and schools.

There is also different attitude towards migrants living in special centres and those renting accommodation. In particular, asylum-seekers living in hostels receive 10 per cent less social benefits than those with the same status outside such special centres (this rule has been in force in Germany since 2019). The difference in approach was recognized in October 2022 by the German Constitutional Court as contradicting the tenets of equal rights and equal provision of all persons with the minimum means consistent with human dignity. The Court demanded that the rule be repealed.<sup>2950</sup>

Migrants in Germany also face discrimination on the labour market. The situation with Ukrainian refugees is illustrative in this regard. According to a sociological study by the Nuremberg Institute for Employment Research, most

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2949 Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-third to twenty-sixth reports of Germany. December 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en)

2950 Xenophobia, Minority Rights and Radicalisation in the OSCE Area, 2020-2022. Report by the European Centre of Democracy Development and the Center for the Study of Extremism and Radicalism at the Moscow Institute of Economics, 2023. [https://civic-nation.org/pan-european-report/Report%202023%20en%20\(3\).pdf](https://civic-nation.org/pan-european-report/Report%202023%20en%20(3).pdf)

migrants had difficulties in finding work, and in many cases the work received was low-skilled. Thus, 68 per cent of the 6,000 survey participants had higher education, and about 16 per cent had specialized training. Only 18 per cent of respondents could find a job. The average pay for this category is EUR 1,000 below the national average (EUR 2,550). Moreover, there are favourable conditions for people from Ukraine in Germany: they are not subject to a ban on employment, they do not need to obtain asylum, and besides, this category of people has the right to receive financial support from the German authorities.

According to the results of a YouGov survey published at the end of December 2022, there has been a negative attitude of German citizens towards migrants in recent years: two-thirds of respondents see nothing positive in the permanent reception of refugees.<sup>2951</sup>

In this respect, it is illustrative that, according to official statistics, 1,515 attacks on asylum-seekers and their accommodation were recorded in Germany between January and September 2023, which is significantly higher than the figure for the whole of 2022 (1,371).<sup>2952</sup>

According to many human rights NGOs (including Pro Asyl, Amnesty International, etc.), Germany does not sufficiently promote the right of refugees to international protection.<sup>2953</sup>

Migrants' issues have also come to the attention of multilateral human rights monitoring mechanisms. Thus, the UN Committee on the Elimination of Racial Discrimination has expressed concern about the discrimination faced by migrants, asylum-seekers and refugees, including regarding their access to employment, education, health and housing. As for labour, it was noted that migrant workers, in particular female domestic and care workers, were especially exposed to abuses and labour exploitation. CERD was also concerned about the increase of attacks on

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2951 Deutsche sind besonders skeptisch gegenüber Flüchtlingen und Asyl, WELT, 26 December 2022. <https://www.welt.de/politik/ausland/plus242857561/Umfrage-zu-Asyl-Deutsche-im-internationalen-Vergleich-besonders-skeptisch.html>

2952 <https://www.tagesschau.de/inland/uebergriffe-gefluechtete-100.html>

2953 <https://www.proasyl.de/thema/asyl-in-deutschland/>;

<https://www.proasyl.de/news/das-neue-rueckfuehrungsgesetz-bedient-rechten-populismus-loest-aber-keine-probleme/>;  
<https://www.proasyl.de/news/abschiebefaelle-2023-die-behoerden-kennen-kaum-noch-grenzen/>

shelters nationwide. The Committee also noted that the benefits provided under the Asylum-Seekers' Benefits Act remained insufficient to guarantee an adequate standard of living.<sup>2954</sup>

The UN Human Rights Committee noted the restrictions on family reunification due to quotas imposed by the German authorities, the negative practice of deporting migrants without providing individual case assessment procedures, the poor living conditions in migration centres, which are also located in geographically remote areas, limiting access to basic services for those living there.<sup>2955</sup> Furthermore, CERD, in March 2024, expressed concern at the persistent discrimination against disadvantaged children, including asylum-seeking, refugee and migrant children, Roma and other minority children, children with disabilities, and children from socio-economically disadvantaged families.<sup>2956</sup>

In addition, the Committee drew attention to a number of problems in the educational sphere. In particular, the experts expressed concern about the shortage of teachers in German schools and the high level of stress faced by students due to pressure from teachers and the widespread practice of bullying. In addition, it has been recorded that a large number of children with disabilities drop out of school before they receive their high school diploma.

According to a study by a group of experts presented at the conference of education ministers in early December 2022, the level of education in German schools has declined. There has been a noticeable decline in the performance of schoolchildren: one in five German fourth-graders does not speak German properly

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<sup>2954</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-third to twenty-sixth reports of Germany. December 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=en)

<sup>2955</sup> Concluding observations of the Human Rights Committee following its consideration of the 7th periodic report of the Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

<sup>2956</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of the Federal Republic of Germany. September 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FDEU%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FDEU%2FCO%2F5-6&Lang=en)

and does not know elementary mathematics.<sup>2957</sup> Moreover, the composition of students in schools has changed significantly in recent years. Most of the students who fall behind are children of migrants and from disadvantaged families. Insufficient funding for education and a shortage of teachers in schools and kindergartens are also pointed out.

CERD indicated with concern that ethnic minority and migrant children face discrimination in the education system in schools. Children from ethnic minorities are more likely to suffer bullying at school, more likely to drop out of school and less likely to attend pre-school.<sup>2958</sup>

Human rights defenders and representatives of migrant associations have pointed to widespread "domestic" racism in Germany, which manifests itself in discrimination against people of foreign origin in the labour market, in health care, when seeking housing, etc., as well as "institutional" racism in government and administration, including the practice of "racial profiling".<sup>2959</sup>

The organizations continued to receive complaints about discriminatory police scrutiny of persons belonging to ethnic and religious minorities (i.e., racial profiling). Criticism of human rights defenders is caused by the absence in Germany, both at the federal and at the state level, of independent mechanisms for investigating such cases. In 6 out of 16 federal states, the law still does not provide for the wearing of identification marks by police officers.<sup>2960</sup>

First of all, this is manifested in the widespread racial profiling of the German police. Both international human rights monitoring mechanisms and human rights organizations draw attention to this. In 2019, The European Commission against

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<sup>2957</sup> Der Tag "Alarming findings": Experts see urgent need for action at primary schools. N-TV. 9 December 2022. [https://www.n-tv.de/der\\_tag/Alarmierenden-Befunde-Experten-sehen-dringenden-Handlungsbedarf-an-Grundschulen-article23773012.html](https://www.n-tv.de/der_tag/Alarmierenden-Befunde-Experten-sehen-dringenden-Handlungsbedarf-an-Grundschulen-article23773012.html)

<sup>2958</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 26th periodic reports of Germany. December 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=ru)

<sup>2959</sup> Alltagsrassismus in Deutschland: Wenn der Hass krank macht. Tagesspiegel. 4 December 2019.

<https://www.tagesspiegel.de/wissen/alltagsrassismus-in-deutschland-wenn-der-hass-krank-macht/25295914.html>

<sup>2960</sup> <https://www.amnesty.de/informieren/amnesty-report/deutschland-2022>



Racism and Intolerance highlighted this problem, as well as the lack of effective support mechanisms for victims of racial profiling<sup>2961</sup>.

In this regard, ECRI called on the German authorities to take appropriate measures to remedy the situation. It is noteworthy that in 2022, after examining the follow-up information provided by Germany, ECRI pointed out that the German authorities had not implemented its recommendation to develop and put into practice measures to combat racial profiling.<sup>2962</sup>

Another study on the manifestations of racism suggests that the phenomenon should be seen as a threat to social cohesion in the context of specific institutional spheres of society. It is to be conducted by an interdisciplinary association of 11 German universities and research institutes. The overall study on racism is expected to be completed in 2024, but at the time of ECRI's consideration of the issue, it was only at the methodological stage. In this regard, the Commission noted that none of the studies reported by the German authorities explicitly referred to racial profiling and that the most important component was only investigated on the example of two German cities and not at the state or even more so at the federal level. In November 2021, the Human Rights Committee also expressed concern about racial profiling practiced by German police officers. The Committee called on Germany to provide training to law enforcement officials to raise their awareness of the need to conduct themselves in a manner that does not lead, even unintentionally, to acts of racial profiling, and to monitor the effectiveness of such activities.<sup>2963</sup>

The problem of racial profiling in Germany was also brought to the attention of the Advisory Committee of the Framework Commission for the Protection of National Minorities in February 2022. Among such manifestations are references by police officers to the alleged ethnic origin of suspects while registering crimes; investigations based on general suspicions; and cases of police violence against

<sup>2961</sup> Report of the European Commission against Racism and Intolerance on Germany (6th monitoring cycle). Adopted 10 December 2019. Published 17 March 2020. <https://rm.coe.int/ecri-report-on-germanv-sixth-monitoring-cycle-/16809ce4be>

<sup>2962</sup> Conclusions of the European Commission against Racism and Intolerance on the implementation of recommendations by Germany (interim reporting). Adopted 29 June 2022. Published 30 September 2022. <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a807d2>

<sup>2963</sup> Concluding observations of the Human Rights Committee on the 7th periodic report of the Germany. November 2021. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G21/357/48/PDF/G2135748.pdf?OpenElement>

ethnic minorities. The ACFCNM emphasized, in particular, that in addition to the individual harm caused to victims of discriminatory police treatment, racial profiling stigmatizes groups of people who are already under public suspicion, creates among them a sense of humiliation, injustice and resentment, and results in a direct loss of trust in the police on their part. Minorities who do not trust the police for these reasons, according to the ACFCNM, will be reluctant to turn to law enforcement agencies when they have been victims of racist crimes, which in turn means that such crimes may go unnoticed and unpunished.<sup>2964</sup>

The practice of racial profiling in Germany and the excessive use of force by German law enforcement officials against members of ethnic minorities was highlighted with concern by the UN Committee on the Elimination of Racial Discrimination in 2023. The German authorities were recommended to prohibit racial profiling by law and establish an independent complaints mechanism for such actions, as well as to establish regular monitoring of data on the number of police checks, including document checks, and complaints in cases of police violence.<sup>2965</sup>

Sociological research confirms that people with migrant backgrounds are disproportionately subjected to police checks. Many respondents complained about racist and Islamophobic remarks by police officers.<sup>2966</sup> According to the EU Agency for Fundamental Human Rights, although the German authorities claim to have developed and implemented measures to combat racial profiling among police officers, such efforts are not systematic, but mostly at the individual level. There is an isolated case of a Dresden administrative court ruling that the detention and search of a Guinean man was unlawful because of his skin colour.<sup>2967</sup>

The Committee on the Elimination of Discrimination against Women in May 2023 noted with concern the increasing racism against migrants and Roma in

<sup>2964</sup> Fifth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on Germany. Adopted 3 February 2022. Published 14 June 2022. <https://rm.coe.int/5th-op-germany-en/1680a6e008>

<sup>2965</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 26th periodic reports of Germany. December 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=ru)

<sup>2966</sup> Studie zum Arbeitsalltag. Wie tickt die Polizei? 4 April 2023 <https://www.tagesschau.de/inland/studie-polizei-101.html>

<sup>2967</sup> The EU Agency for Fundamental Human Rights. Fundamental Rights Report 2023. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

Germany, including by right-wing extremists and police officers. It also noted the continued discrimination against members of these communities (with a focus on women and girls) in all areas of public life, notably education and social security. It recommended that the German authorities take effective measures to combat racism against migrants and Roma, including through police training programmes and awareness-raising campaigns with the media to prevent cross-discrimination.<sup>2968</sup>

The fact that Roma in Germany face discriminatory treatment due to widespread prejudice, especially large families when looking for housing, was pointed out by the EU Agency for Fundamental Human Rights in its regular report published in June 2023.<sup>2969</sup>

The ACFCNM also drew attention to the problems of the Roma community in Germany, noting in particular the increasing number of crimes against members of this community, as well as the continuing practice of negative portrayals of this national minority in the mainstream German media, which promotes anti-Roma stereotypes among the majority of the population. In addition, it was noted that the German Central Council of Roma and Sinti periodically lodges complaints with the regulatory authorities of the federal states regarding the publication of such biased news items in German television programmes. However, following their consideration of such complaints, these authorities rarely adopt even any recommendations for remedying the situation, let alone impose sanctions on the offenders.<sup>2970</sup>

CERD also indicated that discrimination, negative stereotyping, prejudice and intolerance against Roma in Germany are widespread.<sup>2971</sup>

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<sup>2968</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 9th periodic report of Germany. May 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FDEU%2FCO%2F9&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FDEU%2FCO%2F9&Lang=ru)

<sup>2969</sup> The EU Agency for Fundamental Human Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>2970</sup> Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities (5th monitoring cycle). Adopted 3 February 2022. Published 14 June 2022. <https://rm.coe.int/5th-op-germany-en/1680a6e008>.

<sup>2971</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 23rd to 26th periodic reports of Germany. December 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FDEU%2FCO%2F23-26&Lang=ru)

A number of problems have been recorded in the field of German law enforcement structures, which have endangered the realization of many civil and political rights. On 10 June 2021, the German parliament adopted amendments to the laws on the Federal Office for the Protection of the Constitution (internal security and counterintelligence service) and on the Federal Police, enshrining the powers of these bodies to use "spy" software (the so-called Bundestrojaner) to track communications of potential criminals by bypassing data encryption used in modern messaging applications (WhatsApp, Telegram, etc.). The German parliament justified this with the need to increase the effectiveness of serious crimes prevention (terrorism, human trafficking, etc.). According to human rights defenders, the new measures create preconditions for surveillance of any citizens at the discretion of intelligence services, without providing sufficient control over this process.<sup>2972</sup>

In September 2021, the Federal Criminal Police Office officially acknowledged the purchase of the scandalous "Pegasus" spyware from the Israeli company NSO Group as well as its use in practice, assuring that this was done in full compliance with the relevant German law. It is not possible to verify this statement.<sup>2973</sup> According to media reports, Pegasus was also used by the German Federal Intelligence Service, but there were no official comments on the matter.<sup>2974</sup>

The Federal Republic of Germany is very strict in defining the limits of the exercise of the right of citizens to freedom of assembly. In 2021-2022, demonstrations by German citizens protesting against coronavirus-related restrictions were again violently dispersed in a number of cities. The dispersal of protesters was accompanied by detention of participants, use of batons and tear gas.<sup>2975</sup> The facts of the use of so-called special means by the police are also confirmed in the report of the Ministry of Foreign Affairs of the Republic of Belarus "The Most Resonant Cases of Human Rights Violations in Selected Countries of the

<sup>2972</sup> <https://www.amnesty.de/allgemein/pressemitteilung/deutschland-verhaeltnismaessigkeit-von-staatstrojanern-fragwuerdig>

<https://www.reporter-ohne-grenzen.de/pressemitteilungen/meldung/rsf-strebt-verfassungsbeschwerde-an>

<sup>2973</sup> <https://www.sueddeutsche.de/politik/pegasus-spionage-bka-trojaner-1.5403678>

<sup>2974</sup> <https://www.tagesschau.de/investigativ/ndr-wdr/spionagesoftware-nso-bka-107.html>

<sup>2975</sup> <https://www.bz-berlin.de/brandenburg/reizgas-einsatz-corona-demo-in-cottbus-von-polizei-aufgeloest>, <https://www.stern.de/panorama/weltgeschehen/berlin--tausende-bei--querdenker--demos--fast-600-festnahmen-30640646.html>

World" for 2022. It is noteworthy that the head of the Federal Office for the Protection of the Constitution, T.Haldenwang, commenting on 17 January 2022 on the protests against the anti-coronavirus measures, in fact, equated the participants of these actions to enemies of the state.<sup>2976</sup> In 2023, this negative practice continued: German police forcefully dispersed actions in favour of Palestine and demonstrations of environmental activists. In a number of cases, criminal investigations have been initiated against violators of the assembly order.<sup>2977</sup>

The right to freedom of association is also subject to indirect restrictions in Germany. The Code of Taxes and Fees provides for a preferential tax regime only for those NGOs which are recognized as having a so-called "socially useful status". To get this status, it is necessary to make sure that participation in political activities does not belong to the main areas of their work. In this way, the state limits the ability of NGOs to influence the political agenda in the country, resorting to financial leverage. The German branch of the anti-globalization association Attac, in particular, as well as the NGO Campact, which were deprived of their socially useful status due to non-compliance with this criterion and thus found themselves in a difficult financial situation, became hostages of this situation.<sup>2978</sup>

The German authorities have been unable to eradicate poverty in the country. According to the Federal Statistical Office of Germany, the proportion of the population "at risk of poverty" (i.e. earning less than 60 per cent of the national median income) is about 16 per cent, and among people aged 65 and older – 20 per

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<sup>2976</sup> Report of the Ministry of Foreign Affairs of the Republic of Belarus "The Most Resonant Cases of Human Rights Violations in Selected Countries of the World" 2022

[https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

<sup>2977</sup> <https://www.ndr.de/nachrichten/hamburg/Pro-Palaestina-Demo-der-Schura-in-Hamburg-vorzeitig-beendet,demo3926.html>

<https://www.zdf.de/nachrichten/politik/deutschland/anti-israelische-proteste-deutschland-israel-100.html>

<https://www.rbb24.de/panorama/beitrag/2023/10/berlin-a100-letzte-generation-strassenblockade-klimakleber-.html>

<https://www.swr.de/swraktuell/baden-wuerttemberg/heilbronn/polizei-loest-demonstration-letzte-generation-auf-heilbronn-100.html>

<sup>2978</sup> [https://www.deutschlandfunk.de/gemeinnuetzigkeit-attac-urteil-bedrohung-fuer-die.724.de.html?dram:article\\_id=446863](https://www.deutschlandfunk.de/gemeinnuetzigkeit-attac-urteil-bedrohung-fuer-die.724.de.html?dram:article_id=446863)

<https://www.sueddeutsche.de/politik/campact-attac-gemeinnuetzig-spenden-spendenquittung-1.4649829>

cent.<sup>2979</sup> The number of persons without permanent housing is estimated to be at least 300,000 people.<sup>2980</sup> Over 1,600,000 people regularly visit places where food is distributed free of charge to the poor.<sup>2981</sup> In 2023, 5.5 million people (or 6.6 per cent of the population of the Federal Republic of Germany) lived in households that for financial reasons could not heat their homes sufficiently.<sup>2982</sup>

In addition to the above-mentioned violations of the rights of migrant children, the realisation of other aspects of children's rights is also difficult. The number of police-recorded cases of sexual abuse of minors is growing. In 2021 the figure was 15,500 (plus 6.3 per cent compared to 2020). The number of recorded cases of production, distribution and storage of pornographic materials involving minors was 20,400 (more than doubling by 2020). According to sociological surveys, up to 15 per cent of adult respondents in Germany admit to having been subjected to various sexual abuses during their childhood and adolescence.<sup>2983</sup>

The country continues to be shaken by scandals involving large-scale sexual abuse of underage parishioners by priests and church officials. For a long time, the problem was thought to affect the German Roman Catholic Church in particular, where at least 3,700 such incidents have been identified.<sup>2984</sup> However, an independent study published on 25 January 2024 revealed systemic abuse also in the Evangelical (Protestant) Church in Germany (over 2,200 victims).<sup>2985</sup>

Women also face violation of their rights. The problem of domestic violence is quite acute. According to the Federal Criminal Police Office of the Federal Republic of Germany, in 2022, over 126,000 women in Germany were victims of violence by their partners or former partners, of whom 133 were murdered.<sup>2986</sup> In the

<sup>2979</sup> <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Einkommen-Konsum-Lebensbedingungen/Lebensbedingungen-Armutsgefaehrderung/Tabellen/armutsschwelle-gefaehrderung-mz-silc.html>

<sup>2980</sup> <https://www.bagw.de/de/neues/default-164e4d750506ad4a04703330687b3e2b>

<sup>2981</sup> [https://www.tafel.de/fileadmin/media/Publikationen/Jahresberichte/2023-06-](https://www.tafel.de/fileadmin/media/Publikationen/Jahresberichte/2023-06-19_Jahresbericht_2022_DS_WEB.pdf)

[19\\_Jahresbericht\\_2022\\_DS\\_WEB.pdf](https://www.tafel.de/fileadmin/media/Publikationen/Jahresberichte/2023-06-19_Jahresbericht_2022_DS_WEB.pdf)

<sup>2982</sup> [https://www.destatis.de/DE/Presse/Pressemitteilungen/Zahl-der-Woche/2023/PD23\\_48\\_p002.html](https://www.destatis.de/DE/Presse/Pressemitteilungen/Zahl-der-Woche/2023/PD23_48_p002.html)

<sup>2983</sup> [https://beauftragte-missbrauch.de/fileadmin/Content/pdf/Zahlen\\_und\\_Fakten/Fact\\_Sheet\\_Zahlen\\_und\\_Fakten\\_zu\\_sexuellem\\_Kindesmissbrauch\\_UBSKM.pdf](https://beauftragte-missbrauch.de/fileadmin/Content/pdf/Zahlen_und_Fakten/Fact_Sheet_Zahlen_und_Fakten_zu_sexuellem_Kindesmissbrauch_UBSKM.pdf)

<sup>2984</sup> <https://www.tagesschau.de/inland/gesellschaft/missbrauchsstudie-104.html>

<sup>2985</sup> <https://www.zeit.de/gesellschaft/zeitgeschehen/2024-01/evangelische-kirche-diakonie-missbrauch-studie-vorge stellt>

<sup>2986</sup> [https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/HaeuslicheGewalt/HaeuslicheGewalt2022.pdf?\\_\\_blob=publicationFile&v=9](https://www.bka.de/SharedDocs/Downloads/DE/Publikationen/JahresberichteUndLagebilder/HaeuslicheGewalt/HaeuslicheGewalt2022.pdf?__blob=publicationFile&v=9)

same year, the federal helpline for victims of domestic violence received 52,700 calls.<sup>2987</sup> Human rights activists criticise the insufficient availability of specialized assistance for women, including the possibility of temporary accommodation for victims of violence in order to isolate them from their abusers.<sup>2988</sup>

In addition, discrimination against women in the labour market is also a problem. In particular, unequal labour conditions for men and women are still observed in Germany. According to the EU Commission, the difference in their average wages in the country is 17.6 per cent in favour of the stronger sex. By this parameter, the country ranks 24th in the European Union.<sup>2989</sup>

As in a number of other European countries, Germany has not resolved the issue of legal consequences for German citizens who have joined the terrorist organisation "Islamic State" (banned in the Russian Federation) and their children.

The Special Rapporteur of the United Nations Human Rights Council on the promotion and protection of human rights and fundamental freedoms while countering terrorism, F. Ni'Aloin, drew attention to this problem.<sup>2990</sup> The Special Rapporteur presented at the 55th session of the HRC in March 2024 a report on the results of her visit to Germany and Northern Macedonia, in which she pointed to the need to repatriate all citizens of these countries (it was noted that so far 150 children and 22 female members of terrorist families remain in Syrian camps).

It indicated that the practice of official repatriation by the German authorities from conflict zones, particularly from camps in Syria and Iraq, had only been actively pursued in August 2019 following a series of court judgements in individual cases obliging the German authorities to locate and repatriate German minors and their mothers (although German authorities had previously made efforts in this

<sup>2987</sup> <https://www.hilfetelefon.de/das-hilfetelefon/zahlen-und-fakten/jahresbericht.html>

<sup>2988</sup> See relevant comments by NGOs "Terre des Femmes": <https://www.frauenrechte.de/unsere-arbeit/themen/haeusliche-und-sexualisierte-gewalt/forderungen/308-forderungen-zum-thema-haeusliche-gewalt>

<sup>2989</sup> [https://ec.europa.eu/eurostat/databrowser/view/earn\\_gr\\_gpgr2/default/table?lang=de](https://ec.europa.eu/eurostat/databrowser/view/earn_gr_gpgr2/default/table?lang=de)

<sup>2990</sup> Thematic report on the combined visit of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, F. Ni Aoláin, on the visit to the Germany and North Macedonia, presented at the 55th session of the UN Human Rights Council. 8 March 2024. A/HRC/55/48/Add.2 <https://www.ohchr.org/en/documents/country-reports/ahrc5548add2-joint-thematic-visit-germany-and-north-macedonia-report>

regard). It is noted that investigations by the Federal Office of the Attorney General have already resulted in 20 convictions in cases involving women who have returned to Germany, and another court judgement has been handed down in a case involving the son of a member of a terrorist organisation who travelled to a conflict zone and reached the age of criminal responsibility. In addition, a further 311 investigations into persons linked to terrorists are ongoing in the Federal Office of the Attorney General and the offices of the federal states.



## Croatia

According to most international experts, Croatian legislation and enforcement practices are generally in line with the country's international legal obligations in the field of promotion and protection of human rights.

Recently, however, Croatia has faced a slight deterioration of the situation in this area. The most disturbing is the increase in manifestations of ethnic intolerance, as well as insufficient efforts by the authorities to achieve the identified objectives in the area of human rights protection.

In recent years, the international human rights community has repeatedly pointed to the unsatisfactory situation with ensuring the rights of national minorities in the country. In particular, this problem is reported in the fifth periodic report on Croatia by the European Commission against Racism and Intolerance (ECRI) of the Council of Europe of 15 May 2018. According to the document, there has been an increase in racist public discourse against members of the Serbian and Roma nationalities. Moreover, rhetoric aimed at inciting hatred is used not only by extremist groups, but also by some political figures, especially during election campaigns. For example, in the run-up to the parliamentary elections in November 2015 discriminatory statements were made on a daily basis. Some candidates tried to discredit their opponents by questioning their legitimacy on the basis of national origin. The Commission recommended that politicians take a firm and public stance against racist expressions.<sup>2991</sup> The situation was similar during the presidential (December 2019) and municipal (May 2021) elections.

The 2020 report of the EU Agency for Fundamental Rights (FRA) presents the results of a public opinion survey organized by the Croatian Ombudsperson's Office. A total of 501 persons aged between 18 and 30 participated in the survey. Of these, in the last three months preceding the survey, 96 per cent had witnessed someone making offensive comments based on national or ethnic origin, skin colour, gender, or religious affiliation.<sup>2992</sup>

<sup>2991</sup> Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle). Adopted on 21 March 2018. Published on 15 May 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

<sup>2992</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2020.

The EU Agency for Fundamental Rights in its 2022 report, citing data from the Croatian Ombudsperson, also noted an increase in the number of complaints about discrimination on the basis of race and ethnicity (based on the comparison of the figures for 2021 and 2020).<sup>2993</sup>

In many cases, discriminatory practices take more radical forms, often mixed with manifestations of historical revisionism and attempts to distort history. Many multilateral universal and regional human rights mechanisms have raised this issue. For example, the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM), which operates under the Council of Europe, in its latest opinion on Croatia stated that the rise of radical nationalism in the country had had a negative impact on the full enjoyment of the rights of certain population groups. The document also specifically noted that historical revisionism affected the Serb, Roma and Jewish national minorities.<sup>2994</sup>

The same problem was highlighted by F. Salvioli, UN Human Rights Council (HRC) Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence, who visited Croatia in late November – early December 2021.<sup>2995</sup> In his statement following the visit, he noted an increased number of instances of hate speech, glorification of convicted war criminals and denial of their crimes (including by high-ranking government officials), as well as downplaying of the importance of the ICTY and national tribunal decisions. F. Salvioli pointed out the creation of memorials to war criminals with the support of Croatian officials, as well as a fairly widespread use of Fascist and Ustasha slogans and insignia. The Special Rapporteur described as unsatisfactory the implementation of the legislative measures taken by the Croatian government to

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[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>2993</sup> The European Union Agency for Fundamental Rights Report. Fundamental Rights 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf);

Ured pučke pravobraniteljice (2021) <https://www.ombudsman.hr/hr/izvjesca-puckog-pravobranitelja/>

<sup>2994</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Croatia. Adopted on 1 February 2021. <https://rm.coe.int/5th-op-croatia-en/1680a2cb49>

<sup>2995</sup> Preliminary observations from the official visit to Croatia by the UN Human Rights Council Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Mr. Fabián Salvioli, 26 November – 2 December 2021.

[https://www.ohchr.org/en/statements/2021/12/preliminary-observations-official-visit-croatia-special-rapporteur-promotion#\\_ftn2](https://www.ohchr.org/en/statements/2021/12/preliminary-observations-official-visit-croatia-special-rapporteur-promotion#_ftn2)

address this extremely worrying trend (the Protocol on Hate Crimes and the hate crime reporting systems were mentioned in this context, as well as the new provisions in the Criminal Code criminalizing hate crimes, public incitement to violence and hatred, and denial of genocide and serious human rights violations). In this regard, he called on the relevant Croatian police, judicial, legislative and executive bodies to take all necessary measures to respond adequately to the rise of radicalization and hatred in certain segments of society in order to ensure that the reconciliation measures taken so far are not irrevocably abolished.

In the context of his mandate, the Special Rapporteur also pointed out that ethnic preferences also have an impact on the choice of areas to search for missing persons, establishing the location of mass graves, the subsequent identification of victims and their exhumation. F. Salvioli noted that ethnic differences had a negative impact on judicial proceedings in related cases. In particular, he highlighted, with reference to the findings of other international human rights mechanisms, that the proceedings in Croatia have been criticized for the bias against ethnic Serbs who are disproportionately targeted by the selection of cases. He cited representatives of victims' associations and other interested population groups of the country as stating that many crimes allegedly committed by the Croatian army and police in 1995 had not been investigated into and that those responsible had not been brought to justice. While Croatian prosecutors were unable to provide information on cases initiated and prosecuted disaggregated by the ethnicity of defendants, civil society organizations reported that in the 43 cases they monitored in 2020, 61 defendants (i.e. 86 per cent) were members of Serb paramilitary groups and the Yugoslav People's Army, while 10 defendants (14 per cent) were members of the Croatian Army and the Croatian Defense Council. The Special Rapporteur also pointed out discrepancies in the sentences imposed on ethnic Serbs and ethnic Croats. Mitigating circumstances were applied to the latter because it was claimed that they had defended Croatia during the war.

As of the end of 2022, the number of people reported missing during the crisis of the early 1990s was 1,816.<sup>2996</sup> At the initiative of the Croatian side, framework agreements on mutual assistance in search operations were signed in 2017 with Bosnia and Herzegovina and Montenegro. A working group with Serbia is also operating.

The problem of historical revisionism and discriminatory approach to investigating the events of those years was highlighted in 2015 by the UN Human Rights Committee<sup>2997</sup> and the HRC Working Group on Enforced or Involuntary Disappearances.<sup>2998</sup>

Issues related to the investigation of crimes committed between 1991 and 1995 were also touched upon in 2023 by the UN Committee on the Elimination of Racial Discrimination in its Concluding Observations.<sup>2999</sup> In particular, it noted with concern the decline since 2013 in the number of trials in Croatia for crimes of that war, the delays in obtaining witness statements and the high number of trials in absentia. Among other things, the Committee's attention has been drawn to the fact that in such cases there is a noticeable difference of approach to the sentencing of persons belonging to the Serbian ethnic group as compared to the Croatian one, based specifically on nationality. In the Committee's view, this creates an inequality between the two ethnic groups in the justice system. CERD also noted the discriminatory interpretation by Croatian courts of the provisions of the specialized law on civilian victims of war when it comes to ethnic Serb victims, who are thus unable to regain their rights. It also noted the glorification of convicted war criminals and denial of their crimes, including by Croatian high-ranking officials; the creation of memorials to war criminals, the increased use of fascist and Ustasha slogans and insignia; and the lack of detailed information on investigations, court

<sup>2996</sup> Statement by T. Medved, Minister of Veterans' Affairs of the Republic of Croatia.

<https://narod.hr/hrvatska/identificirano-6-osoba-stradalih-u-domovinskom-ratu-hrvatska-branjiteljja>

<sup>2997</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Croatia. April 2015.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/086/35/PDF/G1508635.pdf?OpenElement>

<sup>2998</sup> Report of the Working Group on Enforced or Involuntary Disappearances on its visit to Croatia. August 2015.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/183/64/PDF/G1518364.pdf?OpenElement>

<sup>2999</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 9th to 14th periodic reports of Croatia. August 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FHRV%2FCO%2F9-14&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FHRV%2FCO%2F9-14&Lang=ru)

cases and prosecutions related to such actions. CERD also referred to the visit of the HRC Special Rapporteur on the promotion of the truth, F. Salvioli, and, following his recommendations, urged the Croatian authorities to take measures to monitor and actively combat hate speech, incitement to racial hatred and other manifestations of discrimination against the Serb minority, including on the Internet and social media, as well as by officials and State institutions. The Committee specifically called on the Croatian authorities to prevent the glorification of war criminals and the denial of their crimes.

Human rights activists have noted that ethnic Serbs living in Croatia have been the most frequent targets of ethnically motivated attacks. According to the Serb National Council (SNV) annual report, there were 506 incidents<sup>3000</sup> of hate speech against the Serbian population in 2021, the highest number in the last several years. At the same time, there was a multiple increase in the number of offensive graffiti on walls calling for violence against Serbs: from about 10-40 graffiti per year in the previous reporting periods to 297 in 2021 (approximately a 30 times increase).<sup>3001</sup> According to SNV head M. Pupovac, in most cases vandals leave them in crowded areas: on the walls of schools, universities, kindergartens and at bus stops. This, in turn, has a negative effect on the younger generation cultivating intolerance for Serbs from childhood and glorifying certain members of the Ustasha movement. In this regard, a public action was held in the city of Rijeka in the spring of 2019 to remove such inscriptions from city facades. At the same time, the policies of the city authorities of Zagreb, Vukovar, and Knin who do not pay due attention to solving this problem, were sharply criticized.

Previously, back in March 2015, the UN Human Rights Committee expressed concern about racist attacks against members of ethnic minority groups, in particular Roma and Serbs, and noted that proper investigations were not conducted and perpetrators were not brought to justice.<sup>3002</sup>

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<sup>3000</sup> Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

<sup>3001</sup> Report of the NGO Serb National Council for 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

<sup>3002</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Croatia. March 2015. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=ru)

According to ECRI, the role of the media in spreading hate speech and inciting interethnic hatred is increasing. Regional print media portray national minorities, mainly Serbs and Roma, in a negative and stereotypical manner. The media have also contributed to the increase in Islamophobic attitudes in society, describing the arrival of refugees as an "invasion".<sup>3003</sup>

The ACFCNM in February 2021 also noted an increase in the use of hate speech in social media and political discourse, the formation of prejudicial attitudes, primarily towards Serbs and Roma. Print, audio-visual and other media resources, according to the monitoring body, replicate negative stereotypes about persons belonging to national minorities. Although such practices are condemned and even prosecuted, the existing response measures have very limited effect in reality. Representatives of national minorities hardly ever appear on Croatian radio or television programmes. At the same time, the reluctance of media companies to allocate sufficient human and financial resources makes it impossible to create the necessary quantity of quality products oriented to the needs of national minorities.<sup>3004</sup>

In June 2019, the Council for National Minorities under the Government of Croatia acknowledged in its statement that some local media broadcast information aimed at spreading intolerance and discrimination and rocking the situation in the Republic of Croatia using the national question.

Statistics in recent years point to an increase in ethnic crimes (against Serbs and Bosniaks, Jews and Roma).<sup>3005</sup> In 2017, Croatia even attempted to put to a referendum the question of reducing the number of representatives of national minorities in the Croatian sabor (national parliament) and limiting their power regarding motions of censure against the government and adoption of the country's budget.

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<sup>3003</sup> Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle). Adopted on 21 March 2018. Published on 15 May 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

<sup>3004</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Croatia. Adopted on 1 February 2021. <https://rm.coe.int/5th-op-croatia-en/1680a2cb49>

<sup>3005</sup> Report of the Croatian Human Rights Ombudsperson for 2021. <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

According to the Croatian Ministry of the Interior, the number of hate crimes increased in 2021 to 101 (87 in 2020), 67 of which were motivated by ethnic origin. According to the State Office for Human and National Minority Rights, in the first half of 2021, 23 out of 31 criminal cases committed on ethnic grounds were motivated by hatred toward Serbs.<sup>3006</sup>

Furthermore, the UN Committee on the Elimination of Racial Discrimination in 2023 pointed with concern to the disparity between the number of cases of racial discrimination officially registered by the Croatian authorities under the Anti-Discrimination Act and the much larger number of cases of racial discrimination identified through interviews with members of ethnic or national minorities and non-citizens.<sup>3007</sup>

The 2023 report by the EU Agency for Fundamental Rights, citing the Croatian Ombudsperson, also highlights the high level of complaints of discrimination on the grounds of race and ethnicity.<sup>3008</sup>

The Constitutional National Minority Rights Act and the National Plan against Discrimination for the Period 2017-2022, the Operational Program for National Minorities, as well as the Government Program of Measures for the Protection of the Rights of National Minorities which is adopted for four-year periods, are all dealing with the protection of the rights of national minorities in Croatia.

In 2019, amendments to the Act on the Election of Representatives of National Minorities were adopted, thanks to which Russians were elected for the first time to the local administrations of in the Primorsko-Goranska and Splitsko-Dalmatinska zupanija (in addition to Međimurska zupanija and the city of Zagreb).

The government's plan to employ members of national minorities in the executive branch and the judiciary remains unfulfilled. Its goal was to bring the share of representatives of national minorities in these spheres to 5.5 per cent by 2015. In 2021, the figure was 3.03 per cent of the total number of officials (in

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<sup>3006</sup> Report of the Croatian Human Rights Ombudsperson for 2021. <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

<sup>3007</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 9th to 14th periodic reports of Croatia. August 2023. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2F9-14&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2F9-14&Lang=ru)

<sup>3008</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)



2019 – 3.1 per cent) and 3.45 per cent of the total number of law enforcement officers and court officials (3.17 per cent in 2019).<sup>3009</sup>

This problem was highlighted in 2023 by the UN Committee on the Elimination of Racial Discrimination, which expressed concern that members of the Serb and Roma communities remain underrepresented in the Croatian law enforcement, public administration and judiciary, and noted that the Croatian delegation had not provided any information on special measures taken to combat structural discrimination against members of the above-mentioned minorities.<sup>3010</sup>

The international human rights community has noted problems faced by the members of the Serbian national minority, which is, among other things, the result of the 1991-1995 armed conflict.

The Commissioner for Human Rights is particularly concerned about the situation of Serbian IDPs. According to the authorities and the UN High Commissioner for Refugees (UNHCR), by January 2017, 134,000 Serbs had returned to Croatia (more than half of those who had fled the country before 1995). While the overall conditions conducive to return are positive, ECRI notes that returnees continue to experience problems in accessing their rights, especially in the areas of housing and health care, as well as in issues relating to legal status and access to legal aid. In Slavonia, the access by returnees to public services such as electricity, gas and water is intermittent, and investments to rebuild the severely damaged infrastructure have not been provided for a long time already. Returnees have had to assume the financial burden of obtaining citizenship or regularizing their residence status.<sup>3011</sup>

Violent incidents are most common in the areas where the majority of Serb returnees currently live. Their number is rising every year. There are no official statistics on attacks against people of this ethnicity. According to the Srpsko

<sup>3009</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3010</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 9th to 14th periodic reports of Croatia. August 2023.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2F9-14&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2F9-14&Lang=ru)

<sup>3011</sup> Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle). Adopted on 21 March 2018. Published on 15 May 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>



narodno vijeće (Serb National Council) organization, 506 crimes on the grounds of ethnic intolerance against the Serbian national minority were recorded in 2021 (compared to 400 episodes in 2019, 381 in 2018, 393 in 2017, and 331 in 2016<sup>3012</sup>). These included 297 graffiti on private houses and public buildings inciting to violence against Serbs, 37 episodes of anti-Serbian rhetoric in the media, 22 anti-Serb public actions, 26 physical attacks on the members of the Serb minority, and 15 cases of property damage and theft.<sup>3013</sup>

In its report, ECRI drew attention to the sixteen reported cases of violence, including attacks against journalists and human rights activists, and several cases of property damage, mostly done to bilingual signs featuring Cyrillic scripts, religious buildings and cemeteries. The Serbian Orthodox Church estimated that it had suffered 20 incidents of vandalism in 2016.<sup>3014</sup> Ombudsperson for Croatia Tena Šimonović noted in her 2021 annual report<sup>3015</sup> an increase in anti-Serb riots and crimes against the Serb minority.

In 2023, the UN Committee on the Elimination of Racial Discrimination paid great attention to challenges faced by the Serb community in Croatia. In particular, it acknowledged with concern the prevalence of hate crimes and racist hate speech, and of the dissemination of negative stereotypes against Serbs (alongside Roma) in the media, on the Internet and in social media. It also pointed to the frequent use of racist hate speech by Croatian politicians, particularly at the regional and local levels, and by influential public figures and the total impunity of such persons. According to the Committee, such rhetoric and incidents are likewise frequent in sports. CERD also confirmed that quite often hate crimes were not qualified or officially registered as such and that those responsible were not identified and prosecuted. The Committee also acknowledged the underreporting of manifestations

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<sup>3012</sup> Data for 2017 and 2016 are based on the publication with reference to this NGO <https://n1info.rs/english/news/a389857-anti-serb-incidents-on-the-rise-in-croatia/>)

<sup>3013</sup> SNV Report 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

<sup>3014</sup> Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle). Adopted on 21 March 2018. Published on 15 May 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

<sup>3015</sup> Izvješće pučke pravobraniteljice za 2021. <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

of discrimination, including incidents of racist hate speech and hate crimes, by ethnic minorities owing to their lack of trust in Croatian remedies.<sup>3016</sup>

A Croatian young man was beaten up in Split in 2018 for his tattoo in the Serbian language. In September 2018, Croatian Serb leader Milorad Pupovac was attacked in the centre of Zagreb. In 2021, dozens of graffiti containing hate speech against Pupovac were found in Zagreb, Gospić, Split and Vukovar. What is more, Gospić mayor's office refused to paint over the anti-Serbian graffiti, referring to the respect for "the freedom of speech".<sup>3017</sup> In May 2021, the Orthodox Easter day, soccer fans organized a series of rallies and demonstrations in the Serbian-populated Borovo district of Vukovar, featuring banners calling for "slaughtering the Serbs". The Vukovar administration did not condemn these actions, and mayor Ivan Penava accused the Serb population of the city of continuous provocations against Croats.<sup>3018</sup>

Nationalistic anti-Serb rhetoric often makes part of the election campaigns of a number of Croatian parties (Homeland Movement, Croatian Democratic Union, etc.). In May 2021, during the mayoral elections in Zagreb, anti-Serbian rhetoric was voiced in public speeches by M.Škoro (at the time, the chairman of Croatia's third largest parliamentary party Homeland Movement), candidate of the "Most" political movement V. Sigur, and candidate of the ruling Croatian Democratic Unity party D. Filipović.<sup>3019</sup>

Reportedly, a number of museum administrations were fired, and some folklore events, in which artists from Serbia and Bosnia and Herzegovina had confirmed their participation, were banned. Not only do these episodes confirm the discriminatory attitude toward certain ethnicities, but also constitute a violation of the right to freedom of artistic expression.

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<sup>3016</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 9th to 14th periodic reports of Croatia. August 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FHRV%2FCO%2F9-14&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FHRV%2FCO%2F9-14&Lang=ru)

<sup>3017</sup> SNV Report 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

<sup>3018</sup> SNV Report 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

<sup>3019</sup> SNV Report 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

One should particularly point out the problem of the implementation of the Law on Languages of National Minorities, which allows a national minority language as the second language for use in administrative and territorial entities where members of such a minority constitute at least one third of the population. Despite the fact that in July 2019 the Constitutional Court of the Republic of Croatia ruled the actions of the Vukovar authorities who decided to prohibit the use of the Serbian language in the city illegal, the Serbian language is still not used in official documents and on signposts, markings and address names. With reference to the recent Croatian census, which showed that the percentage of Serbs was less than one third (29.73 per cent) of the Vukovar population, in December 2022, the Vukovar City Council amended the City Statute and prohibited the use of the Cyrillic alphabet and Serbian language for duty-related purposes.<sup>3020</sup>

As far back as 2015, the Human Rights Committee (HRCtee) pointed to challenges in exercising the right to use native languages, in particular those based on the Cyrillic script, faced by members of national minorities.<sup>3021</sup>

This trend has been further exacerbated by the rise of historical revisionism by way of glorifying the fascist Ustasha regime. For instance, in December 2013, the leader of the far-right Croatian Party of Rights sent a message containing explicit hate speech to the director of the Jasenovac memorial site. The message ended with the Ustasha salute "Za dom spremni" ("For Homeland – ready!"). One should particularly note the continued 'fight' against anti-fascist monuments on the territory of Croatia. In 2021, 10 monuments were destroyed or desecrated, and one partisan mass grave was relocated (February 2021, Noskovačka Dubrava).<sup>3022</sup> Racist or inflammatory graffiti, featuring Nazi, Ustasha or other symbols, which frequently target members of the Serb minority, is another prevalent form of hate speech in the public domain. Typical messages include "Kill the Serb" and "Serbs should be hanged".

<sup>3020</sup> <https://n1info.rs/region/u-vukovaru-ukinuta-cirilica-i-zvanicna-upotreba-srpskog-jezika/>

<sup>3021</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Croatia. March 2015. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=ru)

<sup>3022</sup> SNV Report 2021. <https://snv.hr/publikacije/snv-bulletin-22/>

In its report, ECRI deplored the growing number of revisionist materials on social networks. For example, in 2015, dozens of cases of posting photos of people wearing Ustasha uniform on social networks were reported.<sup>3023</sup>

Occasional hate speech incidents continue to be reported during sports events. FIFA has repeatedly imposed fines on the Croatian Football Association and banned fans and players<sup>40</sup> over racist behaviour, again mostly linked to the expression of nostalgia for the Ustasha regime, during football matches. In February 2018, members of the Serbian water polo team were attacked in Split.

Representatives of the Serb national minority and the Jewish community in Croatia have repeatedly expressed their disapproval of the position of national authorities on the growing revanchist attitudes in Croatian society and the use of pro-fascist and Ustasha symbols. Since 2016, Serbian and Roma national minorities, as well as the Jewish community, have abstained from participating in the commemorations of the liberation of the Jasenovac concentration camp organized by the state authorities as a sign of protest, and have held their own independent actions.<sup>3024</sup>

The Roma community faces a number of obstacles in exercising their rights. According to the latest 2021 census, there are 17,810 Roma living in the country.<sup>3025</sup> However, the real number, according to some Roma officials and certain researchers, ranges between 30 and 40 thousand, which makes this ethnic group one of the largest national minorities in Croatia.

The Roma have their representative in parliament, as well as in local authorities in the regions. The Croatian government has an Office for Human and National Minority Rights. The interests of Roma are also protected by the Croatian Romani Union "Kali Sara" NGO.

Nevertheless, overall, this ethnic group remains marginalized and discriminated against. Both the NGO report and the National Roma Inclusion

<sup>3023</sup> Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle). Adopted on 21 March 2018. Published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

<sup>3024</sup> Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle). Adopted on 21 March 2018. Published on May 15, 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

<sup>3025</sup> Data provided by the Croatian Bureau of Statistics on the 2021 census. [https://podaci.dzs.hr/media/rqbcinx/popis\\_2021-stanovnistvo\\_po\\_naseljima.xlsx](https://podaci.dzs.hr/media/rqbcinx/popis_2021-stanovnistvo_po_naseljima.xlsx)

Strategy (2021-2027) underline this fact.<sup>3026</sup> Among the main reasons of the plight of this population group are the low housing provision level, lack of access to adequate health care, education, etc.

They also point to the dire living conditions of the Roma community. About one third of the Roma community live in uninhabitable houses or even slums, and more than half of their dwellings are overcrowded. Only one third of Roma homes are connected to water supply and electricity systems. Only 4 per cent of Roma households meet European hygiene standards.

ECRI notes<sup>3027</sup> that anonymous inflammatory comments against Serbs and refugees and abusive language when referring to Roma are commonplace in social networks and Internet in general, as well as in the comment sections of online news portals. For example, dnevno.hr Internet portal, which has a rapidly growing audience, has published materials of racist, xenophobic and anti-Semitic nature on numerous occasions. This has resulted in warning decisions by the Agency for Electronic Media.

The National Roma Inclusion Strategy (2014-2020) was never implemented. Therefore, a similar document was developed and adopted for 2021-2027, together with the 2021-2022 Action Plan to implement it. According to the data for 2022 provided by the Ombudsperson for Croatia,<sup>3028</sup> only 41 per cent of members of the Roma minority have paid jobs, and more than 55 per cent of Roma households have no access to water. The issue of eradicating the practice of segregation in educational institutions remains acute. For example, in the 2021/2022 academic year, 52 per cent of Roma children aged 6 to 15 studied in separate or mixed classes, in which Roma pupils accounted for an absolute majority.<sup>3029</sup> In the 2018/2019 academic year, there were 65 classes in Croatian schools with only Roma pupils.

<sup>3026</sup> National Roma Inclusion Strategy (2021 - 2027). <https://www.npur.hr/Nsur>

<sup>3027</sup> Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle). Adopted on 21 March 2018. Published on 15 May 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

<sup>3028</sup> Izvješće pučke pravobraniteljice za 2022. <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

<sup>3029</sup> Izvješće pučke pravobraniteljice za 2022. <https://www.ombudsman.hr/>

Nevertheless, their number was higher than the year before.<sup>3030</sup> As an example of the particularly challenging situation of the Roma one can point out the situation in Međimurska županija where 1,622 Roma schoolchildren are registered: 75 per cent of them study in general education schools where the share of Roma children is more than 80 per cent. In this regard, the 2019-2020 Action Plan for the implementation of the National Strategy for the Integration of Roma stated the need to take specific measures to resolve the problem.

Discrimination against Roma children in the education system remains a serious problem. According to FRA, Croatia has one of the highest levels of segregation of Roma children: 53 per cent of such children study at specialized Roma schools.<sup>3031</sup> At the same time, Croatia is one of the EU countries where a considerable share of the Roma youth (about 40 per cent) has at least general education. Yet, Croatia is among countries with the lowest rates of nursery school attendance by Roma children in the EU.<sup>3032</sup>

According to available 2021 statistics, over 92.3 per cent of the Roma minority live below the poverty line, with 70 per cent of Roma families living in extreme poverty.<sup>3033</sup>

Heating is yet another aspect showing disparity in living standards. Thus, on average, 56 per cent of houses in the country are wood-heated (with 90 per cent for Roma houses), while the rest are heated with pipeline or cylinder gas.

Inequality is also visible in the level of material deprivation (inability to meet one's material needs) of the population: 69.5 per cent among the Roma group and 23.8 per cent among the rest of the population. The disparity is even more apparent in terms of extreme material deprivation: 47.1 per cent against 12.2 per cent.

The difference in the living standards between the Roma in urban areas and in rural areas is even more pronounced. Those living in rural areas in almost

<sup>3030</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2020. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>3031</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3032</sup> The European Union Agency for Fundamental Rights. Roma in 10 European Countries. Main results. 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-roma-survey-2021-main-results2\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf)

<sup>3033</sup> Human Rights House Zagreb NGO Croatia 2021 Human Rights Report. <https://www.kucaljudskihprava.hr/2022/04/26/ljudska-prava-u-hrvatskoj-pregled-stanja-za-2021/>



93 per cent of cases lack basic amenities. There also exists an important problem of illegal settlements the exact number of which is impossible to determine. Due to the absence of such data in the database of local authorities it is impossible to deal with the development of these territories. This provokes unauthorized dumpsites and environmental pollution.

Thus, ethnic Roma live in conditions that do not meet the standard of living of the rest of the population. Analysts agree that this factor (rather than tradition, religion, or the language barrier) is the primary reason for the marginalization and discrimination of Roma.

The Committee on the Elimination of Racial Discrimination acknowledged the entire range of problems faced by the Roma community.<sup>3034</sup> In particular, it noted the extreme poverty and unsatisfactory living conditions of Roma, who mostly live in isolated neighbourhoods or informal settlements without infrastructure. This situation is further exacerbated due to the widespread practice of demolishing Roma houses as illegal structures without providing alternatives. CERD also pointed to the high rate of unemployment among Roma, low attendance at schools (most of which are segregated) with a high dropout rate of Romani students from educational institutions, and limited access of Roma to healthcare. The Croatian authorities received the recommendation to take measures to combat these negative manifestations.

The HRCttee, following the review of Croatia's third periodic report in March 2015, expressed concern about the statistics suggesting a low level of the exercise of rights by Roma and Serbs, in particular with regard to access to housing, health, employment and participation in public affairs. It referred to registered incidents of racist attacks against members of ethnic minority groups, in particular Roma and Serbs, and noted the lack of proper investigation and prosecution of the perpetrators.<sup>3035</sup> The Ombudsperson for the Republic of Croatia also stated that the

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<sup>3034</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Croatia. March 2015. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=ru)

<sup>3035</sup> Concluding observations of the Human Rights Committee on the 3rd periodic report of Croatia. March 2015. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fHRV%2fCO%2f3&Lang=ru)

majority of ethnically-motivated crimes were committed against the Serbian minority and Roma.

However, most cases of ethnically motivated violence against Roma remain unreported due to mistrust and limited mutual understanding between the Roma community and the police, as well as the widespread practice of ethnic profiling by law enforcement officials.<sup>3036</sup>

This trend has also been acknowledged by the EU Agency for Fundamental Rights in its Survey on Roma in 10 European Countries (where the biggest Roma communities live) published in 2022. In particular, FRA noted that overall, only 5 per cent of all victims had reported or made a complaint about the last incident of discrimination they had experienced because of being Roma, indicating that the largest drops in reporting discrimination were in Bulgaria, Croatia and Slovakia.<sup>3037</sup>

The 1 June 2019 events in Čakovec demonstrated the real attitude of the Croatian population toward this ethnic minority. More than 1,000 protesters took part in a mass rally against the state's support for the Roma community living in the city. They called Roma "thieves and criminals."

The national and local authorities are making efforts to gradually resolve the Roma issue. The Government has a Commission for Monitoring the Implementation of the aforementioned National Roma Inclusion Strategy comprising the Deputy Prime Minister, 10 specialists from line government agencies, 10 representatives of the Roma minority, and a Roma MP. The Commission's main tasks include: systematic monitoring of the implementation of the Strategy, submission of recommendations and expert opinions, proposal of relevant measures as a biennial Action Plan.

Since the implementation of measures to improve the lives of Roma is carried out with the direct participation of their representatives, NGOs operating throughout the country take positive note of the course set by the government. However,

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<sup>3036</sup> Report of the European Commission against Racism and Intolerance on Croatia (fifth monitoring cycle). Adopted on 21 March 2018. Published on 15 May 2018. <https://rm.coe.int/fifth-report-on-croatia/16808b57be>

<sup>3037</sup> The European Union Agency for Fundamental Rights. Roma in 10 European Countries. Main Results. 2022. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-roma-survey-2021-main-results2\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-roma-survey-2021-main-results2_en.pdf)



progress in solving the main problems over the past 20 years is measured in small percentages, while the fundamental problem – the division of Roma settlements into "legal" and "illegal" – remains at the top of the agenda.

The issue of Roma employment remains outstanding. According to official data for 2021, the unemployment rate among members of this ethnic minority aged 20 to 44 was 68.7 per cent.<sup>3038</sup> In this regard, the development of large-scale programs specifically designed for this category of the population by national employment agencies and other public institutions on employment, career guidance, enhancing employability skills, professional development, etc.<sup>3039</sup>

There exist certain problems in the sphere of mass media as well. In 2022, 34 offences were recorded against journalists, including 4 physical assaults and 12 cases of death threats.<sup>3040</sup>

Moreover, according to a number of human rights organizations, the country's current law enforcement practice jeopardizes the independence of journalism. According to the Human Rights House NGO, there were 924 lawsuits against Croatian media outlets and their journalists in 2021.<sup>3041</sup> In 2018, the Ministry of Culture did not announce a tender for the right to use the financial aid allocated from the Media Fund operating under the European Social Fund. A number of experts saw this as the state's attempt to put pressure on the media.

Many human rights activists point out that the country's leading media outlets are controlled by the ruling party majority. This is reflected in the system of appointment of the state media management (the local parliament appoints and dismisses editors-in-chief of electronic, print, television and radio media by a simple majority vote).<sup>3042</sup>

<sup>3038</sup> Izvješće pučke pravobraniteljice za 2021. <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

<sup>3039</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2020. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3040</sup> Human Rights House Zagreb NGO Croatia 2021 Human Rights Report. <https://www.kucaljudskihprava.hr/2022/04/26/ljudska-prava-u-hrvatskoj-pregled-stanja-za-2021/>  
<https://safejournalists.net/napadi-na-novinare/?lang=hr>

<sup>3041</sup> Human Rights in Croatia: Overview of 2021. Report by the Human Rights House NGO. <https://www.kucaljudskihprava.hr/2022/04/26/ljudska-prava-u-hrvatskoj-pregled-stanja-za-2021/>  
<https://fom.coe.int/alerte?years=2021&typeData=1&time=1648825569584>

<sup>3042</sup> Human Rights in Croatia: Overview of 2021. Report by the Human Rights House NGO.

However, the situation with the media is not the only cause for concern when it comes to the right to freedom of opinion and expression. Great public resonance was caused by an incident that followed a protest against the installation of a monument to F. Tuđman, the country's first president: one of the participants was arrested for 10 days and received a large fine (December 2018).

Despite the fact that the right to strike is guaranteed by law, the Zagreb Court, by its decision of 2018, banned Croatia Airlines employees from going on strike.

Certain difficulties are also noted in the social sphere. According to the 2021 census, 22.45 per cent of Croatian residents were over 65 years old (according to Eurostat, the figure was 19.6 per cent in 2019), and 14.27 per cent of the population were under 14 years old (14 per cent in 2019).<sup>3043</sup> 18.3 per cent of citizens were at risk of poverty, and among single people over the age of 65 this figure reached 52.1 per cent.<sup>3044</sup> In 2021, the minimum subsistence level in Croatia was 2,321 Croatian kuna (about USD 350), and the minimum pension was 1,500 Croatian kuna (about USD 230). As of December 2022, Croatia had 1.23 million pensioners and recipients of pension payments (on the grounds of disability, veteran's benefits, social benefits, etc.).

According to Croatia's Human Rights Ombudsperson, 2018 saw an increased number of complaints about physical violence among prisoners. An increase in the use of special measures to ensure order in prisons (1,931 cases in 2018 and 1,656 in 2017) and means of coercion (56 cases in 2018 and 46 in 2017) was recorded. Overcrowding in prisons and pre-trial detention facilities is also a major problem. In 2021, the most difficult situation was observed in the prisons of Zagreb (occupancy rate of 150 per cent), Karlovac (occupancy rate of 155 per cent) and Osijek (occupancy rate of 168 per cent).<sup>3045</sup>

Certain concerns have been raised about the situation of women in Croatia, especially in the employment sector. According to the 2021 census, women account

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<https://www.kucaljudskihprava.hr/2022/04/26/ljudska-prava-u-hrvatskoj-pregled-stanja-za-2021/>

<sup>3043</sup> State Statistical Office of Croatia <https://dzs.hr>

<sup>3044</sup> 2021 Report by Croatian Human Rights Ombudsperson. <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

<sup>3045</sup> 2021 Report by Croatian Human Rights Ombudsperson. <https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

for 51.8 per cent of the population of Croatia, while the employment rate for women is 46 per cent.<sup>3046</sup> The unemployment problem is most serious among women in the age groups of 25 to 29 (11.7 per cent) and 50 to 55 (12.4 per cent).<sup>3047</sup> There is also a wage gap between women and men employed under the same conditions (all other things being equal, men earned 6.9 per cent more than women in 2022; 7 per cent more in 2021; 13 per cent more in 2019).<sup>3048</sup> The most significant gender wage gap in favour of men is recorded in the finance, insurance and banking sectors (23.9 per cent), as well as in health care (22.1 per cent) and trade (16.9 per cent).<sup>3049</sup>

According to the 2022 report by the Croatian Gender Equality Ombudsperson, the Ombudsperson's Office considered 1564 cases of gender-based discrimination during the reporting period. Of 1469 new complaints received by the Ombudsperson's Office that year, 551 had to do with violations of women's rights. Most of the complaints concerned social security, pensions, health care and employment. Complaints of discrimination on the basis of gender accounted for almost 80 per cent of all complaints received.<sup>3050</sup>

Several programmes to promote gender equality have been introduced in Croatia. The most significant ones include: "Building successful protection: Changing the system to combat violence against women" for 2017–2019, "Equal rights. Equal wages. Equal pensions" for 2018–2020, and "Path towards equal rights for men and women: connecting work and family life."

There has also been a series of scandalous situations related to gender equality. For instance, the Croatian Ombudsperson for Gender Equality publicly denounced a discriminatory social media post published by a beauty salon, calling on Internet users to take photos of women in public spaces who, in their opinion, "need" to visit a beauty salon. According to the Ombudsperson, such practice of

<sup>3046</sup> 2021 Report by the Ombudsperson for Gender Equality of the Republic of Croatia.

<https://www.ombudsman.hr/hr/download/izvjesce-pucke-pravobraniteljice-za-2021-godinu/?wpdmdl=13454&refresh=6290848867cc01653638280#page=3>

<sup>3047</sup> 2021 Report by the Ombudsperson for Gender Equality of the Republic of Croatia.

[https://www.prs.hr/application/images/uploads/Godi%C5%A1nje\\_izvje%C5%A1%C4%87e\\_2021\\_FINAL.pdf](https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf)

<sup>3048</sup> 2022 Report by the Ombudsperson for Gender Equality of the Republic of Croatia. [www.prs.hr](http://www.prs.hr)

<sup>3049</sup> 2021 Report by the Ombudsperson for Gender Equality of the Republic of Croatia.

[https://www.prs.hr/application/images/uploads/Godi%C5%A1nje\\_izvje%C5%A1%C4%87e\\_2021\\_FINAL.pdf](https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf)

<sup>3050</sup> 2022 Report by the Ombudsperson for Gender Equality of the Republic of Croatia. [www.prs.hr](http://www.prs.hr)

[https://www.prs.hr/application/images/uploads/Godi%C5%A1nje\\_izvje%C5%A1%C4%87e\\_2021\\_FINAL.pdf](https://www.prs.hr/application/images/uploads/Godi%C5%A1nje_izvje%C5%A1%C4%87e_2021_FINAL.pdf)

advertising services and products by casting others in a negative light cannot be considered freedom of expression or freedom of enterprise.<sup>3051</sup>

A number of problems related to family and domestic violence have been recorded in the country. According to the Croatian Ministry of the Interior, in 2022, there were 7,946 persons arrested on suspicion of domestic violence (5 per cent less than in 2021), 6,103 (77 per cent) of whom were men and 1,843 were women. Of the total number of victims of violence, 78 per cent were women.<sup>3052</sup>

At the same time, it is noted that the Croatian authorities are taking measures to combat domestic violence. In 2023, a number of amendments to the Criminal and Family Codes were introduced to increase penalties for relevant crimes, enhance measures to protect victims of violence, etc.

A number of problems regarding the protection of children's rights were identified by the Committee on the Rights of the Child in June 2022.<sup>3053</sup> Those include the de facto discrimination against children of ethnic minorities, particularly children of Serbian and Roma backgrounds, children with disabilities, and migrant, asylum-seeking and refugee children, particularly with regard to education and health-care services.

In particular, the Committee noted the unequal access to health services for children in rural areas and on the islands; limited access to specialized outpatient medical care, including assistance of paediatricians, orthodontists, speech therapists, psychologists and psychiatrists for socially and economically disadvantaged children, including children with disabilities and Roma children, especially in the poorer regions of the country and remote regions and islands; an increasing number of children in need of palliative pediatric care, especially outpatient palliative care, with insufficient financial support from the state. The experts also expressed concern about the spread of childhood obesity and malnutrition.

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<sup>3051</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3052</sup> 2022 Report by the Ombudsperson for Gender Equality of the Republic of Croatia. <https://www.prs.hr>

<sup>3053</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Croatia. June 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FHRV%2FCO%2F5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FHRV%2FCO%2F5-6&Lang=en)

The Human Rights Committee was also concerned about the lack of a state-level comprehensive policy to protect children from violence in Croatia. As a result, this leads to high levels of violence against children, especially domestic violence (according to the Committee, it accounts for 84 per cent of all cases of violence against children). The Committee particularly noted the high level of violence against children by peers and adults in educational settings and bullying, including online. The situation is aggravated by the lack of adequate support for child victims of violence. The Committee recommended that Croatia ensure that all cases of child abuse, including sexual abuse, bullying and online abuse, are promptly reported and investigated in a child-friendly and multisectoral manner in order to avoid re-victimization of the child. Perpetrators should be prosecuted and duly sanctioned, and reparations should be provided to victims, as appropriate. Another recommendation was to strengthen comprehensive support for child victims of violence, regardless of where they live.

Problems of children with disabilities have also been reported, including insufficient family- and community-based care options for children with disabilities, inadequate and unequal access of children with disabilities to health care, inclusive education and social services, especially in rural areas, small towns and on islands. These also include high rates of child abandonment and subsequent institutionalization of children with disabilities.

In its 2019 report, the EU Agency for Fundamental Rights referred to complaints from individuals who had crossed the EU's external border, and had been mistreated in Croatia and pushed back across the border. The Save the Children NGO reported that, between January and November 2018, more than 1,350 children were pushed back across the EU's borders, with almost every third case involving the use of violence. When the Croatian Ombudsperson investigated the allegations, she was denied access to records on the treatment of migrants at the police station, even though Article 5 of the Law on National Preventive Mechanisms grants the Office access to all information about the manner in which persons deprived of liberty are treated. In September 2018, the Council of Europe's Commissioner for

Human Rights sent a letter to the Croatian authorities, requesting them to investigate alleged incidents of violence against migrants and theft by law enforcement authorities.<sup>3054</sup>

Reports of cases of ill-treatment of persons detained by police while attempting to cross the country's borders prompted members of the Council of Europe's European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to undertake an ad hoc five-day visit to Croatia in August 2020. Members of the delegation visited a number of border checkpoints, as well as the main alien reception centers, in order to examine the conditions of their detention and the way the pre-deportation procedures are carried out. The CPT representatives also visited temporary reception centers and informal migrant settlements in north-west Bosnia and Herzegovina. That is where asylum-seekers who were expelled from the Croatian territory are accommodated.

In December 2021, a report on the aforementioned visit was published outlining recommendations to the official authorities. It pointed out the need to put an end to the ill-treatment of migrants by police officers and to ensure effective investigation into such cases. The international experts were concerned that, during the 2020 visit, they had for the first time encountered difficulties due to the authorities' unwillingness to co-operate with the CPT (provision of incomplete information, denial of access to documentation by police officers, etc.). The report documented migrants' complaints of violence by Croatian police officers, beatings in places of detention with truncheons, police batons, gun-butts and even tree branches. Doctors from the delegation recorded numerous fresh wounds and bruises on migrants' bodies. According to testimonies received by the CPT, the victims were forced to march through the forest barefoot and with their hands tied towards the Croatian border with Bosnia and Herzegovina, where they were thrown into the river. Some of them had to make this harsh journey wearing only their underwear or even naked. Not to mention the outrageous cases of police officers' discharging their

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<sup>3054</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2019.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

weapons into the ground close to migrants' lying face down on the ground. In conclusion, the CPT emphasized the lack of effective accountability mechanisms in place to bring the perpetrators of such acts of ill-treatment to justice in Croatia.<sup>3055</sup>

This report attracted the attention of the Amnesty International NGO (recognized as undesirable in the Russian Federation), which also noted that Croatian authorities routinely mistreat and deny asylum to refugees and irregular migrants.<sup>3056</sup>

In September 2022, a CPT delegation made its seventh periodic visit to the country (the previous one took place in 2017) to verify the implementation of its previous recommendations. In its report on this visit<sup>3057</sup> published in November 2023, the Committee noted a "significant increase" in the prison population, especially of pretrial detainees, including women. In particular, this refers to one of the prisons in Zagreb, which, with six prisoners per cell of 18 m<sup>2</sup> (i.e. 3 m<sup>2</sup> per person), is "severely overcrowded" – as this circumstance was qualified by the CPT, whose experts insist that minimum living space for prisoners should be at least 4 m<sup>2</sup> per person. In the same prison, cases of beatings, including with truncheons, of prison hospital patients were recorded, not to mention the appalling conditions and neglect faced by some psychiatric patients (dirty pyjamas, torn mattresses, absence of bed linen, etc.). At the Požega Prison, the visiting experts received reports of degrading treatment of female prisoners by prison staff. In addition, speaking of treatment of female prisoners in Croatia in general, the Committee expressed concern about the sanitary conditions of their detention and the shortage of hygiene products.

The same 2023 report noted the excessive use of means of restraint on psychiatric patients by staff of the psychiatric clinics in Split and Rijeka, which, according to the CPT, may amount to inhuman and degrading treatment. The general material condition of these clinics and the situation of their patients was

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<sup>3055</sup> Council of Europe anti-torture Committee publishes report on its 2020 ad hoc visit to Croatia:

<https://rm.coe.int/1680a4c199>

<sup>3056</sup> <https://www.amnesty.org/en/latest/news/2021/12/human-rights-body-has-condemned-croatian-authorities-for-border-violence/>

<sup>3057</sup> <https://www.coe.int/en/web/cpt/-/council-of-europe-anti-torture-committee-cpt-publishes-report-on-its-2022-periodic-visit-to-croatia>



characterized as appalling or, at the very least, poor, compounded by a shortage of nurses and other staff to care for patients.

In 2023, a range of problems facing illegal migrants in Croatia was reported by the UN Committee on the Elimination of Racial Discrimination. Specifically, it noted that refugees and migrants are denied entry into the country at the Croatian borders, with several cases of collective expulsions of such persons. According to CERD, there are also regular cases of excessive use of force by border guards against illegal migrants. Besides, the Committee pointed out that migrants and asylum-seekers entering the country face employment discrimination on the grounds of ethnicity.<sup>3058</sup>

Serious shortcomings remain in the organization of guardianship for unaccompanied migrant minors. In Croatia, this function is assigned to local social care centers. However, as was noted by the FRA in its 2020 report, their workers lack the necessary qualifications to do it properly. Thus, it is common to appoint a guardian from the group of people with whom the child entered Croatia, rather than a professional with the relevant competence.<sup>3059</sup>

In 2020, Croatian Human Rights Ombudsperson L. Vidović demanded that an investigation be conducted after a letter from a doctor at a COVID-19 hospital was published in the media. The letter referred to the shortage of medicine and food in the hospital.<sup>3060</sup>

In 2022, cases of discrimination against Russian citizens were recorded. This came in the wake of the special military operation to denazify and demilitarise Ukraine and protect civilians in the Donbass commenced by the Russian Armed Forces. Against this backdrop, Croatia's local "independent" media, instigated by the country's political establishment in line with the general course of the EU's Brussels, significantly increased the level of anti-Russian propaganda, spreading fake news on

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<sup>3058</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 9th to 14th periodic reports of Croatia. August 2023.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FHRV%2FCO%2F9-14&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FHRV%2FCO%2F9-14&Lang=ru)

<sup>3059</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2020.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-fundamental-rights-report-2020\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-fundamental-rights-report-2020_en.pdf)

<sup>3060</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2020.  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)



a mass scale. Nevertheless, no large-scale aggressive Russophobic manifestations have been recorded in the Croatian society.

However, letters with insults and threats were sent to the e-mail address of the Russian Embassy. Isolated incidents of discrimination against employees of the Russian Embassy were reported. In March 2022, two major banks, PBZ and Raiffeizen Bank (both controlled by external actors from Italy and Austria), refused to open accounts for Russian diplomats without explanation. In a number of financial institutions, further provision of banking services to Russian citizens was conditioned upon account holders' signature of a statement expressing, inter alia, agreement with the measures adopted by the EU in connection with "destabilizing measures taken by Russia on the territory of Ukraine". Also, one Croatian landlord demonstratively refused to renew its apartment lease agreement with an employee of the Russian diplomatic mission. There have been cases of discrimination in schools against children of Russian compatriots living in Croatia, including acts of intimidation.

The cancellation of flights of Russian airlines in Europe affected Russian tourists in Croatia. However, despite the difficulties, they managed to leave the country through Turkey and Serbia. In April 2022, the Croatian side refused to approve an overflight and landing in Zagreb of a humanitarian plane intended for the evacuation of Russian Embassy's employees expelled from Croatia.

## Montenegro

The human rights situation in Montenegro is generally assessed by such bodies as the UN Human Rights Council and the Council of the European Union<sup>3061</sup> as stable and tending to improve. The country has been commended for its actions to bring national legislation and practices in line with international standards. In particular, the adoption of the Law on the Prohibition of Discrimination against Persons with Disabilities and the implementation of the National Strategy for Gender Equality for 2021-2025 and the National Employment Strategy for 2021-2025 have been highly commended (primarily by the Western states and a number of Latin American countries), as well as the National Strategy for Migration and Reintegration of Returnees to Montenegro for 2021-2025, the Strategy for Protection of Persons with Disabilities from Discrimination and Promotion of Equality for 2022-2027, and the Strategy for Inclusive Education for 2019-2025.

However, the existence of a well-developed legal framework is offset by the inefficiency of its application and a number of other negative factors.

For instance, official Podgorica has been criticized for insufficient efforts to combat corruption, the difficult situation in the area of freedom of expression and media freedom, including the protection of journalists from all forms of violence. The independence and integrity of the judicial system and its accountability are also criticized. There are also complaints about the inadequate implementation of institutional anti-corruption safeguards, widespread racism, hatred and violence against migrants and ethnic minorities, including manifestations of racist violence and incitement of hatred against ethnic groups by politicians and public figures. Problems have been noted in protecting women from violence and their inadequate and insufficient access to health services, in combating human trafficking, and in promoting children's rights. Reports of tortures during detention in police stations and pre-trial detention centers raise concerns.

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<sup>3061</sup> Resolution of the UN Human Rights Council A/HRC/DEC/54/106 of 2 October 2023  
<https://documents.un.org/doc/undoc/gen/g23/211/82/pdf/g2321182.pdf?token=koF7dkXdIjm5W7nv4I&fe=true>  
 Conclusion of the Council of the European Union on Enlargement 16707/23 of 12 December 2023 (section on Montenegro)

The UN Human Rights Council conducted the fourth Universal Periodic Review of Montenegro on 8 May 2023, and adopted its outcome on 2 October 2023.<sup>3062</sup> The HRC made a total of 247 recommendations, of which Montenegro supported 226 and took note of 21. Thus, the country was encouraged to work towards the introduction of a unified system to further improve the protection of children from all forms of violence, including the establishment of a state shelter for children and young victims of trafficking. The Montenegrin authorities were reminded of the need to strengthen the legislative framework for the protection of migrants and refugees, and to guarantee effective prosecution and punishment of perpetrators of crimes against migrants. It was noted that Montenegro should strive to strengthen the legislative framework for the promotion and protection of human rights. Concern was also expressed about human rights violations in Montenegro, including acts of torture of detainees, violence against women and girls, and discrimination against national minorities.

In particular, the following observations can be highlighted. The UN Committee on the Rights of the Child recommended that Montenegro prohibit the direct participation of persons under 18 years of age in hostilities; enforce laws prohibiting discrimination, strengthen campaigns to eliminate negative attitudes towards Roma, Ashkali, Egyptian children, children with disabilities, refugee and asylum-seeking children, and ensure that these groups of children have access to legal aid.

The UN Committee on the Elimination of Racial Discrimination expressed concern about the following aspects: the lack of a transparent selection process for the post of Defender of Human Rights and Freedoms; reports of hate speech by politicians and public figures against certain ethnic and ethno-religious groups, racist remarks in the media and at sporting events; manifestations of violence against Roma; the limited number of registered complaints of racial discrimination and the very low number of related prosecutions.

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<sup>3062</sup> <https://www.ohchr.org/en/news/2023/10/human-rights-council-adopts-universal-periodic-review-outcomes-romania-mali-and>

The UN Committee against Torture expressed concern that the definition of torture in the Criminal Code is not aligned with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and that crimes of torture remain subject to the statute of limitations; about persistent reports of ill-treatment and torture of detainees by the police at the time of questioning with a view to extracting confessions or obtaining information; ineffective investigations; lenient sentences for State agents convicted for such offences; the failure to suspend State agents under investigation for these offences; reports of intimidation of and physical attacks against journalists; reports regarding the prevalence of domestic violence; and leniency of sentencing for perpetrators of violence against women.

The HRC Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression drew attention to the increasingly hostile environment in Montenegro towards journalists and media workers.

The HRC Special Rapporteur on trafficking in persons, especially women and children, reported that migrants are at risk of being trafficked in the process of migration and that internal trafficking also occurs in the country.

The UN Special Rapporteur on trafficking in children reported that Montenegro is a country of transit, origin and destination for children who have become victims of trafficking and smuggling.

The HRC Special Rapporteur on the independence of judges and lawyers M. Satterthwaite, during her official visit to Montenegro on 19–26 September 2023, noted<sup>3063</sup> that the failure to ensure the independence and integrity of the country's judicial system hinders access to justice for its citizens.<sup>3064</sup> This, according to M. Satterthwaite, puts Montenegro's ongoing legal reform at risk. She also stated that she was "shocked to see and hear about inadequate facilities for storage of archives and evidence, including firearms and drugs". She is expected to present her report to the HRC in June 2024.

<sup>3063</sup> <https://www.ohchr.org/en/press-releases/2023/09/montenegro-failure-ensure-judicial-independence-hindering-access-justice>

<sup>3064</sup> The expert noted, inter alia, that at the time of her visit seven members of the Constitutional Court, the Supreme State Prosecutor and new members of the judicial council. The situation changed later. The seventh judge of the Constitutional Court was elected in November 2023, the Supreme State Prosecutor – in January 2024, and members of the judicial council – in February 2024.

The country has problems related to the slowness and inefficiency of the working processes within public bodies, excessively lengthy consideration of cases in the judicial system. This is evidenced by the fact that most complaints from Montenegrin citizens to the Defender of Human Rights and Freedoms (Ombudsperson) concerned the activities of public administration bodies and State organizations, including those that led to violations of the rights and freedoms of citizens, as well as failure by State institutions to take decisions within the timeframes established by law. As before, the main reasons for complaints about the functioning of judicial bodies were lengthy consideration and review of court decisions. In addition, citizens were dissatisfied with the work of prosecution bodies, as they often did not take the necessary measures in response to allegations of crimes and offenses and did not inform the victims about the progress in the investigation of cases initiated due to such allegations. The violation of victims' rights in trial and pre-trial proceedings has also been criticised.

Violations of the rights of persons in custody have also been documented in Montenegro. For instance, the Montenegrin Ombudsperson has received complaints from people temporarily detained in police stations or kept in places of deprivation of liberty about the actions of the Police Directorate and the Administration for the Execution of Criminal Sanctions. The complaints of those citizens were mostly related to the restriction of their communication with the outside world and their freedom of movement, denial of qualified medical care, inhuman and degrading treatment of them, unlawful judicial decisions taken against them.

The UN Committee against Torture indicated in May 2022 that the problem persisted,<sup>3065</sup> noting that its recommendations in this regard to Montenegrin authorities have been only partly implemented. Among other things, it was stated that due to the current definition of torture in the Criminal Code (which covers incidents in detention facilities as well), acts of torture or ill-treatment are not punished with penalties commensurate with their grave nature, and that the statute of

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<sup>3065</sup> Concluding observations of the Committee against Torture on the third periodic report of Montenegro. May 2022 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMNE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMNE%2fCO%2f3&Lang=ru)

limitations for the crime of torture remains in place. The statute of limitations existing for such crimes makes it difficult to prosecute the perpetrators. The Committee also noted that the Montenegrin Criminal Code allows for the police to detain suspects for up to 24 hours before bringing them before the public prosecutor, and it is during this initial period that the majority of alleged violations occur. Detainees face physical and psychological pressure and torture with a view to extracting confessions or obtaining other information, including at the time of questioning. Against this background, the Committee noted the ineffectiveness of investigations of such cases (notably with regard to the identification of perpetrators). Law enforcement officials are not suspended while they are under investigation for this type of offence. The Committee has noted that investigations into alleged acts of torture or ill-treatment can be carried out by the same prosecutor tasked with investigating charges against the detainee who made the allegations. In addition, the courts hand down lenient sentences in such cases, including the use suspended sentences.

Particular concerns arise as regards effective access to legal counsel and to medical examination, and as regards providing notification to a relative or other person of the detainee's choosing. Experts of the Committee also drew attention to the problem of prison overcrowding that has so far not been resolved in the country.

The situation concerning the respect for the rights of children and youth remains difficult. In this context, the Montenegrin Ombudsperson pointed to persistent serious problems in the realization of the right to education, health care and social security, especially for children with disabilities and developmental difficulties, as well as children from low-income families. Other problems include the responsibility of parents in exercising parental rights, prevention of child abuse and neglect, teen violence, respect for the rights of young people in specialized social institutions, sexual abuse of minors, and inefficiency of child protective services.

Montenegro remains a transit country for victims of human trafficking for sexual exploitation and forced labour. According to Mama Fatima Singhateh, UN

Human Rights Council Special Rapporteur on the sale of children, child prostitution and child pornography, only a small number of cases of sexual violence against children reach the competent authorities. Among other things, this leads to underreporting and under-identification of victims. The culture of silence or tolerance towards such crimes in Montenegro and the fact that the competent authorities often disbelieve children or accuse them of having provoked the crime, make it very difficult to solve this problem.<sup>3066</sup>

Regarding child marriages reported in Montenegro, the Special Rapporteur pointed out that such practices may amount to sale of children for the purpose of sexual exploitation, forced labour and financial exploitation such as forced begging. However, Mama Fatima Singhateh notes that it is difficult to establish the prevalence of such phenomenon. What is certain is that Roma communities are the most affected, mainly due to their social exclusion, discrimination and poverty. Girls are the most frequent victims.

There are evidence of discrimination and unequal treatment of citizens on the grounds of national origin, social group, sexual orientation and gender, as well as manifestations of gender inequality and domestic violence. Representatives of certain groups of the population, including persons with disabilities, Roma and other minorities, as well as women, experienced various types of violations of their rights and freedoms, just like in previous years, in particular the violation of the right to employment. The UN Committee against Torture<sup>3067</sup> pointed out the prevalence of domestic violence in Montenegro, as well as the low level of prosecution and leniency of sentencing for perpetrators.

International human rights bodies draw attention to persistent challenges faced by Montenegrin Roma communities related to discrimination in the socio-economic, educational, and medical spheres, poor living conditions, and lack of adequate

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<sup>3066</sup> Preliminary observations on the visit to Montenegro by the UN Special Rapporteur on the sale and sexual exploitation of children, Mama Fatima Singhateh, 8-16 September 2021.

<https://www.ohchr.org/en/statements/2021/09/preliminary-observations-visit-montenegro-un-special-rapporteur-sale-and-sexual>

<sup>3067</sup> Concluding observations of the Committee against Torture on the third periodic report of Montenegro. May 2022. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMNE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMNE%2fCO%2f3&Lang=ru)

housing for displaced Roma. In their comments on Montenegro the Advisory Committee on the Framework Convention for the Protection of National Minorities<sup>3068</sup>, the European Commission against Racism and Intolerance<sup>3069</sup>, the United Nations Committee on the Elimination of Racial Discrimination<sup>3070</sup>, and the United Nations HRC Special Rapporteur on trafficking in persons, especially women and children, Maria Grazia Giammarinaro, following her visit to Montenegro in 2019, raised that concern.

The situation related to the realization of social and economic rights of Montenegrin citizens remains difficult. A significant number of people, mostly in the northern regions of the country, continue to live in poverty. The issues of employment, wages increasing, improving housing conditions are still relevant for many citizens. These circumstances had a negative impact on the socio-economic situation in the country. The Ombudsperson pointed out that the situation of the unemployed, older persons, and persons with disabilities is particularly difficult.

In 2023, in its report, the EU Agency for Fundamental Human Rights, citing the European Committee of Social Rights, pointed out Montenegro's violation of the European Social Charter. In particular, not all needy non-resident foreign nationals lawfully present in the territory of the country are entitled to emergency social assistance.<sup>3071</sup>

The Ombudsman's report pays special attention to the situation in the field of freedom of expression, including media freedom (given the importance of the press in terms of shaping public opinion), the creation of conditions to guarantee that citizens can freely express their opinions and journalists can work, as well as cases of abusing the right to freedom of expression. He estimated that manifestations of

<sup>3068</sup> Third Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Montenegro. Adopted on 7 March 2019. Published on 2 October 2019. <https://rm.coe.int/3rd-op-montenegro-en/168096d737>

<sup>3069</sup> Report of the European Commission against Racism and Intolerance on Montenegro (fifth monitoring cycle). Adopted on 20 June 2017. Published on 19 September 2017. <https://rm.coe.int/second-report-on-montenegro/16808b5942>

<sup>3070</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the second periodic report of Montenegro. July 2017. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMNE%2fCO%2f2&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fMNE%2fCO%2f2&Lang=ru)

<sup>3071</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)



hatred and intolerance to other opinions are most frequently observed in online media and the Internet. Attacks or threats of violence against journalists and media enterprises have also been noted. The Ombudsperson viewed the adoption in 2021 of amendments to the Montenegrin Criminal Code, which introduced criminal law measures to protect journalists, as an important step to ensure the safety of their work. The Ombudsperson noted that in 2021 the country had made an overall "limited progress" regarding freedom of expression, and said that "more efforts are needed to limit the impact of disinformation and online hate speech".

In 2022, issues of media freedom in the country came into the focus of international monitoring mechanisms. The Committee against Torture expressed concern about cases of intimidation of and physical attacks against journalists.<sup>3072</sup> It also noted the continued failure to bring to justice those responsible for the murder of journalist Duško Jovanović in 2004, or to conclude the investigation into the brutal attack against investigative journalist Olivera Lakić in May 2018. Experts also pointed to low effectiveness of the Montenegrin commission for monitoring investigations into attacks against journalists.

The issues of overcoming interethnic intolerance in Montenegro, as well as the use of religious topics to incite hatred and settle internal political scores, remain unresolved. In recent years, religious issues and legislative initiatives in this field have led to increased public discontent and have been used to change power in the country, as was the case in 2020. For example, it turned out that the Law on the Freedom of Religion and Belief and the Legal Status of Religious Communities, adopted in late December 2019, could potentially give rise to conflict. Under that law, religious organizations are required to prove that they had property rights for their buildings and churches prior to 1918 (i.e., over 100 years ago). This was perceived as the grounds on which a significant part of the property of the Serbian Orthodox Church (SOC) – still the largest religious denomination in Montenegro – may be confiscated for the State's benefit.

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<sup>3072</sup> Concluding observations of the Committee against Torture on the third periodic report of Montenegro. May 2022. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMNE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fMNE%2fCO%2f3&Lang=ru)

According to opponents of the law, its true purpose is to strengthen the position of the so-called Montenegrin Orthodox Church (an unrecognized schismatic structure). In September 2021, protests of supporters of the Montenegrin Orthodox Church in connection with the enthronement of Joanikije, Metropolitan of Montenegro and the Littoral of the Serbian Orthodox Church, gave rise to disorders.

Montenegro has not been immune to the Russophobic campaign that has been actively ramped up in Europe after the Russian Armed Forces launched the special military operation to denazify and demilitarize Ukraine and protect civilians in the Donbass. Podgorica's ever-strengthening policy of unconditional adherence to the position of Washington and Brussels-based EU structures contributed to that. For example, in June 2022, Montenegrin operator Mtel switched off all Russian TV channels operating in the country, including Russia Today, RT Documentary, RTR Planeta and Russia 24.

Anti-Russian gestures were also made in the public sphere. In April 2022, the Montenegrin Ministry of Foreign Affairs published in X social network Minister Radulović's statement about the need to break off diplomatic relations with Russia. The message was deleted a few hours later. Later, the Ministry apologized for the post, explaining that it had misinterpreted the statement of the Foreign Minister of Montenegro. Allegedly, it only concerned the implementation of the EU sanctions against Moscow, rather than breaking off the relations. At the beginning of June 2022, there was another event of the same kind – the Montenegrin authorities along with Bulgaria and Northern Macedonia prohibited the airplane of the Minister of Foreign Affairs of the Russian Federation Sergey Lavrov, who was to visit Serbia (the visit was scheduled for 6-7 June), to fly through their territories.

In the context of the aforementioned Russophobic campaign, the activities of the Ukrainian embassy in Montenegro have attracted attention – after Russia launched the special military operation, its senior officials conducted several "protest" actions in Podgorica using extremist and neo-Nazi symbols. Some staff members of the Ukrainian diplomatic mission have made aggressive and racist

statements about Russian servicemen, employees of the Russian embassy, and representatives of the Russian diaspora (including on social networks).

Violations of the rights of Russian citizens have been noted. In particular, a number of banks refuse to provide services to Russians, including currency exchange. At the end of 2023, the Montenegrin bank NLB blocked the accounts of Russian citizens, demanding additional documents, but even after having received additional information refused to open them.

In general, it is obvious that Podgorica, taking note of the observations about shortcomings in the human rights protection, limits itself to adopting new and improving old legal norms. At the same time, they are not implemented, as noted by many observers. At the same time, it should be noted that the Montenegrin authorities perceive human rights issues in a one-sided way – with a focus on European neoliberal values and an emphasis on the protection of all kinds of minorities, especially sexual minorities. This approach is negatively perceived by a significant part of the population, whose efforts to advocate for traditional values are interpreted in the West as racist.

## Czechia

Czech Republic has chronic problems that the authorities of the country do not intend to solve, engaging instead in destructive foreign policy actions, including in their interaction with Russia.

A specific feature of recent years has been the systematic "slide" of Prague, which has traditionally emphasised human rights issues as one of its foreign policy priorities, towards a Russophobic course.

These actions take place against the background of increasing attempts to promote in the Czech socio-political space the notorious concept of equal responsibility of totalitarian regimes for the outbreak of World War II. The goals of the campaign are to equate the symbols of the USSR and the Red Army to the Nazi swastika and subsequently ban them, downplay the liberating role of the Red Army (including by promoting the myth of the self-liberation of Prague with the help of Vlasov's supporters), and tarnish Soviet soldiers and commanders.

After the Russian Federation started its special military operation to denazify and demilitarize Ukraine and protect civilians in Donbass, Prague openly became an active advocate of the neo-Nazi Kiev regime (and its Nazi battalions), supplying it with various kinds of weapons.

Against the background of the overall caring and respectful attitude of the Czech population to the monuments to Soviet soldiers and victims of Nazism, in recent years there has been an increase in cases of Czech authorities "fighting" against Soviet memorials. The most odious are the dismantling in 2017 by the Prague City Hall from the town hall building on the main square of a memorial plaque dedicated to the liberation of the city by the troops of the 1st Ukrainian Front<sup>3073</sup>, the dismantling of a monument to Soviet tankmen (in the form of an IS-2 tank, which was removed from the pedestal and repainted pink), the placement in 2018 of "explanatory plaques" on the monument to Marshal I.S. Konev on the Interbrigada Square (in the city district of Prague-6), under whose command the Red

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<sup>3073</sup> Despite initial assurances from City Hall to return the plaque to its place after the renovation, the new city leadership refused to return the plaque in 2019.

Army units fought for the liberation of the city, as well as repeated acts of vandalism against this monument and the monument to the Red Army soldiers near Prague Castle.

The dismantling of the Ivan Konev monument in early April 2020 by the administration of the Prague 6 district in violation of the Russian-Czech Treaty on Friendly Relations and Cooperation of 1993 became the apotheosis of this cynical campaign. The statue of I.S. Konev was placed in the depository and its pedestal was destroyed. The implementation of this sacrilegious action left unheeded both public appeals to preserve the historically significant landmark and condemnation by President M. Zeman. Moreover, the state of emergency, introduced in connection with the spread of a new coronavirus infection, and restrictions on free movement around the city, according to the head of Prague-6, O. Kolar, were deliberately used by the authorities for monument dismantling without public protests.

However, the Czech Russophobes did not stop there. On May 26, 2022 Marshal Konev was deprived of his title of honorary citizen of Prague by the Prague city authorities. On June 21, 2022 the Prague-3 City District Legislative Assembly voted to rename Konev Street, located in the district.<sup>3074</sup> The relevant decision was approved by the Prague City Council on 19 June 2023.<sup>3075</sup>

The Czech Republic is making considerable efforts to whitewash the image of A.A. Vlasov's Russian Liberation Army (ROA), which collaborated with the Nazis, as part of its efforts to falsify the history of the Second World War and to demonize the USSR and Russia, including efforts to attribute to this criminal formation a decisive role in the liberation of Prague from the Nazis in May 1945. These gestures seem to follow in parallel with measures to "fight" against Soviet monuments. On 30 April 2020, a monument to Vlasov's supporters was erected in the Řeporyje district of Prague on the initiative of its odious leader, Pavel Novotný. On 7 May 2022, there was a memorial service at this monument, with flowers laid in front of it.

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<sup>3074</sup> <https://ct24.ceska televize.cz/domaci/3510373-konevova-ulice-se-mela-prejmenovat-na-hartigovu-zmenu-podporili-zastupitele-prahy-3>

<sup>3075</sup> <https://www.praha3.cz/hartigova/proc-hartigova>

There is a memorial to the ROA in the Olšany Cemetery in Prague, at which memorials are regularly held.

Other acts of vandalism regarding soviet monuments were registered as well. In December 2020, unknown vandals desecrated a memorial to Red Army soldiers located in the Ostrava-Zabřeg area in the east of the Czech Republic.

Such incidents have particularly increased in the last two years. In 2022, there were 9 cases in the Czech Republic of vandalism of memorial sites dedicated to the Soviet soldiers who liberated Czechoslovakia from Nazism. In March 2022, by decision of the local authorities, the sculpture of a Red Army soldier was dismantled from the monument to the fallen in the First and Second World Wars in Příbyslav (Vysočina Region) and placed in a repository.<sup>3076</sup> In March 2022, swastikas were painted on the monument to the Red Army soldiers in Olomouc<sup>3077</sup>, and in September 2022, "UA" was painted on the monument.<sup>3078</sup> Vandals also desecrated the monument to Red Army soldiers in Litoměřice in October 2022<sup>3079</sup> and August 2023<sup>3080</sup>. Similar incidents took place in the towns of Přerov in October 2022, Příbor in March 2023 and Dečín<sup>3081</sup> in May 2023. The Czech side's refusal to invite Russian representatives to participate in celebrations commemorating the anniversaries of the liberation of Czech towns by the Red Army is indicative.<sup>3082</sup>

The descendants of Russian emigrants of the "first wave" – the "Russian Tradition" (RT) association, as well as their associates from a number of communities of compatriots with a negative attitude towards Russia – are active in whitewashing Nazi collaborators, not without encouragement from Czech Russophobes.

At the same time, neo-Nazi forces are active in various spheres of public life in the Czech Republic. In May–June 2020, the Czech public's attention was drawn to

<sup>3076</sup> [https://www.idnes.cz/jihlava/zpravy/valka-ukrajina-socha-pribyslav-vojak-samopal-pomnik-pamatka.A220304\\_653780\\_jihlava-zpravy\\_mv](https://www.idnes.cz/jihlava/zpravy/valka-ukrajina-socha-pribyslav-vojak-samopal-pomnik-pamatka.A220304_653780_jihlava-zpravy_mv)

<sup>3077</sup> <https://www.novinky.cz/clanek/krimi-pamatnik-rude-armady-v-olomouci-pomaloval-sprejer-hakovymi-krizi-40390780>

<sup>3078</sup> <https://www.novinky.cz/clanek/domaci-sprejer-pomaloval-pamatnik-rude-armady-v-olomouci-40409823>

<sup>3079</sup> <https://www.novinky.cz/clanek/krimi-rudoarmejce-v-litomerice-obarvili-cervene-a-postavili-na-pracku-40412689>

<sup>3080</sup> <https://zpravy.aktualne.cz/domaci/foto-litomerice-spor-o-rusky-pomnik/r~0a3b961a40b111eeb1f50cc47ab5f122/>

<sup>3081</sup> <https://english.radio.cz/vandal-sprays-z-letters-red-army-memorial-decin-8782494>

<sup>3082</sup> <https://www.novinky.cz/clanek/domaci-oslavy-osvobozeni-zacinaji-bez-rusu-40429936>

cases of exploitation of neo-Nazi sentiments for profit. The Czech publishing house "Naše vojsko" offered a calendar with photos of representatives of the leadership of the Third Reich, the occupation administration on Czech territory, and other Nazi criminals (it previously offered similar "souvenir" products). The "Guidemedia" publishing house published a book of Holocaust denial (previously it had also published A. Hitler's speeches and antisemitic publications).

On 22 November 2021, a publication appeared on the website of the Czech Reflex magazine with a selection of historical photographs of Nazis in the occupied Soviet territories, intended, according to the authors, to demonstrate the benevolent attitude of the Nazis towards the local inhabitants.

There is evidence of monuments and memorials to the Nazis being erected (or restored). For example, in 2011, the granite memorial "Iron Cross" in memory of local natives who fought in the ranks of the Wehrmacht and the Waffen-SS was restored on the Štěpánka viewpoint in the Jizera Mountains in Korženov (Liberec Region) and serves as a pilgrimage site for European neo-Nazis. In particular, it is known that members of the Czech organization Young Nationalists held a rally there on 6 February 2021, announcing their intention to repeat their meetings. In March 2023, the cross was destroyed by unknown assailants.

In recent years, the situation of Russian citizens and compatriots living in the country has deteriorated significantly as a result of the Czech authorities' artificial fuelling of Russophobia and the formation of an unhealthy atmosphere around the Russian diaspora.

In 2021, as a result of unfriendly actions of the Czech authorities, the school at the Russian Embassy in Prague was forced to suspend its work. With the start of the special military operation in February 2022 to demilitarize and denazify Ukraine and protect the civilians of Donbass, natives of Russia living in the Czech Republic face discrimination in local universities – refusal to study and accept exams by the teaching staff<sup>3083</sup>; refusal of admission commissions to consider documents on secondary education obtained in the Republic of Crimea; restriction of fields of

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<sup>3083</sup> [https://prazsky.denik.cz/zpravy\\_region/rusko-ukrajina-sankce-praha-zastupitel-dlouhy-profesor-20220224.html](https://prazsky.denik.cz/zpravy_region/rusko-ukrajina-sankce-praha-zastupitel-dlouhy-profesor-20220224.html)

study (mainly technical) under the pretext of national security considerations. In addition, it has come to light that Czech universities have broken cooperation agreements with Russian educational institutions.

Since the start of the special military operation, discrimination against Russian citizens and compatriots in the Czech Republic as a whole has increased sharply, fuelled by statements by officials. In February 2022, Czech Attorney General I. Strsizh said that public support for the Russian leadership and Russian actions in Ukraine could lead to criminal liability and imprisonment.<sup>3084</sup> In June 2023, Czech President P. Pavel called on intelligence agencies to monitor all Russians living in the West, citing U.S. World War II practices against the Japanese population, including the placement of Japanese in concentration camps.<sup>3085</sup>

Czech Foreign Minister J. Lipavsky claimed that Russian intelligence services allegedly use the Russian minority abroad to achieve their goals.<sup>3086</sup>

Against this background, "individual sanctions" against citizens of Russia in various spheres of life (banks, catering companies, educational institutions) are not surprising.

The events in Ukraine have given rise to a significant number of such "individual sanctions" in the Czech Republic against persons from Russia in various sectors of society. In several cafes in Prague, signs were seen stating that Russians would not be served or would only be served if they voiced their condemnation of Russia's foreign policy and leadership (including in writing) and apologized for what was happening in Ukraine. There have been public reports of cases of denial of medical assistance. Several banks have refused to open and maintain accounts for Russian clients. Representatives of the banking sector did not have a common policy: some banks only requested Russians to provide additional documents and dragged out the process, others refused completely without explaining the reasons.

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<sup>3084</sup> According to the Czech Attorney General's Office as of March 2023, the courts have already handed down nine convictions, several dozen more people have been charged, in addition to which 90 criminal cases have been opened. – Nejvyšší státní zastupitelství: Za schvalování ruské agrese padlo devět trestů. Česká justice.cz. 15 March 2023 <https://www.ceska-justice.cz/2023/03/nejvyssi-statni-zastupitelstvi-za-schvalovani-ruske-agrese-padlo-devet-trestu/>

<sup>3085</sup> <https://www.politico.eu/article/petr-pavel-russia-czech-republic-surveillance/>

<sup>3086</sup> <http://hlidacipes.org/ruska-mensina-v-cesku-muze-byt-nastrojem-politiky-kremlu-varuje-ministr-zahranici/>



Many large Czech companies have shown discriminatory attitudes towards Russian citizens. For instance, the "Pytloun Hotels" brand (consisting of fourteen city and mountain hotels) announced its refusal to accept guests with Russian and Belarusian citizenship until the end of the special military operation. "Central Group", the country's largest company, said in an official press release that it would not sell real estate to Russian citizens except in cases where buyers distanced themselves in writing from the Russian leadership's policies in Ukraine.

Not only the citizens of Russia, but also its diplomatic representatives have faced manifestations of aggression in the Czech Republic. On 24 February 2022, unknown persons attacked the building of the Russian Embassy in Prague. They tried to break into the territory of the embassy and threw various objects at the building.

In line with the policy of the European Union, the Czech government, by virtue of its resolution No. 130 of 25 February 2022, suspended the issuance of visas and long-term and permanent residence permits to citizens of the Russian Federation, including for applications submitted before the resolution came into force. Exceptions are provided only if there is a "foreign policy interest" of the Czech Republic. It was also stated that visas would be issued in humanitarian cases. Commenting on the authorities' position, Minister of the Interior of Czechia Vit Rakušan explained that humanitarian cases include family reunification with EU citizens and the threat of political persecution in Russia. The Czech Foreign Ministry subsequently expanded the list: "A humanitarian visa is issued to a person whose life is at risk because of repression, resistance to the regime or its criticism, as well as if there is a risk of persecution on political and other grounds." The Czech authorities do not even consider medical treatment or the death of a close relative as valid reasons for obtaining a visa. On 2 March 2022, the Czech government issued a decree depriving Belarusian citizens of their rights as well. In June 2023, the Czech

authorities banned Russian and Belarusian athletes from participating in competitions on the territory of their country.<sup>3087</sup>

In addition to the persecution of Russians, the Czech Republic has seen repression against sane citizens of the country who had the courage to express their opinions in public. Those who openly express support for Russia, especially in the context of the Russian special military operation (or those whose statements and actions may be interpreted accordingly), risk reprisals under Section 365 "Approval of Criminal Offense" and Section 405 "Denial, Impugnation, Approval and Justification of Genocide" of the Criminal Code of the Czech Republic. The possible term of imprisonment is three years.

The case of Martina Bednářová, a Czech citizen and teacher at a Prague school, who expressed her opinion on the events in Ukraine in April 2022, diverging from the position of official Prague, is illustrative in this regard. She was denounced by her own students, who secretly recorded the teacher's words on a mobile phone. After that, a criminal case was opened against the teacher.<sup>3088</sup> In June 2023, the District Court for Prague 6 ordered its termination. On 25 January 2024, Martina Bednářová (dismissed and never reinstated) was re-exonerated by the court. Nevertheless, the prosecutor, insisting on prosecuting the woman for the alleged criminal offense, again appealed the acquittal verdict.<sup>3089</sup>

According to open sources, between February 2022 and November 2023, the police of the Czech Republic initiated 384 criminal cases for public displays of support for the actions of Russia, its leadership and armed forces in the context of the Ukrainian crisis, and brought charges in 99 cases.<sup>3090</sup>

On 25 February 2022, the Czech authorities called for blocking Internet resources that, in their opinion, spread "pro-Russian disinformation." A relevant request was sent to Internet providers. Neither the Municipal Court in Prague nor the

<sup>3087</sup> <https://www.novinky.cz/clanek/domaci-vlada-souhlasila-se-zakazem-ucasti-ruskych-sportovcu-na-soutezich-v-cesku-40436306>

<sup>3088</sup> <https://www.seznamzpravy.cz/clanek/domaci-kauzy-necitim-se-vina-ucitelka-ktera-popirala-rusky-utok-prisla-k-soudu-232901>

<sup>3089</sup> <https://www.ceskenoviny.cz/zpravy/soud-opet-nepravomocne-osvobodil-ucitelku-vinenou-z-popirani-valecnych-zlocinu/2470442>

<sup>3090</sup> [https://www.irozhlas.cz/zpravy-domov/policie-stihani-schvalovani-invaze-rusko-ukrajina\\_2311110500\\_pik](https://www.irozhlas.cz/zpravy-domov/policie-stihani-schvalovani-invaze-rusko-ukrajina_2311110500_pik)

Supreme Administrative Court of the Czech Republic found the actions of the state to be in violation of the law, arguing that the appeal to providers was not an order and the blocking was voluntary.<sup>3091</sup> On 6 December 2023, the Constitutional Court of the Czech Republic also upheld this reasoning.<sup>3092</sup>

Consequently, violations of the rights of Russian citizens and their persecution in the Czech Republic do not receive due attention from local law enforcement agencies. Czech NGOs as well as EU structures are more focused on other domestic policy issues.

However, the Czech Republic does not limit itself to efforts to glorify Nazi collaborators and inculcate Russophobia. The country has a number of problems in various areas of human rights promotion and protection that regularly cause criticism and concern of both European monitoring institutions and the nongovernmental sector.

Manifestations of racism and hateful ideology not directly related to the glorification of Nazis and their accomplices have also been reported. For instance, in the first half of 2023, the Czech Ministry of the Interior recorded 69 criminal hate-motivated offences, and 43 persons were charged with crimes motivated by racial, national or other hatred.<sup>3093</sup>

In 2021, measures taken by Czech authorities to combat COVID-19 affected and limited a number of fundamental rights and freedoms of citizens. In particular, the right to freedom of movement and the right to freedom of assembly were restricted; the number of participants in mass events was also limited to 500 persons. This was pointed out, in particular, by the Government Council for Human Rights of the Czech Republic in its regular report on the human rights situation in the Czech Republic. According to the EU Agency for Fundamental Rights, only persons with

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<sup>3091</sup> <https://vyhledavac.nssoud.cz/DokumentOriginal/Text/713474>

<sup>3092</sup> [https://nalus.usoud.cz/Search/GetText.aspx?sz=PI-5-23\\_1](https://nalus.usoud.cz/Search/GetText.aspx?sz=PI-5-23_1)

<sup>3093</sup> Ministry of the Interior of the Czech Republic. Manifestations of Extremism and Prejudiced Hatred, Summary Situation Report First half of 2023 (Pololetní zpráva MV o extremismu). <https://www.mvcr.cz/clanek/pololetni-zprava-mv-o-extremismu-556073.aspx> (in English: <https://www.mvcr.cz/mvcren/article/documents-on-the-fight-against-extremism.aspx>).

registration in the Czech health care system were eligible for vaccination until June 2021; citizenship of EU member states alone was not enough.<sup>3094</sup>

Multilateral universal and regional human rights monitoring bodies have repeatedly drawn attention to the situation of racism in the Czech Republic. They have documented, inter alia, the prevalence of racist ideas and prejudices in the country, racially motivated crimes such as property attacks, threats and attacks against Roma, Jews, migrants and minority activists. Among other things, it was noted that most victims were afraid to report crimes committed against them, resulting in underreporting by law enforcement agencies.

Thus, the UN Committee against Torture (in May 2018)<sup>3095</sup>, the UN Committee on the Elimination of Racial Discrimination (in August 2019)<sup>3096</sup>, the UN Human Rights Committee (HRCttee) (in October 2019)<sup>3097</sup> and the UN Committee on Economic, Social and Cultural Rights (in March 2022)<sup>3098</sup> expressed concern about the extent racist and hateful ideas, prejudices and stereotypes, and hate speech were spread among the general public, mainly through the Internet and social networks. CERD indicated that Czech politicians and public figures, including members of Parliament, city mayors and members of the Government, use such rhetoric, and that it was also disseminated by the media. Journalists who attempted to cover issues related to migration independently and impartially often faced threats and pressure from radicals. HRCttee noted that the media was used to reinforce stereotypical prejudices based on ethnicity or religion.

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<sup>3094</sup> The European Union Agency for fundamental rights. Fundamental Rights Report. 2022.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>3095</sup> Concluding observations of the Committee against Torture on the sixth periodic report of Czechia, May 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCZE%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCZE%2fCO%2f6&Lang=ru)

<sup>3096</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth periodic reports of Czechia, August 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCZE%2fCO%2f12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCZE%2fCO%2f12-13&Lang=ru)

<sup>3097</sup> Concluding observations of the Human Rights Committee on the fourth periodic report of Czechia, October 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CZE/CO/4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CZE/CO/4&Lang=ru)

<sup>3098</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Czechia. March 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru)

The UN Committee on Economic, Social and Cultural Rights also pointed to persistent discrimination, hate speech, prejudice and stereotypes in the Czech Republic towards certain individuals and marginalized groups, which included persons with disabilities, migrants, refugees and asylum seekers. The Committee also noted that minority language education did not cover all national minorities and did not extend to the whole country.

Similar concerns were expressed by the European Commission against Racism and Intolerance in October 2020.<sup>3099</sup> ECRI noted, in particular, that hatred against Muslims, migrants and Jews was widespread in the country, with Islamophobia and migrantophobia having become a feature of mainstream politics over the past five years. In this context, the Commission noted a low level of tolerance in the Czech Republic towards the above two groups.

The Advisory Committee of the Framework Convention for the Protection of National Minorities in 2021 also expressed concern about the increase in hate speech against national minorities and migrants in the Czech Republic. It noted that some Czech politicians, including at the highest level, reinforced stereotypes rooted in certain segments of society against national minorities, Roma and migrants, including Muslims. In the Committee's view, this could damage the overall climate of tolerance and respect and have spillover effects on those national minorities which at present are treated with tolerance.<sup>3100</sup>

With regard to discrimination against a particular ethnic group, in particular Russians, an illustrative case occurred in 2014, when the owner (of a Ukrainian origin) of the "Brioni Hotel" in Ostrava refused to accommodate Russian citizens in connection with the reunification of Crimea with Russia. Later, the hotel management made a requirement for Russian clients to sign a statement denouncing the "annexation" of the peninsula in order to stay in the hotel. The case was referred to the Czech courts and reached the Constitutional Court, which sided with the hotel

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<sup>3099</sup> Report of the European Commission against Racism and Intolerance on the Czech Republic (sixth monitoring cycle). Adopted on 1 October 2020. Published on 8 December 2020. <https://rm.coe.int/ecri-6th-report-on-the-czech-republic/1680a0a086>

<sup>3100</sup> Fifth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities on the Czech Republic. Adopted on 31 May 2021. Published on 6 October 2021. <https://rm.coe.int/5th-op-czech-republic-en-restricted/1680a2b3d6>

owner and overturned the decisions of the lower instances and the Supreme Administrative Court, emphasizing that entrepreneurs did not have to be politically neutral. The verdict is inconsistent with the Czech Republic's international legal obligations, including under the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights. Czech experts criticized the decision, saying that it was legally incorrect. It is noteworthy that Pavel Rychetský, President of the Constitutional Court of the Czech Republic, expressed his strong disagreement with the final decision and recommended that the case be brought before the EU Court of Justice in Luxembourg<sup>3101</sup>, which, in his opinion, could "cope with this phenomenon."

Antisemitic manifestations have also been recorded in the Czech Republic. Official statistics show an increase in the number of antisemitic crimes. Thus, from 2018 to 2021, a consistent increase in the number of such offences was recorded (in 2018 – 15, in 2019 – 23, in 2020 – 27, in 2021 – 37). In 2022, there was a slight drop in detected offenses – 25. At the same time, the number of reported antisemitic offenses between 2018 and 2022 remained below the level in 2014–2015 (at that time, law enforcement recorded more than 40 incidents per year).

The EU Agency for Fundamental Rights with reference to data of the Federation of Jewish Communities of the Czech Republic (since 2018 it maintains an online service allowing to report antisemitic incidents) has also provided unofficial statistics. In 2021, for instance, the Federation recorded 1,128 incidents motivated by antisemitism. In 2022, the number of reported incidents nearly doubled to 2,277. These are the highest numbers for the period 2012–2022. In comparison, there were 874 incidents in 2020 and 694 in 2019.

Almost all antisemitic incidents in 2022 involved the publication of texts, illustrations or statements containing hate speech in the media or on the Internet: 2,265 out of 2,277 incidents. Of these, 2,211 incidents took place online, especially on social networks (1,642). According to the EU Agency for Fundamental Rights,

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<sup>3101</sup> The highest court of the European Union, whose decisions cannot be appealed against.

this dramatic increase in antisemitism on the Internet highlights the increased risks of disinformation.<sup>3102</sup>

The Czech Republic still has issues related to the Roma community (this minority is considered to be the largest: according to the 2020 data of the Czech government, approximately 150,000 – 300,000 Roma currently live in the Czech Republic, i.e. between 1.4 and 2.8 per cent of the country's population). According to the Office of the Public Defender of Rights in the Czech Republic, the number of socially disadvantaged areas (ghettos) has almost tripled over the last period. The policy pursued by the Czech authorities in this area is invariably criticized by international and national specialized organizations, which point to the insufficient level of inclusiveness of Czech society.

For example, ECRI pointed to the prevalence of "hate speech" against Roma, Muslims and migrants, including in statements by high-level politicians.<sup>3103</sup> ECRI also mentioned the long-standing problem of the "vicious circle" experienced by a large part of the local Roma population: under-education that leads to limited opportunities in the labour market and residence in disadvantaged areas, which has a negative impact on access to social services and health care. Roma children experience discrimination in education: segregated schools are widespread. Around 20 per cent of Roma children attend elementary school where Roma make up more than 50 per cent of students. In 13 of such schools, the proportion of Roma children is above 90 per cent. ECRI highlighted a high-profile court case against a primary school in Ostrava, which allocated one building for Roma children and one for all other children.

So far, the issue of compensation for Roma minority women subjected to forced sterilization in the Czech Republic (the last incident, according to local human rights activists, occurred in the mid-1990s) has also not been resolved. It is highly indicative that in December 2022, the Commission highlighted that the Czech

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<sup>3102</sup> The European Union Agency for Fundamental Rights. Antisemitism. Overview of Antisemitic incidents recorded in the EU. 2012 –2022 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

<sup>3103</sup> Report of the European Commission against Racism and Intolerance on the Czech Republic (sixth monitoring cycle). Adopted on 1 October 2020. Published on 8 December 2020. <https://rm.coe.int/ecri-6th-report-on-the-czech-republic/1680a0a086>

authorities had failed to implement recommendations to address the segregation of Roma children in schools. In its opinion, this negative trend persists, and the state's efforts to address the issue have not yielded results. Thus, of the 77 Czech schools in which Roma children make up the majority of pupils, only in a few of them such disproportionality can be explained by the high number of Roma children living in the area where the school is located.<sup>3104</sup>

On 23 November 2020, a decision of the European Committee of Social Rights (ECSR) operating within the Council of Europe was adopted in relation to the complaint filed in 2017 with this institution by the European Roma Rights Centre and the Mental Disability Advocacy Centre. The applicants pointed to the local practice of "institutionalizing children" under three years of age (mainly Roma and persons with disabilities), i.e. placing them in social protection institutions instead of providing family-based forms of care. According to Dainius Pūras, Special Rapporteur of the UN Human Rights Council on the right to health, the ECSR found that Prague had violated the provisions of Article 17 of the 1961 European Social Charter, which provided for the right of mothers and children to social and economic protection.

In 2021, the Advisory Committee of the Framework Convention for the Protection of National Minorities noted that Roma, along with Muslims, were the most affected by hate speech, with the focus in recent years shifting from hatred against Roma to hatred against Muslims and migrants. It states that, in general, public expressions of anti-Roma sentiment are still occurring frequently, with a noticeable increase in social media. These negative attitudes are supported by statements by some Czech politicians, including at the highest level. The ACFCNM stated in this regard that such attitudes were a source of serious concern and frustration for national minorities.<sup>3105</sup>

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<sup>3104</sup> Conclusions of the European Commission against Racism and Intolerance on the implementation of the recommendations in respect of the Czech Republic subject to interim follow-up. Adopted on 7 December 2022. Published on 10 March 2023. <https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendation-in-respec/1680aa6865>

<sup>3105</sup> Fifth Opinion of the Advisory Committee of the Framework Convention for the Protection of National Minorities of the Czech Republic, Adopted on 31 May 2021. Published on 6 October 2021. <https://rm.coe.int/5th-op-czech-republic-en-restricted/1680a2b3d6>



The problem of discrimination against Roma in the Czech Republic and segregation of Roma children in schools (they are taught either in segregated schools or in special schools for children with disabilities) was noted with concern by the UN human rights treaty bodies: UN Committee against Torture in May 2018<sup>3106</sup>, UN Committee on the Elimination of Racial Discrimination in August 2019<sup>3107</sup>, UN Human Rights Committee in October 2019<sup>3108</sup> and UN Committee on Economic, Social and Cultural Rights in March 2022.<sup>3109</sup> In particular, Committee on Social and Cultural Rights, while noting the lack of reliable data on the situation of Roma in the Czech Republic, expressed concern that members of Roma community faced stigmatization, poverty and widespread discrimination in health care, education, employment and housing. The Committee also pointed out that a great number of Roma children, along with children with disabilities, were placed in specialized school institutions. According to the EU Agency for Fundamental Rights, every second Roma child – 49 per cent – faces segregation in Czech schools. The Supreme Court of the Czech Republic recognized the existence of segregation of Roma in Czech educational institutions in 2022 (Decision No. 25 Cdo 473/2021).<sup>3110</sup>

CESCR also addressed the issue of compensation for Roma women who were forced to undergo sterilization between 1966 and 2012. While welcoming the adoption in 2021 of the act regulating the procedure for granting payments, the Committee noted that the three-year time frame stipulated in the act for claiming compensation might be too short for victims to be properly informed and to bring their claims.

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<sup>3106</sup> Committee against Torture, Concluding observations on the sixth periodic report of Czechia, May 2018.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCZE%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fCZE%2fCO%2f6&Lang=ru)

<sup>3107</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twelfth and thirteenth periodic reports of Czechia, August 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCZE%2fCO%2f12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fCZE%2fCO%2f12-13&Lang=ru)

<sup>3108</sup> Concluding observations of the Human Rights Committee on the fourth periodic report of Czechia. October 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CZE/CO/4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CZE/CO/4&Lang=ru)

<sup>3109</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Czechia. March 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru)

<sup>3110</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

According to the conclusion of the Council of Europe Commissioner for Human Rights following his visit to the Czech Republic in February 2023, the Roma minority in the Czech Republic faces discrimination in virtually every area of life, including education, housing, employment, as well as in their interaction with the police. The problem of segregation of Roma children in Czech educational institutions was highlighted. The Commissioner noted that victims of forced sterilization of Roma women in Czechoslovakia in the 1970s had difficulties in obtaining compensation, as well as the discriminatory approach of local authorities to Roma refugees from Ukraine.<sup>3111</sup>

The EU Agency for Fundamental Rights also noted in its 2023 report that Roma coming from Ukraine faced discrimination in the Czech Republic, particularly in finding housing.<sup>3112</sup> The Agency also noted, citing data provided by human rights NGOs, that this group experienced refusals when attempting to receive medical care.

The Agency also noted that the level of confidence of Czech Roma (i.e., originally residing in the country) in the police has been steadily decreasing since 2016 (33 per cent), reaching the lowest level of 19 per cent in 2021 (while the police are trusted on average by 75 per cent of the country's population).

The Czech authorities also documented a number of problems related to the local Roma community and Ukrainian refugees. The report of the Czech Ministry of the Interior covering the first half of 2023 stated that during this period, in connection with the murder of a young Roma man in Brno, members of the Roma community registered xenophobic rhetoric against Ukrainians, as well as attempts by individuals to escalate the conflict that had taken place. Czech law enforcement officials also noted an increase in tensions between the two ethnic groups after a

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<sup>3111</sup> Breakthrough necessary to ensure the equality and dignity of Roma people and people with disabilities in the Czech Republic. Press release of the Commissioner for Human Rights Dunja Mijatović following her five-day visit to the Czech Republic. 27 February 2023. <https://www.coe.int/en/web/commissioner/-/breakthrough-necessary-to-ensure-the-equality-and-dignity-of-roma-people-and-people-with-disabilities-in-the-czech-republic>

<sup>3112</sup> The European Union Agency for Fundamental Rights, Fundamental Rights Report 2023. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

brawl in Pardubice which resulted in injuries and wounds to a member of the Roma community.<sup>3113</sup>

The European Commission also drew attention to discrimination against Roma children in education and initiated relevant proceedings against the Czech Republic.<sup>3114</sup>

The UN human rights treaty bodies also drew attention to problems related to detention in special camps or centres for refugees and asylum seekers arriving in the Czech Republic. Both the conditions in these special centres and long periods of stay were subject to criticism. This was noted, in particular, by the UN Committee on the Elimination of Racial Discrimination, the UN Committee against Torture, the UN Human Rights Committee and the UN Committee on Economic, Social and Cultural Rights. The Human Rights Committee noted with concern that senior Czech officials encouraged the public perception of migration as a threat to public security and that the media had been used to instil fear of migrants and asylum seekers. The Committee also highlighted the low success rate of asylum applications, noting the possible connection between these statistics and the statements made by senior Czech government officials against accepting refugees.<sup>3115</sup>

The UN Committee on Economic, Social and Cultural Rights noted that Czech owners were reluctant to rent to migrants, who were also charged rents at above-market prices for substandard housing.<sup>3116</sup>

In September 2022, the UN Committee on Enforced Disappearances identified gaps in Czech legislation concerning the expulsion and extradition of foreign nationals (the latter affecting also migrants). In particular, the Committee pointed to the lack of clear criteria applied to evaluate and verify any claim

<sup>3113</sup> Ministry of the Interior of the Czech Republic. Manifestations of Extremism and Prejudiced Hatred, Summary Situation Report First half of 2023 (Pololetní zpráva MV o extremismu). <https://www.mvcr.cz/clanek/pololetni-zprava-mv-o-extremismu-556073.aspx> (in English: <https://www.mvcr.cz/mvcren/article/documents-on-the-fight-against-extremism.aspx>).

<sup>3114</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3115</sup> Concluding observations of the Human Rights Committee on the fourth periodic report of Czechia. October 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CZE/CO/4&Lang=Ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CZE/CO/4&Lang=Ru)

<sup>3116</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Czechia. March 2022 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru)

regarding the danger of being subjected to enforced disappearance if the person is expelled, returned, surrendered, or extradited to another State. The Committee also expressed concern about the lack of effective safeguards in Czech legislation against refoulement in the context of the execution of an expulsion sentence, since the lodging of an application for international protection did not have an automatic suspensive effect on the execution of the deportation order.<sup>3117</sup>

International monitoring mechanisms also highlighted the discriminatory situation in the Czech Republic of refugees from Ukraine in general, not just Ukrainian Roma. In particular, the EU Agency for Fundamental Rights observed in the 2023 report significant problems faced by this group in finding employment. With reference to the results of a sociological survey in June 2022, the Agency noted that 45 per cent of such persons granted formal protection status and thus the right to work had a university degree, 80 per cent of those who were employed worked in low-skilled occupations only.<sup>3118</sup>

The international human rights community expresses concern about the situation of the media operating in the country. According to the UN Human Rights Committee, there has been a recent increase in the concentration of ownership of private media in the hands of a few actors, which has led to increased political influence over the media and affects the manner of coverage of all political actors.<sup>3119</sup>

The state of the judiciary has also been criticized by international human rights mechanisms. Thus, the UN Human Rights Committee noted in 2019 that the Czech judiciary was susceptible to political interference, especially in high-profile cases, and that the independence of judges and prosecutors from the executive and legislative branches was not sufficiently secured under the law, owing in particular to: the current procedures for the selection, appointment, promotion and transfer of

<sup>3117</sup> Concluding observations of the Committee on Enforced Disappearances on the report submitted by Czechia. September 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FCZE%2FCO%2F1&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FCZE%2FCO%2F1&Lang=ru)

<sup>3118</sup> The European Union Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3119</sup> Concluding observations of the Human Rights Committee on the fourth periodic report of Czechia. October 2019. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CZE/CO/4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/CZE/CO/4&Lang=ru)

judges; the status of the Supreme Public Prosecutor's Office, formally part of the executive branch; and the procedure for the selection, appointment and removal of the Supreme Public Prosecutor and other public prosecutors. In this regard, the HRCtee encouraged Prague to eradicate all forms of undue interference with the judiciary by the legislative and executive branches and safeguard this in law and practice.<sup>3120</sup>

The Czech Republic also has problems related to the protection of children's rights. The UN Committee on the Rights of the Child expressed extreme concern about the high incidence of sexual exploitation and abuse of children in the country; the high number of children deprived of family care; the low standard of living of children with disabilities; and discrimination against Roma children.<sup>3121</sup>

The UN Committee on the Rights of the Child and the UN Committee on Economic, Social and Cultural Rights also raised the important issue of insufficient affordable housing in the country, which, in their view, particularly affected the most vulnerable groups. In particular, the CRC noted that there were a large number of families with children struggling to afford housing due to the "benefit-free zone" policy.<sup>3122</sup> CESCR also expressed concern<sup>3123</sup> about the situation in this area. In particular, it pointed to a lack of adequate housing available in the country, its high cost and rental prices, as evidenced by the high number of homeless persons. It also imputed to the Czech authorities insufficient funds for housing allowances. In the Committee's view, the Roma community in the Czech Republic is the most affected community in the Czech Republic is most affected by this problem. While noting that the provision allowing for housing "benefit-free zones" was quashed in 2021 by the Czech Constitutional Court, Roma continue to face barriers to the realization of

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<sup>3120</sup> Concluding observations of the Human Rights Committee on the fourth periodic report of Czechia, March 2022. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru)

<sup>3121</sup> Concluding observations of the Committee on the Rights of the Child on the combined fifth and sixth periodic reports of Czechia, September 2021. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC.12%2fCZE%2fCO%2f5-6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC.12%2fCZE%2fCO%2f5-6&Lang=ru)

<sup>3122</sup> Ibid.

<sup>3123</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Czechia, March 2022. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru)

their right to housing. CESCR also emphasized that the minimum wage in the Czech Republic remained one of the lowest in the region and that the current subsistence minimum in the country did not include the cost of housing and therefore did not reflect the real cost of living. The situation is exacerbated by the constantly decreasing subsistence minimum as a result of inflation.

The Czech Republic has not solved its issues related to ensuring equal rights for men and women, particularly in employment. Thus, in 2022, the UN Committee on Economic, Social and Cultural Rights expressed concern<sup>3124</sup> that the wage gap persisted, including due to vertical and horizontal segregation of women in the labour market and women's overrepresentation in part-time employment. It also noted the much lower labour force participation rate of women, the concentration of women in traditionally female-dominated professions and the continued underrepresentation of women in decision-making positions in the public and private sectors. Furthermore, due to the lack of childcare facilities in the country, women were more likely to assume the role of household carer and thus faced the issue of balancing their professional and personal lives, including having difficulties re-entering the labour market after maternity leave.

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<sup>3124</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Czechia. March 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCZE%2fCO%2f3&Lang=ru)

## Switzerland

The human rights situation in Switzerland has been traditionally assessed by Western experts as quite satisfactory. Switzerland is a party to all major international treaties and mechanisms in the human rights sphere. Berne sees the promotion of the international agenda in this field as a priority in the Confederation's foreign policy. This has been reflected in the Swiss Foreign Policy 2024-2027 approved by the Federal Council.

The document underlines that Switzerland advocates the universality and indivisibility of human rights, the realization of human rights by states, including in virtual space, and is committed to responsible business management. The key human rights issues on which Berne places emphasis – abolition of death penalty, prevention of torture, protection of the freedom of expression, of the rights of women and minorities.

As a confirmation of success achieved by Switzerland in this area the authorities refer to the low number of verdicts passed by the European Court of Human Rights (ECtHR) against the Confederation, quite often on very specific cases. For instance, in 2022, the ECtHR received 257 claims and rejected 227 of the claims submitted earlier. On eight cases, rulings were delivered against the Swiss authorities. In particular, Switzerland was convicted for two cases of a refusal to consider the issue of the reinstatement of a father's parental rights in connection with his child's departure from the country with his mother (violation of the right to a fair trial), the decision to deport a newly converted Christian asylum-seeker from Pakistan to his home country despite the risks associated with a change of religion (violation of the right to life, violation of the prohibition of torture, inhuman or degrading treatment), the prohibition to hold public events during the anti-COVID restrictions (violation of the right to peaceful assembly and association), judgments delivered on the liability of the association against industrial breeding of animals and on the liability of a natural person for issuing leaflets negatively depicting a local cantonal politician (violation of the right to freedom of expression).

The Swiss proudly claim that they manage to resolve all issues of public concern, including minor issues, at referendums held regularly at the federal, cantonal, and municipal levels. At the same time, Switzerland's traditional problem is that, while a vote is often held on minor issues, fundamental decisions by government and parliament in foreign policy and defence are rarely subject to approval at referendums at all, and are presented by the authorities as a matter of course. Thus, Switzerland did not hold a vote with regard to the Federal Council's voluntary and continuous joining all packages of anti-Russian sanctions adopted by the EU since February 2022, despite tensions between Berne and Brussels in bilateral relations.

There have not been any referendums on the initiatives of Defence Minister Viola Amherd, such as the highly questionable decision taken in September 2022 to purchase new US-made fighters (F-35A), with reference to the results of the September 2020 vote on the need to upgrade military aviation in general (only 50.1 per cent of voters actually were in favour), the July 2023 decision to join the Sky Shield air defense system used by a number of NATO countries, a framework agreement on cooperation with a French reconnaissance satellite constellation signed in June 2023, and other steps toward military rapprochement with the countries of the North Atlantic Alliance, which are increasingly at odds with the Confederation's formally declared military neutrality. Notably, in certain cases, the authorities tend to disregard those referendum results that they see as the most "inconvenient". Thus, though in 2008 Swiss citizens voted against cannabis legalization, the government began working in this direction and in 2021 authorized the controlled cannabis dispensing "experiment" with a view to exploring the possibility of the future widespread application of this "innovation."

It was not until 23 May 2023 that a permanent national human rights institution started operating in Berne (which replaced the temporary National Competence Centre for Human Rights). The new institution upholds the Paris Principles (status A) and is intended to serve as a centre of expertise and education, as well as to maintain international contacts and to monitor the implementation of



Berne's international legal human rights obligations. However, it does not exercise the function of the ombudsman's office and is not entitled to consider citizens' complaints about human rights violations.

The Federal Council's fourth report on the implementation of human rights in Switzerland for the fourth round of the Universal Periodic Review (UPR) within the UN Human Rights Council (HRC) published on 23 September 2022 was considered on 27 January 2023 at the 42th session of the HRC UPR Working Group. Switzerland received 317 recommendations from 118 delegations, mainly on such issues as countering racism, discrimination, hate speech and protection of women's rights. It was recommended that Berne ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, and ensure the independence for the National Human Rights Institution.

On 12-13 July 2023, the UN Committee against Torture (CAT) examined the 8th periodic report of Switzerland and assessed the Confederation's compliance with the core convention. On 28 July, CAT issued the following concluding observations. It reiterated its long-standing concern that torture had not been integrated into domestic legislation as a specific crime with a generally applicable definition that corresponded to the definition of torture enshrined in article 1 of the Convention. The Committee underscored the importance of investigating and prosecuting as torture any act that fell under the definition of that crime as set out in the Convention, rather than, for example, as abuse of authority or some other more general crime. Switzerland was strongly encouraged to adopt the relevant legislation by no later than 29 March 2024. The Committee also called upon Switzerland to take measures to ensure that persons deprived of their liberty have the benefit of all fundamental legal safeguards from the very outset of the deprivation of liberty, including the right to be assisted by an independent lawyer of their choice and the right to have access to qualified, independent and free legal aid.

A separate section of the recommendations deals with forced return. Switzerland should guarantee that all asylum-seekers have the opportunity for an

individual review and are effectively protected against any such expulsion, return or extradition, ensure the consistent and full use of the Istanbul Protocol in asylum evaluations, and eliminate practices involving the use of force. CAT expressed particular concern about chronic prison overcrowding, placement of minors under the age of 15 in custodial facilities, and the maximum duration of solitary confinement of more than 20 days, in violation of international standards. The Committee reiterated its concern over the reports that individuals at federal asylum centers continue to experience ill-treatment, for example beatings by security guards, confinement in small container rooms (the so-called "reflection rooms"), including in the case of minors, the unrestrained use of disciplinary measures, the routine use of racist terms, sexual violence, including rape. The Committee pointed to the excessive use of force and other abuse by the police, in particular against persons belonging to certain racial and ethnic groups, and allegations of deaths occurring as a result of police action. The CAT was particularly concerned about allegations of racial profiling and the use of racial epithets by the police, as well as independent and universally accessible mechanism for filing complaints against police officers and other officials involved in the treatment of persons deprived of their liberty.<sup>3125</sup>

In December 2019, the Council of Europe's European Commission against Racism and Intolerance (ECRI) pointed to increased manifestations of intolerance against Muslims, the practice of police profiling of people of African and Roma origin, and the uncertainty faced by rejected asylum seekers who could not be removed from the country after the expiration of 140 days since the submission of their application. Deprived of the right to work, they are forced to live in temporary shelters for long periods of time, waiting for their case to be resolved. According an ECRI recommendation, Confederation should grant the status of permanent residents to migrants who cannot return to their country of origin for six years (or even less).<sup>3126</sup>

<sup>3125</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2663&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2663&Lang=en)

<sup>3126</sup> Report of the European Commission against Racism and Intolerance on Switzerland (6th monitoring cycle). Adopted on 10 December 2019. Published on 19 March 2020.

Nevertheless, in its 2022 interim follow-up of Switzerland's previous recommendations, ECRI concluded that no steps had been taken by the authorities to remedy the situation in the several years since the report had been published. In the meantime, the government's refusal to regularize the status of such persons meant that migrants were forced to remain dependent on emergency services for an indefinite period of time. At the same time, their living conditions continue to deteriorate to such an extent that, according to ECRI, neither further integration nor return to their country is possible.<sup>3127</sup>

Swiss legislation contains numerous legal obstacles to family reunification for refugees.<sup>3128</sup> Persons with disabilities face the greatest challenges in dealing with the issue of reunification as well as in obtaining and maintaining residence permits. In particular, financial independence requirements under federal migration law pose a barrier for them.<sup>3129</sup>

The Committee on Enforced Disappearances (CED) notes with concern that refugees who had to endure serious human rights violations outside the borders of the Confederation are, unlike other population groups, denied the benefits of the federal Crime Victims Assistance Act, which applies to victims of such crimes.<sup>3130</sup>

As noted by the Committee on the Elimination of Discrimination against Women (CEDAW) in November 2022, the lack of a clear definition of labour exploitation in article 182 of the Swiss Penal Code means that women asylum seekers whose applications have been rejected are at increased risk of labour

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<https://rm.coe.int/ecri-report-on-switzerland-sixth-monitoring-cycle-/16809ce4bd>.

<sup>3127</sup> Conclusions of the European Commission against Racism and Intolerance on the implementation of the recommendations in respect of Switzerland subject to interim follow-up. Adopted on 29 June 2022. Published on 20 September 2022.

<https://rm.coe.int/ecri-conclusions-on-the-implementation-of-the-recommendations-in-respe/1680a807d1>

<sup>3128</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Switzerland. October 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCHE%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCHE%2fCO%2f4&Lang=en).

<sup>3129</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the initial report of Switzerland. April 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FCHE%2FCO%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FCHE%2FCO%2F1&Lang=en).

<sup>3130</sup> Concluding observations of the Committee on Enforced Disappearances of the on the initial report of Switzerland. May 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FCHE%2FCO%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FCHE%2FCO%2F1&Lang=en).

exploitation in private households, catering and nail salons, and of becoming beggars or subjects of criminal activities such as theft. CEDAW also expressed concern at the high prevalence of exploitation of women in prostitution. It noted with concern that approximately 85 to 95 per cent of women in prostitution are migrant women, often in an irregular situation.<sup>3131</sup> For its part, the Committee on Economic, Social and Cultural Rights (CESCR) in October 2019 linked the lack of effective protection against exploitation, abuse and harassment, which some 49,000 people, mainly migrant women, faced in Switzerland, to the fact that the federal Labour Act does not cover domestic work.<sup>3132</sup>

Victims of domestic violence of non-Swiss origin often find themselves in a difficult situation. Formally, their rights are guaranteed by the Federal Act on Foreigners and Integration. In particular, it provides for the opportunity for survivors to stay in the territory of the country. However, in practice, its provisions are only applied when such violence is systematic or reaches a "serious level." As a result, foreign victims refrain from applying for help out of fear of losing their residence permit. The same motivations drive non-EU citizens not to seek social assistance.<sup>3133</sup>

Access to education for migrant children in federal reception centres remains difficult. Moreover, young asylum seekers who have been denied the continuation of their stay and young people admitted on a temporary basis are not always able to continue their studies. This in particular contributes to the persistent gap between the academic performance of children from migrant families, low-income families and children from a privileged background.<sup>3134</sup>

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<sup>3131</sup> Concluding observations of the Committee on the Elimination of Discrimination against Women on the 6th periodic report of Switzerland. November 2022.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHE%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHE%2FCO%2F6&Lang=en).

<sup>3132</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Switzerland. October 2019.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHE%2FCO%2F4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FCHE%2FCO%2F4&Lang=en).

<sup>3133</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th to 12th periodic reports of Switzerland. December 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=en).

<sup>3134</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Switzerland. October 2019.

At the same time, monitoring bodies have received reports of inhuman treatment or punishment of minors, including beatings and placement in "reflection rooms", in federal refugee centres.<sup>3135</sup>

CED in May 2021 and the Committee on the Rights of the Child (CRC) in October 2021 expressed their concern about cases of disappearance of unaccompanied minor asylum seekers registered in Switzerland. The experts pointed to the low number of cases investigated and the risk that such children may end up as victims of the crime of enforced disappearance.<sup>3136</sup>

Experts of the Committee on the Elimination of Racial Discrimination (CERD) and the CRC criticized that the acquisition of Swiss nationality for new-born children is conditional on the status of their parents. Nor is it guaranteed at a later stage. As a result, children born to Swiss parents find themselves in a situation of statelessness.<sup>3137</sup>

Force is increasingly used when expelling irregular migrants, especially asylum seekers.

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Concluding observations of the Committee on the Elimination of Discrimination against Women on the 6th periodic report of Switzerland. November 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHE%2FO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHE%2FO%2F6&Lang=en)

<sup>3135</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Switzerland. October 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f5-6&Lang=en).

<sup>3136</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Switzerland. October 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f5-6&Lang=en).

Concluding observations of the Committee on Enforced Disappearances of the on the initial report of Switzerland. May 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FCHE%2FCO%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2FC%2FCHE%2FCO%2F1&Lang=en).

<sup>3137</sup> Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Switzerland. October 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f5-6&Lang=en).

Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th to 12th periodic reports of Switzerland. December 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=en).

The restriction on freedom of movement for those who have been granted a temporary permit (Permis F) is yet another problem. This makes it difficult for them to change their canton of residence and to travel abroad.<sup>3138</sup>

ECRI also stressed that Switzerland lacked adequate nation-wide legislation on combating discrimination against national minorities. This leads to a blurring of their legal status and inequality caused by the existence of different standards at cantonal level.<sup>3139</sup> In December 2021, CERD criticized the lack of a standardized definition of direct and indirect racial discrimination at the federal level, provisions expressly prohibiting racial profiling, as well as the failure of the Swiss Criminal Code to qualify the commission of a racially motivated hate crime as an aggravating circumstance.

Experts noted an increase in manifestations of racism with limited legal action in relation to such cases. In addition, the monitoring of this type of offenses remains insufficiently effective due to the fact that there is no mandatory and uniform procedure for registration of such offenses.<sup>3140</sup>

The Swiss Criminal Code penalizes incitement of strife or hatred, as well as discrimination on the grounds of racial, ethnic or religious affiliation. However, the procedure for accessing justice for victims of such offenses is extremely complicated. There is still a noticeable discrepancy between court statistics on this category of cases and data collected by relevant NGOs.<sup>3141</sup>

CESCR also pointed out in this regard that the absence of a general anti-discrimination law is an obstacle to ensuring victims' access to effective remedies

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<sup>3138</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th to 12th periodic reports of Switzerland. December 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=en).

<sup>3139</sup> Report of the European Commission against Racism and Intolerance on Switzerland (6th monitoring cycle). Adopted on 10 December 2019. Published on 19 March 2020.

<https://rm.coe.int/ecri-report-on-switzerland-sixth-monitoring-cycle-/16809ce4bd>.

<sup>3140</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th to 12th periodic reports of Switzerland. December 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD/C/CHE/CO/10-12&Lang=en)

<sup>3141</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Switzerland. Adopted on 31 May 2018.

<https://rm.coe.int/4th-advisory-committee-opinion-on-switzerland-english-language-version/16809002ca>

and adequate protection against all prohibited grounds and multiple forms of discrimination.<sup>3142</sup>

The need to improve Swiss law to prevent the infringement of the rights of national minorities was emphasized in the recommendations of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, published in December 2018.<sup>3143</sup>

There has been an increase in the manifestations of antisemitism. Thus, in its March 2023 report, the Intercommunity Coordination against Antisemitism and Defamation (CIDAD), a Swiss organization for antisemitism monitoring, identified 562 cases of antisemitism in the Francophone part of Switzerland, of which 26 were qualified as "serious", (there were 165 such cases recorded in the country in 2021, including 13 "serious" ones, and 283 cases in 2020). It was also reported that a separate survey conducted in the German and Italian-speaking parts of Switzerland by the Swiss Federation of Jewish Communities and the Foundation against Racism and Antisemitism had noted a six per cent increase in the number of antisemitic incidents in 2022.<sup>3144</sup>

In February 2024, the Swiss police started looking into a potential incident of discrimination and incitement to hatred on ethnic grounds against the management of a restaurant near Davos. This was prompted by an announcement in Hebrew put up on the joint's door saying that the management had decided not to lend sledges and other sports equipment to Jews "following a number of unfortunate incidents". According to Jonathan Kreutner, head of the Swiss Federation of Jewish Communities, this was not an isolated case of antisemitism in Davos. For instance,

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<sup>3142</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Switzerland. October 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCHE%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCHE%2fCO%2f4&Lang=en)

<sup>3143</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Switzerland. Adopted on 31 May 2018.

<https://rm.coe.int/4th-advisory-committee-opinion-on-switzerland-english-language-version/16809002ca>

<sup>3144</sup> Antisemitism in Switzerland continues to "persist and grow": New Report. The Algemeiner. 1 March 2023.

<https://www.algemeiner.com/2023/03/01/antisemitism-in-switzerland-continues-to-persist-and-grow-new-report/>

in the summer of 2023, a local tourism organization suspended its work with Jews.<sup>3145</sup>

In addition to both online and offline insults and insinuations against the Jewish community, including those coming from members of the Party of Nationally Oriented Swiss, cases of pork chunks being left at the doors of synagogues in Lausanne and Geneva were reported in January 2021. In February 2021, images of swastikas were painted on the walls of the synagogue in Biel. Half of the 487 members of the Jewish community surveyed in 2020 by the Zurich University of Applied Sciences had faced antisemitism in the past five years, particularly on social media and in messenger groups.

E. Tendayi Achiume, Special Rapporteur of the United Nations Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, drew attention to the rather high level of antisemitism and acts of violence against Jews (particularly among the French-speaking population of Switzerland). She also pointed out the rise of right-wing extremist groups, which she saw as a serious threat to Jewish communities.<sup>3146</sup>

The Advisory Committee on the Framework Convention for the Protection of National Minorities also noted repeated instances of violence against and increased hostility towards the Jewish community in the society, particularly on social media.<sup>3147</sup>

Deterioration of attitudes towards Muslims in Swiss society has been accompanied by acts of vandalism in cemeteries, offensive graffiti on mosque walls and incitement to hatred, including on social media.

The Swiss authorities have always stressed that Switzerland has longstanding and strong traditions of direct democracy embodied in regular national and local referendums on various political, social and economic issues.

<sup>3145</sup> Antisemitic rules introduced in Davos. The Jewish.ru. 13 February 2024. <https://jewish.ru/ru/news/articles/204787/?ysclid=lslobvaeog15265235>

<sup>3146</sup> Report of the HRC Special Rapporteur on contemporary forms of racism on trends in the glorification of Nazism submitted to the 38th session of the Council (A/HRC/38/53). June 2018. <https://undocs.org/en/A/HRC/38/53>

<sup>3147</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Switzerland. Adopted on 31 May 2018. <https://rm.coe.int/4th-advisory-committee-opinion-on-switzerland-english-language-version/16809002ca>



In March 2021, for example, a legislative initiative to ban the concealment of one's faces in public places was put to general vote. The new measure was meant to enable law enforcers to take a more decisive action against masked offenders, including at demonstrations and sports events. In addition, according to the Public Committee that initiated the referendum, "concealing one's face in public places is contrary to the liberal spirit of living together".

The proposed amendments were approved by a margin of 51.21 per cent to 48.79 per cent. This automatically banned the traditional clothing of Muslim women – burqas and niqabs, which can now only be worn in places of religious worship. Naturally, this innovation caused discontent among people who profess Islam. The Central Islamic Council of Switzerland declared that the result of the referendum had caused "deep disappointment among Muslims born and raised" in the country. A number of NGOs, for their part, qualified this as a violation of the fundamental rights of the religious minority in the state.

Of particular interest in this context is the position of the Confederation government, which proposed a more lenient alternative to the draft. A less discriminatory version of the bill would only require a person to uncover his or her face when requested by the authorities in order to establish their identity.<sup>3148</sup>

In addition, some Islamic figures consider the constitutional ban on the construction of new minarets, imposed after the referendum of 29 November 2009, to be a violation of the rights of their community.

There have been protests by local residents against Roma camps. Roma of non-Swiss origin are often not allowed to camp in certain areas at all. This reinforces xenophobic attitudes and leads to conflicts between different population groups.<sup>3149</sup> Participants in the protests carry posters with slogans and images insulting and humiliating the dignity of members of this population group.

CESCR experts expressed concern that the measures taken by the authorities were not sufficient to promote the traditions, culture and languages of this people. A

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<sup>3148</sup> Switzerland bans burqas and niqabs in public places. TASS. 7 March 2021.  
<https://tass.ru/mezhdunarodnaya-panorama/10854143>

<sup>3149</sup> Ibid.

lack of support for the education of children belonging to this minority was also noted.<sup>3150</sup>

For its part, the Advisory Committee on the Framework Convention for the Protection of National Minorities noted the lack of influence of the Yenish and Sinti/Manush organizations on political and legislative processes, in particular at the cantonal level, and regretted the lack of a permanent mechanism for holding consultations with national minorities at all levels of government on issues affecting them.

According to the Committee's experts, repeated instances of public expression of hostility towards Yenish and Sinti/Manush, as well as towards members of the Jewish or Muslim communities, clearly amount to hate speech. This phenomenon has reached a particularly large scale in social media. However, such cases do not always receive immediate public condemnation.<sup>3151</sup>

At the same time, the Committee commended a number of preventive measures taken by the authorities, in particular by the Federal Commission against Racism, including the campaign for tolerance and intercultural dialogue.<sup>3152</sup>

According to a report by the Federal Commission against Racism, there were 708 cases of racism recorded in Switzerland in 2022 (79 more cases compared to 2021), including 276 towards persons of African descent, 275 towards foreigners, 27 towards Arabs, 53 towards Muslims, 40 towards Asians, 21 towards Jews, and 8 towards persons from Russia. These were mostly insults in places of work or study; 56 cases involved physical violence. It has been noted that the real statistics on racism in Switzerland, especially everyday racism, is much higher.

The issue of racial profiling by police officers and officials deserves particular attention. Despite the repeated recommendations by United Nations' experts and human rights defenders, no relevant complaint mechanisms have been put in place in

<sup>3150</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the 4th periodic report of Switzerland. October 2019.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCHE%2fCO%2f4&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fCHE%2fCO%2f4&Lang=en)

<sup>3151</sup> Fourth opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Switzerland. Adopted on 31 May 2018.

<https://rm.coe.int/4th-advisory-committee-opinion-on-switzerland-english-language-version/16809002ca>

<sup>3152</sup> Ibid.

Switzerland. In March 2021, the court acquitted a police officer who shot dead E. Mandundu, a native of the Democratic Republic of Congo, in Bex, Canton of Vaud, during an inspection in 2016. In the same year, police officers in Lausanne severely beat up a jogger from Cape Verde whom they mistook for a drug dealer. Nevertheless, none of the officers were punished as a result of the investigation. In 2018, M.B. Peter, a 39-year old Nigerian suspected of drug trafficking, died of a heart attack when attempting to resist the police during a raid in Lausanne (obvious parallels with the case of the United States' J. Floyd suggest themselves). In June 2022, all the police officers involved in the arrest were fully acquitted by the Criminal Court of the Vaud Canton. It was noted that the Nigerian, who had no valid residence permit, suffered from severe chronic diseases that could cause death in a stressful situation. While mass demonstrations in support of the Black Lives Matter movement are no longer held in Switzerland, this agenda is still widely discussed in the context of a mostly symbolic initiative put forward by the Zurich authorities to ban signboards with the historical name "Mohrenkopf" ("Moor's head"), with the initiative's opponents claiming it to be an absurdity.

According to CERD, Roma (Yenish, Sinti/Manush and Roma) and non-Swiss citizens, in addition to black people, face violence from law enforcement officials. However, the number of cases when the courts prosecuting police officers for such treatment ruled in favour of the complainant remains low.<sup>3153</sup>

Experts also believe that the introduction of amendments to the Federal Act on the Use of DNA Profiles in Criminal Proceedings and for the Identification of Unknown or Missing Persons could further aggravate the situation with racial profiling and stigmatisation of persons on the grounds of race, colour, and ethnicity. The amendments would authorise police officers to use DNA phenotyping techniques at crime scenes.<sup>3154</sup>

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<sup>3153</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th to 12th periodic reports of Switzerland. December 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD/C/CHE/CO/10-12&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD/C/CHE/CO/10-12&Lang=en);

<sup>3154</sup> Ibid.

The fact that there is no centralized arrangement for providing training to justice system personnel on racial discrimination and that the training that is made available is optional does not help improve the situation. Police antidiscrimination training, which includes only a limited number of aspects, has also been found insufficient to eradicate racial profiling.<sup>3155</sup>

In January 2022, the Working Group of Experts on People of African Descent of the UN Human Rights Council undertook an official visit to Switzerland. The human rights defenders visited Bern, Zürich, Geneva and Lausanne. Upon conclusion of the visit, the experts noted that black people are subjected to systemic racial discrimination in various aspects. Regarding racial profiling, the experts stated that such police behaviour only perpetuates negative racial stereotypes that exist in society.<sup>3156</sup>

The image of the Confederation as a model country in terms of respect for human rights is further compromised by the situation around illegal adoptions of Sri Lankan children by Swiss families from the 1970's to the 1990's. The existence of the problem, which had previously been of interest only to a limited number of NGOs and individual research institutions, was finally recognized by the Federal Assembly in December 2020. Simultaneously with the publication of the special thematic report, the authorities issued an official statement deploring the mistakes and irregularities made by the responsible public authorities at the time, which made possible the mass placement of foreign children in foster families. The government promised to help the adopted children find their biological parents.<sup>3157</sup>

An increase in cases of discrimination against Russian citizens and Russians in Switzerland was reported following the start of Russia's special military operation to denazify and demilitarise Ukraine and protect civilians in Donbass. Yet the authorities have refrained from giving any official comments on this problem.

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<sup>3155</sup> Ibid.

<sup>3156</sup> Statement to the media by the United Nations Working Group of Experts on People of African Descent, on the conclusion of its official visit to Switzerland (17-26 January 2022).  
<https://www.ohchr.org/en/statements/2022/01/statement-media-united-nations-working-group-experts-people-african-descent>

<sup>3157</sup> Adoptions au Sri Lanka: le Conseil fédéral regrette les manquements des autorités. Le Conseil fédéral. 14 December 2020.  
<https://www.admin.ch/gov/fr/accueil/documentation/communiques.msg-id-81577.html>

Swiss banks launched sweeping checks to verify the grounds for opening accounts for non-sanctioned Russian clients residing in the Confederation without Swiss or EU citizenship. Local press reported that some banks had stopped servicing Russians who are not on sanctions lists, without specifying any bank names. In addition, Russian compatriots have been denied new bank accounts under the pretext of inadmissibility of the circumvention of sanctions.

According to the social media groups "Protection of the Rights of Russians in Switzerland", there have been cases of bullying of Russian children in schools, refusals to hire Russians, and termination of contracts with Russian companies.

Major media outlets, in their turn, continue with anti-Russian rhetoric, portraying those of our compatriots who openly criticize the special operation to the point of expressing regret about their Russian origin as the "good" Russians.

On 5 March 2022, Cédric Wermuth and Mattea Meyer, co-presidents of the Social Democratic Party of Switzerland, sent an open letter to the Federal Council (government) outlining the idea of creating a special inter-agency commission to check the property of both sanctioned and other wealthy Russian citizens in order to uncover networks of proxies and avoid "further financing of the war in Ukraine" from the territory of the Confederation. It was also suggested that the Swiss residence permits issued to this population group should be revisited.

During rallies held in support of the Kiev authorities in February and March 2022, mayors of major Swiss cities made statements that were insulting and inciting hatred against the Russian leadership.

Violations of the right to freedom of opinion and expression have also been reported. In March 2022, Switzerland's largest cable network operators (Swisscom, Sunrise UPC, Teleboy, Salt) decided to stop broadcasting the RT and Sputnik channels.<sup>3158</sup>

There have also been attempts to "cancel" Russian culture. In February 2022, the Verbier Classical Music Festival announced the termination of cooperation with

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<sup>3158</sup> Ukraine Krieg: Swisscom & Co. sperren russische TV-sender. Nau.ch. 28 February 2022.  
<https://www.nau.ch/news/wirtschaft/ukraine-konflikt-swisscom-co-sperren-russische-tv-sender-66119183>

the world-renowned Russian conductor and artistic director of the Mariinsky Theatre Vladimir Gergiev and the Neva Foundation, which had been one of the main sponsors of this annual event.

Between February and March 2022, a local Swiss politician and his Ukrainian-born wife living in the Canton of Aargau publicly and repeatedly disseminated hate speech in the Russian language on various social media pages targeting Russians and Belarusians, including those staying in the country, going as far as to wish for their death. The Russian Embassy in Switzerland requested the Prosecutor's Office to look into the incident for possible violations of the provisions of the Criminal Code of the Swiss Confederation (public incitement to hatred or discrimination against a person or group of persons on the grounds of their racial or ethnic origin). In August 2022, the Public Prosecutor's Office confirmed to the Embassy that criminal proceedings had been initiated against the couple under four articles providing for penalties of up to three years' imprisonment or a fine. On 11 October 2022, the Lenzburg-Aargau Public Prosecutor's Office confirmed the entry into force of the court decision of 8 September, whereby the Ukrainian-born woman was found guilty of violating the provisions of the Criminal Code banning discrimination and dissemination of information that disgraces honour and dignity of third persons and handed down a suspended sentence with a fine (suspended fine of CHF 14,700; real fine of CHF 2,000; court and police costs of CHF 1,821.5). Her husband was found not guilty.

There have been certain cases of politically motivated persecution of Russians in Switzerland even before the special military operation. In particular, on 21 March 2021, Russian businessman Vladislav Klyushin, who had arrived in Switzerland for tourism purposes, was arrested at the US extradition request on charges of organized conspiracy, fraud by electronic means, illegal infiltration into computer systems and securities fraud. No violations of the conditions of his detention have been found: he was provided with consular access, constant communication with his lawyers and relatives as well as the necessary medical care. However, the Swiss side refused to move the Russian national to house arrest and, after a rather lengthy consideration,

rejected the request of his extradition for an offence punishable under part 4 of Article 159 of the Russian Criminal Code (massive fraud) made by the Russian General Prosecutor's Office because "there is no criminal punishment for this act in the national legislation of the Confederation." In addition, Berne does not consider the Prosecutor General's Office of Russia to be a party to the Swiss extradition proceedings. Consequently, the requesting State has no possibility to appeal against the decisions rendered by the judicial authorities. In the course of the proceedings, the Swiss rejected the compatriot's defence arguments that his criminal prosecution in the United States is of political nature. After the Swiss Federal (Supreme) Court confirmed the extradition decision, the Russian national was extradited to the USA on 18 December 2021.

Another topical problem in Switzerland's human rights record is the excessive use of force by law enforcement officials. Tear gas, water cannons and rubber bullets are often used indiscriminately by the police against the participants of various protests and demonstrations, especially unauthorised ones. The report of the Ministry of Foreign Affairs of the Republic of Belarus "The most high-profile cases of human rights violations in certain countries", published in 2022, provides a detailed and extensive factual record of violations of demonstrators' rights by law enforcement officials during the reporting period.<sup>3159</sup>

The excessive use of force by law enforcement agencies has been criticised by the Council of Europe European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT).<sup>3160</sup>

The Confederation's intelligence services have the power to carry out very intrusive surveillance under the pretext of insufficiently defined objectives, such as

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<sup>3159</sup> The Ministry of Foreign Affairs of the Republic of Belarus report "The most high-profile cases of human rights violations in some countries around the world 2022".

[https://mfa.gov.by/kcfinder/upload/files/22.07.04\\_report\\_HR\\_2.pdf](https://mfa.gov.by/kcfinder/upload/files/22.07.04_report_HR_2.pdf)

<sup>3160</sup> Report to the Federal Council of Switzerland on the visit to Switzerland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 March to 1 April 2021. Published on 8 June 2022.

<https://rm.coe.int/1680a6d051>

protection national interests. What is more, the time period for which data may be retained is not specified.<sup>3161</sup>

The current procedure for the arrest and pre-trial detention in the Confederation creates the basis for potential violations of the right to security. The Swiss Federal Police Act, the Swiss Code of Criminal Procedure and its Ordinance (arts. 221-240) contain relevant provisions.

Thus, according to the above-mentioned Ordinance, detention may not last longer than 24 hours. However, if there is a risk that the detainee "may flee, remove evidence, commit further offences or complete a previously planned offence", the police have the right to apply to the cantonal prosecutor's office for remand in custody. According to national human rights organizations, the legislation in question leads to a situation in which a detainee may be held in pretrial detention only because "there is reasonable suspicion that they have committed an offence" and the police have opened an investigation into the case. The period of pre-trial detention could be up to six months and could be extended for a similar period if there are relevant grounds such as the need for medical or linguistic expertise, additional evidence in the case, etc. Besides, under Article 220 of the Ordinance, in the event of evidence or proof which may adversely affect the investigation, ordinary pre-trial detention may be replaced with pre-trial detention with special security measures. This usually means being kept in solitary confinement with very strict restrictions on contacts.

During its visit to the Confederation in March-April 2021, the CPT detected cases when the legal periods of pre-trial detention or imprisonment on conviction had been exceeded by several weeks in two police stations in the canton of Vaud. At the same time, the situation of the detainees was aggravated by a combination of poor conditions of detention and custodial control. The Committee delegation asked the Swiss authorities to take immediate steps to end that practice, to strengthen

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<sup>3161</sup> Concluding observations of the Human Rights Committee on the 4th periodic report of Switzerland. July 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCHE%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCHE%2fCO%2f4&Lang=ru)



safeguards against ill-treatment and to abolish the use of chairs and beds with restraints in police stations.<sup>3162</sup>

An example of a situation in which a detainee's rights were grossly and repeatedly violated is the case of a Russian citizen who was sentenced to life imprisonment for complicity in the murder of her husband's ex-wife, committed in 2016. In the early stages of the legal proceedings there were a lot of procedural violations eventually resulting in the harsh verdict. For example, she was not provided with a qualified interpreter, some of the interrogations took place while she was ill, and the key counts of the charges were based on circumstantial evidence. Moreover, the authorities of the canton of Ticino, where the case was considered, failed to inform the Russian Embassy in good time of the arrest of the Russian citizen and of the fact that she had two daughters, one of whom was a minor at the time. After considering the case, the trial court of original jurisdiction found the Russian woman guilty and sentenced her to life imprisonment. Following an appeal heard on 1 October 2020, the Ticino High Court acquitted the Russian citizen of all charges and released her from custody. The Swiss authorities are currently investigating irregularities in the process.

According to the CPT, prison overcrowding remains a serious problem in the French-speaking part of Switzerland. The consequence is the poor material conditions in which both prisoners and prison staff live. In addition, overcrowding has a negative impact on the regime of those serving their sentences. Many of them still often spend up to 23 hours a day in their cells.<sup>3163</sup>

Another problem highlighted by the European monitoring body is the co-incarceration of juvenile and adult (albeit under 25 years old) offenders. Similarly,

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<sup>3162</sup> Report to the Federal Council of Switzerland on the visit to Switzerland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 March to 1 April 2021. Published on 8 June 2022.  
<https://rm.coe.int/1680a6d051>

<sup>3163</sup> Ibid.

children with disabilities, including those with autism, are sometimes institutionalised with adults.<sup>3164</sup>

At state level, the National Commission for the Prevention of Torture has functions similar to those carried out by the European monitoring body. However, according to the experts of the Committee on Enforced Disappearances, this institution does not have sufficient financial or human resources to carry out regular visits to all places of detention in the Confederation. Moreover, as a result of the Commission's integration into the Federal Department of Justice and Police, its autonomy and independence may be called into question.<sup>3165</sup>

Persons posing a danger to society who are detained in a correctional or medical facility may remain there even after they have served their prison sentence. In January 2018, the ECtHR ruled against the Confederation in relation to the compulsory treatment of a prisoner on the basis of outdated psychiatric examinations, resulting in a de facto extension of his term of imprisonment.

Cases of the use of sedatives during forced deportation of migrants by air have been noted. Despite the fact that the authorities are taking steps to abolish the practice and that returnees are accompanied by representatives of the National Commission for the Prevention of Torture, such cases still occur. For example, the death of Joseph Ndukaku Chiakwa, who died during an attempt to deport him in March 2010<sup>3166</sup>, sparked public outcry.

In addition, in April 2022 the UN Committee on the Rights of Persons with Disabilities noted with concern the use of forced medical procedures and treatment,

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<sup>3164</sup> Report to the Federal Council of Switzerland on the visit to Switzerland carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 22 March to 1 April 2021. Published on 8 June 2022. <https://rm.coe.int/1680a6d051>

Concluding observations of the Committee on the Rights of the Child on the combined 5th and 6th periodic reports of Switzerland. October 2021.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f5-6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fCHE%2fCO%2f5-6&Lang=en).

<sup>3165</sup> Concluding observations of the Committee on Enforced Disappearances on the initial report of Switzerland. May 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fCHE%2fCO%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fCHE%2fCO%2f1&Lang=en)

<sup>3166</sup> Concluding observations of the Human Rights Committee on the 4th periodic report of Switzerland. July 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCHE%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fCHE%2fCO%2f4&Lang=ru)

chemical, physical and mechanical restraints, isolation and segregation in prisons, residential care institutions and psychiatric institutions.<sup>3167</sup>

It should be noted that the violation of the rights of Swiss citizens specifically by medical professionals has repeatedly been criticized by international monitoring bodies. These include the legalised practice of sterilisation of persons over the age of 16, deemed "incompetent to exercise sound judgement"; the widespread use of "wrapping", which involves wrapping a child with autism in cold, wet sheets; and female genital mutilation, despite the existence of a formal prohibition. As of 2018, the CEDAW estimates that some 22,000 women and girls have suffered or are at risk of suffering these operations. In addition, there is a very low number of reports, investigations, prosecutions and convictions in Switzerland in cases of female genital mutilation.<sup>3168</sup>

There are also problems in the socio-economic field. First and foremost, there are difficulties in ensuring equal rights for men and women and the infringement of the social rights of the latter. According to the 2019 statistics, the average salary of women is about 11 per cent lower than that of men in similar positions.

Restrictions on the right to privacy and family life, strange as it may be, are the result of the work of the Child and Adult Protection Service. The Service is an independent body. This means that although formally custody matters fall under the responsibility of the Swiss Department of Justice and the Police, there is no higher authority in which a decision of the Service can be appealed. All conflict situations are handled exclusively by the service. The original purpose of the new executive body was to improve the situation of children and adults in difficult life situations. In practice, however, the decisions made by the staff of the Service in relation to

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<sup>3167</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the initial report of Switzerland. April 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FCHE%2FCO%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FCHE%2FCO%2F1&Lang=en)

<sup>3168</sup> Concluding observations of the Committee on the Rights of Persons with Disabilities on the initial report of Switzerland. April 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FCHE%2FCO%2F1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD%2FC%2FCHE%2FCO%2F1&Lang=en)

Concluding observations of the Committee on the Elimination of Discrimination against Women on the 6th periodic report of Switzerland. November 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHE%2FCO%2F6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2FC%2FCHE%2FCO%2F6&Lang=en)

children from disadvantaged families or elderly people in need of care often do not stand up to criticism. For example, in resolving disputes between parents, the staff always strive to reconcile the parties. However, if unsuccessful, the child may be removed from the family and placed in an orphanage or a foster family in order to ensure "psychological comfort" for them. Even if there are relatives who could take over the care of the child or adult in need of additional care, the decision of the Service may be not in their favour. A complaint from a neighbour about noise, argument or information that children are being left unattended can trigger an investigation by the Service. As a counterbalance to this institution, organizations have sprung up across the country that aim to protect families from the Service's unjust decisions.<sup>3169</sup> They offer legal, psychological and other assistance to the victims. The federal authorities continue to study the situation and do not rule out further reform of the Service.

In short, despite its image as a safe haven in terms of human rights standards, Switzerland remains a country with many problems in this area that require close attention of both the government and relevant international organisations.

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<sup>3169</sup> "Child and Adult Protection Contact Point" – Ger. Die Anlaufstelle Kindes – und Erwachsenenschutz. <https://kescha.ch>; "The child and adult protection authority (KESB)" – Ger. KESB-Schutz Schweiz. <https://www.kesb-schutz-schweiz.ch/>

## Sweden

The pattern of human rights violations in Sweden in 2023 has not changed significantly. The Swedes were still accused of infringement of the interests of migrants, including Ukrainian refugees, Roma, representatives of the Jewish community, the Sami indigenous people, improper treatment of those in detention centres, as well as infringements on the fundamental rights and freedoms of citizens.

The discriminatory approaches of the Swedish authorities and civil structures have been quite noticeable in relation to Russians and natives of Russia. Since the beginning of the special military operation by the Armed Forces of the Russian Federation to denazify and demilitarise Ukraine and protect the peaceful population of Donbas and up to the present day, the leaders of compatriots' associations, activists and members of the Russian diaspora have been under strong political and psychological pressure from the Swedish authorities, law enforcement agencies and the media.

Sweden regularly receives comments from the UN, OSCE, OECD and other relevant bodies, as well as from international NGOs as part of their monitoring of the human rights situation in the country. A significant number of complaints against Sweden are pending before the European Court of Human Rights.

Over the past years, as part of the fight against terrorism, the Swedish authorities have adopted a number of legally questionable laws and amendments that vested the law enforcement bodies with special powers to carry out covert surveillance (phone-tapping, use of bugging devices, covert video surveillance, inspection of emails, etc.). Most of these measures were initially meant to be temporary but later were extended for an indefinite period of time.

The Swedish authorities' policy in this area has been criticised by international human rights bodies. The Human Rights Committee reported abuses in implementation of the provisions of the Signals Intelligence Act (2008:717), noting the legal act's ambiguities that raise uncertainties about the scope of powers of law enforcement agencies and intelligence services in organizing surveillance of

Swedish citizens' contacts. According to the Committee, this creates a threat of arbitrary invasion of privacy.<sup>3170</sup>

In June 2022, new rules came into force in Sweden, making it easier to obtain electronic data and expanding the scope of its use. These rules authorised access to electronic documents held on external servers or in cloud storage by "remote scanning". The new legislation lifted the ban on intercepting correspondence between suspects and their relatives, introduced the possibility of delayed reporting of coercive measures, and made it mandatory for individuals to participate in biometric authentication in some cases, for example to unlock a mobile phone for law enforcement purposes.<sup>3171</sup>

The EU Agency for Fundamental Rights (FRA) has repeatedly pointed to the Swedish authorities' practice of surveillance of citizens and the collection and processing of personal information as a matter of concern to human rights organisations.<sup>3172</sup> Separately, the FRA, with reference to local civil society organisations, authorities and courts, has highlighted the serious risks associated with the use of advanced surveillance technology in Sweden.<sup>3173</sup>

In recent years, the principle of openness, which has been constitutionally established since 1766 and which until recently allowed citizens access to virtually any documentation, has been increasingly eroded. Since Sweden's accession to the EU, secrecy provisions have been tightened several times and the right of the intelligence services to veto the release of certain documents has been introduced. In recent years, more than 100 amendments have been made to national legislation to expand the power of the authorities to classify information.

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<sup>3170</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3171</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3172</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2022

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf),

the EU Agency for Fundamental Rights. Fundamental Rights Report 2023

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3173</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

The work of the judicial and law enforcement systems is far from being perfect. Stockholm often receives critical comments regarding the inadmissibility of unlimited periods of pre-trial detention of suspects, discrimination by penitentiaries and prosecution bodies staff (against migrants), the lack of timely medical assistance to detainees.

The human rights community is concerned about cases of cruel treatment and excessive use of force by the Swedish police. Besides, the lack of independent, unbiased and effective investigations into such cases is noted. This situation is largely due to the absence of an independent body which would investigate complaints about cases of police misconduct. This problem was raised by the Committee against Torture in November 2014<sup>3174</sup> and the Human Rights Committee (HRCttee) in March 2016<sup>3175</sup>. The HRCttee noted, among other things, the insufficient response of the Swedish authorities to abuse of power by policemen, who, in most such cases, get away with fines.

This negative practice continued in the following years. It was particularly evident in 2020-2021 during police crackdowns on mass rallies in support of the US Black Lives Matter movement and protests against restrictions imposed in the wake of the spread of COVID-19.

The work of law enforcement agencies in Sweden, which has signs of racial profiling, is a source of criticism. There have been repeated instances of national, ethnic and gender-based registrations of citizens (even though such registration is prohibited by law in the country). The Committee on the Elimination of Racial Discrimination expressed concern in May 2018 about the frequent profiling of visible minorities by the police, in particular against people of African descent, Muslims and Roma.<sup>3176</sup>

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<sup>3174</sup> Concluding observations of the Committee against Torture on the sixth and seventh periodic reports of Sweden. November 2014.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru)

<sup>3175</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016.  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3176</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-third periodic reports of Sweden. May 2018.

Although in 2015 the Special Investigation Department was established within the Swedish police as an independent body with a mandate to independently investigate and gather information on cases of police brutality and excessive use of force, human rights activists have expressed doubts as to whether its activities are truly independent. This was highlighted by the Committee against Torture in December 2021.<sup>3177</sup> Similar concerns were raised by the EU Agency for Fundamental Rights in its 2022 report.

There have been an increasing number of cases of discrimination, violence, threats, persecution and harassment on the Internet targeting certain ethnic and religious groups, and desecration of places of worship. The number of their acts, most of which target migrants, ethnic minorities, left-wing politicians, activists, and journalists, is increasing year by year, according to the Swedish Security Service (SÄPO). The situation is still aggravated by heightened activities of aggressive right-wing extremist and neo-Nazi movements.

The activity of extreme right-wing organizations in the country is also increasing as official Stockholm delays the introduction of a legal ban on the activities of racist and neo-Nazi organizations under the pretext of the need for absolute respect for fundamental freedoms. Work on the government's ban on the use of Nazi symbols (such as the NRM emblem – runes of Thor), announced back in 2017, is also progressing slowly.

The statistics of hate crimes are alarming (6-7 thousand cases per year). About 70 per cent of them have xenophobic and racist overtones. Most of the risks come from right-wing extremists driven by neo-Nazi and anti-migrant sentiments, as well as from radical Islamists.

Human rights activists point out that there are "dark spots" in the statistics of these types of crimes, as many victims do not turn to law enforcement agencies for

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<sup>3177</sup> Concluding observations of the Committee against Torture on the eighth periodic report of Sweden. December 2021

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSWE%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSWE%2FCO%2F8&Lang=en)



lack of funds to finance legal proceedings, or simply fearing "punitive actions" by their persecutors.

The problem of hate speech in Sweden has received attention from international human rights monitoring bodies. The EU Agency for Fundamental Rights (FRA) noted in its 2019 report that interviews with police officers and those who had been ethnically profiled revealed that 24 percent of all respondents of African descent had been stopped by the police. Among them, 4 in 10 (41 per cent) described such incidents as racial profiling. Men of African descent are three times more likely to be stopped by the police (22 percent) than women (7 percent).<sup>3178</sup> FRA notes in its report in 2022, with reference to a study of the content of academic publications, articles, books and reports published in Sweden, that manifestations of racism in the public sphere have increased between 2016 and 2021.<sup>3179</sup>

The Committee on the Elimination of Racial Discrimination expressed concern about the existence of racist and extremist organisations in Sweden and their public demonstrations, as well as the spread of hate speech in the country, including during election campaigns and in the media. In its observations, the Committee emphasised that the establishment of organisations promoting and inciting racial hatred is permitted by the Swedish State.<sup>3180</sup> Similar concerns about hate speech against Swedish citizens of African descent, Jews, Muslims and Roma, particularly during election campaigns, but also in the media and on the internet, and the persistence of racially motivated violence in the country were raised by the Committee against Torture in 2014,<sup>3181</sup> the Committee against Torture in 2014, the Human Rights Committee in 2016 (with the Committee reiterating its previous

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<sup>3178</sup> The EU Agency for Fundamental Rights. Fundamental Rights 2019 report

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-fundamental-rights-report-2019\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf)

<sup>3179</sup> The EU Agency for Fundamental Rights. Fundamental Rights 2022

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>3180</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-third periodic reports of Sweden. May 2018.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru)

<sup>3181</sup> Concluding observations of the Committee against Torture on the sixth and seventh periodic reports of Sweden. November 2014.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru)

concerns in this regard<sup>3182</sup>) and the Committee on Economic, Social and Cultural Rights in 2016<sup>3183</sup>. It is noteworthy that despite Sweden's clarification to the HRC regarding the situation against racism, experts still have concerns about the issue several years later.<sup>3184</sup>

ECRI in its 2018 report on Sweden also pointed to an increase in racist and xenophobic hate speech, with migrants, Muslims, people of African descent and Roma being the main targets. The response of law enforcement agencies to such incidents was found by the Commission to be insufficient and the number of prosecutions of hate crimes to be low.

In addition to the above-mentioned problems, the CERD noted a significant difference in 2018 between the number of reported cases of hate speech and hate crimes and the number of investigations and prosecutions of perpetrators. The most frequent victims of racially motivated hate crimes, according to the Committee, are ethnic minorities practising Islam, especially those of African descent. The Committee called on the Swedish authorities to effectively detect, record and investigate racist hate speech, incitement to racial hatred and racially motivated violence and bring perpetrators to justice. Stockholm was also recommended to publicly condemn and distance itself from racist hate speech and xenophobic statements by public officials and politicians, including in the electronic media. CERD called on the Swedish authorities to extend the example of national focal points and task forces for combating hate crimes throughout the country<sup>3185</sup> (as of 2018, such centres were only operating in three districts of the capital).

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<sup>3182</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3183</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Sweden. June 2016. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru)

<sup>3184</sup> See Follow-up decision adopted by the Human Rights Committee on 1 April 2019 CCPR/C/SR.3239 [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SWE/INT\\_CCPR\\_FUD\\_SWE\\_34519\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SWE/INT_CCPR_FUD_SWE_34519_E.pdf)

<sup>3185</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-third periodic reports of Sweden. May 2018. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru)

In February 2021, the European Commission launched a procedure against Sweden due to the fact that its legislation does not fully or accurately comply with EU standards on the prosecution of racist and xenophobic incidents.

The Committee against Torture expressed concern in December 2021 about the threats against minorities and vulnerable groups. The experts pointed out to the Swedish authorities the need for special protection of minorities, marginalised persons and religious groups at particular risk as part of the state's obligation to prevent torture or ill-treatment. CAT called on Stockholm to make efforts to prevent and prosecute criminal acts motivated by discrimination, intolerance, hatred or negative stereotypes and to conduct effective investigations in order to prosecute and punish those responsible.<sup>3186</sup>

Experts from the International Independent Expert Mechanism for the Promotion of Racial Justice in Law Enforcement and Human Rights, following a visit to Sweden in early November 2022, called on Stockholm to strengthen efforts to combat systemic racism and to focus on strategies to restore trust between the police and minority groups. They also expressed fears that Swedish authorities may address security concerns, including the rise of criminal gang activity, at the expense of excessive policing, surveillance and wrongful imprisonment.<sup>3187</sup>

The FRA 2023 report again highlighted systemic racism in Sweden. In particular, racist tendencies were demonstrated by a study of the labour market. For example, male job applicants with foreign names were significantly worse off than female job applicants with foreign names. And the risk of harassment at work for persons born outside Sweden was four times higher than for local natives.<sup>3188</sup>

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<sup>3186</sup> Concluding observations of the Committee against Torture on the eighth periodic report of Sweden. December 2021.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSWE%2FCO%2F8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSWE%2FCO%2F8&Lang=en)

<sup>3187</sup> <https://www.ohchr.org/en/press-releases/2022/11/sweden-should-step-efforts-fight-systemic-racism-un-mechanism-advance-racial>

The Mechanism was established by the UN Human Rights Council in 2021. Its mandate, in accordance with founding resolution 47/21, is to examine the systemic racism faced by Africans and people of African descent, the excessive use of force against them, its causes, and to gather statistics and recommendations for further transformations aimed at achieving racial justice and equality in the context of law enforcement worldwide.

<sup>3188</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

The Jewish community is one of the most vulnerable national groups in Sweden. They complain that they often encounter aggression and criticise the Swedish authorities for not paying enough attention to anti-Semitism. Often anti-Semitic actions are organised by radical nationalists.

Such events are regularly organised by the "Nordic Resistance Movement" ("Nordiska motståndsrörelsen", NRM) (also known as "Movement of Nordic Resistance" and "Nordic Movement of Resistance") timing them to coincide with Jewish holidays. It is not only in Sweden, but also in other Nordic countries. The actions, organised by the movement in October 2020 in nearly 20 different cities in Sweden, Denmark, Norway and Iceland, included demonstrations in front of synagogues, placing anti-Semitic posters in public places and distributing relevant leaflets. International Jewish organisations were outraged by the actions of neo-Nazis. President of the World Jewish Congress R. Lauder condemned the coordinated brutal campaign of hatred against Jews in Northern Europe, unleashed by the modern successors of the NRM Nazis. Wiesenthal Centre for International Affairs director Samuels also sent a letter of concern to the Swedish leadership. In it, he called on Stockholm to follow the example of Finland, which banned the NRM in September 2020, and to take action against the organisers of the anti-Semitic campaign.<sup>3189</sup>

At the end of March 2021, baby dolls sprayed with red paint were hung outside the synagogue in Norrköping, and a poster describing the Jewish Passover as the Jewish holiday of the death of Egyptian children was displayed. The NRM published a photo of the installation on its website. Swedish police have opened an investigation into a suspected hate crime.<sup>3190</sup>

According to the "Haaretz", there has been an increase in online hate speech in Sweden in 2021, especially on social media. The spread of anti-Semitic rhetoric on social media has been most pronounced among schoolchildren and young people.

<sup>3189</sup> <https://www.jpost.com/diaspora/neo-nazi-nordic-resistance-movement-targets-jews-on-yom-kippur-643809>

<sup>3190</sup> <https://www.timesofisrael.com/baby-dolls-splashed-with-red-paint-strung-outside-swedish-synagogue/>

This has resulted in acts of aggression with anti-Semitic overtones against children of Jewish origin.<sup>3191</sup>

A new round of anti-Semitic manifestations began in Sweden in connection with another aggravation of the situation in the Middle East in October 2023. This "wave" intensified the already harsh political criticism of Israel. Thus, on 4 November 2023 in Malmö, pro-Palestinian activists shouting calls to bomb Israel burned the flag of this Middle Eastern country in front of the local synagogue.

The problem of anti-Semitism in Sweden has been addressed by many international universal and regional human rights bodies. In its second monitoring study on anti-Semitism (2018), the EU Agency for Fundamental Rights placed Sweden in the top three European countries (along with the UK and Germany) with the worst situation for Jews. It indicated that 82 per cent of this nationality in the country describe anti-Semitism as a "serious problem"<sup>3192</sup> (in comparison, in 2013 this figure was 60 per cent)<sup>3193</sup>.

The ECRI pointed to an increase in the number of anti-Semitic statements. In particular, the Commission noted a doubling in the number of cases of anti-Semitic propaganda, from 54 in 2011 to 102 in 2015, and threats against Jews, from 77 to 127 over the same period. However, according to ECRI, these figures could be much higher, as members of the Jewish community do not always turn to the police when in doubt about the effectiveness of law enforcement.<sup>3194</sup>

In February 2021, the European Commission called on official Stockholm to meet its obligations under the 2008 EU Framework Decision on combating racism and xenophobia. In an April 2021 phone conversation between European Commissioner for Justice D. Reynders and Swedish Justice Minister M. Johansson,

<sup>3191</sup> <https://www.haaretz.com/world-news/europe/.premium-as-israel-and-hamas-fight-in-gaza-antisemitism-explodes-online-in-sweden-1.9828015>

<sup>3192</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2019

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-fundamental-rights-report-2019\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf)

<sup>3193</sup> In the overview of anti-Semitism in the EU 2011-2021 by the FRA, data for Sweden for 2019 and 2021 are not available. With regard to the 2020 data (170 recorded incidents), a caveat is made that this figure is not comparable to previous years' data due to changes in the accounting methodology. In addition, it is noted that the National Crime Prevention Council, which is responsible for producing the data, has changed the frequency of publication from annual to biennial.

<sup>3194</sup> Report of the European Commission against Racism and Intolerance report on Sweden (fifth monitoring cycle). Adopted 5 December 2017. Published 27 February 2018. <https://rm.coe.int/fifth-report-on-sweden/16808b5c58>

the European official made it clear that the EC reserves the right to sue the Swedes before the EU Court of Justice if they fail to bring the legal framework in line with the EU recommendations.

In its 2023 report, the FRA found that Sweden is among the 12 EU Member States that have not incorporated into national law – fully and correctly – the provisions of the 2008 EU Framework Decision on Combating Racism and Xenophobia.<sup>3195</sup>

The country's ever growing Muslim community also faces increasing discrimination. Implicit Islamophobia is rather common in the media and various spheres of public life (most particularly – access to work and social services).

Local extreme right-wing radicals supported by the neo-Nazi organisation "Hard Course" headed by Swedish-Danish politician R. Paludan regularly organise Islamophobic provocative actions, including the desecration and burning of the Koran. On 21 January 2023, R. Paludan carried out such an action in front of the Turkish Embassy in Stockholm.

A similar action, organised by an immigrant from Iraq and coordinated with the local police, took place on 28 June 2023, the first day of the Muslim Feast of Sacrifice, in front of Stockholm's central mosque.

Cases of violence against Muslims, especially women wearing hijabs, are common. According to the European Commission against Racism and Intolerance, cases of Islamophobic threats/molestations doubled from 2011 to 2015 (123 and 247 cases respectively), Islamophobic defamation cases were up from 38 to 68 cases, Islamophobic criminal damage increased from 16 to 76 cases (375 percent) and the number of incidents of agitation against Muslims rose from 45 to 102 (127 percent).<sup>3196</sup>

Of special concern is the situation in Malmö (south of Sweden) – the third largest city in the country which is home to a considerable portion of Muslim

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<sup>3195</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.

[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

<sup>3196</sup> E Report of the European Commission against Racism and Intolerance report on Sweden (fifth monitoring cycle). Adopted 5 December 2017. Published 27 February 2018. <https://rm.coe.int/fifth-report-on-sweden/16808b5c58>

refugees as well as to the third largest Jewish community in Sweden. In view of this, right-wing extremist movements have been traditionally strong in the city.

Human Rights Committee and the Committee on the Elimination of Racial Discrimination (in March 2016 and May 2018 respectively) also drew attention to the problem of discrimination on grounds of religion. The Human Rights Committee expressed concern about a significant number of manifestations of religious intolerance, including in the form of physical violence against persons belonging to religious minorities, particularly Muslims and Jews, and attacks on their places of worship, as well as about the fact that the law enforcement agencies fail to register all such cases.<sup>3197</sup> The Committee on the Elimination of Racial Discrimination highlighted the difficulties faced by Swedish Muslims, especially persons of African descent, in accessing employment and housing outside of the minority-populated areas, amounting to de facto segregation. Besides, their economic segregation and difficulty accessing health care and education was noted. CERD experts were further concerned about attacks against mosques in Sweden as well as the lack of funds for their protection. The Committee also expressed concerns about the widespread stereotypical representation of Muslims in the media and by politicians.<sup>3198</sup>

It is also significant that CERD raised the issue of selective response by the Swedish law enforcement agencies to offences involving racism.<sup>3199</sup> According to experts, the Terrorism Act currently disproportionately targets Muslims, while crimes committed by other groups, such as neo-Nazi groups, are not regarded by the Swedish law enforcement authorities as terrorist acts. Concerns over such practice of

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<sup>3197</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3198</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-third periodic reports of Sweden. May 2018. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru)

<sup>3199</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-third periodic reports of Sweden. May 2018. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru)



stigmatizing persons of foreign origin or those belonging to ethnic and religious minorities were also voiced by the Human Rights Committee.<sup>3200</sup>

The Special Rapporteur of the United Nations Human Rights Council on Freedom of Religion or Belief, N. Ghani, paid an official visit to Sweden from 11 to 20 October 2023. Following the visit, she issued a statement<sup>3201</sup> calling on the Swedish authorities to be vigilant against manifestations of religious intolerance as well as discrimination in society in the context of the worrying recurrence of Koran burnings. It also noted that social persecution, discrimination and threats should not be concealed and that freedom of both faith and belief in general and its manifestations should be better understood and protected under Swedish law. According to the Special Rapporteur, this could be facilitated by incorporating the provisions of the International Covenant on Civil and Political Rights into local legislation. At the same time, N. Ghani noted that United Nations standards and human rights norms in general are rarely mentioned in Swedish legal proceedings and political narrative. She called for their more active application. Another shortcoming noted by the HRC Special Rapporteur was the irregular, undetailed and generally insufficient data collection on problematic subjects by the Swedish authorities. Her report is expected to be released in March 2024.<sup>3202</sup>

The situation of Swedish Roma, who suffer from deep-rooted prejudices, leaves much to be desired. There are multiple reports of cases of discrimination against members of this minority in public places (in cafes, shops, hotels, hospitals, transport, etc.), labour and housing markets. Biased decisions on depriving Roma people of their parental rights or baseless denial of access to education are quite common. As of 2019, 20 per cent of Roma children were experiencing hunger, according to FRA.<sup>3203</sup>

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<sup>3200</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3201</sup> <https://www.ohchr.org/en/press-releases/2023/10/sweden-must-strengthen-dialogue-faith-communities-combat-religious-or-belief>

<sup>3202</sup> <https://www.ohchr.org/en/media-advisories/2023/10/un-expert-freedom-religion-or-belief-visit-sweden>

<sup>3203</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2021.

[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-fundamental-rights-report-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf)



The deep-rooted discrimination of Roma in the Swedish society and difficulties faced by this people, including citizens of other European Union countries of Roma origin, in access to education, employment and health care, housing and basic social services, and justice were pointed out by the Human Rights Committee in March 2016<sup>3204</sup>, the Committee on Economic, Social and Cultural Rights in June 2016<sup>3205</sup>, and CERD in May 2018<sup>3206</sup>. CERD and CESCR also voiced concerns over increased number of forced evictions of certain Roma groups living in informal settlements as well as over the fact that they continue to be subjected to hate crimes.

FRA also notes that Sweden has a high level of discrimination against Roma and Travellers. According to the agency's 2019 study on Roma in five Western European countries (Belgium, France, Ireland, Netherlands, Sweden) and the UK, every second member of this minority had experienced discrimination in the year prior to the study, 44 of respondents had encountered racially motivated aggression, and one in ten had been profiled by the police.<sup>3207</sup>

In its 2022 report, FRA also cites the launch of a project in Malmö aimed at combating the segregation of Roma in housing (by disseminating information on their rights and advice on building a dialogue with local authorities on this issue).<sup>3208</sup> However, there is no evidence yet of its effectiveness.

As for the situation of immigrants and second-generation descendants of immigrants, particularly of African or Asian origin, their level of education is lower than the national average, while unemployment, especially among young people, is

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<sup>3204</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3205</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Sweden. June 2016 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru)

<sup>3206</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-third periodic reports of Sweden. May 2018. [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fSWE%2fCO%2f22-23&Lang=ru)

<sup>3207</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2021. [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-fundamental-rights-report-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf)

<sup>3208</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2022 [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

higher. The de-facto segregation is observed in opportunities of learning the Swedish language and, subsequently, in access to educational institutions and the labour market. This leads to the development of "parallel societies", which in turn further impedes the integration of immigrants and their children.<sup>3209</sup> Afro-Swedes tend to hold low-status and low-paying jobs compared with the rest of the population, despite their educational attainment, and it is more difficult for Afro-Swedes than for the rest of the population to advance to higher job positions.<sup>3210</sup>

Since 2015, violations against refugees have increased due to the worsening migration crisis. Many migrants, waiting for their asylum applications to be processed for a long time, are housed in ultra-compact concentrations in isolated "ghetto areas", being cut off from education and health systems, as well as from integration and employment opportunities. The Swedes have also been criticised for the persistence of severe restrictions in national migration policy, despite a decrease in the intensity of refugee flows in 2017-2018.

International human rights organisations have criticised Sweden for "extraordinary" legal provisions that make family reunification difficult, the "inhumane" practice of undifferentiated expulsion of Afghans (even if there are threats to their safety at home), the deteriorating mental state of unaccompanied children and adolescents (apathy and suicide attempts due to long waiting for asylum decisions), refugee trafficking (sexual, labour and criminal exploitation, slavery).

The practice of withdrawing protection status from asylum seekers has also been criticised. According to the FRA, Sweden has the second highest number of withdrawals of refugee status after Germany in 2021 (1349 and 3690 cases respectively)<sup>3211</sup>.

The practice of Swedish law enforcement agencies of forcibly removing migrants and asylum seekers and detaining them before doing so was highlighted by

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<sup>3209</sup> Report of the European Commission against Racism and Intolerance on Sweden (fifth monitoring cycle). Adopted 5 December 2017. Published 27 February 2018. <https://rm.coe.int/fifth-report-on-sweden/16808b5c58>

<sup>3210</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2019  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2019-fundamental-rights-report-2019\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2019-fundamental-rights-report-2019_en.pdf)

<sup>3211</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2022  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

the Committee against Torture in November 2014<sup>3212</sup> and December 2021<sup>3213</sup>, the Human Rights Committee in March 2016<sup>3214</sup> and the Committee on Economic, Social and Cultural Rights in June 2016<sup>3215</sup>. Despite further information provided by the Swedish authorities to the HRCttee on this issue, experts remained concerned about the situation.<sup>3216</sup> In March 2018, N. Muižnieks, then Council of Europe Commissioner for Human Rights, pointed out Sweden's overly strict legal provisions making family reunification difficult, the 'inhumane' practice of undifferentiated expulsion of refugees (that is, even when their safety at home is threatened); long periods of unaccompanied children and young people in detention, which worsen the mental health of new arrivals; and human trafficking. In 2021, the Committee on the Rights of Persons with Disabilities ruled on an individual complaint, stating that expulsion of a person of Afghan origin back to Afghanistan, despite existing threats to his life, violates Sweden's obligations under the Convention on the Rights of Persons with Disabilities.

However, migrants themselves often become troublemakers, joining criminal gangs and attacking locals and members of other ethnic and religious groups. In August 2020, a nationalist action involving burning of the Koran provoked protests in Malmö, which soon escalated into violent clashes with the police. After about seven hours of protests with cars and stores being set on fire, the police managed to bring the situation under control. Several people were detained.<sup>3217</sup> Against this

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<sup>3212</sup> Concluding observations of the Committee against Torture on the combined sixth and seventh periodic reports of Sweden. November 2014  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru)

<sup>3213</sup> Concluding observations of the Committee against Torture on the eighth of periodic report of Sweden. December 2021  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f8&Lang=en)

<sup>3214</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3215</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Sweden. June 2016  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru)

<sup>3216</sup> Follow-up decision adopted by the Human Rights Committee on 1 April 2019 CCPR/C/SR.3239  
[https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SWE/INT\\_CCPR\\_FUD\\_SWE\\_34519\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/SWE/INT_CCPR_FUD_SWE_34519_E.pdf),  
<https://www.bbc.com/news/world-europe-53959492>

<sup>3217</sup> <https://www.bbc.com/news/world-europe-53959492>

background, local Christians, including members of the Russian Orthodox community, have been feeling unsafe lately, and they sometimes have to avoid wearing their religious symbols.

Since the start of Russia's special military operation to demilitarise and denazify Ukraine and protect civilians in Donbass, violations of the rights of Russian compatriots living in Sweden have increased (at least 20,000 people).

In the Swedish media and social networks, the thesis that Russian citizens and compatriots should publicly distance themselves from Russia's policy on Ukraine has been persistently propagated. Dissenters have received various threats, from dismissal from their jobs to physical violence. Russian-speaking children in Swedish schools have been subjected to real harassment.

Not only have there been cases of discrimination against our citizens by the Swedish authorities or an extremely Russophobic atmosphere in the local media, but also beatings for speaking in Russian, dismissals from a job without explanation and bullying of children. Traditionally, the attitude of the Social Service remains predatory, as migrant families are a priori classified as socially disadvantaged and as a result are put "under control" by the local competent authorities. There is also a near exclusion of managers and employees of small and medium-sized enterprises and NGOs connected to Russia.

There have been cases of temporary removal of children from Russian citizens by social authorities on the basis of the law on forced custody of minors. In September 2023, V. Babushin, archpriest of the Sergiev parish in Stockholm, was forced to leave Sweden because of threats by social services to remove his minor children from him.

One of the first victims of Sweden's caveman Russophobia has been the Russian-language children's educational centres. In fact, they were held hostage to the attitude of their leaders to the events that were taking place: everyone was required to publicly dissociate themselves from the actions of the Russian armed forces and, even better, to condemn Russian President Vladimir V. Putin personally. In addition, virtually all Russian-speaking children in schools were subjected to

ethnically motivated violence and harassment. Swedish teenagers, "freely expressing their opinion in a free country", simply humiliated Russian-speaking children, demanding their expulsion, in the worst case, they were beaten up. Children not only from Russia, but also from other former Soviet republics were harassed. Attempts by parents to appeal to the management of educational institutions to prevent harassment have not always resulted in a resolution of the situation.

The activities of compatriot organisations, including the "Union of Russian Societies in Sweden" (Stockholm), the "Alliance of Russian Societies in Sweden" (Gothenburg), and "Sputnik" (Luleå), were seriously hampered. The authorities of the country under the pretext of "undemocratic nature of the activities" of these associations not only denied them the budgetary funding they received, but also demanded the return of grants for 2022-2023.

On 29 April 2023 the "Union of Russian Societies in Sweden", due to attacks from the local authorities, announced that it was resigning the powers of the Coordinating Council of Russian Compatriots' Organisations (CCRCO) and handing them over to an initiative group of 3 persons representing the compatriots' organisations of South-West Sweden in order for them to hold a country conference at which a new composition of the CCRCO would be elected. At the same time, the Swedish Youth and Civil Society Office obliged the organisation to return the funding allocated to it by this office for the years 2022-2023. The Union of Russian Societies was forced to repay the funds in its accounts and subsequently declared bankruptcy.

Following the discriminatory policy of the Swedish authorities, the trade union organisation "ABF" broke the cooperation agreement with the Union of Russian Societies in Sweden. On 23 May 2023, after 15 years of work, I.V. Khromova, the chairman of the association of compatriots in Gothenburg "Union of Russian Societies in Sweden", was dismissed from the Gothenburg branch of "ABF". She was refused to be provided with premises by "ABF", so the activity of the organisation was practically frozen.

During 2023, several police investigations were initiated against Russians on suspicion of espionage without sufficient grounds. The course of the investigations was covered extensively and extremely one-sidedly in the Swedish media.

The story of a female police officer who was forced to resign from the police force because of harassment by colleagues and the media on the grounds of "her friendly attitude to the policies of Vladimir Putin" caused a wide resonance. The case ended with the signing of an amicable agreement with the payment of 14 monthly salaries to the victim.

Representatives of the Russian non-systemic opposition play a notable role in organising harassment and persecution of compatriots who remain loyal to Russia. First of all, this is connected with the structures of M. Khodorkovsky (the so-called "Russian Anti-War Committee in Sweden").

Recently, there has been a widespread practice of targeting anti-Russian materials that claim that actions taken by Sweden and other Western countries are directed against the Russian authorities and not the Russian people. Such documents also often contain strong recommendations to join the condemnation of Russia's actions on social media and in public actions.

The FRA 2023 report identifies the risks of sexual and labour exploitation in EU countries, particularly Sweden.<sup>3218</sup> The incoming Ukrainian refugees are also discriminated, including being forced into prostitution.

In July 2023, the newspaper "Dagens Nyheter" published the results of a shocking investigation into the disastrous working conditions of migrant workers in Swedish berry plantations. Thus, berry pickers from Thailand, who became victims of unscrupulous employers, were actually engaged in slave labour: 12-hour working day in conditions of increased physical strain, extremely low wages or none at all, an extensive system of fines, total unsanitary living conditions (usually in barrack-type houses), denial of medical care, etc. It is worth noting that the problem of violation

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<sup>3218</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2023.  
[http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-fundamental-rights-report-2023\\_en\\_1.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-fundamental-rights-report-2023_en_1.pdf)

of the rights of berry pickers in Sweden is systemic. Russian citizens have also suffered from the actions of unscrupulous Swedish entrepreneurs in different years.

A negative factor in the area of freedom of expression and press freedom is the increasing security risks faced by journalists. In light of the deepening polarisation of Swedish society, threats of violent extremism, racism, sexism and illegal migration, one in three of them receive threats due to their professional activities. Furthermore, a number of international organisations point out the low detection rate of crimes against journalists, the insecurity of regional media workers and freelancers and the impunity of instigators of online hate speech.

There are problems in places of detention, as highlighted by the Committee against Torture in November 2014 and December 2021. The Committee highlighted the lack of a legal time limit for detention and noted that persons deprived of their liberty may not always enjoy all basic legal safeguards from the moment of detention, such as the right to access a lawyer, to be examined by an independent doctor and to inform their family and friends about their detention.<sup>3219</sup> The lack of a legal framework regulating pre-trial detention, especially its duration, has also been pointed out by the Human Rights Committee in Sweden.<sup>3220</sup>

In 2021, the CAT pointed out that pre-trial detention is still frequently used in Sweden: between 2014 and 2017, the frequency of its use increased by 5 per cent. The Committee also noted that the use of solitary confinement remains widespread.<sup>3221</sup>

The care of the elderly and persons with disabilities is assessed to be in crisis, especially against the background of cuts in public funding and privatisation of the social sector. The time allocated for home care for such persons is limited, the

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<sup>3219</sup> Concluding observations of the Committee against Torture on the combined sixth and seventh periodic reports of Sweden. November 2014  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f6-7&Lang=ru)

<sup>3220</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3221</sup> Concluding observations of the Committee against Torture on the eighth periodic report of Sweden. December 2021  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f8&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fSWE%2fCO%2f8&Lang=en)

number of deaths in nursing homes due to staff negligence, inefficiency and incompetence of ambulance services is increasing, which has been particularly evident with the spread of coronavirus infection (about a third of deaths due to COVID-19 are among elderly residents of Swedish social care institutions).

The FRA, citing data from the Equality Ombudsman, notes that disability is the second most common cause of discrimination. In education, it is 44 per cent, in services and sales 21 per cent and in employment 11 per cent.<sup>3222</sup>

In the context of Swedish authorities' aggressive imposition of pseudo-democratic values and tolerance towards various social minorities, supporters of traditional values are increasingly becoming victims of such short-sighted policies.

International human rights organisations and NGOs regularly criticise official Stockholm for violations of children's rights. In addition to the situation of migrant children and underage girls from Muslim families (they are taken abroad for female circumcision and forced to marry), they focus their attention on paedophilia and child prostitution. Human rights activists note the passivity of law enforcement agencies and courts in investigating cases where the victim is a child: a negligible proportion of the more than 60,000 complaints received annually by social services concerning violations against children (aggression, bullying, violence) are investigated. The return of children of fighters who fought on the side of terrorist organisations in Syria has not been easy for Swedish society either. The authorities are dragging their feet on this issue.

According to FRA 2022 report, during the coronavirus pandemic there was an increase in physical, mental and sexual violence against children. This is evidenced, in particular, by an increase in the reporting of such incidents through hotlines. In addition, coronavirus-related restrictions and distance learning systems have caused additional difficulties for students with disabilities and caused them to fall behind in their studies.<sup>3223</sup>

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<sup>3222</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2022  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)

<sup>3223</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2022  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-fundamental-rights-report-2022\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-fundamental-rights-report-2022_en.pdf)



On 16-17 January 2023 in Geneva, the United Nations Committee on the Rights of the Child (CRC) examined Sweden's implementation of the Convention on the Rights of the Child, its Optional Protocols as well as previous CRC recommendations. The Committee's experts, drawing on Sweden's sixth and seventh periodic reports as well as submissions from non-governmental organisations, drew attention to, *inter alia*, the following main issues of concern:

- When exactly will the planned national strategy for the prevention of violence against children be ready?
- With regard to the use of isolation and physical restraint practices in psychiatric clinics, what measures are being taken to ensure that these practices are exceptional and used under constant medical supervision?
- Is the stay of children in these institutions systematically monitored?
- What are the reasons for the high level of youth crime and what measures is the Swedish State taking in this regard?<sup>3224</sup>

On 9 February 2023, the following conclusions of the Committee were issued<sup>3225</sup>: "The Committee remains concerned at the persistence of discrimination, including racism and organized bullying of children from socially disadvantaged groups. The issue of regional disparities, including access to health, social services, education and the justice system, was raised. CRC recommended that Sweden strengthen its efforts to combat racist and xenophobic behaviour among children; eliminate discrimination against children from socially disadvantaged groups; address disparities between municipalities in guaranteeing equal access to quality education, adequate housing and protection from violence.

In view of the high incidence of violence against children, including sexual exploitation, gender-based violence and online violence, the Committee suggested that Sweden develop targeted measures to effectively investigate all manifestations

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<sup>3224</sup> <https://www.ohchr.org/en/news/2023/01/experts-committee-rights-child-praise-swedens-planned-national-strategy-preventing>

<sup>3225</sup> <https://www.ohchr.org/en/press-releases/2023/02/un-child-rights-committee-publishes-findings-azerbaijan-bolivia-ireland>

of violence against children and provide comprehensive and quality support services".

The question of the situation and status of Sami – the country' indigenous population living up north – remains a specific human rights problem for Sweden, given the historical conflict between Sami and the Swedish state (Sami used to be forcibly converted to Christianity and subjected to racial experiments, with their culture and language being deliberately suppressed). Industrial and urban development continues to claim Sami lands, and military exercises in northern territories create obstacles to their traditional livelihoods.

According to the NGO "Living History Forum", Amnesty International and a number of other non-profit organisations, discrimination and racism against the Sami on the basis of their traditional economic activities persists in Sweden. Indigenous representatives are often forced to defend their right to reindeer herding, hunting, gathering, and shooting predators that threaten free grazing and livestock during years of litigation.

The proposals made by the special commissions that operated in Sweden from 1997 to 2019 to settle the "land" conflict between the state and the Sámi have not been implemented in practice. According to experts, the reason for this is that they primarily affect areas of special economic interest to state and commercial mining corporations or "reserved" for the location of energy infrastructure.<sup>3226</sup>

In Sweden, the effectiveness of the so-called Sámi Parliament, the main platform for the Sámi people in the Swedish, North European and international public space, has been questioned in Swedish, Nordic and international public space. In November 2023, the Swedish Public Administration Agency published a report in which it pointed out significant shortcomings in the performance of the Sami Parliament's tasks, including the development of reindeer husbandry, public

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<sup>3226</sup> The gaps in legal protection of Sami land use rights in Sweden and their vulnerability to these kinds of problems are examined using the situation around the Kallak mining projects (one of the biggest undeveloped iron ore deposits in Europe) in the province of Norrbotten in northern Sweden, where a large part of the Sami population lives. See A. Tsiouvalas. Indigenous rights to defend land and traditional activities: a case study of the Sami in Northern Sweden // *Revista de Direito da Faculdade Guanambi*. 2018, Volume 5, Nº 1.

programmes and others. It should not be ruled out that the Sami Self-Government body may face increased scrutiny from central government institutions.

In particular, in January 2020, in an unprecedented ruling (spanning more than 10 years), the Supreme Court of Sweden ruled in favour of the inhabitants of a Sami village in Ellivare, northern Sweden, regarding their exclusive right to hunt and fish in their traditional habitat, including granting it to third parties without state approval. However, since the Supreme Court's verdict, threats have been made against the Sami community, even violence and sabotage (such incidents were mentioned in a joint article by the Norwegian, Finnish and Swedish line ministers in February 2022).

It is not uncommon for the Saami to face attempts by extractive industries and green energy companies to displace them from their historical habitat. A key episode in this track is the concession granted by the government on 22 March 2022 to a local company, "Jokmökk Iron Mines AB", to mine iron ore in the country's largest undeveloped deposit in the municipality of Jokmökk. The application was submitted as early as 25 April 2013, but due to widespread criticism from a number of Swedish authorities, NGOs and international organisations, the review process has been delayed for many years. In particular, the State Office for the Protection of Cultural Monuments, the Swedish Environmental Protection Agency, the regional authorities of Norrbotten county and UNESCO recommended that the project should not be implemented in the light of environmental and cultural and humanitarian aspects. Independent UN experts have also voiced their concerns. In particular, on 10 February 2022, the UN Special Rapporteur on the Rights of Indigenous Peoples, H. F. Kali Tzai, and the UN Special Rapporteurs on Human Rights and the Environment, D.R. Boyd, issued a joint statement calling on the Swedish authorities not to grant an iron ore mining license for the deposit in question. They have pointed out that a mine in the Sami area will generate huge amounts of pollutants and toxic

waste and threaten the protected ecosystem of the nearby World Heritage Site of Laponia and reindeer migration.<sup>3227</sup>

In January 2023, Swedish state-owned mining company LKAB announced the discovery of Europe's largest rare earth deposit in northern Sweden, the use of which could accelerate the European Union's transition to cleaner technologies. The Swedish Sami currently lack effective legal means to prevent the development of this deposit.

However, Swedish business is trying to follow international standards and recommendations in the area of corporate social responsibility when developing projects (primarily mining, wind power generation etc.) in the territories of traditional residence of indigenous and local communities.

Various local environmental NGOs have closely monitored Swedish businesses' compliance with corporate standards, including the "Agüey-gu Voluntary Guidelines for Conducting Cultural, Environmental and Social Impact Assessments of Proposed or Possible Project Impacts in Sacred Areas and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities" (2004).

However, the public debate on the issue, due to the non-binding nature of the Agüey-gu principles, rarely goes beyond municipal or regional debates.

However, Swedish credit institutions declare their adherence to the Equator Principles<sup>3228</sup> when considering financing a project.

Over the past decades, Sweden has repeatedly been the target of criticism from international bodies (including the UN Human Rights Council, the Committee on the Elimination of Racial Discrimination, the Committee on Economic, Social and Cultural Rights, the ILO, the HRC Special Rapporteur on Indigenous Issues, and numerous NGOs) regarding the rights of national minorities (especially the Sami), but there has been no real progress on the issue.

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<sup>3227</sup> <https://www.ohchr.org/en/press-releases/2022/02/sweden-open-pit-mine-will-endanger-indigenous-lands-and-environment-un>

<sup>3228</sup> "The Equator Principles are a set of voluntary principles developed and adopted in 2003 by some of the world's largest financial market players to assess the environmental and social risks of project finance. They have subsequently been joined by others.

The range of problems faced by the Swedish Sami has been highlighted by, among others, the Human Rights Committee in March 2016<sup>3229</sup>, the Committee on Economic, Social and Cultural Rights in June 2016<sup>3230</sup>, and the Committee on the Elimination of Racial Discrimination in June 2016, the Committee on the Elimination of Racial Discrimination in April 2018 and ECRI in December 2017. The ECRI conclusion, citing the views of the Sami community, notes that discriminatory practices against them continue to occur in everyday life, especially in urban areas. In some cases, Sami are forced to hide or deny their ethnic origin in order not to face hostile and biased attitudes.<sup>3231</sup>

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<sup>3229</sup> Concluding observations of the Human Rights Committee on the seventh periodic report of Sweden. March 2016 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fSWE%2fCO%2f7&Lang=ru)

<sup>3230</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the sixth periodic report of Sweden. June 2016 [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fSWE%2fCO%2f6&Lang=ru)

<sup>3231</sup> Report of the European Commission against Racism and Intolerance on Sweden (fifth monitoring cycle). Adopted 5 December 2017. Published 27 February 2018. <https://rm.coe.int/fifth-report-on-sweden/16808b5c58>

## Estonia

The human rights situation in the Republic of Estonia remains extremely disturbing. This is primarily due to the discriminatory policy to eliminate the ethnic, linguistic, and national diversity of the country's population. The current Estonian authorities continue pursuing a consistent policy of building a mono-ethnic society, which has no place for national minorities, especially the Russian-speaking population. The ongoing assimilation is also confirmed by the fact that the state integration program is mainly focused on imposing Estonian mindset among Russian-speaking population. In fact, the country has established a tough machinery to suppress fundamental human rights. Ensuring the right to freedom of expression and access to information is deeply flawed as well. The Russian-speaking residents are the main victims of discrimination due to past-related phobias of the ruling elite. In this regard, the Estonian authorities' claims about building a state with developed democratic society do not correspond to reality. At the same time, the chances of serious progress on the human rights track, if all significant political forces maintain their Russophobic consensus, are extremely low.

Among the most egregious manifestations of the state policy of discrimination on linguistic and ethnic grounds is the persisting practice of mass statelessness, including in the form of such a category as "non-citizens."<sup>3232</sup> As of 1 January 2023, there were 64,297 stateless persons in Estonia, which amounts to about 5 per cent of the population (as compared to 66,592 non-citizens last year, and 68,992 people in 2020, which is 6 per cent). The overwhelming part of these persons are Russian compatriots and their descendants. Estonia remains among the top ten countries in the world with the highest number of stateless persons.

"Grey passport holders"<sup>3233</sup> are significantly limited in their civil rights: they are not allowed to vote or be elected in Estonian parliamentary elections or European Parliament elections; they are not allowed to join political parties, hold

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<sup>3232</sup> "Non-citizens" in Estonia are officially referred to as "persons of undetermined citizenship." A non-citizen passport is referred to as an "alien's passport."

<sup>3233</sup> This name was given by the colour of the passport cover.

state and municipal leadership positions, or serve in the military and security forces. In 2016, stateless persons were granted the right to vote in local elections, but they cannot be elected to local governments. However, even this right of stateless persons can be abolished by the Estonian authorities. On 21 April 2022, members of the faction of Riigikogu's Fatherland party used the "disloyalty" of foreigners (referring primarily to Russian citizens and stateless persons) as a pretext to submit a bill depriving these groups of the country's population of the right to vote in local elections.

According to the Estonian Law on Ratification of the Council of Europe Framework Convention for the Protection of National Minorities, "non-citizens" are not eligible for protection under this instrument. For this category alone, registration at the place of residence is a prerequisite for the exercise of social and economic rights. Besides, "grey passport holders" experience serious difficulties during international travel.

In 1992, the residents of the country who did not have citizenship of the pre-war Estonian Republic (1920-1940) or who were not descendants of its citizens became stateless. The Estonian authorities' justification for such deprivation of rights is that "non-citizens" themselves or their parents were "brought" to Estonia during the "Soviet occupation." Having made such decision Estonia grossly violated the norms and principles of the Treaty on the Foundations of Interstate Relations of 12 January 1991 between the RSFSR and the ER, in particular, the provisions of Article 3, which stipulates as follows: "The Parties shall provide the opportunity to obtain citizenship of their countries to all the permanent residents of the respective territories in accordance with their freely expressed desire." Accordingly, children born in Estonia to stateless persons were also stateless. Estonia has not yet acceded to such key international documents in this area as the 1954 Convention relating to the Status of Stateless Persons, the 1961 Convention on the Reduction of Statelessness, and the 1997 European Convention on Nationality.

Despite regular criticism from international organizations, including the UN, the OSCE and the EU (represented by the European Parliament), as well as human

rights NGOs, the Estonian authorities, following the course laid down in 1991 to build a mono-ethnic and mono-lingual state, refuse to grant full civil status to this category of residents of the country, requiring them to pass advanced exams to confirm their proficiency in the Estonian language.

The 1995 Law on Citizenship stipulates that Estonian citizenship is acquired by birth by a child at least one of whose parents holds Estonian citizenship at the time of the birth of the child. The rest are offered "naturalization," that is, obtaining citizenship by acquisition.

Now the requirements for foreigners who have reached the age of 15, are the following: to have a long-term residence permit or the right of permanent residence; to live in Estonia before applying for citizenship for at least eight years, of which the last five – permanently; to have a registered place of residence in the country; to know the Estonian language at level B1<sup>3234</sup>; to know the Constitution of Estonia and the Law "On Citizenship"; to have permanent legal income, to be "loyal to the Estonian State"; to swear allegiance to the Estonian constitutional order.

The "non-citizens" practice stopped only on 1 January 2016 after an amendment to the Law "On Citizenship" came into force, allowing children of "grey passport holders" born in Estonia to acquire Estonian citizenship if they had legally lived in the country for at least 5 years at the time of their birth. As a small "indulgence," in June 2018, stateless persons were given the opportunity to attend the Estonian language classes covered by the State budget to subsequently pass the citizenship test. The number of "non-citizens" declines – like in neighbouring Latvia, where this shameful, but acceptable (due to the lack of adequate response) for the EU phenomenon, still persists – mainly due to natural causes.

A certain progress was made as amendments to the Law of the Republic of Estonia on Citizenship came into force in February 2020, which facilitated the procedure of application for citizenship for minors born in Estonia to a "grey-passport" parent or grandparent who had lived in the country before 20 August 1991,

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<sup>3234</sup> As of 1 July 2015, individuals who have passed the Estonian language proficiency test successfully will be reimbursed for the course of language learning.



with the other parent being a foreign citizen. However, if a minor applying for Estonian citizenship is a citizen of another state, they must renounce that citizenship in advance. There are about 1,500 children under the age of 18 living in Estonia entitled to the simplified application procedure. However, most of them (about 1,300) have Russian citizenship, while Russian legislation does not allow them to renounce it and get other country's passport before their 18th birthday.<sup>3235</sup> Thus, the vast majority of persons covered by the amendments cannot actually take advantage of the exemptions.

The problem of statelessness in Estonia has received considerable attention from international human rights monitoring mechanisms. In January 2017, the Committee on the Rights of the Child noted the limited nature of the amendments to the Citizenship Law and urged the Estonian authorities to ensure the accelerated naturalization of children of non-citizens.<sup>3236</sup> Following her visit to Estonia (11-15 June 2018), CoE Commissioner for Human Rights Dunja Mijatović raised the issue of easing the conditions of naturalization for persons above 65, pointing out that many Russian-speaking older persons are still unable to obtain Estonian citizenship because of their inability to learn the Estonian language.<sup>3237</sup>

In February 2019, the Committee on Economic, Social, and Cultural Rights expressed concern in this regard (according to the Committee, as of 1 January 2019, non-citizens made up 5.5 per cent of the total population.) At the same time, CESCR criticized the 2015 amendments to the Law on Citizenship, which, in its opinion, are of a limited nature and do not apply to a number of categories of

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<sup>3235</sup> Article 8 of the Federal Law on Citizenship of the Russian Federation states that the Russian Federation citizenship of a child shall not be terminated if the child is going to become a stateless person as the result of such termination. This norm thus constitutes a legal safeguard aimed at preventing statelessness.

<sup>3236</sup> Concluding observations of the Committee on the Rights of the Child on the combined second to fourth periodic reports of Estonia. January 2017  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fEST%2fCO%2f2-4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fEST%2fCO%2f2-4&Lang=ru)

<sup>3237</sup> <https://rm.coe.int/report-of-the-council-of-europe-commissioner-for-human-rights-dunja-mi/16808d77f4>

children.<sup>3238</sup> In April 2019, the Human Rights Committee also expressed concern about the limited scope of the amendments insofar as they excluded certain categories of stateless children; the stringent language requirements that formed part of the naturalization tests; and the adverse impact of the "undetermined citizenship" status on the right of stateless persons to political participation, and recommended to take measures to address these gaps.<sup>3239</sup>

In April 2022, the Committee on the Elimination of Racial Discrimination highlighted a special issue: members of national minorities and 'non-citizens' are sentenced to imprisonment more often as compared to other residents of Estonia. In particular, the Committee pointed out the high number of non-Estonians and "non-citizens" among the prison population. It was also concerned about reports of incidents where prison authorities refused to accept and translate complaints from prisoners that were not written in the official language. CERD experts stressed that this practice limited the opportunities of inmates of minority origin to file complaints. In this context, the Committee reiterated its recommendation that Estonia eliminated discrimination against prisoners on the basis of their lack of proficiency in the Estonian language and that prisoners are not penalized with regard to administrative and disciplinary matters because they do not have a sufficient understanding of the Estonian language.<sup>3240</sup>

The comments and recommendations mentioned above have been ignored by Estonia. At the same time, right-wing nationalist politicians from the ruling parties

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<sup>3238</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Estonia. February 2019

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru)

<sup>3239</sup> Concluding observations of the Human Rights Committee on the fourth periodic report of Estonia. March 2019  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fEST%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fEST%2fCO%2f4&Lang=ru)

<sup>3240</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th and 11th periodic reports of Estonia. August 2014  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f10-11&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f10-11&Lang=ru)

do not hide their hopes to solve the problem of "non-citizens" in a natural way (that is, through natural decline, migration, etc.).

The infringement of the rights of national minorities in Estonia, primarily Russian-speaking, which, according to human rights activists, makes up more than 30 per cent of the country's population, remains an acute problem. The problems in question are closely connected, since it is the Russian-speaking population that represents the majority of non-citizens. The mother tongue education is an issue of great concern, given that in Estonia ethnic Estonians, their language and culture<sup>3241</sup> enjoy institutionalized supremacy over other ethnic groups living in the country, so they are not able to exercise their political, social, economic and cultural rights in full. The Estonian Ministry of Education and Research designed the Estonian Language Strategy for 2021-2035, which completely eliminates education in Russian, starting in preschools.

Estonian ruling elite have always been transparent about their intentions to eliminate the Russian-language space in the country. Top-level Estonian officials have called for the elimination of the Russian-language education. For example, in December 2019, then-President Kersti Kaljulaid publicly stated that "we have actually decided to switch to a unified Estonian-language education system." On 24 February 2021, on Estonian Independence Day she said that sending Russian children to Estonian schools is not just the right of Russian parents, but their obligation.<sup>3242</sup> On 28 December 2022, after the completion of her mandate (on 11 October 2021 Alar Karis took office as President of the Estonian Republic), Kersti Kaljulaid tried to whitewash Estonian authorities' actions to dismantle Russian-language education system and stated that it was a matter of security for a small State that everyone existed in one information space and there could be no situation when Russian-speaking people received worse education and therefore had less opportunities. At the same time, she gave out official Tallinn's real motive,

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<sup>3241</sup> The Preamble of the 1992 Constitution of the Republic of Estonia stipulates that "the state... must guarantee the preservation of the Estonian people, the Estonian language and the Estonian culture through the ages".

<sup>3242</sup> <https://www.president.ee/ru/official-duties/speeches/16451-2021-02-24-16-28-05/index.html>

pointing out that students who receive education in Russian probably have "an entirely different worldview."<sup>3243</sup>

Recently, the media has been actively manipulating public opinion promoting the idea of the "need and demand" for the transition to "unified school" and "single educational system" allegedly intended to benefit Russian population, the worse social and economic situation of which is supposedly connected to low official language proficiency. Such policy suggests that there will be no separate Estonian and Russian schools and kindergartens, but institutions teaching in Estonian and offering students from non-majority communities some optional opportunities to maintain their spoken native language.

To date, all opportunities to receive education in Russian have been eliminated in the country. Estonian authorities continue to disregard The Hague Recommendations regarding the Education Rights of National Minorities prepared on the initiative of the OSCE High Commissioner on National Minorities in October 1996 and containing references to fundamental international documents in this area: the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Art. 4); UNESCO Convention against Discrimination in Education (Art. 5); Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (Paragraph 34); Council of Europe Framework Convention for the Protection of National Minorities (Art. 14).

The Russian language has been almost completely squeezed out of the system of higher education. The only option of Russian-language instruction available in Tallinn University and the University of Tartu is partial Russian-language instruction for those majoring in Russian Philology (Bachelor's degree) and Slavic Languages and Cultures (Master's degree). Russian-language programmes are still available at the private Estonian Business School and the Estonian Academy of Art. As a consequence, the rate of Russian-language high school graduates entering

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<sup>3243</sup> <https://www.rubaltic.ru/news/28122022-premer-estonii-dlya-bezopasnosti-strany-nuzhno-otkazatsya-ot-russkoyazychnogo-obrazovaniya/>

Estonian universities barely reaches 30 per cent, while the proportion of those of Estonian-language schools exceeds 50 per cent.

The systematic forced Estonianization of upper and vocational secondary education (10-12 grades) and preschool education is almost completed. With the adoption of another legislative innovation by the country's authorities, all opportunities to receive education in mother tongue are completely eliminated (until the end of the current academic year, the quotas established earlier, when no more than 40 per cent of subjects could be taught in Russian in upper secondary schools, are still in effect). On 19 December 2022, the president of Estonia approved the amendments<sup>3244</sup> to the Law on Basic School and Upper Secondary School. Under the amended act, from 1 September 2024, first and fourth grade pupils and pre-schoolers will have to switch to Estonian. Teachers and educators must have a certificate of proficiency in Estonian at (academic) level C1 as a qualification requirement by 1 August 2024, and principals from 1 August 2023. This will be monitored by the Department of Languages<sup>3245</sup>, which can impose fines of up to 9,600 euros on employers. The 10th to 12th grades will be able to continue studying in the 60/40 scheme (i.e. no more than 40 per cent of subjects in Russian) until school year 2029/2030 (the Russian language will be phased out by 2029 in secondary schools, and in upper secondary schools – by 2033.) After that, schools must ensure educational processes exclusively in the state language within three years. On 16 December 2022, shortly before this amendment was passed, a 2030 plan of action for Russian schools to switch to Estonian language instruction was approved.<sup>3246</sup>

Some Estonian municipal officials started to implement this discriminatory government decision "ahead of schedule." For example, in Tartu, the municipal

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<sup>3244</sup> Adopted by the Estonian Parliament on 12 December 2022.

<sup>3245</sup> Essentially a repressive institution that until 1 August 2020 was called the language inspectorate. After it was renamed it received expanded functionality, including language policy-making authority.

<sup>3246</sup> <https://www.rubaltic.ru/news/17122022-ministr-obrazovaniya-estonii-utverdil-plan-perevoda-russkikh-shkol-na-estonskiy-yazyk/>

authorities announced that two local schools and three kindergartens will switch to the state language by 2025. In this regard, deputy mayor Lemmit Kaplinski said: The state has set the goal to complete the reform by 2033. But this is our time limit, and we can do it even faster taking into account our good starting positions.<sup>3247</sup>

The remaining formal reservations, which allegedly allow for "native language and culture" lessons, are unable to cover the educational needs of Russian-speaking children. The measures developed by the Estonian authorities discriminate Russian school teachers: those who fail to pass the Estonian language proficiency exam by August 2023 will be fired, even though there is no one to replace them in the country.<sup>3248</sup>

On 15 January 2024, responding to questions about unified Estonian-language education raised by members of the Estonian Parliament, Prime Minister Kaja Kallas confirmed the intentions of the authorities to stop funding Russian-language education. Seeking to whitewash such actions of authorities to destroy every opportunity to study in Russian, Kaja Kallas claimed that Estonia has no desire to "Russify" the state's children. To achieve these objectives, according to her, the authorities will work to ensure that all Estonia's citizens are part of a single information space, speak Estonian, and the number of people using Estonian continues to grow.<sup>3249</sup>

In addition to that, the Estonian government is implementing a program of merging Russian-language and Estonian-language secondary and upper secondary schools under the pretext of "optimization" and saving money, as well as transferring them from the jurisdiction of local governments to the Estonian Ministry of Education and Science. As a result, newly formed educational institutions teach exclusively in Estonian (in Keila, Tartu, Rakvere, Haapsalu, Viljandi, Kohtla-Järve, Põlva, Võru, etc.) in disregard of the interests of Russian

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<sup>3247</sup> <https://iz.ru/1443747/khariton-galitskii/iz-uchitelei-v-kassiry-kak-estoniia-likvidiruet-russkie-shkoly>

<sup>3248</sup> <https://www.rubaltic.ru/news/22122022-zakharova-vlasti-estonii-obyavili-voynu-vseму-russkomu/>

<sup>3249</sup> <https://www.dp.ru/a/2024/01/16/vlasti-jestonii-perestanut?ysclid=lsknebyfxm921427828>

students and their parents. Moreover, Estonian courts often uphold the actions of local authorities.

Several illustrative examples of this approach can be provided. First is the merger of the Russian and Estonian upper secondary schools in Kohtla-Järve in 2019 (with ethnic Russian accounting for 75 per cent of the city's population) into a fully Estonian-language public upper secondary school without any discussion of this step with the Russian-speaking community. From their first days at this school, Russian-speaking pupils have faced blatant language-based and ethnic discrimination on the part of the administration and Estonian teachers. Besides, similar reform was scheduled to take place at Russian educational institutions in Narva (with more than 90 per cent of the population is Russian-speaking) and Mustvee rural municipality by 2022.

The same happened to the school in Kallaste (Peipsiääre rural municipality, the town is inhabited by descendants of Russian Old Believers), which was moved to village Kolkja, and to the school in Kiviõli (Lüganuse rural municipality, Ida-Viru county). First, both schools were transformed from upper secondary schools to secondary schools. As for the Kallaste school, it was decided to move it to the village of Kolkja, where there was also a Russian school. On 1 July 2021, the Russian school in Kallaste was closed. Earlier, as a result of the 2017 administrative reform, which envisaged merging rural municipalities, the rural municipalities inhabited by the descendants of the Old Believers of Lake Peipus region were dissolved and merged with Estonian ones. As a result, the newly formed municipalities became predominantly Estonian, and the descendants of the Russian Old Believers lost their self-government. In this way the authorities were able to make decisions without taking into account the opinion of the Russian population.<sup>3250</sup>

The alarming situation with Kiviõli school arose in 2021 and followed the same pattern. As a result of the administrative reform to unite Kiviõli with the

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<sup>3250</sup> Human rights in Estonia. Russian schools. REGNUM. 10 August 2021, <https://regnum.ru/news/polit/3338792.html>

surrounding villages populated by Estonians, the rate of Estonian population in the new municipality increased. As a consequence, local authorities plan to merge the school with the Estonian-speaking school as part of the reform of the local school network, but they do not discuss the process with the school administration. The school staff has resented such negligent attitude on the part of the authorities and the fact that their inquiries as to the nature and the process of the reform have been disregarded.<sup>3251</sup>

Thus, under the very same "optimization" pretext, in November 2019 the municipal authorities of Keila eliminated the only Russian school in the city. This was made despite the opposition of parents and their rallies for preserving the Russian-language school. At the town meeting that decided to close the Russian school, the mayor said that the purpose of closing it was to create a single Estonian community in the city (according to civic activists, this was recorded in the minutes of the meeting).<sup>3252</sup>

In February 2021, the Tallinn District Court ruled to dismiss the appeals of students' parents and uphold the decision of 19 August 2020 of the administrative court refusing to overturn Keila's authorities' decision to reorganize the town's school system. On 21 June 2021, the Estonian Supreme Court also dismissed the appeal challenging this decision to close the school. The plaintiffs declared that they intended to appeal this decision to the ECtHR.

As a result of such cynical policy of Estonian authorities, within recent ten years the number of Russian-language basic schools in Estonia considerably reduced. As of 2021, there were 74 Russian-language secondary schools in Estonia,

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<sup>3251</sup> The attitude towards Russians is outrageous: school director about reform in Estonia's Ida-Virumaa. Sputnik Meedia. 3 March 2021, <https://sputnik-meedia.ee/society/20210303/120400/Vozmuschaet-otnoshenie-russkij-direktor-shkola-reforma-estonski-Ida-Virumaa.html> (in Russian).

<sup>3252</sup> Human rights in Estonia. Russian schools. REGNUM. 10 August 2021, <https://regnum.ru/news/polit/3338792.html> (in Russian); <https://dokole.eu/wp-content/uploads/2021/07/29.10volikoguprotokoll.pdf>



educating 20 per cent of the country's school pupils.<sup>3253</sup> The country's largest school is the Linnamäe Russian Lyceum in Tallinn educating about 2,000 children.<sup>3254</sup>

Civic activists in Estonia who defend the right to maintain education in Russian note that the transfer of Russian children to education in Estonian leads to a decrease in their competitiveness in the educational sphere. This thesis is supported by a science-based opinion. In their study "Foreign-speaking child in Estonian school" (Institute of Psychology, Tallinn University, Tallinn, 2012), Professor Alexander Pulver and Professor Aaro Toomela acknowledge that Russian-speaking children studying in Estonian schools cannot fulfil their potential performing a level lower than they would if taught in their native tongue. Children with high abilities show average results. Children of average ability correspondingly perform poorly. This does not happen when children are taught in their native language: in this case, children develop and perform normally. The difficulties faced by Russian-speaking children in Estonian schools undermine their self-esteem. On the contrary, children studying in their native language maintain their confidence. Thus, one can hardly say that equal opportunities for education have been created in Estonia. Showing results below their abilities, Russian children are limited in getting education and especially in continuing it at a higher level (upper secondary schools and university.)<sup>3255</sup>

Public activists also point out that the main problem in the integration of Russian-speaking students is not their poor command of Estonian, but rather the inability of Estonian authorities to provide quality teaching of the official language after all the years of the country's independence. Furthermore, the dismantlement of the system of training and professional development for Russian-speaking teachers in 1990s has had a very negative impact on Russian-speaking schools. Estonian

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<sup>3253</sup> <https://www.fondsk.ru/news/2021/07/03/estonija-minus-esche-odna-russkaja-shkola.html>

<sup>3254</sup> <https://www.dp.ru/a/2024/01/16/vlasti-jestonii-perestanut?ysclid=lsknebyfxm921427828>

<sup>3255</sup> Human rights in Estonia. Russian schools. REGNUM. 10 August 2021, <https://regnum.ru/news/polit/3338792.html> (in Russian); <https://dokole.eu/wp-content/uploads/2021/07/29.10volikoguprotokoll.pdf>

textbooks and Russian-speaking teachers of Estonian are lacking. Estonian teachers are extremely reluctant to work in Russian schools and upper secondary schools. The situation is aggravated by the fact that the whole education sector in Estonia is in a rather deplorable state. The Estonian budget allocates insufficient funding for this area and, consequently, teachers' salaries are low, which causes dissatisfaction among the staff. In November 2023, Estonian school and kindergarten employees held a warning strike over the government's inaction on low wages. Three-quarters of the country's educational institutions have joined the strike demanding salary increases.<sup>3256</sup> Since the authorities did not make concessions, claiming that there were no funds in the budget to increase salaries, Estonian teachers started a new strike on 22 January 2024. It was originally declared open-ended, but the timing of specific faculty members' participation is voluntary. According to the Education Workers Union, 9,471 teachers from 330 schools are participating. The strikers' demand is to increase the minimum monthly salary for teachers in general education schools by 150 euros (to make it 1,950 euros), as the high workload and low salaries lead to a growing shortage of teachers.<sup>3257</sup> The strike ended on 30 January 2024 with an agreement with the government that slightly increased the minimum wage for teachers (€1,820). As of 31 January 2024, schools reopened.

As a result, as Tallinn is pursuing a course towards the Estonianization of all spheres, primarily education, Russian-speaking children are not merely assimilated, but are also deprived of the right to receive education in their native language, which automatically limits their access to quality education. Aleksandr Chaplygin, editor-in-chief of the Russian-language newspaper *Stolitsa* in Tallinn, pointed out that translating education into Estonian would be a blow to children's academic performance. In particular, he noted the following: Receiving an education in a non-native language is harder. No special techniques are provided, children are thrown into the water without a life preserver. Schools will breed underachievers whose top

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<sup>3256</sup> <https://www.rubaltic.ru/news/10112023-v-estonii-nachalas-zabastovka-uchiteley-shkol-i-vospitateley-detsadov/>

<sup>3257</sup> <https://www.rubaltic.ru/news/22012024-v-estonii-nachinaetsya-zabastovka-uchiteley/>

career will be working as a janitor or cashier. Apparently, lawmakers want to cut off Russians from higher education. President of the Association of Baltic Studies Nikolai Mezhevich also noted that in Estonia they are trying to destroy the Russian-speaking diaspora and in a short period of time to finish Russian education, Russian culture, Russian journalism.<sup>3258</sup>

The NGO "Russian School of Estonia" monitors the situation and takes active measures to inform multilateral universal and regional human rights mechanisms about these violations. In August 2022, its leadership informed the Advisory Committee on Framework Convention for the Protection of National Minorities in the Council of Europe about Estonia's flagrant violation of the provisions of the document.<sup>3259</sup> On 1 October 2022, the Annual Congress of the Federal Union of European Nationalities in Berlin adopted a resolution condemning the closure of Russian schools and kindergartens and discrimination against the Russian minority in the country.<sup>3260</sup> Assessment of the forced Estonianization of Russian education was brought to the attention of the OSCE High Commissioner on National Minorities, Kairat Abdrakhmanov, at a meeting in Tallinn on 10 November 2022.<sup>3261</sup>

In mid-December 2022, the information portal [www.baltija.eu](http://www.baltija.eu) posted a public appeal of the "Russian School of Estonia" to local (Estonian) governments appealing to launch the constitutional oversight mechanism and call for the amendments to the laws on education in the Russian language be recognized as unconstitutional.<sup>3262</sup>

In March 2023, representatives of the NGO "Russian School of Estonia" held a working meeting with Eleonora Lotti, Senior Adviser to the OSCE High Commissioner on National Minorities, who was informed of the plans of the

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<sup>3258</sup> <https://iz.ru/1443747/khariton-galitskii/iz-uchitelei-v-kassiry-kak-estoniia-likvidiruet-russkie-shkoly>

<sup>3259</sup> <https://baltija.eu/2022/08/11/russkaya-shkola-estonii-protiv-planov-pravitelstva-po-uskorennoj-estonizaczii-russkih-shkol-i-detskih-sadov/>

<sup>3260</sup> <https://baltija.eu/2022/10/04/alisa-blinczova-nko-russkaya-shkola-estonii-dobrym-slovom-i-800-000-evro/>

<sup>3261</sup> <https://baltija.eu/2022/11/11/nko-russkaya-shkola-estonii-obsudila-s-verhovnym-komissarom-obse-situacziyu-v-estonii/>

<sup>3262</sup> <https://baltija.eu/2022/12/15/otkrytoe-obrashhenie-nko-russkaya-shkola-estonii-k-mestnym-samoupravleniyam-estonii/>

Government of the Republic for the complete Estonianization of the country's educational institutions.<sup>3263</sup>

The issue of discrimination in Estonia on the basis of proficiency in the official language has become the focus of international human rights monitoring mechanisms, which in most cases did nothing but contribute to legalizing Estonian authorities' efforts aimed at forced assimilation of Russian-speaking community. However, even these mechanisms could not ignore the blatant violations of the rights of Russians residing in Estonia. In August 2014, The Committee on the Elimination of Racial Discrimination noted with concern the discrepancies in employment and income levels between the Estonian and non-Estonian populations based on language proficiency.<sup>3264</sup> In 2022, the Committee had to come back to the issue again noting the lack of progress on it. The Committee has also pointed out the differences in employment and income between the Estonian and non-Estonian population, including on the basis of proficiency or lack of proficiency in the language.<sup>3265</sup>

In 2015, the European Commission against Racism and Intolerance (ECRI) operating within the Council of Europe drew attention to problems related to language discrimination in Estonia. The Commission noted, among other things, that Estonian legislation (especially the Equal Treatment Act) does not provide protection against discrimination on the basis of language and citizenship, and that

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<sup>3263</sup> <https://baltija.eu/2023/03/02/russkaya-shkola-estonii-soobshhila-obse-o-diskriminaczii-russkih/>

<sup>3264</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th and 11th periodic reports of Estonia. August 2014  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f10-11&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f10-11&Lang=ru)

<sup>3265</sup> Committee on the Elimination of Racial Discrimination. Concluding observations on the combined twelfth and thirteenth reports of Estonia. April 2022  
<https://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2fPPRiCAqhKb7yhsq90DTob4ikPW5%2fSYlCWY%2bsTv4D7bkEbOqgPC2lgX%2bZhrsC0LVGMdazwZw%2bHIR%2fVTCJQSvj7Oir%2bNS5aIn%2fwOjl1b8cVSIHQNH4Mj4oNamJOXsczsRWStBIDLusa5FiBnA%3d%3d>

the requirements for national minorities to pass the Estonian language are too complicated.<sup>3266</sup>

It noted that during the contact visit of its delegation to a number of Estonian regions, representatives of the Russian-speaking population had expressed concerns about the implementation of the 60 per cent quota of teaching in Estonian in high (upper secondary) schools. It also noted the difficulties experienced by a number of Russian-speaking pupils and students in acquiring mastery in core subjects that were taught only in Estonian, in particular in high school; shortages of teachers having the required linguistic qualifications in Russian-speaking schools and the lack of flexibility in the implementation of the 60 per cent quota. ECRI noted with concern the persisting performance gap between Estonian and Russian schools, which, in its opinion, was worsening regional disparities and hindering mobility across the country because of the language barrier. It was also mentioned that the situation of the Russian-speaking population remained characterized by higher levels of social exclusion.<sup>3267</sup>

In January 2017, the UN Committee on the Rights of the Child expressed concern about the language policy in secondary education, which often prevented Russian-speaking students from acquiring mastery in core subjects. It also pointed to general discrimination against children belonging to ethnic minorities in accessing education.<sup>3268</sup>

In February 2019, the UN Committee on Economic, Social and Cultural Rights (CESCR) expressed concern over the lack of flexibility in the implementation of percentage quotas for teaching in Estonian in the Russian-

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<sup>3266</sup> Fifth opinion of the European Commission against racism and intolerance on Estonia. Adopted on 16 June 2015. Published on 13 October 2015. <https://rm.coe.int/fifth-report-on-estonia/16808b56f1>

<sup>3267</sup> Report of the European Commission against Racism and Intolerance on Estonia (sixth monitoring cycle). Adopted on 29 March 2022. Published on 9 June 2022 <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>

<sup>3268</sup> Committee on the Rights of the Child. Concluding observations on the combined second to fourth periodic reports of Estonia. January 2017.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fEST%2fCO%2f2-4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fEST%2fCO%2f2-4&Lang=ru)

speaking upper secondary schools. The Committee's experts believed that it often made it difficult for Russian-speaking students in Russian-speaking schools to acquire mastery in core subjects that were taught only in Estonian and, in the case of vocational schools, led to an insufficient number of qualified teachers capable of teaching the specialized subjects. The situation is exacerbated by the punitive approach of the Estonian authorities to enforcing the Language Act, including through the mandate and functions of the Language Inspectorate.<sup>3269</sup>

The UN Committee for Human Rights has expressed concern about the impact of language policies and practices, which continue to impede the full enjoyment of the rights of the Russian-speaking population on an equal basis with the rest of the country's population. It also supported the opinion of CESCR regarding the inflexibility of application a quota for teaching in Estonian.<sup>3270</sup>

The lack of a constructive dialogue between the Estonian authorities and the national minority communities about language-related issues, including the role of the Language Inspectorate, was also emphasized by the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFCNM) as far back as in 2015.<sup>3271</sup> In 2022, the ACFCNM paid considerable attention to the issue of teaching in Russian in Estonia once again. The Advisory Committee pointed out that the education system, in dividing into Russian-language schools and Estonian-language schools, was not conducive to promoting intercultural dialogue, but rather enforced dividing lines between communities, risking the creation of parallel societies. This is also relevant for the Roma and other minorities who attend the

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<sup>3269</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Estonia. February 2019

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru)

<sup>3270</sup> Concluding observations of the Human Rights Committee on the 4th periodic report of Estonia. March 2019

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fEST%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fEST%2fCO%2f4&Lang=ru)

<sup>3271</sup> Fourth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Estonia. Adopted on 19 March 2015. Published on 21 October 2015.

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168047d0e5>

Russian-language schools. It stressed that there was a strong wish among the Russian minority to maintain Russian as a medium of instruction for a substantial part of the curriculum, in addition to Estonian. It was also concerned about the Russian-speaking students' tendency to give up studies due to the lack of proficiency in Estonian. The Committee also cited the opinion of the organizations protecting the rights of the Russian-speaking community on Estonian studies allegedly showing that attendees of Russian-language schools were 1-1.5 years behind their Estonian-school attending counterparts in terms of education outcomes. It was pointed out that these results were a consequence of the increased prominence of Estonian in public schools since 2007, which by default put students with Russian as a first language at disadvantage, rather than a fault in the system itself. The ACFCNM was concerned about the unequal learning outcomes for Russian-speaking students compared to the majority and called for an independent research into the causes of these disparities. In this context it emphasized that both the Advisory Committee, and the Committee of Ministers of the Council of Europe have previously raised these concerns with the Estonian authorities when the transition to Estonian as a language of instruction began. They warned back then that the lack of analysis of the quality of education raised questions about the compatibility of the transition with the right to education for students studying in Russian-language schools. Besides, the Advisory Committee noted that due to the low presence of minorities' issues in school curricula, the general population in Estonia knew very little about national minorities. Among other things, the ACFCNM pointed out that the restricted scope of subjects taught in Russian in "integrated" secondary schools appear neither sufficient, nor reflective of the full richness of Russian culture. The Advisory Committee believed that classes in advanced Russian language or broader Russian culture – even if elective – could help remedy this situation. In its opinion, this step would provide students with a richer curriculum and consequently a broader understanding of Russian culture.<sup>3272</sup>

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<sup>3272</sup> Fifth Opinion of the Advisory Committee on the Framework Convention for the Protection of National Minorities on Estonia. Adopted on 3 February 2022. Published on 9 June 2022. <https://rm.coe.int/5th-op-estonia-en/1680a6cc9e>.



Problems with the use of the Russian language in Estonia are noted not only in the educational sphere, but in general with regard to the possibility of its application in various spheres of public life. Estonia, which ratified the Council of Europe Framework Convention for the Protection of National Minorities in late 1990s, evades implementing the provisions of its Article 11, which expressly bind the Parties to recognize the patronymics of national minorities, and refuses to enter this data in national identity documents issued to its Russian-speaking residents. The Estonian authorities also ignore the recommendations of the UN Committee on the Elimination of Racial Discrimination and the UN Committee on Economic, Social and Cultural Rights to officially recognize the patronymics of Russian-speaking residents. In particular, in February 2019, the CESCR noted that administrative barriers against the use of patronymics in official personal documents, which Estonian authorities put up, restricted certain national minorities from enjoying their right to protect their cultural identity.<sup>3273</sup>

There are also cases of infringement of rights and interests of Russian-speaking people of Estonia in social and economic sphere. According to statistical data, the share of the unemployed is twice as high among the Russian-speaking population as among Estonian one. There is a clear imbalance in the civil service, where the number of non-Estonians does not exceed 3 per cent (while the share of non-Estonian population is about 30 per cent). This problem was highlighted in February 2019 by the CESCR, which subjected Estonian authorities to criticism for the persistent discrimination against the non-Estonian-speaking population, which faces systemic discrimination in all areas of public life due to their lack of

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It should be noted that the analysis of the situation as well as the Committee's visit took place before the Estonian authorities eliminated all the possibilities to receive education in the Russian language. Such a formal approach essentially made it possible for the Committee to avoid giving its assessment of the recent Tallinn's measures aimed at eliminating all education in Russian and to limit itself to point out that the on-going reform of the school education should be accompanied by the dialogue between the authorities and national minorities, as well as assured possibilities for national minorities to use their native language in education without compromising the quality of their education.

<sup>3273</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Estonia. February 2019

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru)



proficiency in the Estonian language. This, according to CESCER experts, is evidenced by the high unemployment and poverty rates among the non-Estonian-speaking population.<sup>3274</sup>

This issue was also highlighted by ECRI and the ACFCNM. ECRI noted that the unemployment rate among Russians was still significantly higher (9.4 per cent) than Estonians (5.8 per cent) in 2020. 29.3 per cent of people living in the Ida-Virumaa county, which the ECRI delegation visited during its contact visit, was at risk of falling below the poverty line in 2019. The Commission pointed out a very important and indicative negative trend: Russians occupy the most unfavourable positions in the Estonian labour market. A number of problems of the Russian-speaking community in education caused by the language of instruction was also stressed. The Commission noted that the spread of the coronavirus had a negative impact on employment rates among Russian-speaking residents, as their jobs often did not include the possibility to work remotely. In addition, for the fear of losing jobs many of them refused to reveal initial symptoms of illness.<sup>3275</sup>

The ACFCNM noted a higher unemployment rate among the Russian population than among Estonians as well. The Advisory Committee pointed out that in Ida-Viru county, the unemployment rate increased by more than the national average, reaching 12.3 per cent in 2020 (up from 8.7 per cent in 2019). Across the country, "non-Estonians" also saw a larger increase in unemployment than Estonians (3 per cent vs 2 per cent).<sup>3276</sup>

The problem of unequal representation of majority and minority communities in local authorities, especially in Tallinn, remains unsolved. Based on the principle of proportional representation, in the Estonian capital, which has about 350 thousand

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<sup>3274</sup> Concluding observations of the Committee on Economic, Social and Cultural Rights on the third periodic report of Estonia. February 2019  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fEST%2fCO%2f3&Lang=ru)

<sup>3275</sup> European Commission against Racism and Intolerance. ECRI Report on Estonia (sixth monitoring cycle). Adopted on 29 March 2022 and published on 9 June 2022. <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>

<sup>3276</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities. Fifth Opinion on Estonia. Adopted on 3 February 2022 and published on 9 June 2022. <https://rm.coe.int/5th-op-estonia-en/1680a6cc9e>

voters, one member of the City Council (79 seats) should be elected from about 4,430 of those eligible to vote. However, according to the local election act, 16 members from the capital's biggest "Russian" district Lasnamäe (over 100 thousand voters) are elected to the City Council, while from mostly "Estonian" district Pirita (a little over 13 thousand voters) – 6 members. Therefore, in order to elect one member, the "Russian" district needs about 6 thousand votes, while the "Estonian" district needs only 2 thousand.

The whole range of the problems that the Russian-speaking population and national minorities in Estonia face was noted by the Committee on the Elimination of Racial Discrimination in April 2022.<sup>3277</sup> In particular, the Committee was concerned about the lack of balance between the measures adopted by the country's authorities to impose the Estonian language and promote proficiency in Estonian, and minorities' opportunities to enjoy the right to use their native languages, which was reflected, among other things, in the authorities' goal to transition to predominantly Estonian-language school education in the following 15 years. CERD also stressed that Estonian authorities continued to rely on punitive elements in their approach to the promotion of the official language, particularly in the realm of employment. The Committee discussed that issue in detail, emphasizing that while the Equal Treatment Act prohibited discrimination against an employee or a potential employee based on criteria such as nationality and ethnic origin, in practice, different treatment based on Estonian language proficiency was not considered discrimination. The Committee was also concerned at the discrepancies between the employment and income levels of the Estonian and non-Estonian populations, including as a result of language proficiency. It was noted that the Language Act restricted the use of minority languages in public administration only to local governments. In addition, minorities' need for self-identification was not sufficiently addressed, including due to inability to use patronymics.

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<sup>3277</sup> Committee on the Elimination of Racial Discrimination. Concluding observations on the combined twelfth and thirteenth reports of Estonia. April 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FEST%2FCO%2F12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FEST%2FCO%2F12-13&Lang=ru)

In this context, it was recommended that Tallinn should reconsider the best balance between its recognition of diversity and the degree to which it made the Estonian language a condition for employment and other essentials for its non-Estonian-speaking citizens. To eliminate discrimination of national minorities in the field of employment, CERD reiterated its recommendation that Estonia ensured that language requirements in relation to employment are based on objective criteria and are linked to the needs for the performance of each individual job, and that it continued to be mindful of indirect discrimination effects of public policies on vulnerable groups. The Committee also reiterated its recommendations to intensify the efforts to address the persistent disadvantages faced by minority groups with regard to rates of employment and remuneration based on language proficiency. In addition to the above, Estonia was recommended to review its legislation to allow a wider scope for the use of minority languages in public administration and to address minorities' need for self-identification.

In August 2023, the UN Human Rights Council Special Rapporteur on minority issues Fernand de Varennes, Special Rapporteur in the field of cultural rights Alexandra Xanthaki, and Special Rapporteur on education Farida Shaheed said that as a result of Estonian authorities' education reform minorities' language was effectively eliminated as a medium of instruction. In their joint statement they noted with concern that the amendments adopted in December 2022 envisaging transition to Estonian-language education severely restricted education in Estonia's minority languages and virtually eliminated minority language education. They expressed particular concern about how the new provisions could affect members of the Russian linguistic minority, who make up a significant proportion of the country's population. It was also noted that despite protests from Russian-speaking parents and children, a number of Russian-language schools were closed in recent years.<sup>3278</sup>

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<sup>3278</sup> <https://www.ohchr.org/en/press-releases/2023/08/estonia-new-law-banning-mother-tongue-education-minorities-may-violate-human>

The recommendations given by human rights monitoring mechanisms to the Estonian authorities in regard to elimination of discrimination against Russian-speaking residents in Estonia are also confirmed by many civic activists who point out that Russian people in Estonia are almost completely squeezed out of many important spheres of the economy. The authorities' policy aimed at "integration" of the non-Estonian population while disregarding social and economic integration only exacerbates the situation. For example, it is much more difficult for a Russian entrepreneur to take on a loan than for an Estonian one. Moreover, even Russians who know Estonian cannot compete with Estonians. As a result, inequality between ethnic communities in the country continues to increase. The unemployment rate among Estonians stands at 5.8 per cent while among Russians it reaches 9.4 per cent. The largest number of the unemployed is observed in the regions populated by Russians (mainly in the Ida-Viru county).

Regardless of the development of the economic situation, the regional units of the country with predominantly Russian population receive less government funding. As a result, the poorest municipalities in Estonia are those populated by Russians. Estonia's poorest places include the cities of Narva, Kohtla-Järve, Sillamäe, the Ida-Viru county, and the town of Maardu near Tallinn.

A sharp deterioration in the situation of the Russian-speaking population is evidenced by the report on the results of integration monitoring published by the Estonian Ministry of Culture on 10 May 2021. These results confirm that the government's integration reform in Estonia has virtually failed. Forced Estonianization does not contribute to the natural involvement of national minorities into the Estonian society. For example, 29 per cent of non-Estonians believe that "they are not welcome here" (opposed to only 16 per cent of respondents in 2016). 38 per cent of non-Estonians consider themselves "second class citizens" (opposite to 21 per cent in 2016). 26 per cent of respondents claimed that they faced intolerance (opposite to 10 per cent in 2016). Up to 70 per cent of people in the target group believe that they have no influence on the development of society and the state, another 73 per cent believe that their career prospects are inevitably worse

than those of ethnic Estonians. There remains a strong correlation between socio-economic and career advancement and ethnic and language association. Ethnic discrimination in terms of wages persists, with non-Estonian being on the average paid 15 per cent less. 50 per cent of students studying in a non-native Estonian language have difficulties with their studies and experience serious stress.

Apparent irritation of the Tallinn officials is caused by activists fighting for the rights of the country's Russian-speaking population and preservation of the historical truth about the developments of World War II. To suppress these activities, the Estonian state has established powerful repressive forces. For example, over the last 30 years total censorship has taken shape in the country. It is directed, first of all, against the Estonian alternative media platforms that go against the official agenda (especially those publishing in Russian) and serves purposes to squeeze Russian public and private media resources out of the country. Accordingly, the Estonian authorities enthusiastically cleanse the country's public and political space, silencing all alternative voices. To this end, spy mania and anti-Russian (and anti-Belorussian in recent years) hysteria are being spread. Meanwhile, Estonian security services are using various methods to put pressure on politicians, public figures, human rights defenders and journalists, as well as civil society activists who are disloyal to the authorities and express position on the internal and foreign policy of the country and its history that differ from the official one. Legal Information Centre for Human Rights, an NPO, constantly appears in the KAPO yearbook among "threats to national security." The NGO "Russian School of Estonia" receives similar public attention with the same regularity.

In this regard, an interview given by Arnold Sinisalu, the Estonian Security Police Director, to Delfi information portal on 1 June 2020 is an indicative example. In the interview he directly pointed to the "non-loyalty" of the "Estonian Legal Information Centre for Human Rights" NGO (the oldest organization in the country promoting legal assistance to Russian and Russian-speaking community), as well as declared that staying in Estonia for those who disagree with violations of the rights of national minorities is undesirable.

Launching criminal investigations under far-fetched pretexts is one of the methods employed by security services to put pressure on dissenters. Before 2018, for example, criminal proceedings related to the "provision of incorrect data" and "forgery" had been underway against Alexander Kornilov, the editor-in-chief of the compatriot information portals "Baltija" and "Baltnews", called in the 2014 KAPO yearbook "Kremlin's propagandist and agent of influence" (the case was settled by paying a heavy fine). In February 2019 the court verdict convicting Andrey Krasnoglazov, a prominent Estonian specialist in Russian philology and Director of NGO "Tallinn Pushkin Institute", on charges of "funds embezzlement" and "document forgery" came into force. In July 2019 the police detained and subjected to hours of interrogation Mstislav Rusakov, head of the human rights NGOs "Kitezh" and "Russian School of Estonia." A purely civil lawsuit brought against him, associated with internal disagreements in the United Left Party of Estonia, was used by security forces to seize all technical data carriers and communication tools from him. In March 2020, the case against him was closed, but in April 2021, tax authorities initiated an investigation against Mr. Rusakov.

In late March 2021 the media reported on the detention of human rights defender and lawyer Sergey Seredenko who was charged with committing a crime against the Republic of Estonia (the case was brought into court in August 2021). The Estonian authorities had been concealing the fact of his arrest for almost a month.<sup>3279</sup>

Estonian human rights activists, as well as their colleagues from other Baltic countries, note that the reason for these unlawful acts was the active work of Sergei Seredenko and other Russian activists in Estonia aimed at preserving Russian-speaking education and protecting monuments to Red Army soldiers killed in the battles for liberation of Estonia from Nazism (including the Night Watch movement). For a long time, Sergei Seredenko had performed the functions of the "Russian ombudsman" in Estonia on a voluntary basis. In addition, the Estonian

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<sup>3279</sup> <https://lv.sputniknews.ru/world/20210330/15422485/estonia-arestovan-russkoyazychnyy-pravozaschitnik.htm>

media brainwash the public in order to create a bad impression about the human rights defender. Many facts about him being put under pressure were not made public intentionally. For example, it was not mentioned that Mr. Seredenko, who has two university diplomas, recently had to work as a janitor at the Maardu High School, as he could not exercise his profession because he was mentioned in the KAPO yearbook. Sergei Seredenko also provided free legal help to human rights advocates and activists of Russian communities in Latvia and Lithuania.<sup>3280</sup>

The arrest of Sergei Seredenko was a high-profile case in the Baltic States. NGOs representing Russian-speaking community of Estonia, members of the United Left Party of Estonia<sup>3281</sup>, representatives of the Russian Union of Latvia (RUL) and other activists held demonstrations in his support. Members of the European Parliament Tatiana Zhdanok (Latvia)<sup>3282</sup> and Yana Toom (Estonia)<sup>3283</sup> raised the issue of Seredenko's prosecution. For example, Tatiana Zhdanok, who herself now is put under tremendous pressure from the Latvian political establishment and local police, noted that Mr. Seredenko participated in the European Parliament hearings on persecution of dissidents in the Baltic countries. They concerned Algirdas Paleckis, Alexander Gaponenko, Vladimir Linderman and other human rights activists who were so bold as to freely express their own opinions. According to the MEP, the arrest of the human rights defender two years after those hearings in the European Parliament is an indication that the situation has only got worse.<sup>3284</sup> Yana Toom pointed out that Seredenko's arrest was "a very disturbing message to those believing that Estonia is a State based on an open government and the rule of law.

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<sup>3280</sup> <https://regnum.ru/news/polit/3236502.html>

<sup>3281</sup> [https://sputnik-meedia.ee/Estonian\\_news/20210421/334498/V-Talline-proshel-uzhe-vtoroy-piket-Svobodu-pravozaschitniku-Sergeyu-Seredenko.html](https://sputnik-meedia.ee/Estonian_news/20210421/334498/V-Talline-proshel-uzhe-vtoroy-piket-Svobodu-pravozaschitniku-Sergeyu-Seredenko.html)

<sup>3282</sup> <https://lv.sputniknews.ru/Latvia/20210408/15467802/Latviya-ugrozhaet-a-Estoniya-uzhe-sazhaet-v-Rige-trebuyut-osvobodit-pravozaschitnika-Seredenko.html>

<sup>3283</sup> [https://sputnik-meedia.ee/Estonian\\_news/20210409/278143/Evrodeputat-Yana-Toom-prizvala-vnesti-yasnost-podelu-Sergeya-Seredenko.html](https://sputnik-meedia.ee/Estonian_news/20210409/278143/Evrodeputat-Yana-Toom-prizvala-vnesti-yasnost-podelu-Sergeya-Seredenko.html)

<sup>3284</sup> <https://lv.sputniknews.ru/Latvia/20210408/15467802/Latviya-ugrozhaet-a-Estoniya-uzhe-sazhaet-v-Rige-trebuyut-osvobodit-pravozaschitnika-Seredenko.html>

Many members of the Russian-speaking community are treated with arrogance and disrespect here. It is truly inconceivable that there would be such deafening silence during the arrest of an Estonian-speaking political activist."<sup>3285</sup>

In the context of the Seredenko case, the NGO "Russian School of Estonia" called PACE to pay attention to the persecution of citizens for dissent in the country and noted the practice of launching baseless criminal investigations against people who disagree in any way with the generally accepted, so to say, "correct" opinion.<sup>3286</sup>

The party "Latvian Russian Union" reported on the appeal sent by representatives of the Russian community of the Baltic region, the European Parliament, Riigikogu and Riga City Council to the then President K.Kaljulaid with a call to stop politically motivated prosecution of human rights activist Sergey Seredenko. Among those who signed the open letter were MEP Tatyana Zhdanok, Riga City Council members Miroslav Mitrofanov, Yakov Pliner, Vladimir Buzayev and Aleksandr Kuzmin, as well as Mihhail Stalnuhhin<sup>3287</sup>, a former Estonian MP.

On 22 September 2022, the Estonian court sentenced Sergei Seredenko to five and a half years in prison. The trial was held behind closed doors, so the details of the case remained unknown for a long time. A month after the verdict, Sergei Seredenko got in touch with journalists and told exactly constituted his "crime." According to him, the prosecution put forward five different charges over the course of the investigation. The Estonian prosecutor's office could not articulate exactly in what way the activity of the human rights defender was criminal. That's why the hearing was private. As a result, Sergei Seredenko was charged under section 1 of Article 235 (1) of the Estonian Penal Code – Conspiracy against the Republic of Estonia in favour of a foreign state. The role of the latter was assigned to Russia.

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<sup>3285</sup> [https://sputnik-meedia.ee/Estonian\\_news/20210409/278143/Evrodeputat-Yana-Toom-prizvala-vnesti-yasnost-podelu-Sergeya-Seredenko.html](https://sputnik-meedia.ee/Estonian_news/20210409/278143/Evrodeputat-Yana-Toom-prizvala-vnesti-yasnost-podelu-Sergeya-Seredenko.html)

<sup>3286</sup> [https://m.sputnik-meedia.ee/Estonian\\_news/20210426/360171/Russkaya-shkola-Estonii-prizvala-PASE-datotsenku-arestu-Sergeyu-Seredenko.html?mobile\\_return=no](https://m.sputnik-meedia.ee/Estonian_news/20210426/360171/Russkaya-shkola-Estonii-prizvala-PASE-datotsenku-arestu-Sergeyu-Seredenko.html?mobile_return=no)

<sup>3287</sup> <http://ruskiymir.ru/news/287171/>



The article is extremely vague and thus allows for broad interpretations. Sergey Seredenko's lawyer filed an appeal against the decision of the court of original jurisdiction<sup>3288</sup>, which was, however, dismissed.

On 3 September 2022, the Center Party expelled Mihhail Stalnuhhin, Riigikogu MP and Narva City Council member, from the party and blacklisted him for calling Estonia's officials "Nazis" and "fascists" over their decision to clean up Narva from the Red Army monuments. The video was uploaded on Youtube channel "Slavia."<sup>3289</sup>

On 16 January 2023, Dimitri Klenski was expelled from the Estonian Association of Journalists for his harsh criticism over removal of the Soviet war memorial heritage in Estonia, manifestations of neo-Nazi sentiments in the Estonian society and violation of the rights and interests of the Russian-speaking population of the country.<sup>3290</sup>

Lodging financial claims is another favourite method of the Estonian secret services to deal with the unwanted. For example, Andrei Krasnoglazov, the director of the "Tallinn Pushkin Institute" NGO, was forced to leave Estonia after his office was searched by the Tax and Customs Department (under the jurisdiction of the Ministry of Finance of Estonia) in June 2021.

In recent years, the Russian media have had to operate in Estonia under constant pressure from local authorities who consider them agents of "hostile propaganda." For example, as of 1 January 2020, the Estonian bureau of the Russian news agency Sputnik ceased operations under the threat of criminal prosecution of the staff by the Money Laundering Data Bureau. Labour relations with this media outlet were illegally declared a violation of EU sanctions against Dmitry Kiselev, the general director of the Rossiya Segodnya news agency. Due to these restrictions,

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<sup>3288</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20221024-zhertva-rusofobskogo-rezhima-pravozashchitnika-posadili-za-pravdu-ob-unizhenii-russkikh-v-estonii/> <https://rus.err.ee/1608724240/sergej-seredenko-poluchil-5-5-let-tjurny-po-obvineniju-v-antigosudarstvennoj-deyatelnosti>

<sup>3289</sup> <https://rus.delfi.ee/statja/120062948/foto-mihaila-stalnuhina-isklyuchili-iz-centristskoy-partii>

<sup>3290</sup> <https://baltija.eu/2023/01/30/dimitrij-klenskij-kak-menya-isklyuchali-iz-soyuza-zhurnalistov-estonii/>

35 employees (including three Russian citizens) lost their jobs. These actions were taken despite the fact that back in December 2019, Harlem Desir, the then-OSCE representative on Freedom of the Media, noted that no sanctions had been imposed on Sputnik agency on the territory of the European Union. He urged the Estonian authorities "to refrain from unnecessary restrictions on the work of foreign media, which may negatively affect the free flow of information."

Since 20 March 2020, under the pressure of government and law enforcement agencies, the daily news program "News of Estonia" on the First Baltic Channel (operated by the Russian First Channel franchise) was discontinued.

A few remaining Russian journalists accredited in the country have been denied access to official events without any explanation. State and municipal officials avoid contact with them under formal pretexts. The Estonian authorities pointedly ignore requests and appeals from representatives of the Russian media accredited in the country, such as "Interfax", "RIA-Novosti", "TASS", and "VGTRK". Journalists do not receive newsletters and press releases from Estonian government agencies and are not allowed into government institutions. Financial pressure is also exerted to them. Under the pressure of the security services, banks refuse to provide services to them (they close accounts, unilaterally terminate contract obligations without providing the reasons thereof, etc.).

The Russian Federation's special military operation to denazify and demilitarize Ukraine and protect civilians in Donbass was a major catalyst for cleansing the Estonian information space of "Kremlin disinformation and propaganda." The Estonian authorities a priori consider Russian media instruments of influence.

As a result, in 2022, all the methods to put pressure on journalists practiced by the Estonian secret services were used with renewed vigour. Aggressive propaganda against everything related to Russia was unleashed in the country. The Estonian information space appeared completely closed off to alternative points of view, any "dissent" was interpreted as war propaganda and disinformation, Russian media were censored/closed down, criminal cases against unwanted journalists were

fabricated, and social networks, including the accounts of Russian diplomatic and consular missions in the country, were closely monitored. For example, in early March 2022, "Sputnik Meedia"<sup>3291</sup>, an Internet news portal, announced it was shutting down because of pressure and restrictions from Estonian banks and authorities, and threats to its employees. Throughout the year, banks in Estonia have been freezing employee's salaries and closing Sputnik's accounts based on absurd suspicions of "money laundering, financing of terrorism, illegal sale of alcohol." Besides, recently such tense atmosphere made many newsmakers to refuse to cooperate with the portal, and "open threats" from unknown persons started coming to its editor-in-chief and employees.

On 6 April 2022, in Tallinn, "Sputnik Meedia" editor-in-chief Elena Cherysheva was detained by the Estonian Money Laundering Data Bureau on suspicion of violating sanctions. She was facing up to five years in prison, but her defence managed the case evidence to be declared illegal. On 10 May 2022, the Harju County Court ruled that the seizure of property without a warrant during the search of Elena Cherysheva's house and, accordingly, the evidence obtained thereby, were illegal. On 7 July 2022, the Tallinn District Court did not satisfy the appeal of Chief State Prosecutor Taavi Pern.

As a result of the Estonian authorities' efforts, by May 2022, more than 40 Russian and Russian-language TV channels (including "First Baltic Channel", which rebroadcasts "Russian First Channel in the Baltic States", "STS", "REN TV", "Rossiya 24", "NTV+", etc.) were banned in the country. More than 50 web-sites (including "TASS", "RT", "RBC", and "Sputnik") were also blocked. It became impossible to publish and sell print publications ("Komsomolskaya Pravda in Northern Europe"<sup>3292</sup>).

Tallinn officials decided not to limit themselves to banning Russian TV channels, as they are available on the Internet. In April 2023, the Consumer

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<sup>3291</sup> The Sputnik Meedia portal had been created by former employees of the Sputnik Estonia news agency, which was closed down two years ago due to strong pressure from the Estonian police.

<sup>3292</sup> <https://rodina.ee/item/1208-pochemu-komsomol-skuyu-pravdu-v-severnoj-evrope-obyavili-bankrotom>

Protection and Technical Regulatory Authority (TTJA) demanded from the Internet providers to block access to 53 web-sites broadcasting Russian TV channels as part of its activity to "protect the information space of Estonia."<sup>3293</sup> However, it seems as if the Estonian media regulator sees one of the main enemies in Estonian retirement homes with access to Russian TV channels. In February 2024, it was reported that a bill proposing to give the above-mentioned authority the right to instruct to discontinue providing media services to a residence provider or any other operator of a public facility with access to Russian TV channels, was being considered.<sup>3294</sup>

Amid growing Russo-phobic frenzy in Estonia, it comes as no surprise that now it is prohibited for Russian journalists to pursue their professional activities in the country. On 17 August 2022, Kseniya Soldatova and Dmitry Timofeev, journalists from the "Izvestia" information agency, who tried to cover the removal of the T-34 tank monument in Narva, were detained and expelled from Estonia.

The Estonian authorities continue cancelling residence permits (with an alleged reason "poses a threat to the national security"), expelling Russian citizens, who permanently reside in Estonia, and banning them from entering the Schengen area for five years.

The residence permit of Maxim Reve, one of the defenders of the Warrior-Liberator monument at the time of its scandalous relocation during the "Bronze Night" in 2007, was revoked. He was also banned from entering the Schengen area for 10 years due to security reasons ("threat to the constitutional order, terrorist crime or other serious crime").

On 27 April 2022, Sergei Chaulin, a Russian citizen, one of the organizers of the "Immortal Regiment" events and a board member of the NGO "Russian compatriots in Europe", was detained on suspicion of organizing illegal public protests. He came to Tõnismägi (where the Bronze Soldier Memorial used to stand before its relocation) with flowers and candles. On 14 February 2023, he was

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<sup>3293</sup> <https://www.rubaltic.ru/news/05042023-v-estonii-zablokirovali-sayty-s-dostupom-k-rossiyskim-telekanalam/>

<sup>3294</sup> <https://www.rubaltic.ru/news/12022024-v-estonii-sobralis-shtrafovot-doma-prestarelykh-za-translyatsiyu-rossiyskikh-kanalov/>

stripped of his permanent residence permit and expelled from the country. On 9 May 2022, Yulia Kalinina, a Russian-speaking community activist, was detained.

On 6 December 2022, the Police and Border Guard Board (under the Ministry of Internal Affairs of Estonia) sent a notice to Aleksandr Kornilov, editor-in-chief of "Baltija.eu" portal and member of the "Coordinating Council of Russian Compatriots of Estonia", who has stayed in Russia since June 2022.

Similar measures were taken against Alexey Yesakov, member of the board of the NGO "Russian Compatriots in Europe" and one of the organizers of the Immortal Regiment events in Tallinn (expelled on 4 May 2022), Ramil Usmanov, activist of the "Russian Union in Tartu", former leader of the "South-Estonian Union of Afghan War Veterans" (expelled on 14 June 2022), Andrey Sushev, an activist from Narva declared a "Kremlin's agent provocateur" (expelled on 21 September 2022) and Sergei Neprimerov, chairman of the board of the "Narva Union of Chernobyl Accident Liquidators" (expelled on 30 September 2022).

According to publicly available data, in 2022 184 Russian citizens were expelled by the Police and Border Guard Board and 1187 people were denied entry to the Republic of Estonia.

In June 2023, KAPO launched reprisal against Zoya Palyamar, member of the NGO "Russian Compatriots in Europe", and revoked her permanent residence permit for her many-year participation in the Immortal Regiment events in Tallinn and her efforts to collect and dispatch humanitarian aid to Donbass.

On 4 April 2023, due to open pressure on the part of KAPO, the Coordination Council of Russian Compatriots of Estonia had to cease its operations.

In addition, expulsions are also applied to Russian citizens with criminal records under the formal ground of a "country of origin." It is not taken into consideration that this category of persons does not have stable ties with Russia (dwelling, work, relatives, etc.), and so they find themselves in unfavourable economic conditions.

As a punitive measure, Estonia bans entry into the Schengen Area to "undesirable" third-country citizens, usually using it against undesirable Russian

politicians, journalists, historians, publicists, and public figures. Their visas are revoked and entry bans are imposed for long periods of time. In the case of the victims' attempts to seek protection of their rights, the Estonian courts, which are formally independent, rule against them with reference to "national security interests." Estonian authorities made these measures tougher by amending the Law on Entry and Departure in the fall of 2017 due to "significant changes in the current environment and security architecture" that is long before the European Union developed the relevant directives in 2023. The restrictions affected a number of Russian politicians and journalists, including Russian State Duma MP Konstantin Zatulin, journalists Pavel Kostrikov, Elena Erofeeva, Andrey Zakharov, and St. Petersburg activists Anastasia Koveza, Sergey Khristenko, Mikhail Pirogov, and Alexander Malikov.

In addition to oppressing Russians, Estonian authorities, like the authorities of the neighbouring Lithuania and Latvia, persecute ethnic Estonians that either cooperate with the Russians or oppose the official policy. For example, a criminal case was initiated against Andrey Andronov, activist of the Russian citizens' movement and Estonian citizens Aivo Peterson, leader of the "Together for Peace Movement" (KOOS) who polled almost 4,000 votes at elections to Riigikogu in mostly Russian-speaking Ida-Viru county, and his associate Dmitry Rootsi. All of them were arrested in the night of 10 March 2023 on the charge of violating Article 235.1 of the Penal Code of Estonia ("establishing and maintaining ties with Russia against Estonia... with the aim of committing an offence", which is punishable with a term of imprisonment of up to six years). Later the prosecution changed the charges to Article 232 of the Republic of Estonia Penal Code "High treason" (punishable by a life sentence).

Mikhail Vlasov, member of the Estonian national curling team was disqualified for the whole 2023-2024 season for his participation in the tournament held on 24-27 August 2023 in Svetlogorsk, Kaliningrad Oblast, Russia.<sup>3295</sup>

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<sup>3295</sup> <https://rus.err.ee/1609085963/igravshij-v-rossii-jestonskij-kerlingist-mihail-vlasov-diskvalificirovan-do-konca-sezona>

Merited teacher of the Russian language Eleonora Rudakovskaya-Borisova, PhD was dismissed from the Tallinn French School in September 2023, for having taken part in the XXIII International Pushkin Competition for Russian Language Teachers held in Moscow.<sup>3296</sup>

On 7 December 2023, the KAPO detained Allan Hantsom, who previously worked for the Sputnik Media as an editor (before the media was closed by the authorities in March 2022) and currently runs Rodina.ee online media, suspecting him of "intelligence activities against the Republic of Estonia".<sup>3297</sup> A month earlier, Estonian Consumer Protection and Technical Regulatory Authority issued a prescription requiring him to delete ten publications on the demolition of monuments to Soviet warriors, the country's increasing Ukrainianization and growing Russophobia, due to the fact that "the information published on the website incited hatred and violence on grounds of ethnic origin, as well as fuelled war and justified war crimes".<sup>3298</sup>

On 3 January 2024, KAPO detained Russian citizen Vyacheslav Morozov, who had shortly before that taught theory of international politics at the University of Tartu, on suspicion of intelligence activities against the Republic of Estonia (Article 234.2(1) of the Penal Code of Estonia).<sup>3299</sup>

KAPO reported that on 20 January 2024 the authorities revoked the permanent residence permit of Andry Josu (also known as Andrey Traderson and Andrey Torganov), who had allegedly had dual citizenship (Russian and Romanian), and deported him to Russia, as "his activities posed threat to the security of the Republic of Estonia".<sup>3300,3301</sup> The security agency declared that he acted as

<sup>3296</sup> <https://rus.postimees.ee/7870542/ne-ponyala-suti-problemy-uchitelnica-russkogo-yazyka-prinyavshaya-uchastie-v-konkurse-rusistov-v-moskve-lishilas-raboty>

<sup>3297</sup> <https://rus.err.ee/1609189342/kapo-zaderzhala-chlena-partii-koos-allana-hantsoma>.

<sup>3298</sup> <https://rus.postimees.ee/7889140/vzyalis-za-propagandu-prorossiyskomu-portalu-prikazano-udalit-materialy-ugrozhayushchie-bezopasnosti-estonii>

<sup>3299</sup> [https://rus.err.ee/1609223\\_588/professora-tu-vjacheslava-morozova-zaderzhali-po-podozreniju-v-rabote-na-rossijskie-specsluzhby](https://rus.err.ee/1609223_588/professora-tu-vjacheslava-morozova-zaderzhali-po-podozreniju-v-rabote-na-rossijskie-specsluzhby)

<sup>3300</sup> <https://rus.postimees.ee/7944631/ugroza-gosbezopasnosti-zhitelya-estonii-lishili-vnzh-i-vyslali-v-rossiyu>

"Kremlin's agent provocateur, spreading misinformation and misrepresenting the Soviet Union as the liberator". Furthermore, KAPO noted that "glorifying and actively supporting an aggressor and re-writing history ran counter to Estonian laws and values. At the time of Russia's aggression against Ukraine Andry Josu condemns the European Union's support of Ukraine and sanctions against the Russian Federation, and relentlessly spreads the Russian authorities' messages".

Estonian authorities willingly satisfy requests of the third countries' persecuting Russian citizens under invented pretexts. On 30 January 2023, the Estonian side received an official application for the extradition of Russian citizen Vadim Konoshchenok to the US, and having considered it, the Harju County Court ruled in favour of the extradition. The Tallinn District Court dismissed the appeal against the ruling. On 13 July 2023, Russian citizen Vadim Konoshchenok was extradited to the USA where he has been accused of conspiracy to defraud the US public authorities, violation of the anti-Russian sanctions regime and the Export Control Reform Act, as well as of smuggling of dual-use goods, including of the US origin (paragraph 371, title 18; paragraph 554, title 18 of the United States Code). All the charges combined, he faces upwards of 30 years in prison.

To intimidate Russian compatriots, local mass media supporting Estonian authorities have published reports on punitive measures against those who disobey and venture to have their own opinion. In March 2023, the Supreme Court issued a decision proclaiming a woman who posted a congratulation showing the symbols of the Russian Airborne Force in a public Facebook group on 2 August 2022 "guilty of supporting and justifying the crimes committed by the Russian Armed Forces in Ukraine" and sentencing her to a EUR 120 fine.<sup>3302</sup> In April, after the Supreme Court dismissed the appeal filed by a resident of Narva, Ida prefecture's decision entered into force on imposing a EUR 444 fine on him for having worn a t-shirt with a

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<sup>3301</sup> According to Andry Josu himself, he has only a Russian visa, and was deported to Russia on his own request, as he had left there his car.

<sup>3302</sup> <https://rus.err.ee/1608909434/gossud-shtraf-za-publikaciju-v->Facebook>-fotografii-rossijskih-desantnikov-byl-obosnovan>



"USSR" print on it on 9 May 2022.<sup>3303</sup> On 4 September 2023, Kohtla-Järve police pinned to the ground and handcuffed an elderly gentleman. The reason for that was St. George ribbon attached to rear mirror of his car.<sup>3304</sup> The same pretext was used on 12 September 2023 in Narva to impose a fine of EUR 400 on another driver.<sup>3305</sup> A similar sum was paid on 18 September 2023 by a Polish citizen who entered Estonia from Russia.<sup>3306</sup> In late September 2023, a resident of Estonia had to pay EUR 500 for using a sticker with an inscription "I am Russian".<sup>3307</sup> On 5 October 2023, the police initiated a criminal case against two men who played the hymn of Russian in the yard of one of the houses of Tallinn's district Mustamäe.<sup>3308</sup> In mid-October 2023, a Russian citizen who entered Estonian Republic from Russia was given a fine of EUR 400 for having a St. George ribbon tied to a rear view mirror of his car.<sup>3309</sup> On 23 October 2023, a citizen of Estonia, who crossed the border between Estonia and Russia, had to pay a EUR 400 fine for wearing a hat with the coat of arms of the USSR.<sup>3310</sup>

On 9 May 2023, while Narva residents watched the concert held in Ivangorod on the Russian bank of the Narova river Vyacheslav Sorokin was detained for a conflict with local blogger Daniil Kurakin.<sup>3311</sup> Daniil Kurakin displayed the flag of Ukraine from the embankment to the Russian side, which he intended as a protest against "this massive fit of victory-related hysteria" in Ivangorod and a message to

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<sup>3303</sup> <https://rus.err.ee/1608941975/noshenie-futbolki-s-nadpisju-sssr-oboshlos-narvitjaninu-v-444-evro>

<sup>3304</sup> <https://rus.postimees.ee/7850034/zalomali-dedushku-za-lentochku-zhiteli-estonii-sporyat-s-policiey-iz-za-zaderzhaniya-voditelya-v-kohtla-yarve>

<sup>3305</sup> <https://rus.err.ee/1609097381/v-narve-voditelju-avtomobilja-prishlos-zaplatit-za-georgievskuju-lentochku-400-evro>

<sup>3306</sup> <https://rus.err.ee/1609103672/na-granice-v-narve-za-georgievskuju-lentochku-oshtrafovali-grazhdanina-polshi>

<sup>3307</sup> <https://rus.err.ee/1609117379/policija-oshtrafovala-na-500-evro-iniciatora-ispolzovanija-naklejki-ja-russkij>

<sup>3308</sup> <https://rus.delfi.ee/statja/120237622/video-publichnoe-i-gromkoe-ispolnenie-gimna-rf-povleklo-dlya-dvuh-muzhchin-vozbuzhdenie-policiey-dela>

<sup>3309</sup> <https://rus.postimees.ee/7876986/grazhdanina-rossii-nakazali-za-georgievskuyu-lentochku-nemalym-shtrafom>

<sup>3310</sup> <https://rus.postimees.ee/7881964/priezd-v-estoniyu-v-shapke-s-gerbom-sovetskogo-soyuza-oboshelsya-v-400-evro>

<sup>3311</sup> <https://rus.postimees.ee/7775283/mid-rossii-podderzhal-napadenie-na-aktivista-s-ukrainskim-flagom-v-narve>

the Russians that "Estonia opposed the Ruscist ideology." Such insulting behaviour on the part of the blogger brought about the indignation of the Russian compatriots present. All the requests to stop conducting in such a manner were met with extreme rudeness. As a result, Vyacheslav Sorokin lost control and tried to wrest the flag from the blogger. During the fight that ensued, Daniil Kurakin was pushed down from the embankment edge to the stairs below.

After the incident, the court charged Vyacheslav Sorokin with "breaching public peace" and gave him a suspended sentence of fifteen months. The compatriot, who had previously had no criminal record, was put on probation for a year and nine months and obliged to pay the cost of litigation amounting to EUR 687.75. In addition to that, he faced a case on charge of using St. George ribbon. Daniil Kurakin, who provoked the incident, faced no punishment.

In addition to the individual cases of persecution of Russian citizens mentioned above, in 2022, Estonian authorities used Russia's special military operation as a pretext to increase pressure on Estonia's Russian-speaking population in general, infringing their labour rights as a first step. On 18 March 2022, the Estonian Labor Inspectorate notified employers that if they saw an employee wearing a St. George Ribbon, a "Z" symbol or using the Russian flag in social media, they should bear in mind that "incitement to war and hate speech are criminalized by Estonia's Penal Code, and entitle employers to terminate employment for loss of trust based on Article 88 (1), paragraph 5, of the Employment Contracts Act".

This recommendation exonerates local executives, who acted in this way on a proactive basis. To cite but one example, the head of Elron (government-owned passenger train operator) Lauri Betlem, as early as on 1 March 2022, informed his employees that expressing "support to the Russian criminal regime" in social media was inadmissible. He announced that those who do it will have their labour contracts terminated for "loss of trust and damaging the employer's reputation".

On 25 March 2022, president Alar Karis stated that military propaganda can entail criminal liability, and called Riigikogu to identify the symbols justifying

"Russia's aggression". The Fatherland party faction presented a bill prohibiting public use of any symbols of "support to aggressive war" in Estonia. On 21 April 2022 Riigikogu banned the public display of "hostile symbols".<sup>3312</sup>

Estonian law enforcement and security agencies are taking measures to identify pro-Russian citizens. On 8 March 2022, the Police and Border Guard Board urged social media users to promptly report "questionable publications" (i.e., pro-Russian publications) to web police to check them for "incitement to war and hate speech." The next day, the KAPO specified that it should be immediately informed of all "egregious cases" of social media activity.

On 22 March 2022, the faction of the Conservative People's Party of Estonia (EKRE) in Riigikogu presented a blatantly discriminating bill amending the Weapons Act and envisaging the right to possess arms only for the citizens of EU and NATO countries. The relevant bill was approved on 22 February 2023 (the licenses granted to the citizens of Russia will remain valid for one year, after which the weapons will be seized).<sup>3313</sup>

However, Estonian authorities started withdrawing the licenses well before the law entered into force. The Police and Border Guard Board cancelled the weapons licenses of three residents of Russian-speaking Ida-Viru county for their "active opposition" to the relocation of the T-34 tank monument in Narva, as their right to bear arms allegedly "threatened public order and national security". The attempt of one of them to challenge this decision in the administrative court of Tartu in October 2023 failed.<sup>3314</sup>

Guided by anti-Russian sentiments, some of Estonia's leading universities, as if on command, announced that they were against "aggression" and therefore decided not to admit students from Russia in the 2022/2023 academic year: the

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<sup>3312</sup> <https://rus.err.ee/1608571405/riigikogu-v-preddverii-9-maja-prinjal-zakon-o-zaprete-vrazhdebnoj-simvoliki>

<sup>3313</sup> <https://www.riigikogu.ee/ru/press-relizy/pravovaya-komissiya-ru/riigikogu-prinyal-popravki-k-zakonu-ob-oruzhii/>

<sup>3314</sup> <https://rus.err.ee/1609147967/gosudarstvo-otobralo-razreshenie-na-oruzhie-u-zawitnikov-sovetskogo-tanki-pamjatnika-v-narve>

University of Tartu – 7 March 2022,<sup>3315</sup> the Estonian Academy of Music and Theatre (EAMT) – 24 March 2022,<sup>3316</sup> Tallinn University of Technology – 4 April 2022.<sup>3317</sup> It is noteworthy that these decisions were welcomed by deputy Director General of KAPO Martin Arpo, who called them a "solidarity reaction of the democratic world to Russia's aggression and war crimes".<sup>3318</sup>

From 13 September 2023, after the EU has developed another set of restrictions aimed directly at Russian citizens, Estonia banned Russian-registered cars from entering the country.<sup>3319</sup>

On 20 December 2023, the prime ministers of Latvia, Lithuania, and Estonia agreed on common approaches to applying the EU sanctions against Russia and Belorussia. In January 2024, the heads of the three Baltic States' customs services concluded a treaty as a follow-on to that agreement.<sup>3320</sup> There is a huge gap between these declarations and what is done in practice, as even Estonian leadership's families demonstrate entirely different attitude to the sanctions regime. In late August 2023, a scandal erupted after it became known that Arvo Hallik, Estonian Prime Minister's spouse, earned over EUR 1.5 million transporting goods between Estonia and Russia after February 2022. Furthermore, it leaked out to the media that Kaja Kallas had twice accompanied her husband at the events related with his company and invested 370 thousand euros in their family business, while her total declared income for the three previous years was only 248 thousand euros. This also raised questions as to double standards used by the head of Estonian State: she was

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<sup>3315</sup> <https://rus.err.ee/1608525092/tartuskij-universitet-s-oseni-ogranichit-priem-grazhdan-rossii-i-belarusi>

<sup>3316</sup> <https://rus.err.ee/1608543355/jestonskaja-akademija-muzyki-i-teatra-priostanavlivaet-priem-grazhdan-rf-i-respubliki-belarusi>

<sup>3317</sup> <https://rus.postimees.ee/7493048/tallinnskij-universitet-bolee-ne-primet-na-obuchenie-rossiyskih-i-belorusskih-studentov>

<sup>3318</sup> <https://rus.err.ee/1608540403/kapo-ogranichenija-na-priem-rossijskih-studentov-ne-nakazanie-a-preventivnaja-mera>

<sup>3319</sup> <https://www.gazeta.ru/auto/news/2023/09/13/21276224.shtml?updated>

<sup>3320</sup> <https://www.rubaltic.ru/news/26012024-tamozhni-pribaltiki-dogovorilis-edinoobrazno-primenyat-sanktsii-protiv-rf/>

virtually putting pressure on Estonian entrepreneurs and calling on them to "find moral compass" and renounce "grey" supplies from Russia, when in reality she was merely eliminating her spouse's competitors.<sup>3321</sup> There was no publicly available information on whether Estonian competent anti-corruption agencies showed any interest in the case.

The beginning of 2024 saw renewed discussions among Estonian leadership on the need to "suspend" the right of Estonian residents holding the citizenship of the "aggressor States" (i.e. Russia and Belorussia) to vote at municipal elections "until the war ended". As Prime Minister Kallas said, while previously Estonian parliament intended to adopt a separate law to that end ("similar to that depriving convicts of their electoral rights"), now Estonian Reform Party took into account President Karis's and Chancellor of Justice Madise's opinions that the bill would contradict the Constitution, and opted to work to amend the fundamental law of the country.<sup>3322</sup>

In mid-January 2024, Estonia's Border Guard Service announced that the country could close its crossing points on the border with Russia. They explained such decision by the fact that in the previous weeks Russia "had intentionally sent groups of foreign citizens who had no legitimate right to enter the European Union, to the Russian-Estonian border".<sup>3323</sup>

On 19 January 2024, Estonian government approved a bill denouncing the country's treaty with Russia on legal assistance and legal relations on civil, family and criminal matters. In their comment on this step, Estonian agencies noted that Estonia "would maintain only minimum bilateral ties with Russia" and pursue such course "until hostilities in Ukraine ended".<sup>3324</sup>

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<sup>3321</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20231123-patalogicheskaya-rusofobka-bez-printsipov-kto-vozzhelal-stat-gensekom-nato/>

<sup>3322</sup> <https://rus.err.ee/1609224843/kaja-kallas-lishenie-vseh-grazhdan-rossii-izbiratel'nogo-prava-trebuetsya-vremeni>

<sup>3323</sup> <https://www.rubaltic.ru/news/14022024-pogransluzhba-estonii-zayavila-o-vozmozhnom-zakrytii-granitsy-s-rossiei/>

<sup>3324</sup> <https://www.rubaltic.ru/news/18012024-pravitelstvo-estonii-odobrilo-denonsatsiyu-dogovora-s-rf-o-pravovoy-pomoshchi/>

In February 2024, Estonian authorities launched a massive intimidation campaign targeting Russian citizens residing in Estonia in order to reduce the voter turnout at Russian presidential elections of 17 March. Estonian media have attempted to exercise psychological pressure on Russian citizens. Russian voters have been clearly "warned" of the consequences of participation in the elections, which is viewed as "support of mass falsifications: and "aggression against Ukraine". In addition to that, by February 2024, the authorities had failed to respond to Russia's request under the 1961 Vienna Convention on Diplomatic Relations to ensure protection of a polling station during the presidential elections.

Following the example of their ideological patrons German Nazis, Estonian authorities started suppressing any manifestations of Russian ethnic and cultural identity.

In autumn 2023, ten police officers of the Russian-speaking Narva were dismissed due to the fact that their Estonian language proficiency level was below C1.<sup>3325</sup>

In December 2023, when little children aged between 3 and 5 were having an excursion at the "Raeapteek" at the Town Hall Square, its employee forbade them to sing a song in Russian.<sup>3326</sup>

Estonian State authorities have also persecuted Estonian Orthodox Church of the Moscow Patriarchate (EOC-MP) and its Primate Metropolitan of Tallinn and All Estonia Eugene. After the Special Military Operation began, the nationalists censured the EOC-MP for "channelling the voice of Moscow". On 27 September 2022 Estonian Minister of the Interior Lauri Läänemets stated that he expected Metropolitan Eugene to condemn the words of Patriarch Cyrill and added that "no church calling on Russians to kill Ukrainians could operate in the country". The official also threatened to withdraw the Metropolitan's residence permit unless the

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<sup>3325</sup> <https://severnojepoberezhje.postimees.ee/7887032/v-narve-uvolili-desyatelyh-policeyskih-iz-za-yazykovogo-nesootvetstviya>

<sup>3326</sup> <https://rus.delfi.ee/statja/120257027/yazykovoy-skandal-v-ratushnoy-apteke-detsadovcam-zapretili-pet-novogodnie-pesni-na-russkom>.

latter expressed his position publicly before 12 October. On that day Metropolitan Eugene issued a letter to the Minister of the Interior and the Minister of Justice saying that he did not share what the Patriarch said in his sermon on 25 September 2022. He also assured that EOC-MP "did not engage in any propaganda of war and incitement of hate" in its parishes.

Estonian authorities found that insufficient. On 18 January 2024, the Police and Border Guard Board announced that it would not extend the residence permit to the Primate of Estonian Orthodox Church Metropolitan Eugene, so he should leave Estonia by 6 February.<sup>3327</sup> According to Indrek Aru, head of Border Guard Buro of the Police and Border Guard Board, "Estonian State's" decision to deny the extension of residence permit to the head of EOC-MP was brought about by his "support of the aggressor and persistence in his conduct countering the law and values of the Republic of Estonia despite repeated warnings he had received".<sup>3328</sup> However, even these measures taken by Estonian authorities have no bearing on who will lead the church. The Primate's message published on EOC's website says that he will continue to steer the Church from abroad.

Estonia's efforts to suppress Russian activists struggling to preserve the memory of the heroic deeds of the Red Army soldiers who fought against Nazism, make it clear that the country has embarked on a campaign of supporting neo-Nazism and re-writing its history during the Second World War and subsequent period. Over the whole period of the country's "independence", its nationalist circles in power have imposed systematically and persistently a distorted, nationalistic ideology and Russophobia-influenced interpretation of shared history of Russia and Estonia. The Soviet period, which was dubbed by Estonian historians as the "occupation of 1940-1991", and the events of the Great Patriotic War in the territory of the country are most blatantly falsified.

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<sup>3327</sup> <https://www.rubaltic.ru/news/06022024-glava-estonskoy-pravoslavnoy-tserkvi-pokidaet-estoniyu/>

<sup>3328</sup> <https://rus.err.ee/1609225491/jestonija-ne-stala-prodlevat-vnzh-mitropolita-evgenija-6-fevralja-on-dolzen-pokinut-stranu>.

Until recently the legalization of Nazis in Estonia was possible due to poorly concealed support of the government and virtually no pushback from the population. Since 2022 the Estonian authorities ceased to conceal the fact and openly took the path of supporting Nazism and glorifying its accomplices. This has caused a serious political strengthening of right-wing nationalist forces, increased manifestations of xenophobia, antisemitism, neo-Nazism, and cases of desecration of monuments to soldiers of the Red Army and roused right-wing radical groups.

The country strenuously whitewashes Estonian collaborators and justifies their crimes. For this purpose it promotes a myth about "freedom fighters" who fought against "Soviet aggressors" in the ranks of the 20th Waffen Grenadier Division of the SS (Estonian Legion),<sup>3329</sup> security and punitive units and anti-Soviet gangs. It publicized the estimates, according to which the presence of the Nazis on the Estonian territory was a "lesser evil" than the "Soviet occupation", which allegedly prompted the titular population to voluntarily join the Nazis to resist the "return of the Soviets". The organization "Union of Former Forest Brothers of Estonia", which also works to glorify what they call "partisans", operates without any hindrance.

Rather than merely hushing up Estonian collaborators' and "Forest Brothers" crimes, their active participation in the massacres of civilians in Russia, Belarus and Ukraine, mass extermination and torture of concentration camp prisoners and Soviet prisoners of war, and mass murder of Jews, they glorify such figures as heroes of "the fight for independence". In 2007 Estonian Parliament amended the law on holidays and proclaimed 22 September, the day of the liberation of Tallinn from Nazi troops, Day of Resistance. Estonian authorities demonstrate similar attitude towards Victory Day. Consequently, the Estonians who fought in the ranks of the Red Army and liberated the territory of the ESSR are secretly deleted from the local "pantheon of heroes" and dubbed as accomplices of the "Soviet occupiers".

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<sup>3329</sup> Waffen-SS was outlawed by the Nuremberg Trials.



There is another fact exemplifying Tallinn's genuine attitude to the Nazi ideology and those who support it. In recent years Estonia, following the collective EU course, abstained from voting on the United Nations General Assembly resolution "Combating glorification of Nazism, neo-Nazism and other practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" that is co-sponsored by Russia and the countries from all parts of the world (the exception was made in 2011 when the Estonian delegation in the UNGA voted against the resolution). However, in 2022 and 2023 during the voting on regular draft resolutions condemning the glorification of the Nazi movement and former members of the SS organization, including the Waffen-SS units, as well as destruction of monuments and memorials in honour of fighters against Nazism and fascism by individual countries, Estonia opposed it without any attempts to conceal its support for neo-Nazism.

Various events to commemorate Estonian SS members are also held openly and feature representatives of Estonian government agencies. Top Estonian authorities are attempting to falsify history in order to smear the Soviet Union and the actions of the Red Army, which liberated Europe, and to obscure the ugly pages of history related to their collaboration with the Nazis. For this purpose on 7 May 2020, the Presidents of Lithuania (Gitanas Nauseda), Latvia (Egils Levits) and Estonia (Kersti Kaljulaid) adopted a joint statement on the occasion of the 75th anniversary of the end of World War II in Europe. The video message of the heads of the three Baltic states published in June 2021 on the occasion of the 80th anniversary of the deportations from these countries (14 June 1941) also contains interpretations that distort the real history.<sup>3330</sup> These documents advance the theses of identity of the Nazi Germany and the Soviet Union, their equal accountability for having waged the war and the idea that after the liberation of the Baltic States one occupation was replaced by another.

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<sup>3330</sup> The Baltic presidents again came out with lies about Soviet deportations. Remembrance, Research & Justice: Heritage of WWII in the 21st century, website of the project, 15 June 2021.  
<https://remembrance.ru/2021/06/15/pribaltiiskie-prezidenty-vnov-vystupili-s-lozhju-o-sovetskih-deportacijah/>

In the same vein, Estonian authorities hold annual ceremony to commemorating the victims of the Soviet air raid on the headquarters of Hitler's command at Tallinn city centre on 9 March 1944, which is represented as "a manifestation of hatred for pro-Western Estonians" and "the desire to strip the Estonian capital of its European look", rather than a military operation. The reports of the event are formulated accordingly. While depicting the event, they stress that there were casualties among civilians, while omitting the fact that it is the Nazis, who regarded the population of the Baltic States as Untermenschen, who were the target.

Supporters of the ultranationalist Fatherland Party and Conservative People's Party of Estonia (EKRE) are the main political forces in Estonia who glorify Nazism. The EKRE youth movement Blue Awakening can be found frequently among organizers of events that glorify Nazis.

Estonia remains a very fertile ground for right-wing groups. The local cell of the Finnish nationalist, racist organization Soldiers of Odin, established in 2016, is highly active here. Its activists keep in touch through closed Facebook groups and attend mass events to celebrate Nazi collaborators. The group actively and openly recruits new members via its website [www.soldiersofodin.ee](http://www.soldiersofodin.ee). The fact that this structure organizes actions inciting hatred on racial and religious grounds was pointed out by ECRI.<sup>3331</sup>

In recent years, radicalization has also become visible on the Internet, which has increasingly often served as a means of drawing young people into radical ideology. In January 2020, the Estonian Internal Security Service (KAPO) identified a 13-year-old who was one of the leaders of Feuerkrieg Division, a large international network of neo-Nazi groups. He actively recruited new people via social media and spread anti-Semitic and neo-Nazi materials on the Internet. However, due to the juvenile age of the neo-Nazi, the law enforcement authorities were unable to bring him to justice, reporting only that some measures had been

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<sup>3331</sup> Report of the European Commission against Racism and Intolerance on Estonia (sixth monitoring cycle). Adopted on 29 March 2022. Published on 9 June 2022 <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>

taken. It is noteworthy that this story was published in the April 2021 yearbook of the KAPO, thus the Estonian "security service" recognized the presence of right-wing radical groups in the country as a threat to national security (although the main threat is still posed by the notorious "hand of the Kremlin"). At the same time, Estonian law enforcement agencies turn blind eye on the Russophobic activities of the right-wing radical groups.

Estonian right-wing radicals' efforts focus on glorifying those who collaborated with Nazis during the Second World War. Annual gatherings of former SS members and their contemporary admirers (held at the end of July) on the heights of Sinimäe (Ida-Viru county), where in 1944 the Red Army fought bloody battles with Estonian, Belgian and Dutch Waffen-SS units, is one of the key neo-Nazi events. Usually this event is attended by representatives of the legislative and executive branches of government as well as representatives of the Estonian Evangelical Lutheran Church and members of ultranationalist and neo-Nazi groups.

For example, on 27 July 2019, Riigikogu MPs from the EKRE and Fatherland party, representatives of the Ministry of Defense and the Defence League (people's militia) took part in this event.<sup>3332</sup> Members of the Estonian parliament also participated in neo-Nazi get-together at Sinimäe in 2021, while in 2020 the coronavirus pandemic prevented the event. The symbols of the criminal Hitler organizations are traditionally openly displayed at such gatherings. Human rights activists point out that this event is financed from the state budget. The regular gathering of the Waffen-SS Estonian division veterans and their followers in Sinimäe on 30 July 2022 was rather modest, without participation of politicians and other prominent figures of the country. About a hundred people gathered.<sup>3333</sup> In 2023 a similar event of former SS members was held on 30 July, though the media didn't report the participation of politicians in the event. It started from the performance of the anthem of the Estonian Republic, meanwhile, the Ukrainian flag was placed next

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<sup>3332</sup> [https://ee.sputniknews.ru/estonian\\_news/20190727/17357965/pamjatj-Estonia-esesovtsy-Sinimae-pochtili-deputaty-i-voennyje.html](https://ee.sputniknews.ru/estonian_news/20190727/17357965/pamjatj-Estonia-esesovtsy-Sinimae-pochtili-deputaty-i-voennyje.html)

<sup>3333</sup> <https://rossaprimavera.ru/news/8db1bfa4>

to the Estonian flag.<sup>3334</sup> Then different organizations and individuals (total in up to 100 people) laid wreaths at the memorial stones whereas a pastor from the Estonian Evangelical Lutheran Church held a memorial service.

Public events are also held on the territory of Estonia where various souvenirs with Nazi symbols, propaganda posters of the Third Reich, uniforms and insignia of the Wehrmacht and the Waffen-SS, books about the SS unit and its members, Hitler's "Mein Kampf", memoirs of former SS members, etc. are openly sold. For instance, the media published information about a fair of Nazi souvenirs and genuine military uniform items found in the course of excavations on the territory of the military propaganda museum in Valga (used, among other things, for NATO events) in 2019.<sup>3335</sup> According to the media, such fairs and sales of Nazi products are held at the museum almost every month.<sup>3336</sup> A similar exhibition, in the course of which "Forest Brothers" were also celebrated, took place on 19-20 August 2022 in the framework of the XIV "International Festival of Military History," which, among other organizers, included local bodies of "freedom fighters".

Every year in August, a hike is organized along the route of the Abwehr's reconnaissance and sabotage group titled "Erna", which was formed of Estonians and Finns and sent to operate deep behind the Soviet Army lines in the summer of 1941. The final point of the hike is Kautla settlement, where a decisive battle took place between the Erna saboteurs and the NKVD fighters on 31 July 1941<sup>3337</sup>. In 2019, the "anniversary" 20th "military patriotic hike", organized by the "Estonian Scout Association" NGO with direct support from Estonia's Ministry of Defence and

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<sup>3334</sup> <https://lt.sputniknews.ru/20230730/v-estonii-proshel-ezhegodnyy-slet-byvshikh-voennykh-ss-pishut-smi-29818035.html?ysclid=lmx4777aa3962840809>

<sup>3335</sup> "The market for "Nazi symbols" was revealed at the NATO base in Estonia." Sputnik. Estonia 29 July 2019. [https://ee.sputniknews.ru/estonian\\_news/20190729/17393648/Na-baze-NATO-v-Estonii-raskryli-rynok-natsistskoy-produktsii.html](https://ee.sputniknews.ru/estonian_news/20190729/17393648/Na-baze-NATO-v-Estonii-raskryli-rynok-natsistskoy-produktsii.html)

<sup>3336</sup> A magnet with a Nazi smile and a beer with the smell of swastika: the dangerous path of the Baltic States Sputnik.Latvia 29 July 2019. <https://lv.sputniknews.ru/Baltics/20190728/12144422/Magnitik-s-ulybkoy-natsista-i-pivo-s-zapakhom-svastiki-opasnyy-put-stran-Baltii.html>

<sup>3337</sup> Erna Hiking Campaign – Estonian youth will yet again walk the path of Hitler's saboteurs. Sputnik.Estonia, 31 July 2019. [https://ee.sputniknews.ru/estonian\\_news/20190731/17413874/pohod-Erna--estonskaja-molodjozh-projdet-sledy-diversanty-Hitler.html](https://ee.sputniknews.ru/estonian_news/20190731/17413874/pohod-Erna--estonskaja-molodjozh-projdet-sledy-diversanty-Hitler.html)

Ministry of Education and Research, brought together 26 teams, including those composed of NATO contingent servicemen stationed in the Republic.

Fans of the Estonian SS members are united by the NPO "Society of the Friends of the Estonian Legion", which has a page on Facebook and its own website – [www.eestileegion.com](http://www.eestileegion.com). These resources give a detailed positive description of the "heroic path" of the Estonian formations within Waffen-SS, as well as tell the history of this structure and deny the crimes of the Holocaust.

The trend towards glorification of Nazism by the Estonian establishment was further demonstrated by yet another torchlight procession that took place on 24 February in the centre of Tallinn on the occasion of the anniversary of the declaration of independence of the Estonian Republic. The procession follows the traditional route from Freedom Square (Vabaduse) through the Old City, returning back to the starting point. As a rule, the event is organized by the EKRE-led youth organization "Blue Awakening" or the EKRE itself. During the 2020 event, which brought together a significant number of participants from Estonian neo-Nazi groups, the symbols of the Waffen-SS and Nazi Germany were openly demonstrated, and nationalist and xenophobic slogans were chanted. The 2021 event was of a limited scope due to the restrictions imposed as a response to the spread of the coronavirus infection. In 2022, the organizers arranged for a free-of-charge distribution of torchlights to participants.<sup>3338</sup>

There is information that photos of Nazi criminals were posted on the websites of the Russian online campaign "Immortal Regiment" in May 2020 from, among others, the territory of Estonia. Having established the IP addresses from which the pictures of Nazis had been uploaded, the Investigative Committee of the Russian Federation instituted legal proceedings in relation to these facts under the article on "Rehabilitation of Nazism".

Honouring Estonian SS members as "fighters for independence" and giving them state awards remains a common practice in Estonia. On 31 August 2020,

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<sup>3338</sup> <https://regnum.ru/news/3517553?ysclid=lmx52arleh905144633>

Minister of Justice Raivo Aeg held a regular ceremony of presenting the Oak Wreath of Freedom decoration, which coincided with the 26th anniversary of the withdrawal of Russian troops from the country. Along with members of the Estonian Legion, awards were given to former "Forest Brothers", members of various clandestine groups that opposed the Soviet authorities, and court historians engaged in ideologically coherent myth-making about Estonia's "liberation movement."

Circulation of books and publications that portray Nazi henchmen in a positive way has become a routine occurrence in Estonia. Thus, the "Culture and Life" magazine is still being published, despite the fact that its every issue contains materials describing the period of Nazi occupation in a positive light, glorifying Estonian Nazi collaborators and Waffen-SS members, and denigrating the country's Soviet period. The magazine has its own website. In 2019, in addition to the aforementioned fair in Valga, the re-issue of Hitler's "Mein Kampf" in the Estonian language by Matrix Publishing was put up for sale in Estonian bookstores with quite a success.

Monuments are erected in Estonia in honour of actual participants of the Nazi formations. For example, in August 2020, a monument was unveiled in the village of Luulupe, Saaremaa Island, in honour of one of Estonia's most famous "Forest Brothers" commanders Elmar Ilp and his "associates" R. Thomson and F. Tuuling. The ceremony was attended by the then speaker of the Estonian parliament, Henn Põlluaas (EKRE), who called the Nazi collaborators "freedom fighters."

In presenting Elmar Ilp as a hero, the Estonian ultra-right activists remain silent about the fact that in reality he committed crimes, terrorized and killed civilians for the sake of robbery, and tortured women and the elderly. Between the end of 1944 and 1946, Ilp's gang killed 456 local citizens and five Red Army officers. These figures clearly show who the bandits were actually "fighting" against.<sup>3339</sup>

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<sup>3339</sup> <https://regnum.ru/news/polit/3666989.html>

In October 2020, a "thematic day on the controversial and tragic history of the "Forest Brothers" took place in Lääne-Viru county, and, as soon as November, their restored bunker and a memorial plaque were unveiled with fanfare in the same county. The work was carried out by the Väike-Maarja Museum Friends Society at the suggestion of the "Union of Former Forest Brothers of Estonia". Similar sites are planned to be opened all over the country.

On 22 August 2021, members of the Union of Former Forest Brothers inaugurated a monument to the "Forest Brothers" in the village of Hüti (Mõniste Parish, Võru county) on the territory of the Estonian House memorial complex. The ceremony was attended by the then Minister of Foreign Affairs of Estonia U. Reinsalu, Elder of the Valga Parish M. Rogenbaum, Elder of the Rõuge Parish R. Loik, Member of the Board of the Estonian Institute of Historical Memory M. Andreller and Head of the Valga Military Theme Park M. Kivi.<sup>3340</sup>

In the same month, the "Forest Brothers" Ennuksemäe bunker in the Viljandi county was reconstructed.

The scale of the Estonian authorities' work to propagate the heroic myth about the "Forest Brothers" is demonstrated by the fact that, in May 2021, Estonia and Latvia created a map and issued a brochure on military-historical tourist sites, aiming to glorify these armed formations. The map shows over 150 sites, including well-kept "former military facilities" with an extensive exposition, as well as "natural sites" – battlefields, trenches and bunkers of the "Forest Brothers". The organizers suggest combining visits to these sites with hiking in the woods and walking along nature trails.

On 7 August 2022, on Saaremaa Island, the Estonian Society of Freedom Fighters organized a re-enactment of the "last battle" of the "Forest Brothers" gang

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<sup>3340</sup> A monument to the "Forest Brothers" was put up in the country, with the unveiling ceremony attended by former Foreign Minister Reinsalu. EurAsia Daily. 23 August 2021. <https://eadaily.com/ru/news/2021/08/23/v-estonii-v-prisutstvii-eks-glavy-mida-reynsalu-otkryli-pamyatnik-lesnym-bratyam>



led by E. Ilp against USSR NKVD officers. The organizers also announced that a three-meter oak cross would be erected in memory of this criminal.<sup>3341</sup>

On 10 August 2022, a military-sports game of reconnaissance patrols named after Admiral J. Pitka took place. The game brought together 27 teams from 12 countries, including one joint team composed of participants from the United States, Estonia, Bosnia and Herzegovina – all members of the Allied combat group deployed in Estonia.

According to the media, there are plans to recreate once again a memorial to a soldier in an SS uniform with a German automatic rifle in his hands in Lihula, western Estonia, to commemorate "the Estonians who fought against Bolshevism and for the restoration of Estonian independence in 1940–1945." The monument to the soldiers of the 20th Estonian SS Division was erected back in 2002, when a memorial plaque with a bas-relief of a soldier in a Wehrmacht uniform with an iron cross on his chest and a "Schmeisser" pointed eastwards was put up in a park of the Pärnu resort town. Then, in 2004, it was moved to the Lihula Parish – only to be torn down in a few days.<sup>3342</sup> The original of the last dismantled stone with inscriptions is exhibited in a museum on the outskirts of Tallinn.<sup>3343</sup>

On 8 December 2022, in Kose, Harju county, a monument to "Forest Brothers" members who died in "battles" against NKVD units was unveiled. The remains of the tree of them (L. Kivilo, J. Prisk, L. Kaun) were reburied "with honours" during a "memorial service." The ceremony was attended by Military Museum archaeologist A. Unt, Kose Mayor D. Voss, and Riigikogu MP E.-N. Kross.<sup>3344</sup>

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<sup>3341</sup> <https://regnum.ru/news/polit/3666989.html>

<sup>3342</sup> <https://topwar.ru/146030-v-es-fashizma-net-no-v-jestonii-vosstanavlivajut-pamjatniki-nacistam.html>

<sup>3343</sup> <https://jewishnews.com.ua/society/v-estonii-vosstanavlivayut-pamtnik-esesovczam>

<sup>3344</sup> <https://rus.postimees.ee/7667704/galereya-na-kladbishche-koze-s-pochestyami-perezahoronili-treh-lesnyh-bratev>



On 19 December 2022, Riigikogu MP from the Conservative People's Party of Estonia U. Reitelmann wrote a post about "the victory of the white" on social media following the 2022 FIFA World Cup Final in Qatar.<sup>3345</sup>

On 2 February 2023, on the occasion of the 102nd anniversary of the Treaty of Tartu, the Conservative People's Party of Estonia organized a torchlight procession in Tartu. Some participants of the march used Nazi symbols, particularly the SS skull insignia on headgear. The appearance of someone named H. Karu with Hitler-like moustache and hairstyle provoked a wide response even in the local media. It turned out that this former member of the said party and a current member of the Society of the Friends of the Estonian Legion has a record of dressing up in a Nazi uniform to attend gatherings of "like-minded people" organized to pay tribute to Estonian Waffen-SS members. President of the mentioned organization Marko Mihkelson (Riigikogu MP, Chair of Foreign Affairs Committee) rushed to reassure the public, explaining the behaviour of H. Karu by saying that "one shouldn't be ashamed of the Estonian national pride and the deeds of its forebears."<sup>3346</sup>

On 3 February 2023, E.-N. Kross, Riigikogu MP from the Estonian Reform Party, appeared on an election billboard posing against the background of Alexander Nevsky Cathedral in Tallinn with a Mauser rifle, a weapon which was commonly used by armed formations of the Estonian nationalist underground movement – the "Forest Brothers".<sup>3347</sup>

Efforts to impose a distorted perception of historical events, glorify Nazi accomplices and search for new "enemies" of Estonia have also been observed in the education sector. Thus, the regular report published by the Security Police (KAPO) in 2021 describes the celebration of Day of Victory over Nazism by Russian schoolchildren as hostile activity towards Estonia.

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<sup>3345</sup> <https://rus.postimees.ee/7673538/kolonka-zhurnalista-rasistskiy-vypad-deputata-riygikogu-portit-druzhbu-estonii-s-franciey-i-ugodil-v-mirovoy-kontekst>

<sup>3346</sup> <https://limon.postimees.ee/7705482/on-opyat-za-svoe-mestnyy-adolf-gitler-zamechenny-na-fakelnom-shestvii-vozbudil-narod>

<sup>3347</sup> <https://rus.delfi.ee/statja/120138966/s-ruzhem-napereves-na-toompea-predvybornaya-kampaniya-reformista-erika-niylesa-krossa-vyzvala-negodovanie>

The current patriotic education of the Estonian Defence Forces and the "Kaitseliit" militia revolves around the "exploits" of the "Forest Brothers" and Estonian SS members. Human rights activists have also noted reports that Russians serving in the Estonian army were forced to learn the song of the "Forest Brothers" as a marching song.

Every once in a while, Estonian media publish materials aimed at falsifying the history of the Great Patriotic War and equating the exploits of the Soviet people with the inhumane intentions of Nazi Germany. Such publications are often timed to memorable war dates, most of them being released on the eve of Victory Day or on the occasion of anniversaries of Nazi Germany's attack on the USSR. On the eve of 9 May 2021, relevant materials appeared in a number of Estonian media. For instance, on 7 May, the "DELFI" media outlet published a Russophobic article on the 76th anniversary of the Allied Victory over Nazi Germany and its satellites. By placing this hackwork on the main page of the portal, the media outlet thus showed solidarity with the author's position.<sup>3348</sup>

Besides, in early May, the Rus.Postimees.ee portal published an article about the opinions of young people about this holiday, which was accompanied by a photo of the Bronze Soldier Monument turned upside-down. As soon as the Russian embassy published a response to this article on Facebook, the portal's editors changed the article's photo in question; however, in the Estonian Internet version of the newspaper, as well as in the paper issue, the inverted image of the Bronze Soldier remained.<sup>3349</sup>

On 22 June 2021, on the 80th anniversary of Nazi Germany's attack on the Soviet Union, which marked the beginning of World War II, the Estonian newspaper "Eesti Päevaleht" published an article titled "80 Years of the 'Summer War': Why

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<sup>3348</sup> Russian diplomats outraged by a Russophobic lampoon published by an Estonian periodical on the eve of 9 May. Sputnik Meedia. 8 May 2021. [https://sputnik-meedia.ee/Estonian\\_news/20210508/421738/diplomaty-rf-vozmutilis-rusofobs kij-paskvil-estonskoje-izdaniye-kanun-9-may.html](https://sputnik-meedia.ee/Estonian_news/20210508/421738/diplomaty-rf-vozmutilis-rusofobs kij-paskvil-estonskoje-izdaniye-kanun-9-may.html) (in Russian).

<sup>3349</sup> The ground has slipped from under the feet: Russian Embassy commented on a Postimees publication. Sputnik Meedia. 12 May 2021 [https://sputnik-meedia.ee/Estonian\\_news/20210512/445352/Pochva-ushla-iz-pod-nog-Posolstvo-RF-prokommentirovalo-publikatsiyu-Postimees.html](https://sputnik-meedia.ee/Estonian_news/20210512/445352/Pochva-ushla-iz-pod-nog-Posolstvo-RF-prokommentirovalo-publikatsiyu-Postimees.html)

Hitler attacked Stalin." The article also contains unsubstantiated revisionist claims that Nazi aggression was a "preventive measure by Germany" because "Hitler did not want a big war, but Stalin did" and "the Soviet leadership was preparing to attack Germany in July 1941."

A privately owned Vabamu Museum of Occupations and Freedom located in Tallinn has made promoting a negative perception of the Soviet period its key task. The exposition of this museum places emphasis on episodes related to Stalinist repressions and deportations, presenting the Soviet period of Estonia's history in a biased manner, without mentioning the socio-economic, scientific or cultural achievements of that time.

On 19 July 2022, Postimees published a favourable review of an article by Henrik Prunswelt expressing a positive opinion on the activities of Obergruppenführer Karl Litzmann, head of the General Commissariat "Estonia" of the Reichskommissariat "Ostland." Yet the article failed to mention some important details of the biography of this character. In particular, there is no mention of the fact that Litzmann was one of the organizers of civilian massacres in the Estonian SSR during the Great Patriotic War that killed 61 thousand civilians and 64 thousand Soviet prisoners of war.<sup>3350</sup>

Along with glorification of Nazism and the formation of the cult of the "Forest Brothers", the narrative of "sufferings inflicted by the Communist regime" is actively promoted in Estonia. For this purpose, relevant "cultural sites" are created. Thus, the Memorial to the Victims of Communism has been open in Tallinn since August 2018 to commemorate the victims of "crimes committed by the Soviet communists" in 1940–1941. In 2019, an exhibition titled "Communism is a prison" was opened in the building of the former Patarei Prison in the Estonian capital. There are plans to turn the exhibition into an international museum in the memory of victims of Communism by 2026.

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<sup>3350</sup> <https://regnum.ru/news/polit/3666989.html>

Attempts to glorify Nazi accomplices, which have become an integral part of state policy, are directly related to the increased manifestations of anti-Semitism and cases of desecration of monuments to Soviet soldiers killed on the territory of Estonia in battles with the Nazi invaders. In June 2019, vandals destroyed several tombstones at the Tallinn Jewish cemetery (the first case in 110 years, including the period of Nazi occupation), including one on the grave of Vladimir Metelitsa, former head of the Tallinn veteran association.

At the same time, according to the official Estonian statistics, there was not a single case of anti-Semitism recorded in the country throughout 2015-2018. In 2019, only two such cases were recorded, in 2020 none, and only one such incident was officially recorded in 2021.<sup>3351</sup> The same numbers can be found in annual reviews by the EU Agency for Fundamental Rights. Thus, in its latest report, the Agency noted that, in 2022, the Estonian authorities received no reports of any anti-Semitic incidents or crimes.<sup>3352</sup>

It is with regret that we have to state that the leaders of the Jewish community in Estonia diligently ignore the above-mentioned incidents and phenomena, focusing exclusively on commemorating the victims of the Holocaust.

In 2019, new cases of desecration of the graves of Red Army soldiers who participated in the Great Patriotic War were reported – in the city of Kuressaare (an inscription with aerosol paint was written on the monument), and in the village of Tehumardi (gravestones were doused with engine oil). The local police conducted administrative proceedings but failed to find the perpetrators.

On 2 March 2021, unknown persons desecrated the T-34 tank monument in Narva put up in memory of the crossing of the Narva River by Soviet troops on 25-26 July 1944 during the offensive operation of the Leningrad Front. A graffiti

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<sup>3351</sup> The EU Agency for Fundamental Rights. Antisemitism. Overview of Antisemitic Incidents Recorded in the European Union in 2011–2021. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2022-antisemitism-overview-2011-2021\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2022-antisemitism-overview-2011-2021_en.pdf)

<sup>3352</sup> The EU Agency for Fundamental Rights. Antisemitism. Overview of Antisemitic Incidents Recorded in the European Union in 2011–2021. [http://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2023-antisemitism-update-2012-2022\\_en.pdf](http://fra.europa.eu/sites/default/files/fra_uploads/fra-2023-antisemitism-update-2012-2022_en.pdf)

was drawn on the monument saying "to the fallen heroes of the amphetamine war ... 2018."<sup>3353</sup>

In early April 2021, a monument to the victims of Nazism was desecrated in Rahumae cemetery in Tallinn. According to the local police, on 3 April, unknown persons put chicken eggs on the monument. Birds that smashed the eggs smeared the tombstone. No traces of the vandals were found by the police. A criminal case was opened over the desecration of the monument.<sup>3354</sup>

On 7 April 2021, vandals toppled a memorial stone put up near the Raeküla village at the site of the execution of Red Army soldiers in July 1941. After the appeal of the Russian Embassy to the chairman of the Pärnu City Assembly, the monument was restored to its former place.

The actual sentiment of Estonian radicals is further demonstrated by the fact that even before 2022 vandals targeted not only monuments to Red Army soldiers killed in battles for the liberation of Estonia from Nazism but all monuments erected in the honour of soldiers who fought and died in the Soviet uniform. On the eve of municipal elections of 17 October 2021, vandals desecrated the monument in honour of the Soviet soldiers killed in Afghanistan in 1980s located in Tondiloo park, Kivila Street, Lasnamäe city district. The memorial, which was erected in 2006 to commemorate not only Russian but also Estonian veterans of the Afghan war, was doused with paint by unknown persons.<sup>3355</sup>

The Estonian authorities joined in the "struggle" of vandals against the monuments to Soviet soldiers long before the massive campaign to destroy memorials started in 2022: the process of demolition of monuments and desecration of burials of participants of the Great Patriotic War had already been ongoing in all

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<sup>3353</sup> <https://www.rubaltic.ru/news/02032021-posolstvo-rf-v-estonii-potrebovalo-nayti-vandalov-oskvernivshikh-tankpamyatnik-pod-narvoy/>

<sup>3354</sup> A monument to the victims of the Nazis in Tallinn smeared with chicken eggs. RuBaltic. 10 April 2021. <https://www.rubaltic.ru/news/10042021-pamyatnik-zhertvam-fashistov-v-talline-izmazali-kurinyimi-yaytsami/> (in Russian).

<sup>3355</sup> <https://www.ritm Eurasia.org/news--2021-10-22--sovetskie-pamjatniki-v-estonii-nenavistny-vandalam-gosudarstvennym-i-chastnym-56993>

the Baltic countries since long before that. One of the first and most symbolic steps in this direction was the relocation of the monument to the fallen in the Great Patriotic War, set up in Tallinn on Tõnismägi hill on 22 September 1947, unofficially known as the Bronze Soldier Monument. In April 2007, the Estonian Cabinet of Ministers decided to move the memorial and the soldiers' remains to a military cemetery on the outskirts of Tallinn. This decision provoked unrest involving thousands of people. The murder of Russian citizen Dmitry Ganin has become the most tragic episode of those events.

Despite the relocation, the memorial retained its central role in the celebration of Victory Day. Every year on the day the Great Patriotic War ended, tens of thousands of Tallinners gathered at the Bronze Soldier Monument to commemorate the fallen heroes. Moreover, officers of the Estonian Defence Forces, with the permission of their commanders, also used to lay commemorative wreaths at the monument. Yet the memorial continued to be attacked by vandals.

Russian compatriots were widely outraged by the desecration of this monument on 22 June 2019, when unidentified persons pinned a leaflet depicting a skull onto the monument. The Estonian police did not bring the perpetrators to justice, scrapping the investigation of the incident and referring to the "poor quality of the surveillance camera footage."

In July 2019, the Red Army memorial and burial place in Taebala, Lääne-Nigula Parish, were demolished. The "relocation" of the burial was initiated by the administration of a nearby school undergoing a reconstruction, which was allegedly hampered by the Soviet obelisk. The museum of armed forces responsible for carrying out relevant works reported that remains of 11 people had been exhumed at this place (however, according to the archival data, 26 people were buried there). According to a representative of the parish administration, the monument is kept on the territory of a local gymnasium, but no photos were provided.

On 25 October 2019, Russian Ambassador to Estonia Alexander Petrov sent a note to Undersecretary for Political Affairs Paul Teesalu requesting official explanations regarding the incident. However, no meaningful response was ever

received. Further attempts to engage in a constructive dialogue with the Estonian side have also failed. The Estonian authorities refer to the provisions of the Law on the Protection of Military Graves of 10 January 2007, Article 8, which stipulate that "remains are subject to reburial if the military burial is located at an inappropriate place." This wording has a rather broad interpretation. Obviously, such vague provisions provide the opportunity to recognize any memorial of this kind as "inappropriate" if necessary.

On 21 April 2022, the Estonian Parliament adopted a law banning open demonstration of symbols "used in the commission of an act of aggression, genocide, crime against humanity or war crime, to support or justify such crimes." The law also introduced penalties of up to five years in prison for "joining the armed forces of a foreign state committing an act of aggression or another armed formation of a foreign state taking part in an act of aggression; taking part in the commission or preparation of an act of aggression or knowingly supporting an act of aggression by a foreign state, including its financing."

Estonian authorities have created obstacles to the celebration of Victory Day by the Russian-speaking population in Estonia. On 24 March 2022, Head of Central Criminal Police of the Police and Border Guard Board Aivar Alavere said that the attitude of law enforcement officers towards the appearance of St. George ribbon in the public space had to be reconsidered because this symbol was worn by Russian soldiers who "kill Ukrainian citizens."

Elmar Vaher, head of the Police and Border Guard Board, expressed the same views in a TV programme by Estonia's ERR TV and radio broadcaster, saying that the Estonian police would take increased measures to counter the display of Russian military symbols (including Soviet army uniforms and St. George ribbons) on May 9, because "the situation is not comparable to previous years". He also expressed hope that the Estonian parliament will make some changes in the legislation by May 9 in order to give a free hand to the police in respect of those who come with such symbols.

For the period from 26 April through 10 May, the Estonian police has officially banned public gatherings associated with "Bronze Night" and Victory Day expressing support for the "aggressor country" and demonstrating military symbols, including Soviet and Russian flags, St. George ribbons, and Soviet military uniforms. The ban was first imposed in Tallinn, followed by Harjumaa and Ida-Virumaa, and later it was extended to the whole country. On the eve of 9 May, police control was strengthened, including on social media. On that day, "provocative" symbols were recorded in various regions of Estonia, with about 30 persons detained and 12 receiving fines as "persistent violators."

In July 2022, the Estonian government ordered the removal<sup>3356</sup> of all monuments to Soviet soldiers killed in World War II with the reburial of the remains of soldiers lying under those war monuments by the end of the year. According to Prime Minister K. Kallas, specific decisions were made concerning the war monuments, providing that the remains of soldiers underneath the monuments should be gradually reburied on a step-by-step basis, and the monuments themselves should be relocated.<sup>3357</sup> On the whole, this demolition campaign targeted about 400 Soviet monuments.

In the same month, a special commission on the dismantling of Soviet monuments was formed<sup>3358</sup> to prepare a list of memorials subject to demolition and destruction. However, the names of the commission's members were classified. So far, only the name of its head, Asko Kivinuk, who used to work in the Estonian state centre of defence investments, is known.

It is noteworthy that the commission, having considered the cases of demolition of monuments and cemeteries that had already taken place, approved of them completely. Sometimes it only recommended to "remove the tombstone part of

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<sup>3356</sup> In the spring of 2023, President Karis rejected a bill on the demolition of Soviet monuments, noting that the wording of the ban was "vague" and that the very first article of the law was "legally ambiguous" and contradicted the country's constitution. On 27 September 2023, the Estonian Parliament did not pass the bill for a second time.

<sup>3357</sup> <https://ren.tv/news/v-mire/1003115-v-estonii-do-kontsa-goda-snesut-vse-pamiatniki-sovetskim-voinam>

<sup>3358</sup> <https://rus.postimees.ee/7579463/pamyatnik-istoriya-propaganda-i-element-landshafta>



the monument while keeping the sculpture if possible." Besides, in a number of cases the commission demanded that even the grave ledgers be replaced as they were not found to be "neutral." For example, the commission members did not like that at the foot of the mass grave monument in the Kehtna farmstead park there was a memorial tablet with the following text: "To the Soviet Army soldiers killed during the Great Patriotic War."<sup>3359</sup>

On 10 November 2022, the Estonian authorities adopted a series of amendments to laws, including the Building Code, the Building Code Enforcement Act, the Planning Act, and the State Property Act. The aim was to create a legal framework to demolish Soviet war monuments that were deemed "inappropriate for public spaces." The document cynically states that building parts, monuments, sculptures and other structures visible to the public cannot express incitement to hostility, support or justify "the occupation regime, acts of aggression, genocide, crimes against humanity or war crimes."<sup>3360</sup>

In November 2022, the above-mentioned working group on Soviet war memorial sites presented a report indicating that 322 "red" monuments were identified in Estonia, of which 244 were to be demolished in whole or in part<sup>3361</sup>, and that mass graves located in "unsuitable" places (parks, green spaces near schools, in the centre of settlements) were to be relocated to cemeteries approved by local governments. A catalogue containing photographs and descriptions of the relevant sites (type – a monument, a mass grave, an individual grave; coordinates of the location; form of property; brief history) as well as "recommendations" for what to do to them next (demolish, replace or keep) was produced and published on the Government Office website.<sup>3362</sup>

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<sup>3359</sup> <https://regnum.ru/article/3768343?ysclid=ln6gp8apl2892174706>

<sup>3360</sup> <https://ria.ru/20221110/pamyatniki-1830494289.html?in=t>

<sup>3361</sup> <https://rus.err.ee/1608792445/komissija-goskanceljarii-78-iz-322-sovetskih-monumentov-mogut-byt-sohraneny-na-nyneshnem-meste>

<sup>3362</sup> <https://riigikantselei.ee/monumendid>

The public was presented with a reference "neutral sign" (a stone plate with the inscription "Victims of World War II")<sup>3363</sup>, designed to replace monuments and tombstones containing words "to Soviet soldiers", "during the Great Patriotic War" or Soviet symbols (the star, the hammer and sickle, etc.).

Answers to "citizen's typical questions" are also worth attention. Thus, among the list of reasons to get rid of military monuments, it is stated that this is done for "ensuring domestic security" since the monuments "have once again become symbols of active terror" and that, "established by the countries that occupied Estonia, they do not perpetuate the memory of the fallen but embody a wider anti-human ideology." It is particularly stressed that "there are rapidly growing social tensions around memorials of the occupation authorities."<sup>3364</sup> What is especially remarkable is the answer to the question as to why memorials to soldiers who fought in the SS are not being taken down: "Estonia and Germany signed an agreement to preserve military graves, which stipulates that the dead soldiers of the German army are buried in neutral graves that do not have any Nazi symbols, so there is no need to remove the tombstones."

On 15 February 2023, Riigikogu passed a bill on amendments to the State Property Act, the Building Code Enforcement Act, the Planning Act, as well as to the Building Code<sup>3365</sup>, which would require owners of lands, including municipalities, where monuments with "the forbidden symbols" are located, to bring the appearance of the monuments into line with new standards (must not "incite to hostility, support the occupation regime, genocide and war crimes"). This is to be done within six months, otherwise the relevant work will be taken over by the Ministry of Justice. The President of Estonia signed the bill in the same month. The adopted law simplifies and simultaneously expedites the procedure to demolish monuments to Red Army soldiers killed in the battles for liberation of Estonia from

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<sup>3363</sup> <https://tribuna.ee/tribuna/society/nadgrobija-sovetskaja-simvolika-zamenjat-nejtralnymi/>

<sup>3364</sup> <https://riigikantselei.ee/ru/monumenty>

<sup>3365</sup> <https://rus.postimees.ee/7713483/riygikogu-prinyal-zakonoproekt-o-snose-sovetskih-pamyatnikov>

Nazism. At the same time, as it was stated earlier, on 27 September 2023, the Estonian Parliament "refused to adopt without amendments" the law on the demolition of the Soviet era monuments. Earlier, in March 2023, it was rejected by Estonian President Alar Karis.<sup>3366</sup>

In spring 2023, Estonian authorities introduced a fine of EUR 1200 for celebrating Victory Day on 9 May. On that day, the Estonian residents are prohibited from gathering in groups, using the Soviet symbols of the Great Patriotic War period, and even from playing the music of the war and post-war years which was declared "aggressive."<sup>3367</sup>

It should also be noted that the anti-Russian hysteria that followed the start of the special military operation to denazify and demilitarize Ukraine and to protect Donbass civilians by the Armed Forces of the Russian Federation in February 2022 provoked a surge in acts of vandalism. According to the Russian Embassy to Estonia, 110 memorials have been demolished on the territory of the country since 2022, including 28 memorials from under which the remains of buried Red Army soldiers were exhumed. Besides, 13 memorial sites have been vandalized (five of them twice, and one of them four times).

82 memorials have been demolished:

- (1) tombstones over the burial site in Mihkli cemetery, Emmu village;<sup>3368</sup>
- (2) a mass grave monument to Soviet Army soldiers fallen in the Great Patriotic War erected in the centre of the town of Otepää;<sup>3369</sup>
- (3) a monument to the Soviet commander Major General P. Potapov, installed on the site of his death on the Kindralimägi Hill on the right side of the road to Etsaste village;<sup>3370</sup>

<sup>3366</sup> <https://www.gazeta.ru/politics/news/2023/09/27/21378877.shtml?ysclid=ln6gox9oij124568211&updated>

<sup>3367</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230803-korichneveyut-na-glazakh-vlasti-estonii-perestali-skryvat-svoi-politicheskie-predpochteniya/>

<sup>3368</sup> <https://rus.err.ee/1608600292/v-volosti-ljajeneranna-s-kladbiwa-propal-pamjatnik-sovetskim-voinam>

<sup>3369</sup> <https://novayagazeta.ee/articles/2022/06/29/mertvyje-dolzhny-byt-na-kladbishche-tolko-gde-oni-eti-mertvyje>

<sup>3370</sup> <https://baltija.eu/2022/06/30/v-estonii-unichtozhen-pamyatnik-general-majoru-potapovu-kotoryj-spas-gorod-elva-video/>

- (4) a monument on the mass grave of Soviet Army soldiers in the village of Lümanda, Saaremaa Island;<sup>3371</sup>
- (5) a monument on the grave of soldiers fallen during the Great Patriotic War in the battles for liberation of Estonia from Nazi invaders located in the village of Simuna;<sup>3372</sup>
- (6) the T-34 tank monument in Narva;<sup>3373</sup>
- (7) a memorial stone and a memorial sign to the marines of the 260th independent brigade of the Red-Banner Baltic Fleet marine infantry in the village of Meriküla;<sup>3374</sup>
- (8) a memorial in the memory of Hero of the Soviet Union I. Grafov near the highway Narva – Narva-Jõesuu;<sup>3375</sup>
- (9) memorial plates in Peter's Square in the city of Narva;<sup>3376</sup>
- (10) an obelisk on the Soviet military burial site in the castle park at the entrance of the Narva Castle;<sup>3377</sup>
- (11) the memorial "Three bayonets" and the bas-relief of Soviet soldiers at the 9th kilometer of the highway Narva – Narva-Jõesuu;<sup>3378</sup>
- (12) a memorial stone on the mass grave of Soviet soldiers, prisoners of war and victims of Nazism between the Narva River and the Victoria Bastion;<sup>3379</sup>

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<sup>3371</sup> The dismantling of the monument was reported to the Embassy by members of a veterans' organization.

<sup>3372</sup> <https://rus.postimees.ee/7580333/galereya-v-simuna-razrushen-sovetskiy-pamyatnik>

<sup>3373</sup> <https://rus.postimees.ee/7585813/kak-eto-bylo-demontazh-pamyatnika-tank-v-minutnom-video>

<sup>3374</sup> <https://rus.postimees.ee/7585385/ne-tolko-tank-kakie-eshche-sovetskie-pamyatniki-segodnya-snesli>

<sup>3375</sup> <https://rus.postimees.ee/7585385/ne-tolko-tank-kakie-eshche-sovetskie-pamyatniki-segodnya-snesli>

<sup>3376</sup> <https://rus.postimees.ee/7585385/ne-tolko-tank-kakie-eshche-sovetskie-pamyatniki-segodnya-snesli>

<sup>3377</sup> <https://rus.postimees.ee/7585385/ne-tolko-tank-kakie-eshche-sovetskie-pamyatniki-segodnya-snesli>

<sup>3378</sup> <https://rus.postimees.ee/7585385/ne-tolko-tank-kakie-eshche-sovetskie-pamyatniki-segodnya-snesli>

<sup>3379</sup> <https://rus.postimees.ee/7585501/galereya-v-narve-snyali-pyatikonechnuyu-zvezdu-i-pamyatnuyu-dosku-s-ocherednogo-sovetskogo-monumenta>

(13) a monument on the mass grave of the Red Army soldiers fallen during the Great Patriotic War located at the Iide-Torgu crossroads, Iide village, Saaremaa Island;<sup>3380</sup>

(14) a mass grave monument to Soviet soldiers in the village of Tuudi;<sup>3381</sup>

(15) a mass grave monument to Soviet soldiers in the village of Hanila;<sup>3382</sup>

(16) a mass grave monument to Soviet soldiers in the village of Varbla;<sup>3383</sup>

(17) a mass grave monument to Soviet soldiers in the village of Kirbla;<sup>3384</sup>

(18) a mass grave monument to Soviet soldiers in the village of Lihula;<sup>3385</sup>

(19) a mass grave monument to Soviet soldiers in the village of Karksi-Nuia;<sup>3386</sup>

(20) tombstones at the Maarjamäe memorial complex commemorating Soviet army units that liberated Tallinn from Nazi invaders;<sup>3387</sup>

(21) monument to the Workers' and Peasants' Red Army soldiers who defended the Hiiumaa island in 1941;<sup>3388</sup>

(22) mass grave monument to Soviet prisoners of war and victims of fascism on the southern shore of the Viljandi lake;<sup>3389</sup>

(23) mass grave monument to Soviet soldiers in the town of Tapa;<sup>3390</sup>

(24) mass grave monument to Soviet soldiers in the town of Kohtla-Järve;

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<sup>3380</sup> The case was reported to the Embassy by members of a veterans' organisation.

<sup>3381</sup> <https://rus.postimees.ee/7595836/sovetskie-pamyatniki-volosti-lyaeneranna-otpravleny-v-muzey>

<sup>3382</sup> <https://rus.postimees.ee/7595836/sovetskie-pamyatniki-volosti-lyaeneranna-otpravleny-v-muzey>

<sup>3383</sup> <https://rus.postimees.ee/7595836/sovetskie-pamyatniki-volosti-lyaeneranna-otpravleny-v-muzey>

<sup>3384</sup> <https://rus.postimees.ee/7595836/sovetskie-pamyatniki-volosti-lyaeneranna-otpravleny-v-muzey>

<sup>3385</sup> <https://rus.postimees.ee/7595836/sovetskie-pamyatniki-volosti-lyaeneranna-otpravleny-v-muzey>

<sup>3386</sup> <https://rus.postimees.ee/7614331/sovetskiy-pamyatnik-v-karksi-nuyya-ischez-zagadochnym-obrazom>

<sup>3387</sup> <https://rus.err.ee/1608739984/na-maarjamjaje-idet-demontazh-plit-s-simvolikoj-krasnoj-armii>

<sup>3388</sup> <https://www.rbc.ru/rbcfreenews/635aa8b39a79472ca3f9051f>

<sup>3389</sup> <https://rus.postimees.ee/7644306/foto-i-video-rano-utrom-byl-snesen-sovetskiy-obelisk>

<sup>3390</sup> <https://tribuna.ee/tribuna/society/pamjatnik-tapa-vandalizm/>

(25) monument to the fallen during the liberation of Estonia from Nazi invaders in the years of the Great Patriotic War in the town of Kohtla-Järve;

(26) monument to the local residents fallen during the liberation of Estonia from Nazi invaders in the years of the Great Patriotic War in the town of Kallaste;

(27) monument to the fallen during the liberation of Estonia from Nazi invaders in the years of the Great Patriotic War in the town of Kallaste;

(28) mass grave monument to Soviet soldiers in Kodavere;

(29) mass grave monument to Soviet soldiers in Järva-Jaani;

(30) mass grave monument to Soviet soldiers in Ambla;

(31) mass grave monument to Soviet soldiers in Järva-Madise;

(32) mass grave monument to Soviet soldiers in Uhtna;

(33) mass grave monument to Soviet soldiers in Imara;

(34) mass grave monument to Soviet soldiers in Anseküla;

(35) mass grave monument to Soviet soldiers in Valjala;

(36) memorial plaque on the building where Alexander Gorchakov was born in Haapsalu;

(37) mass grave monument to Soviet soldiers in Tori;

(38) mass grave monument to Soviet soldiers in the Pauluse cemetery;

(39) mass grave monument to Soviet soldiers in the old Pärnu cemetery;

(40) monument from the grave of the commander of the 2nd Latvian Rifle Division regiment K. Ulpe;

(41) mass grave monument to Soviet soldiers in Ilmatsalu;

(42) mass grave monument to Soviet soldiers in Kambja;

(43) mass grave monument to Soviet soldiers in Vallapalu;

(44) mass grave monument to Soviet soldiers in the Vananõmme Cemetery on the island of Saaremaa;

(45) mass grave monument to Soviet soldiers in Pikasilla;

(46) mass grave monument to Soviet soldiers in Ala;

(47) mass grave monument to Soviet soldiers in Kolli;

(48) mass grave monument to Soviet soldiers in Helme;

(49) mass grave monument to Soviet soldiers near the railway station in Kadrina;

(50) mass grave monument to Soviet soldiers and victims of fascism in Viru-Jaagupi;

(51) mass grave monument to Soviet soldiers in Iide on the island of Saaremaa;

(52) mass grave monument to Soviet soldiers in Lõupõllu on the island of Saaremaa;

(53) mass grave monument to Soviet soldiers in Viru-Nigula;

(54) mass grave monument to Soviet soldiers in Kunda;

(55) mass grave monument to Soviet soldiers in Leisi on the island of Saaremaa;

(56) mass grave monument to Soviet soldiers in Simuna;

(57) mass grave monument to Soviet soldiers in Mehikoorma;

(58) mass grave monument to Soviet soldiers in Rõngu;

(59) mass grave monument to Soviet soldiers in Coos;

(60) mass grave monument to Soviet soldiers in Elistvere;

(61) mass grave monument to Soviet soldiers in Võru in the city cemetery near the chapel;

(62) mass grave monument to Soviet soldiers in Tindi;

(63) mass grave monument to Soviet soldiers in Kaarepere;

(64) mass grave monument to Soviet soldiers in Hummuli;

(65) mass grave monument to Soviet soldiers in Vilina;

(66) mass grave monument to Soviet soldiers on Kubija street in Võru;

(67) mass grave monument to Soviet soldiers No. 1 in Sinimäe;

(68) mass grave monument to Soviet soldiers and victims of fascism in the cemetery in Jõhvi;

(69) mass grave monument to Soviet soldiers in Tõrva;

(70) mass grave monument to Soviet soldiers in Vana-Otepää;

(71) mass grave monument to Soviet soldiers in Kuigatsi;

- (72) mass grave monument to Soviet soldiers in Soontaga;
- (73) mass grave monument to Soviet soldiers in the Massinõmme Cemetery in Üüdibe on the island of Saaremaa;
- (74) mass grave monument to Soviet soldiers in Nina;
- (75) mass grave monument to Soviet soldiers in Kolkja;
- (76) mass grave monument to Soviet soldiers in Vara;
- (77) monument to the Red Army soldiers of the Viljandi Communist Regiment in Narva;
- (78) elements from the monument to the fallen during the liberation of Estonia from Nazi invaders in the years of the Great Patriotic War in Sinimäe;
- (79) mass grave monument to Soviet soldiers in Põltsamaa;
- (80) mass grave monument to Soviet soldiers in Kõlitse;
- (81) one of the two parts of the mass grave monument to Soviet soldiers in the village of Kääpa (memorial stone);
- (82) mass grave monument to Soviet prisoners of war in the Liiva Cemetery in Tallinn;

Twenty-eight memorials were dismantled and the remains buried in mass graves beneath them were exhumed:

- (1) in the central part of the town of Rakvere;<sup>3391</sup>
- (2) in the village of Viisu;<sup>3392</sup>
- (3) in the village of Noo;<sup>3393</sup>
- (4) in the Old Park in the town of Pärnu;<sup>3394</sup>
- (5) in the town of Suure-Jaani;<sup>3395</sup>
- (6) in the village of Emmaste;<sup>3396</sup>

<sup>3391</sup> <https://baltija.eu/2022/07/13/v-rakvere-nachalis-raskopki-na-meste-bratskoj-mogiloj-krasnoarmejczev/>

<sup>3392</sup> <https://rus.postimees.ee/7564580/pamyatnik-i-mogilu-v-vyzu-likvidirovali-tak-zhe-bystro-kak-nakanune-v-rakvere>

<sup>3393</sup> <https://rus.postimees.ee/7573031/galereya-ocherednaya-bratskaya-mogila-sovetskogo-vremeni-ischezla-tiho-i-nezametno>

<sup>3394</sup> <https://rus.err.ee/1608678916/v-pjarnu-ubrali-sovetskij-pamjatnik>

<sup>3395</sup> <https://rus.postimees.ee/7640312/iz-bratskih-mogil-izvlekli-ostanki-polusotni-pavshih-sovetskih-soldat>



- (7) in the Raadi park in the town of Tartu;<sup>3397</sup>
- (8) in the village of Viiratsi;<sup>3398</sup>
- (9) in the village of Suislepa;<sup>3399</sup>
- (10) in the village of Karstna;<sup>3400</sup>
- (11) in the village of Vohma;<sup>3401</sup>
- (12) in the village of Pilistvere;<sup>3402</sup>
- (13) in the town of Viljandi;<sup>3403</sup>
- (14) in the town of Elva.<sup>3404</sup>
- (15) in the town of Türi;
- (16) in the town of Haapsalu;
- (17) in the village of Hargla;
- (18) in the town of Haapsalu;
- (19) in the town of Öruste;
- (20) in the town of Tamsalu;<sup>3405</sup>
- (21) in the village of Tsirguliina;
- (22) in the village of Lüllemäe;
- (23) in the village of Anseküla;
- (24) in the village of Tagavere;
- (25) in the village of Iisaku;

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<sup>3396</sup> <https://rus.err.ee/1608710476/na-hijumaa-poka-perenesli-tolko-odin-sovetskij-voennyj-pamjatnik>

<sup>3397</sup> <https://rus.err.ee/1608749356/ostanki-soldat-i-grazhdanskih-lic-iz-mogily-v-raadi-perezahoronili-v-raznyh-koncah-kladbiwa>

<sup>3398</sup> <https://rus.err.ee/1608749356/ostanki-soldat-i-grazhdanskih-lic-iz-mogily-v-raadi-perezahoronili-v-raznyh-koncah-kladbiwa>

<sup>3399</sup> <https://rus.postimees.ee/7648140/galereya-ostanki-iz-sovetskoy-bratskoy-mogily-perezahoronili-v-kolga-yaani>

<sup>3400</sup> <https://rus.postimees.ee/7648140/galereya-ostanki-iz-sovetskoy-bratskoy-mogily-perezahoronili-v-kolga-yaani>

<sup>3401</sup> <https://rus.postimees.ee/7640312/iz-bratskih-mogil-izvlekli-ostanki-polusotni-pavshih-sovetskih-soldat>

<sup>3402</sup> <https://rus.postimees.ee/7640312/iz-bratskih-mogil-izvlekli-ostanki-polusotni-pavshih-sovetskih-soldat>

<sup>3403</sup> <https://rus.err.ee/1608780928/v-viljandi-nachalis-raskopki-voinskih-zahoronenij>

<sup>3404</sup> <https://rus.err.ee/1608782674/v-jelva-pristupili-k-raskopkam-voinskogo-zahoronenija-rjedom-so-shkoloj>

<sup>3405</sup> <https://rus.postimees.ee/7660229/sovetskie-pamyatniki-ischezli-iz-tapa-i-tamsalu>

- (26) in the village of Ambla;
- (27) in the town of Kehra;
- (28) in the village of Muusika;

Thirteen monuments were desecrated (five of which – twice, and one – four times):

- (1) monument erected in the central part of the town of Rakvere on the mass grave to World War II soldiers (twice<sup>3406,3407</sup>);
- (2) mass grave monument in the town of Tapa (twice<sup>3408,3409</sup>);
- (3) monument to Red Army soldiers killed during the Great Patriotic War, installed on the mass grave in the centre of Otepää;<sup>3410</sup>
- (4) monument to Soldiers Liberators in the Tallinn Military Cemetery (twice<sup>3411,3412</sup>);
- (5) tombstones at the mass graves of Soviet soldiers in the Tallinn Military Cemetery<sup>3413</sup>;
- (6) mass grave monument to Soviet soldiers in the village of Luganuse (four times<sup>3414,3415</sup>);
- (7) tombstone at Valery Nosik's single grave in the village of Ansekula on the Saaremaa island<sup>3416</sup>;

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<sup>3406</sup> <https://baltija.eu/2022/03/06/vandaly-oskvernili-zahoronenie-sovetskih-soldat-v-estonskom-rakvere/>

<sup>3407</sup> <https://rus.postimees.ee/7558063/fotofakt-kto-raskolol-v-rakvere-klumby-na-mogile-sovetskih-soldat>

<sup>3408</sup> <https://tribuna.ee/tribuna/society/pamjatnik-tapa-vandalizm/>

<sup>3409</sup> The second case of desecration was reported to the Embassy by representatives of a veterans' organization.

<sup>3410</sup> <https://rus.err.ee/1608561364/v-otepja-pamjatnik-vtoroj-mirovoj-voyny-razukrasili-v-cveta-ukrainskogo-flaga>

<sup>3411</sup> <https://rus.postimees.ee/7514398/chelovek-spilivshiy-orden-s-bronzovogo-soldata-mne-bolno-videt-v-gorode-russkogo-soldata>

<sup>3412</sup> The second case of vandalism was discovered by Embassy diplomats during an inspection of the cemetery.

<sup>3413</sup> This case of vandalism was discovered by Embassy diplomats during an inspection of the cemetery.

<sup>3414</sup> <https://rus.err.ee/1608579605/zhertvoj-vandalov-stal-ewe-odin-pamjatnik-vtoroj-mirovoj-voyny>

<sup>3415</sup> Another three cases of desecration were reported to the Embassy by representatives of a veterans' organization.

<sup>3416</sup> This case of desecration was reported to the Embassy by representatives of a veterans' organization.

- (8) mass grave monument in the village of Tehumardi<sup>3417</sup>;
- (9) mass grave monument in the Raadi Park in the town of Tartu (twice<sup>3418,3419</sup>);
- (10) memorial stone erected at the site where Soviet troops crossed the Emajõgi River in September 1944<sup>3420</sup>;
- (11) monument in the village of Vosu to officers of the Red-Banner Baltic Fleet, Red Army soldiers, and Soviet activists, killed in combat against German invaders;<sup>3421</sup>
- (12) monument to the fallen during the liberation of Estonia from Nazi invaders in the years of the Great Patriotic War, erected at the mass grave of Soviet soldiers in the old cemetery of Tueri (twice<sup>3422,3423</sup>);
- (13) mass grave monument to Soviet soldiers in the Pauluse cemetery.<sup>3424</sup>

The confrontation between Estonia's authorities and residents of Narva over the T-34 tank monument became in fact the main symbol of a new stage in the Estonian authorities' fight against Soviet monuments. The Estonian government's decision to demolish all memorials and monuments to Red Army soldiers was met with hostility by some citizens of Narva who were in favour of keeping the monument in the town. The Estonian leadership expectedly expressed its opposition

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<sup>3417</sup> This case of desecration was reported to the Embassy by representatives of a veterans' organization.

<sup>3418</sup> <https://rus.delfi.ee/statja/96597931/vandal-oskvernivshiy-memorial-pavshim-vo-vtoroy-mirovoy-voyne-v-tartu-dobrovolno-sdalsya-vlastyam>

<sup>3419</sup> The second case of desecration was reported to the Embassy by representatives of a veterans' organization.

<sup>3420</sup> <https://rus.postimees.ee/7520074/eshche-neskolko-pamyatnikov-podverglis-aktam-vandalizma>

<sup>3421</sup> <https://rus.postimees.ee/7528311/foto-v-vyazu-razrisovali-pamyatnik-sovetskim-voinam>

<sup>3422</sup> <https://rus.postimees.ee/7541828/foto-akt-vandalizma-sovetskiy-voenny-pamyatnik-okrasili-v-cveta-ukrainskogo-flaga>

<sup>3423</sup> <https://rus.err.ee/1608687016/na-kladbiwe-v-tjuri-pamjatnik-na-mogile-pavshih-krasnoarmejev-raskrasili-v-sine-zheltye-cveta>

<sup>3424</sup> <https://rus.postimees.ee/7580721/vandala-oskvernivshego-pamyatnik-krasnoarmeycam-zhdet-ugolovnoe-nakazanie>

to it stressing that monuments like the T-34 tank in Narva were causing a divide in Estonian society in the context of the Russian special military operation. Nevertheless, on 8 August 2022, at the meeting of the governing coalition in the city municipality it was decided to call a meeting of the City Council to instruct the City Government to dismantle the Narva tank and move it to a closed and secure location within the city.<sup>3425</sup>

The Narva authorities held a local public opinion survey on the fate of the tank monument to Soviet warriors. According to then Mayor Katri Raik, two-thirds of the three thousand respondents supported the tank to be kept in the town and stored in a closed area. She said that the majority in the City Council also voted to keep it, as this exact standpoint was adopted during the inter-faction consultations.<sup>3426</sup>

On 16 August 2022, during an extraordinary press conference of the government in Tallinn, it was announced that seven Soviet monuments in Narva and Narva-Jõesuu will be relocated. On the same day, the dismantling of the T-34 monument in Narva and its subsequent transfer to the Estonian War Museum in Viimsi began. Also, in Narva, plaques were moved from Petrovskaya Square, as well as a monument to Red Army soldiers in the park near the castle and a memorial sign to Hero of the Soviet Union Igor Grafov who died in the liberation of Narva in 1944. The "Three bayonets" monument and a monument to the Meriküla landing force were moved to Narva-Jõesuu. Soviet symbols were removed from the gravestone on the common grave of those killed in the Great Patriotic War, located between the Narva River and the Victoria Bastion. To protect themselves against possible local protests, the authorities deployed additional police force in Narva blocking the access roads to the monuments to be dismantled.

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<sup>3425</sup> <https://www.rubaltic.ru/news/080822-pravyashchaya-koalitsiya-v-narve-prinyala-reshenie-o-perenose-sovetskogo-pamyatnikatanka/>

<sup>3426</sup> <https://www.rubaltic.ru/news/11082022-izvestny-rezultaty-oprosa-zhiteley-narvy-o-dalneyshey-sudbe-sovetskogo-pamyatnikatanka/>

In 2023, Estonian authorities continued their fight against the Narva monument while trying to legalise their actions to demolish the monument. On 4 January, the Chancellery sought the Narva authorities'; consent to remove from public space two other monuments with Soviet symbols. One of these is a memorial plaque with the names of residents of Prinarovye died between 1941 and 1945 at the hands of the Nazis, which is located in Voidu Park near the former Vasily Gerasimov Palace of Culture. The second is a tombstone in the Dark Garden marking the burial place of Communists and Red Army soldiers fallen in the battles for Narva in November 1918. The Chancellery also sought the Sillamäe authorities' consent to remove a Soviet monument to the Unknown Soldier erected in 1975.<sup>3427</sup> In April 2023, Minister of the Interior Lauri Läänemets signed an order, under which the land in Narva, the former site of the T-34 tank monument, should be expropriated. The declared intention was to convert it to a surveillance position to monitor Russia.<sup>3428</sup>

Besides, Narva residents were forbidden to celebrate the 79th anniversary of the town's liberation from Nazi invaders. Estonia's police imposed an official ban on any public gatherings in Narva from 26 July to 2 August 2023. Estonia's law enforcers did not even allow a group of former juvenile prisoners of Hitler's concentration camps to lay flowers on a mass grave to Soviet soldiers. There was a police presence at all potential venues for commemorative events. Ideological affinity between Estonia's authorities and the Nazis was illustrated by the head of the Narva police station, Indrek Püvi, saying that "laying flowers on the day the Red Army marched into Estonia supports Russia's propaganda narratives".<sup>3429</sup>

The Russian Embassy sent Notes of Protest to the Estonian Foreign Ministry regarding all the above acts of vandalism against war memorials, as well as similar barbaric episodes that took place earlier. In August 2022, the Russian diplomatic

<sup>3427</sup> <https://regnum.ru/article/3768343?ysclid=ln6gp8apl2892174706>

<sup>3428</sup> <https://www.gazeta.ru/politics/news/2023/05/27/20535590.shtml>

<sup>3429</sup> <https://www.rubaltic.ru/article/politika-i-obshchestvo/20230803-korichneveyut-na-glazakh-vlasti-estonii-perestali-skryvat-svoi-politicheskie-predpochteniya/>

mission made an attempt to inquire as to the legal basis for the authorities' actions and whereabouts of the dismantled monuments, dates and sites of reburial of the remains (photographs of the new graves, their size, layout, geographical coordinates, address, number of buried persons), as well as whether the remains were identified during the exhumation and what the results were. No response has been received.

The Embassy's major efforts to protect the memory of the Great Patriotic War, preserve memorials and graves of Soviet soldiers and officers, as well as strong response to attempts to glorify the Nazis and their accomplices were widely supported by enthusiasts from the Russian community and certain organisations of compatriots, primarily uniting veterans, former residents of besieged Leningrad and juvenile prisoners of the Fascist concentration camps.

As evidence shows, the Estonian authorities do not intend to stop at the achieved in their "war against monuments" to Red Army soldiers on Estonian territory. On 9 February 2023, at a government press conference, Foreign Minister Urmas Reinsalu announced that 64 monuments to Red Army soldiers were removed from public space and about 150 more remained.<sup>3430</sup>

According to the Estonian Ministry of Defence, the government is covering the related costs, which are estimated at EUR 1.42 million.<sup>3431</sup> Estonia's authorities continue to finance it despite the economic crisis the country has faced.

It is noteworthy that all the actions of the Estonian authorities in destroying monuments to Soviet soldiers and sacrilegious transfer of their remains have not been enshrined in law. As stated above, in March 2023, Estonian president Alar Karis denied the approval of the relevant bill as "contravening the Constitution of the Republic of Estonia."<sup>3432</sup>

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<sup>3430</sup> <https://rus.delfi.ee/statja/120140868/video-perehod-na-estonskiy-yazyk-rossiyskaya-propaganda-sovetskie-pamyatniki-pravitelstvo-rasskazalo-o-svoih-novyh-resheniyah>

<sup>3431</sup> <https://rus.err.ee/1608878522/ministerstvo-oborony-prosit-vydelit-1-42-mln-evro-na-demontazh-sovetskih-pamjatnikov>

<sup>3432</sup> <https://rus.err.ee/1608906860/prezident-ne-provozglasil-tak-nazyvaemyj-zakon-o-sovetskih-pamjatnikah>

Moreover, the "war" on monuments declared in Estonia is not limited to monuments in honour of the Red Army soldiers who died in the battles to liberate the country from Nazism. In November 2023, the Estonian War Museum announced an initiative to "rebury" the remains of 18 servicemen of the Soviet Army and Navy buried in the Tallinn Military Cemetery under the pretext of "clearing a passage" to the monument to the Knights of the Cross of Freedom. The burials of soldiers who died after the war fell under it. This "initiative" took on horrifying scopes. On 31 January 2024, the Russian Embassy in Estonia reported that relevant information signs announcing the upcoming "reburial" appeared at 38 graves of soldiers. Such actions of the cemetery administration are aimed at quietly waiting six months from the date of installation of the signs and, without attracting attention or notifying the relatives of the buried, dismantle the headstones "in the absence of objections", thus abusing the remains the buried. The Russian Embassy called such actions a blasphemous act of state vandalism against Soviet (Russian) war memorial heritage sites, aimed at revising the outcome of the Second World War. The Embassy's website published a list of burial sites<sup>3433</sup> to be "relocated". The Chairman of the Investigative Committee of the Russian Federation, Alexander Bastrykin, has instructed the central office of the agency to conduct an investigation in connection with information about such intentions of the Estonian authorities.<sup>3434</sup>

The law enforcement agencies of Russia are paying close attention to the sacrilegious actions of the authorities of the Baltic States aimed at destroying Soviet war memorials. In September 2023, the Russian Investigative Committee reported that it was investigating 16 criminal cases involving 143 cases of desecration, destruction or damage to war graves, monuments and memorials to Soviet soldiers.

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<sup>3433</sup> [https://estonia.mid.ru/ru/press-centre/news/kommentariy\\_posolstva\\_v\\_svyazi\\_s\\_planami\\_po\\_oskverneniyu\\_zakhoronenyi\\_krasnoarmeytsev\\_na\\_tallinskom/](https://estonia.mid.ru/ru/press-centre/news/kommentariy_posolstva_v_svyazi_s_planami_po_oskverneniyu_zakhoronenyi_krasnoarmeytsev_na_tallinskom/)

<sup>3434</sup> <https://www.rubaltic.ru/news/01022024-sledkom-rossii-otreagirol-na-plany-tallina-oskvernit-mogily-sovetskikh-voinov/>

A total of 173 foreign nationals, including citizens of Latvia, Lithuania, Estonia, Poland and Ukraine, were prosecuted in absentia for the offences in question.<sup>3435</sup>

In February 2024, the Russian Ministry of Internal Affairs put Estonian Prime Minister Kaja Kallas and State Secretary Taimar Peterkop on the wanted list.<sup>3436</sup>

At the same time, Russia has been investigating the crimes of the Estonian punishers on the USSR territory. Among other things, documents have been declassified, testifying to the crimes committed by Estonian Nazi accomplices on the territory of the Pskov region, where they destroyed entire villages along with their inhabitants. In August 2021, The Pskov Regional Court recognized the established and newly revealed acts committed in 1941-1945 by the Nazis on the territory of the former Estonian concentration camp in Moglino – as well as in various areas of the Pskov region – as war crimes, crimes against humanity and genocide of national and ethnic groups living in the USSR.

Inciting Russophobia stirs up hatred across the country in general: increase in the political weight of the right-wing nationalist forces being nurtured by authorities to fight against Soviet legacy fuels xenophobia, antisemitism, neo-Nazism, and triggers far-right groups. This issue has been repeatedly raised by human rights activists defending the rights of the country's Russian-speaking population.

The country is witnessing a surge in xenophobic sentiments, particularly among ethnic Estonians. A significant contribution to incite hatred against migrants and national minorities is made by EKRE activists who do not hide their racist views. In February 2021, Head of the conservative faction in the Tallinn City Council Mart Kallas, on his Facebook page, called the opponents of the removal of the memorial to the Warrior-Liberator from the centre of Tallinn in 2007 and compatriots sympathizing with them a human trash with Soviet mentality.

The EKRE newspaper called "Uued Uudised" (Fresh News) publishes daily articles inciting hostility against people of African and Asian descent and other

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<sup>3435</sup> <https://www.rubaltic.ru/news/12092023-sk-rossii-zaочно-obvinil-grazhdan-stran-baltii-i-polshi-v-oskvernenii-sovetskikh-pamyatnikov/>

<sup>3436</sup> <https://www.rubaltic.ru/news/13022024-gossekreter-estonii-obyavlen-v-rozysk-v-rossii/>



"foreigners", and hyping around threats to displace indigenous population. As a consequence, there has been an increase in public insults and physical attacks against people from Asia, Africa and the Middle East. Inter-ethnic and inter-racial hate speech is increasingly visible on social networks, but in practice the authorities do not take any steps to reduce inter-ethnic tensions.

These xenophobic attitudes among EKRE activists were also pointed out by ECRI. In particular, the Commission noted that, since 2017, public discourse in Estonia became less tolerant, and politicians in their speeches began to ethnically divide the country's population more and pit groups against each other. This particularly affected refugees and migrants, ethnic and religious minorities. It was also noted that at the 2019 general elections EKRE publicly announced its plan to combat displacement of Estonians. This allowed the party to win almost 18 per cent of the vote and become part of Estonia's government. Besides, ECRI has noted cases of racist speech by EKRE members, including their publications in social media. For instance, during the 2019 election campaign, the EKRE candidate called the mayor of Tallinn "that unfit Asian". ECRI has also noted that EKRE members made derogatory public remarks about the Russian-speaking population, particularly in the context of minority education policies and the ongoing debate about Russian-language schools in the country. The attention was also drawn to anti-Muslim, anti-Semitic and anti-migrant statements by the party members, mainly in the form of verbal abuse in public places.<sup>3437</sup>

Human rights activists note that there is a high degree of Russophobia among Estonians. 50 per cent of Russians maintain contacts with Estonians, while among Estonians this figure reaches only 30 per cent.

It is very noteworthy that Ukrainian labor migrants also fall victims of nationalists. In March 2021, adviser to the EKRE parliamentary faction Yury Kukk, in a note for the party's news website "Uued Uudised", complained that Ukrainian construction workers "make the public space of our national state too Russian". The

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<sup>3437</sup> Sixth opinion of the European Commission against racism and intolerance on Estonia. Adopted on 29 March 2022. Published on 9 June 2022 <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>

threat of Russification of Estonia, according to him, "comes not only from Putin, but also from the Ukrainian labour force". At the same time, Conservative leader M. Helme stated in the autumn of 2020 that the Language Department (language inspection until 1 August 2020), a special supervisory and punitive body that monitors the purity of the Estonian linguistic space and is not subject to parliamentary and public control, should be involved in the identification of illegal migrants, primarily from neighbouring Russian-speaking countries. Its functions are limited solely to the identification of insufficient knowledge or use of the Estonian language, followed by the imposition of sanctions and heavy fines on individuals and legal entities.

It should be noted that the spread of extreme right-wing ideologies and increasing manifestations of hatred in Estonia, as well as the reluctance of the authorities to take measures to combat these phenomena, have come to the attention of multilateral universal and regional human rights monitoring mechanisms. For example, in August 2014, the Committee on the Elimination of Racial Discrimination expressed concern about the lack of a ban on racist organizations in the Criminal Code as well as the criminalization of hate speech and incitement to hatred. In addition, according to the Committee, excessively lenient measures (a fine of EUR 100) were provided in 2011 under Section 151(1) of the Estonian Penal Code for posting comments on the Internet that are recognized as hate speech and incitement to violence.<sup>3438</sup> In particular, the Committee noted that the Penal Code does not fully prohibit racist organizations, the dissemination of ideas based on racial superiority or racial hatred, neither does it punish racially motivated hate speech and incitement to hatred. The Committee reiterated its concern at the lenient penalties for the cases provided for in the law. It is also noted that there are political parties and public figures who use hate speech. The use of such rhetoric goes unchecked and is not investigated by the competent authorities, and the perpetrators

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<sup>3438</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 10th and 11th periodic reports of Estonia. August 2014

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f10-11&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fEST%2fCO%2f10-11&Lang=ru)

are not brought to justice. The Committee has also expressed its concern that hate crimes in Estonia were often not recorded or investigated as such. This is confirmed by the low number of reports on the use of hate speech and hate crimes in Estonia.<sup>3439</sup>

The Human Rights Committee pointed out in March 2019 that Estonian law does not provide equal protection against discrimination on all grounds prohibited under the International Covenant on Civil and Political Rights in all areas of life. The HRCttee was most concerned that current Estonian legislation does not provide comprehensive protection against hate speech and hate crimes, due to the rather lenient penalties and strict requirements for imposing them for crimes of incitement to hatred, violence or discrimination (in such cases, Article 151 of the Estonian Penal Code requires "threats to the life, health or property" of the victim). However, other offenses, such as public denial, approval or justification of genocide, crimes against humanity or war crimes, or propaganda of hatred of a racist nature, or otherwise inciting discrimination, are not prohibited by law. Against this background, it is not surprising that the Committee has observed frequent instances of hate speech, including by politicians and opinion-makers, as well as hate crimes.<sup>3440</sup>

On 30 October 2020, the European Commission notified Estonia about its decision to start proceedings concerning non-compliance of Tallinn with its obligations to implement EU legislation. One of the issues was the lack of qualification of racist and xenophobic motives as aggravating circumstances in the criminal legislation, evasion of Estonian authorities from criminalization of such obvious manifestations of racism and xenophobia as public justification, denial or downplaying of international crimes and Holocaust crime, public calls for violence

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<sup>3439</sup> Concluding observations of the Committee on the Elimination of Racial Discrimination on the combined 12th and 13th periodic reports of Estonia. April 2022.

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FEST%2FCO%2F12-13&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FEST%2FCO%2F12-13&Lang=ru)

<sup>3440</sup> Concluding observations of the Committee for Human Rights on the 4th periodic report of Estonia. March 2019

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fEST%2fCO%2f4&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fEST%2fCO%2f4&Lang=ru)

and inciting hatred against certain groups (Estonia remains one of two EU countries without legislative prohibition of such activities). In addition, it is noted that Estonian law does not take into account racist and xenophobic motives for committing crimes as aggravating circumstances.<sup>3441</sup>

With reference to the European Commission, the EU Agency for fundamental human rights drew attention to these aspects in its next report on human rights in the European Union for 2021.<sup>3442</sup>

In 2022, the CERD also pointed to worrying trends in the spread of hatred in Estonia, thus confirming the views of the Human Rights Committee. Thus, with reference to data from Estonian officials, in particular the Ministry of Justice, it was noted that in most cases of incitement to hatred in Estonia, Article 151 (incitement to hatred) of the Penal Code is applied, and the punishment under this article is rather mild – a fine or detention (up to 30 days). According to official statistics, between 2016 and 2020, not a single case handled by the prosecutor's office under this article went to criminal prosecution. In 2016, 2 cases of incitement to hatred were recorded, in 2017 – 5, in 2018 – 1, none were recorded in 2019 and 2020. At the same time, NGO provides for selected data: citing Internet monitoring reports by the NGO "OpCode", it says that a total of 100 incidents were reported as illegal content on Facebook. The number of officially registered cases of hate-motivated violence is also low: of which, 15 occurred in 2016, 4 occurred in 2017, 6 occurred in 2018, 10 occurred in 2019 and 3 occurred in 2020.<sup>3443</sup>

In addition, human rights activists note that activities of the Estonian human rights protection bodies, in particular the Chancellor of Justice and the Gender Equality & Equal Treatment Commissioner, in combating racial discrimination are ineffective. The decisions of the Equality Ombudsman are of an advisory nature. In

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<sup>3441</sup> <https://news.err.ee/1153405/european-commission-launches-infringement-proceedings-against-estonia>

<sup>3442</sup> The EU Agency for Fundamental Rights. Fundamental Rights Report 2021  
[https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2021-fundamental-rights-report-2021\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2021-fundamental-rights-report-2021_en.pdf)

<sup>3443</sup> Sixth opinion of the European Commission against racism and intolerance on Estonia. Adopted on 29 March 2022. Published on 9 June 2022 <https://rm.coe.int/6th-ecri-report-on-estonia/1680a6d5e6>

addition, the consent of a person suspected of discrimination is required in order to initiate a conciliation procedure regarding racial discrimination against individuals. According to activists, no cases of consent to this procedure have been recorded so far. There are also no positive examples of protection from racial discrimination in judicial practice.

The deteriorating economic situation in Estonia also exacerbates the above described problems in the field of human rights protection, since, largely due to the Russophobic policy, many areas of the economy and foreign trade in the country are in decline. According to Eurostat, imports and exports decreased sharply in January–November 2023. Estonia's exports and imports each fell by 15 per cent on an annualized basis. Foreign trade deficit level is 2.7 billion euros.<sup>3444</sup> The amount of transit cargo in 2021 was 9.5 million tons, and in 2023 it was 2.1 million tons (i.e. the amount has fallen almost five times in just two years). The losses of Estonian Railways increase every year. For now, they are covered by the government. According to Sander Salmu, Deputy Secretary General of the Ministry of Climate.<sup>3445</sup>

The Estonian agricultural sector is also facing the worst crisis since the country's entry into the EU. This was stated by representatives of the Central Union of Estonian Farmers, the Estonian Chamber of Agriculture and Commerce, and the Estonian Young Farmers' Union, who submitted an appeal to the Estonian government requesting that the state budget allocate funds for emergency support of the agricultural sector. The farmers' representatives noted that "economic instability, climate change, green initiatives, rising production costs, falling incomes, etc. – all these factors together have put food production and rural entrepreneurship in a precarious situation". Farmers' debts to suppliers amount to almost 70 million euros.<sup>3446</sup>

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<sup>3444</sup> <https://www.rubaltic.ru/article/ekonomika-i-biznes/20240117-nagrada-za-rusofobiya-u-pribaltiki-rukhnula-vneshnyaya-torgovlya/>

<sup>3445</sup> <https://www.rubaltic.ru/news/07022024-v-estonii-rukhnul-obem-gruzoperevozok/>

<sup>3446</sup> <https://www.rubaltic.ru/news/16022024-v-estonii-zayavili-o-glubochayshem-krizise-v-selskom-khozyaystve/>



## Japan

Japan has consistently demonstrated an outwardly high level of respect for human rights and freedoms, as confirmed by studies conducted by international non-governmental organizations and relevant United Nations bodies, including the UN Human Rights Council (UNHRC).

At the same time, double standards mark the Japanese foreign policy: Priority is hypocritically given to multilateral efforts in the field of human rights protection (in countries that are not US satellites). As a member of the HRC, Tokyo is actively involved in drafting resolutions on the situations in Belarus, Eritrea, Ethiopia, Iran, Myanmar, Nicaragua, North Korea, South Sudan, and Syria.

In addition, Japan regularly demonstrates the "Western solidarity" when voting at the UNGA on Ukrainian initiatives: On 12 May 2022, it supported the resolution on the "Deteriorating Human Rights Situation in Ukraine stemming from the Russian Aggression". On 23 February 2023, Japan also supported the resolution on the need to achieve a "comprehensive, just and lasting" peace in Ukraine as soon as possible in accordance with the principles of the UN Charter, that "deplored the dire human rights and humanitarian consequences of the aggression by the Russian Federation against Ukraine".

Despite the general seemingly favorable situation in the field of human rights, there are a number of major domestic challenges.

An unprecedented in its Russophobic intensity campaign against Russia and its citizens was launched in Japan and supported by the Fumio Kishida administration, after the Armed Forces of the Russian Federation launched on 24 February 2022 a Special Military Operation to denazify and demilitarize Ukraine and protect the civilian population of Donbass (before there were no mass violations of the rights of Russians and their discrimination in Japan).

Russophobic narrative has sharply intensified in the Japanese information space, including the media, social networks and blogs. Official authorities were taking consistent steps to persuade the public that total solidarity with the Western countries in condemning Russia was indisputable.

Under the guise of "ideological solidarity" and adherence to international law, the Kishida administration and major Japanese media regularly voiced and published theories questioning the neo-Nazi and anti-Russian nature of the Kiev regime and its longstanding crimes against the Russian-speaking population of Donbass.

The public is given a deliberately distorted picture of events, where numerous fascist statements and open calls for the genocide of Russians by Ukrainian officials are completely ignored. Instead, an emotional narrative is planted about the alleged crimes committed by the Russian military after the start of the Special Military Operation and about the "resistance to the invader" by the Ukrainian armed forces, fighters of the "Azov" nationalist regiment and other similar neo-Nazi formations banned in Russia.

An equally eloquent example is the delivery of military equipment (bullet-proof vests, helmets, etc.) and armoured vehicles (cars and transport all-terrain vehicles) from the arsenals of the Japanese Self-Defense Forces to the Ukrainian Armed Forces in 2022-2023, which, according to many Japanese experts, may violate the national legislation prohibiting the provision of military and technical assistance to conflict regions.

There have been repeated attempts to misuse the Ukrainian issue in order to satisfy Tokyo's illegitimate territorial claims to the Southern Kurils: Japanese media has been actively planting the idea that Russia aims to "solve problems by force," drawing parallels between the "invasion of Ukraine" (starting with the "annexation of Crimea" in 2014) and the "illegal occupation of the Northern Territories by the Soviet troops" in 1945, and that there is no other alternative but to stand in solidarity with the Vladimir Zelensky regime in order to achieve progress in the attempts to "return" the Russian islands to Japan.

Such hostile rhetoric, coupled with the Russophobic propaganda of the Kishida administration, affects compatriots living in Japan and leads to the violation of their social and economic rights.



There are reports of domestic violence in mixed families and of ethnic-based harassment at work in Japanese companies (insults, humiliation, denial of employment).

An example of the violation of the legal rights and interests of compatriots is the detention of V.A. Kazantseva, the 17-year-old daughter of a Russian citizen, by the Japanese social services in Tokyo. Since May 2022 employees of the juvenile center have been preventing her personal contact with her mother as well as their communication in Russian over the phone.

There have been cases of denial of employment on the grounds of Russian citizenship. A number of Japanese companies deliberately created a work environment in which their Russian employees, for fear of being fired, did not openly express their opinions about current events and processes in Russia and abroad.

On 3 March 2022 an illustrative incident of vandalism took place at the Red Square store of Russian goods in Tokyo: An intruder (a US citizen of Ukrainian descent) smashed the sign at the entrance.

Other disturbing examples include attempts by a number of hotels to refuse accommodation to Russians (February-March 2022; the incidents were promptly resolved after direct intervention by city authorities), public "doubts" by the head of the political council of the opposition Democratic Party for the People, Kohei Otsuka, about the reasonability of Russian-language inscriptions on road signs in northern Hokkaido Prefecture "in light of the situation in Russia" (when faced with accusations of xenophobia from his followers, he hastily deleted the tweet).<sup>3447</sup> The attempt to hide Russian-language signs at Tokyo's Ebisu station in April 2022, allegedly due to complaints from passengers who found them inappropriate in the context of the situation in Ukraine, was quite illustrative (the signs were returned a week later after a wave of criticism against the management of the JR East transportation company).

Discriminatory measures introduced in 2022 at Japanese airports at customs

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<sup>3447</sup> <https://mainichi.jp/articles/20220520/k00/00m/010/411000c>

checkpoints against persons traveling to Belarus and Russia continue to apply.

For example, it is prohibited to export "luxury goods" (clothes, shoes, hats, laptops, ceramics, furs, jewelry, watches, perfumes, etc.), that cost more than 40,000 yen (\$300). Restrictions apply to cash up to 100,000 yen (\$700).

Special rooms have been organized at border crossing points (airports, seaports), where passengers bound for Russia, regardless of their nationality, are subjected to additional checks for compliance with the illegal restrictive measures imposed by the Japanese government prior to check-in. According to some experts, by doing so the Japanese authorities violate Article 13 of the 1948 Universal Declaration of Human Rights, which proclaims freedom of movement for every citizen.

Consular offices of the Russian Federation have received complaints from Russian women about domestic violence by their Japanese spouses, as well as insults and humiliation based on nationality.

It should be noted that official Tokyo has made certain efforts to curb discrimination against Russians in the Japanese society qualifying such phenomena as "unacceptable and inappropriate"<sup>3448</sup> through the mouth of the then Chief Cabinet Secretary Hirokazu Matsuno and Foreign Minister Yoshimasa Hayashi.

Attempts to put pressure on Russian foreign institutions are quite common: unfriendly and insulting actions, pickets and demonstrations near the buildings of the diplomatic missions are held on a regular basis. The Russian diplomatic missions also receive threatening phone calls and mail letters. There are certain difficulties associated with the fact that a number of management companies refuse to fulfill their contractual obligations or conclude new contracts, referring to "international turmoil."

In 2022-2023, there were regular manifestations of protocol discrimination from the Japanese side, including against the Russian ambassador in Tokyo.

At the apparent instigation of the official authorities, the Japanese political, business and public circles completely suspended contacts with the Russian

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<sup>3448</sup> <https://www.japantimes.co.jp/news/2022/04/20/national/yoshimasa-hayashi-russian-discrimination-concerns/>

ambassador in Tokyo. In fact, he found himself in "informational isolation", which makes it difficult for him to perform his official duties.

The Russian visa centre located in the Akasaka Ward (Tokyo) regularly receives anonymous threats and demands that our compatriots "get out of Japan".

Similar "appeals" have been sent to the Moscow Patriarchate in Tokyo, as well as to the clergy of the Autonomous Orthodox Church of Japan.

An outrageous act of protocol discrimination was the refusal in 2022 (for the first time in almost 50 years) to invite the head of the Russian diplomatic mission to the August commemorations of the anniversary of the U.S. atomic bombings of Hiroshima and Nagasaki.

Moreover, the Hiroshima authorities threw away a wreath placed at the city's cenotaph by the head of the Russian diplomatic mission, who had laid it himself. Thus, the commemoration held there on 6 August 2022 actually turned into a propaganda meeting to denigrate Russia, where the false thesis of a "nuclear threat from Moscow" was disseminated.

We note that in 2023, attempts to "harass" Russians have practically come to naught. At the same time, however, the main manifestation of Russophobia now is the repeated refusal of Japanese consular authorities to issue visas to Russian citizens living in the territory of the Southern Kuril Islands, the Republic of Crimea and the new constituent entities of the Russian Federation (the Donetsk and Luhansk People's Republics, the Kherson and Zaporozhye Oblasts).

In addition, in October 2023 an attempt was made to replace the national flag of the Russian Federation with the "protest" flag (white with a blue stripe), which is prohibited in our country, on the signboard of the branch of the Far Eastern Federal University (FEFU) in the city of Hakodate.

It should be noted that, against the background of official Tokyo's emphasized promotion of the concept of "human security", its principles and norms are demonstratively not applied to aspects of the events related to Ukraine. In particular, in April 2022 the Japanese side removed the Ukrainian nationalist battalion "Azov" from the list of terrorist organizations in the national "International Terrorism

Situation Review" for 2021. Thus, for political reasons, the activities of the aforementioned terrorist organization are actually encouraged, which poses new threats to the lives and security of Russian citizens.

In the field of human rights and freedoms in Japan, there are a number of areas in which the situation is not entirely satisfactory: Ensuring gender equality and the protection of women's rights, the fight against discrimination of the indigenous population of the Japanese archipelago, the existence of the death penalty.

In addition, the state does not have a specialized national human rights institution. The last time a draft law regulating the establishment of the Human Rights Commission was considered in 2012, when the process of its adoption was interrupted. Nearly 12 years later, no progress has been made in establishing such an institution.<sup>3449</sup>

In recent years, the Japanese government has made considerable efforts to protect the identity of indigenous peoples. In April 2019, the Law on the Promotion of Policies to Foster Public Respect for the Heritage of the Ainu People was adopted. The law recognizes this ethnic group as indigenous and provides for financial support measures to preserve its identity, culture and traditions. In the context of the implementation of the provisions of the law, it is now recognized that the Ainu people still face biased and discriminatory attitudes, including in everyday life.

According to surveys conducted in 2020, about a quarter of people who identify themselves as the Ainu said they have experienced such problems firsthand, and another 13 per cent were aware of such cases among acquaintances. Public discrimination against the Ainu is quite common, including in the mainstream media,<sup>3450</sup> in particular by Japan's largest public broadcaster NHK. Various Ainu and human rights organizations continue to criticize the opportunistic nature of the law, which, in their opinion, was adopted without sufficient consideration of the Ainu people points of view and "actually involves the exploitation of their cultural and

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<sup>3449</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fC%2f10-11&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fC%2f10-11&Lang=ru)

<sup>3450</sup> <https://www.asahi.com/sp/ajw/articles/14367406>

historical heritage". It is noteworthy that doubts about the usefulness of the efforts of the central authorities also appear periodically in the expert and journalistic communities.

The Cabinet is accused of embellishing the positive effects of the proposed social and economic measures, since the real beneficiaries of the allocated financial resources are the Hokkaido Prefecture and its administrative and territorial entities, and not the Ainu community itself. The need to supplement the basic policy with provisions detailing the steps to be taken to ensure the rights of the small people to practice traditional methods of fishing, forestry and religious ceremonies is emphasized. For example, since November 2020, the Sapporo District Court (Hokkaido Prefecture) has been hearing a lawsuit filed by the Ainu Raporo Nation group demanding recognition of river fishing as their inalienable right under the UN Declaration on the Rights of Indigenous Peoples and the lifting of the ban on salmon fishing imposed by the Japanese regulations. This is the first lawsuit of its kind in the Japanese legal practice.

In 2020, the Upopoy Center for Ethnic Harmony dedicated to the Ainu people, their history, cultural characteristics and traditions was opened on the island of Hokkaido. However, in 2021, the Honbetsu City Council (Hokkaido Prefecture) rejected the Ainu Association's request for permission to build traditional ceremonial structures on the island.

At the same time, Japanese politicians, including those in top government positions, often make blatant statements on Ainu issues. In December 2022, Mio Sugita, the Parliamentary Vice Minister of Internal Affairs, Local Government, Communications and Telecommunications of Japan, posted discriminatory messages against members of the ethnic group on her Twitter page. She was subsequently removed from office.

The situation of the indigenous peoples of the Ryukyu Islands remains difficult. Tokyo denies them benefits and support for their traditions, language and culture. Experts from non-governmental structures point out the distortion of school education courses, which contain virtually no information about the identity and

ethnic and linguistic isolation of the Ryukyus people. The municipal authorities of the Okinawa Prefecture call on the government to persuade the UN structures to withdraw the resolutions recognizing the Ryukyus as an indigenous people. Therefore, the Ryukyu indigenous people appealed to the international community to protect their indigenous rights on 4-8 July 2022, on the sidelines of the 15th session of the Human Rights Council's Expert Mechanism on the Rights of Indigenous Peoples.

In addition to these problems, residents of the northernmost and southernmost Japanese islands continue to face other manifestations of discrimination. UN Human Rights Council, as well as other international human rights structures and a significant number of human rights NGOs have consistently criticized the Japanese government for the continuing gap in living standards between indigenous peoples, such as the Ainu and Ryukyuan on the one hand, and the Japanese population on the other hand.

There are cases of harassment of the representatives of these indigenous peoples both in the labour market and in terms of access to education and a number of social programs. At the same time, discrimination against the Burakumin, the descendants of the "impure" medieval feudal class, persists in the areas of employment, housing and marriage<sup>3451</sup>.

In modern Japan, where 97% of the population is ethnic Japanese, there is still no legal instrument prohibiting discrimination on racial, national or religious grounds<sup>3452</sup>. The lack of comprehensive legislation in this area has been raised by the UN Committee on the Elimination of Racial Discrimination (CERD) established under the International Convention on the Elimination of All Forms of Racial Discrimination<sup>3453</sup>.

There have been cases of incitement to ethnic hatred and crimes against racial minorities, especially ethnic Koreans, who are frequently subjected to open

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<sup>3451</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fC%2f10-11&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fC%2f10-11&Lang=ru)

<sup>3452</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fC%2f10-11&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fC%2f10-11&Lang=ru)

<sup>3453</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/287/65/PDF/G1828765.pdf?OpenElement>

discrimination<sup>3454</sup>.

For example, Yoshiaki Yoshida, the head of DHC, a major cosmetics and dietary supplement company, has repeatedly (most prominently in 2016, 2020, and 2021) declared, including on the brand's official website, that the "overrepresentation of Koreans" in the official and political circles, as well as in media industry is unacceptable because it "threatens Japanese statehood"<sup>3455</sup>. Small-scale boycotts, suspension of cooperation with the corporation, and other forms of public reaction seem to mute the hostile rhetoric of the DHC leadership only temporarily.

Since neither public officials nor individuals are prosecuted for racist hate speech and hate crimes in Japan, there have been no meaningful prosecutions of businessman Yoshiaki Yoshida.

Tokyo's attitude toward refugees remains a pressing issue. Japan contributes financially to the work of international humanitarian aid bodies, yet it takes a very passive stance regarding the admission of foreign nationals. In 2022, there were 7,237 pending status applications, of which 187 were approved, 5,418 were rejected, and 1,632 remained pending (compared to 3,936 status requests received in 2020, with only 47 approved), which is the lowest rate among developed countries<sup>3456</sup>.

A well-known case is that in March 2021, a Sri Lankan citizen who was in immigration detention died at the age of 33 due to lack of access to medical care (detention in an immigration center can be indefinite, which is considered inhumane treatment by the UNHRC).

Despite Tokyo's archaic approaches to refugees and asylum seekers, after Russia launched a special military operation in Ukraine, authorities began to make exceptions for the Ukrainian citizens. As of July 2023, 2,120 Ukrainians had arrived in Japan. They received the right to residence, state health insurance, and employment assistance.

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<sup>3454</sup> <https://www.bloomberg.com/news/features/2021-10-17/koreans-in-japan-hate-speech-case-highlights-workplace-racism>

<sup>3455</sup> <https://www.japantimes.co.jp/news/2021/05/01/national/media-national/hate-speech-in-japan/>

<sup>3456</sup> Human Rights Watch Japan Events of 2021 - [official website] URL: <https://www.hrw.org/world-report/2022/country-chapters/japan>

The adoption in June 2016 of the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behaviour against Persons with Countries of Origin other than Japan was a positive step toward eliminating hate speech.

Yet, critics note that the normative act contains limited legal remedies for ethnic minorities<sup>3457</sup>, as its scope of application is limited to the actions of vis-a-vis persons residing in the state "on legal grounds", while there is no description of specific measures to be taken against violators.

The existence of the death penalty is another reason for regular criticism of Tokyo by human rights activists. The peculiarity is that the date of execution is not known in advance either to the convicted person (notified in the morning before hanging) or to his relatives (informed after the fact). At the end of 2022, there were 106 people on death row (some remained there for decades). The Office of the UN High Commissioner for Human Rights (OHCHR) has repeatedly criticized Japan on this account. However, the country believes that the death penalty should remain "a unique cultural practice that promotes respect for the letter of the law." At the same time, more than 80 per cent of the Japanese are in favor of retaining capital punishment<sup>3458</sup>.

In July 2022, the execution of T.Kato, a Japanese citizen convicted in March 2011 of mass murder in the Akihabara district of Tokyo, was carried out.

The system of pre-trial detention, which in many cases is excessively long, has also been condemned. Those suspected of committing a crime can be placed in custody for 72 hours before charges are brought against them. After that, the court may extend the detention up to two more times for 10 days at the request of the prosecutor. This practice is widespread, and pretrial detention generally lasts 23 days.

The Committee on Enforced Disappearances has pointed out a number of violations of the rights of persons deprived of their liberty. These include: restricting

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<sup>3457</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fC%2f10-11&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fJPN%2fC%2f10-11&Lang=ru)

<sup>3458</sup> The Public Opinion Myth: Why Japan Retains the Death Penalty - [official website] URL: <https://portfolio.cpl.co.uk/DPP/Vox-Populi-Report-Japanese/1/P>.



communication of the person deprived of liberty to any person of his/her choice and, in the case of foreigners, to consular authorities; restricting visits to a lawyer by certain days, number of times and circumstances; restricting visits to family members or any other person; presence of prison staff during visits; limiting, prohibiting and studying correspondence, including with defense counsel; and prohibiting visits, communications and correspondence when they are not in Japanese and the person deprived of liberty cannot pay the financial cost of translation or interpretation<sup>3459</sup>.

There is also an acute issue of gender equality. According to the World Economic Forum Global Gender Gap Report, in 2022 Japan ranked 116th out of 146 countries on the integral indicator of gender equality with a rating of 65 per cent (having lost 6 positions compared to 2021).<sup>3460</sup> This is the lowest among 19 countries in the East Asia and Pacific region. Despite the measures taken by the authorities, they have not yet succeeded in eliminating the wage gap between men and women. Domestic violence and gender-based harassment at work are widespread. According to Japan's Ministry of Health, Labor and Welfare, at least one-quarter of women surveyed face marriage, pregnancy, and childbirth-related pressures in the form of demotion, moral humiliation, and sometimes dismissal<sup>3461</sup>.

In order to improve the situation, the Japanese Ministry of Justice has set up 50 telephone hotlines throughout the country, which has helped reduce the number of cases of discrimination against women.

The lack of a comprehensive definition of discrimination against women in the country's legislation, covering both direct and indirect discrimination in the public and private sectors, has been repeatedly pointed out by the UN Committee on the Elimination of Discrimination against Women (CEDAW). The Japanese Civil Code contains a number of discriminatory provisions: different minimum ages of marriage for women and men (16 and 18, respectively); the prohibition on

<sup>3459</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fJPN%2fCO%2f1&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CED%2fC%2fJPN%2fCO%2f1&Lang=ru)

<sup>3460</sup> World Economic Forum Global Gender Gap Report 2021 - [official website] URL: [https://www3.weforum.org/docs/WEF\\_GGGR\\_2021.pdf](https://www3.weforum.org/docs/WEF_GGGR_2021.pdf)P.9

<sup>3461</sup> Japan Association for Women's education (JAWE) - [official website] URL: <https://www.jawe2021.jp/cgi/keyword/cgi?num^n000225&mode=details=catlist=1&onlis1?=1&alphalist=1&shlist=1>

remarriage within a certain period of time after divorce, which applies only to women;<sup>3462</sup> the formal requirement that couples share the same family name, which in practice often forces women to take their husbands' names.

The Committee also noted the widespread stereotypes in Japanese society that underlie the country's persistent problem of sexual violence against women. Such stereotypes are actively promoted through, among other things, video games and animated products.

Women are often the targets of sexist remarks. In particular it affects women belonging to the ethnic minorities of the Ainu, Buraku, Korean Zainichi, and migrant women.

CEDAW has also raised concerns about the numerous forced sterilizations carried out under the Eugenic Protection Law to prevent children from being born with illnesses or disabilities. The Japanese government has been criticized for failing to provide victims with legal protection, including compensation, an official apology, and rehabilitation<sup>3463</sup>.

A positive dynamic has been observed in the area of child protection, with measures taken to eradicate the sexual exploitation of minors and the spread of child pornography.

Specifically, on 20 May 2022, the National Police Agency published the Plan for the Prevention of Sex Crimes Against Children (Basic Plan on Measures against Child Sexual Exploitation). At the same time, the high level of bullying (up to 70 per cent of the total number of violations against minors) and sexual harassment in Japanese schools remains a cause for serious concern.

According to a study by the Gender Equality Bureau, 2,040 out of 8,941 female respondents aged 16-24 admitted to being victims of sexual violence, including in schools, in 2022<sup>3464</sup>. The most publicized was the discovery of 139 incidents of harassment by teachers in educational institutions in Shizuoka

<sup>3462</sup> By the decision of the Supreme Court of Japan, this period was reduced from six months (180 days) to 100 days.

<sup>3463</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fJPN%2fCO%2f7-8&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fJPN%2fCO%2f7-8&Lang=ru)

<sup>3464</sup> [official website] URL: [https://www.gender.go.jp/policy/no\\_violence/e-vaw/chousa/pdf/r04\\_honkoku/01.pdf](https://www.gender.go.jp/policy/no_violence/e-vaw/chousa/pdf/r04_honkoku/01.pdf) P.4

Prefecture in 2022 (which is 24 incidents more than in 2021). The work of the government and local authorities is focused on the prevention of such acts: explanatory lectures are organized and anonymous channels are created to inform about the facts of discrimination.

The legislative regulation of adoption and protection of minors has been amended. In particular, stricter rules for the activities of intermediary agencies were introduced in 2018. This was prompted by a number of high-profile incidents involving human trafficking, extortion, and adoption procedure violations.

The Committee on the Rights of the Child draws attention to the problem of the removal of children from their families, which is often accompanied by their isolation from relatives without a court order and their placement in medical-psychopedagogical centers for up to two months. In addition, it is noted that the conditions of detention in specialized institutions require significant improvement, i.e., they do not meet the needs of the child, including protection of rights of the child. Cases of ill-treatment of children in such facilities are frequently reported.

Experts are also concerned about the lack of attention by Japanese authorities to the mental health of adolescents, in particular the lack of child psychologists and other specialized personnel, amid an increase in the number of minors with behavioral disorders, attention deficit disorder. Psychostimulant drugs are often used to treat them, while non-medical forms of treatment are ignored<sup>3465</sup>.

Among other urgent domestic tasks in the sphere of human rights, the Japanese Ministry of Justice emphasizes the protection of the elderly and disabled, the integration of HIV-infected people into society, respect for the rights of people who have served their sentences, and crimes related to bullying on the Internet.

The Transparency International Corruption Perception Index traditionally puts Japan among the 20 least corrupt countries.

However, the practice of "amakudari" (lobbying for the employment of former high-ranking officials in top positions in state corporations, banks, private

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<sup>3465</sup> [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJPN%2fCO%2f4-5&Lang=ru](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fC%2fJPN%2fCO%2f4-5&Lang=ru)

companies, etc.) continues despite the obviously inflated ratings, and reports of corruption in the top government circles regularly appear in the media. The case was brought against three representatives of AOKI Holdings Inc, one of Japan's largest men's apparel manufacturers. Its former chairman Hironori Aoki, deputy chairman Takahisa Aoki (Hironori Aoki's younger brother), and managing director Katsuhisa Ueda are charged with conspiring to pay ¥28 million (about \$200,000) to the former head of the Japanese Olympic Committee.

Tokyo also receives a certain amount of criticism from its closest allies. For example, the U.S. State Department's 2022 report on trafficking of human beings documented Japan's failure to meet minimum standards for the eradication of human trafficking, forced labor and sexual exploitation, but also noted the country's efforts to remedy the situation<sup>3466</sup>. The report also documented cases of passports being confiscated from students from Bhutan taking courses in Japan's apprenticeship programs. The U.S. Department of State's 2023 Trafficking in Persons Report also highlights this problem<sup>3467</sup>.

Since 2020, the pandemic of a new coronavirus infection has been the test of Tokyo's mettle. Even at the drafting stage, the government emphasized the need to maintain a balance between the implementation of measures against COVID-19 and respect for human rights. At the same time, the authorities paid serious attention to providing social support to the population and assistance to business (payment of subsidies, direct financial support to certain sectors of the economy).

Since all the restrictions were advisory in nature, there were no significant complaints; protests were insignificant and did not cause any serious public outcry.

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<sup>3466</sup> The U.S. Department of State 2022 Trafficking in Persons Report - [official website] URL: <https://www.state.gov/wp-content/uploads/2022/10/20221020-2022-TIP-Report.pdf>

<sup>3467</sup> The U.S. Department of State 2023 Trafficking in Persons Report - [official website] URL: [https://www.state.gov/wp-content/uploads/2023/09/Trafficking-in-Persons-Report-2023\\_Introduction-V3e.pdf](https://www.state.gov/wp-content/uploads/2023/09/Trafficking-in-Persons-Report-2023_Introduction-V3e.pdf)

**Kosovo**<sup>3468</sup>

Respect for human rights in the Autonomous Province of Kosovo and Metohija (Kosovo and Metohija), which has been beyond Belgrade's control since the end of the "hot" phase of the conflict in 1999, remains at a very unsatisfactory level.

The resolution of the Council of Europe Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities in Kosovo and Metohija of 3 July 2019, which took into account the comments of the UN Mission in Kosovo, recommended that the provincial leadership take urgent steps to promote inter-community dialogue and tolerance at central and local levels, condemn attacks against national minorities and ensure their prompt investigation, improve the implementation of legislation to protect vulnerable ethnic groups, carry put the work to overcome unequal access to justice for Albanians and representatives of other peoples, ensure the use of Serbian language in judicial authorities and administrative records etc.<sup>3469</sup> However, in the Fifth Opinion on Kosovo of the Council of Europe's Advisory Committee on the Framework Convention for the Protection of National Minorities, published on 26 May 2023, taking into account the comments of the UN Interim Administration Mission in Kosovo (UNMIK), the experts state that there has been no progress in addressing the problems of the local Serb community and national minorities in general.<sup>3470</sup>

Formally, the provincial "legislation" grants national minorities broad rights, including the preservation and development of cultural and national identity, education in one of the two official languages (Albanian or Serbian), free use of their native language and national symbols in areas of compact residence, and access

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<sup>3468</sup> Since NATO's aggression against Yugoslavia in 1999, the Autonomous Province of Kosovo and Metohija has been de facto beyond Belgrade's control. All the while, UNSC Resolution 1244 confirms Serbia's sovereignty and territorial integrity with regards to Kosovo.

<sup>3469</sup> Resolution CM/ResCMN(2019)11 on the implementation of the Framework Convention for the Protection of National Minorities in Kosovo, adopted by the Committee of Ministers on 3 July 2019.  
[https://search.coe.int/cm/pages/result\\_details.aspx?objectid=090000168095da70](https://search.coe.int/cm/pages/result_details.aspx?objectid=090000168095da70)

<sup>3470</sup> Fifth Opinion on Kosovo of the Advisory Committee on the Framework Convention for the Protection of National Minorities, published on 26 May 2023.  
<https://rm.coe.int/5th-op-kosovo-en/1680ab6a79>

to media in their native tongue. The principle of proportional representation in public institutions, including the "police", is enshrined.

In municipalities where the number of national minorities exceeds 10 per cent of the population, the position of deputy chairman of the local legislative assembly is reserved for their representative. In reality, the realization of these powers is seriously hampered.

The ultra-nationalist "Self-Determination" movement, which came to power in Pristina in February 2021, led by "prime minister" Albin Kurti, is pursuing a policy of forced albanization by displacing other ethnic groups. The goal is to establish full force control over the Serb-populated north of the province. According to the Serbian Government Office for Kosovo and Metohija, in 2023 there were 178 ethnically motivated offenses against Serbs and their property, and since February 2021, there have been already 458 such manifestations.

Perpetrators are often not held accountable. The situation is compounded by the lack of responsiveness of Kosovo's "law enforcement agencies", whose officers sometimes commit violent acts against non-Albanians themselves. As a result, since 2021, more than 10 per cent of Kosovo Serbs (about 12,000 people) have been forced to leave their places of residence.

Provocations by Kosovo's "law enforcement agencies" have become widespread. On 6 January 2023, Christmas Eve, in the village of Gotovusha<sup>3471</sup>, an officer of the "Kosovo security forces" wounded two Serbs, including a child of 11 years old, with firearms. On 16 March 2023, the perpetrator was released from pre-trial detention and transferred to house arrest, the charge was reclassified from "attempted murder" to "careless handling of firearms".

On 18 October 2023, this reduced preventive measure was revoked as well.<sup>3472</sup> On the night of 7 January 2023, Serbian S. Tomic (18 years old), who was returning from Christmas service, was beaten by a group of Albanians in the municipality of Klokot.

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<sup>3471</sup> Serb-populated municipality of Štrpce.

<sup>3472</sup> "Politika" newspaper, 19 October 2023, p.6.

Heavily armed special forces squad of the Kosovo "police" (ROSU) regularly invade the Serb-populated north of the province (14 such raids were recorded in 2017–2022; after another round of crisis in December 2022, this became a daily occurrence). Since December 2022, seven "police" outposts have been erected there, for which the lands of the residents of Zubin Potok and Leposavic were forcibly alienated. "Authorities" are not complying with the 18 December 2023 Pristina court ruling on the illegal nature of this expropriation.<sup>3473</sup>

On 23 January 2023, in northern Kosovo, riot police fired on a vehicle on the road, critically wounding one of the Serbs in the vehicle in the chest.<sup>3474</sup>

On 10 April 2023, in Zvečan, gunshot wounds were inflicted on a local taxi driver of Serbian nationality<sup>3475</sup>, and on 17 June 2023, they caused injury to two Serbian teenagers.<sup>3476</sup>

In violation of UN Security Council Resolution 1244, Pristina continues to create full-fledged "armed forces" on the basis of the "Kosovo Security Force" (KSF, local quasi-army), increasing the military component of the KSF and not formally changing its name. The relevant legal framework was provided by the "parliament" in December 2018, bypassing the principle of "double majority" enshrined in the "legislation", which does not allow the most important decisions to be taken without the consent of "deputies" from among national minorities.

Electoral discrimination continues. Following the collective withdrawal of Serbs in November 2022 from the central and municipal bodies in the province in protest against unilateral "government" measures violating the right to freedom of movement, the Kosovo "authorities" imposed elections for the heads of four Serb-populated municipalities – northern Kosovska Mitrovica, Leposavic, Zvečan and Zubin Potok – on 23 April 2023. The leading Kosovo Serb political party, the Serb List, boycotted them. Despite a paltry turnout of 3.47 per cent, provided by the local Albanian population, the election was recognized as valid (the provincial

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<sup>3473</sup> "Evening News" newspaper, 12 January 2024, p.3.

<sup>3474</sup> "Politika" newspaper, 24 January 2023, p.1.

<sup>3475</sup> "Evening News" newspaper, 13 April 2023, p.2.

<sup>3476</sup> "Politika" newspaper, 19 June 2023, p.6.

"legislation" does not contain requirements for a minimum turnout threshold). Attempts of illegitimate Albanian "mayors" to occupy offices in administrative buildings at the end of May 2023 led to serious escalation. 52 Serbs (one seriously injured) and 41 members of the NATO-led Kosovo Force (from the Hungarian and Italian contingents)<sup>3477</sup> were injured in the protests.

Following similar discriminatory decisions of 2022, the "government" of A. Kurti denied Kosovo Serbs the opportunity to participate in the early parliamentary elections in Serbia on 17 December 2023 in their places of residence. As a result, transportation of citizens to the nearest polling stations in Central Serbia was organized. In this format, only 25 per cent of Kosovo's registered voters<sup>3478</sup> were able to exercise their right.

For more than a decade, Pristina has been sabotaging the fulfilment of its key commitment under the 2013 and 2015 Brussels agreements with Belgrade to establish the Association of Serb Municipalities of Kosovo (ASMK), a structure with executive powers in education, health, economics and spatial planning necessary to ensure the survival of the Serb population. The Kosovans refuse to discuss the issue constructively in an EU-mediated dialogue, arguing that the ASMK can only be formed as a fully Pristina-controlled NGO.

Since the shooting incident in Banjska locality on 24 September 2023, in which three local Serbs and an Albanian police officer were killed, the Kosovo "police" have multiplied the number of detentions and arrests of Serbs, not only of alleged participants in the event, but also of those who went on peaceful protests in 2022-2023 or are suspected of having committed war crimes in 1998-1999. There are elderly and seriously ill people among the detainees, who are being denied the opportunity to receive necessary therapy because of the lack of "Kosovo" labelling on the medicines from Central Serbia that are brought by relatives.<sup>3479</sup> According to

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<sup>3477</sup> "Politika" newspaper, 30 May 2023, p.7.

<sup>3478</sup> Kako su glasali Srbi sa Kosova? Radio Slobodna Evropa. 18 December 2023.  
<https://www.slobodnaevropa.org/a/kosovo-izbori-u-srbiji-vucic/32735852.html>

<sup>3479</sup> "Evening News" newspaper, 11 December 2023, p.7.



Serbian President Aleksandar Vučić, many Serbs detained on spurious pretexts have been in detention for more than two years.<sup>3480</sup>

Economic pressure on the Serbian community has increased. On 15 June 2023, Pristina "authorities" banned the import of goods produced in Central Serbia, on which the non-Albanian population depends heavily. This resulted in an acute shortage of medical supplies and medicines at the Kosovska Mitrovica hospital. Residents of northern municipalities have been forced to reorient themselves to more expensive analogues from other countries. A campaign calling for a boycott of Serbian goods was launched on Albanian-language television and social media in 2023.<sup>3481</sup> Ambulances carrying patients are periodically delayed at the administrative line with central Serbia.<sup>3482</sup>

In September 2023, owners of cafes, stores and other small businesses in northern Kosovska Mitrovica were ordered to urgently register with the Kosovo business registration system and pay the required taxes and fees under threat of being banned from conducting economic activities.<sup>3483</sup>

In August 2023, the Kosovo "antimonopoly service" initiated an investigation against MTS company (a subsidiary of Telekom Srbije) for violating Kosovo's "law on protection of competition", and namely, for concealing data on the acquisition of assets in the province. The parent company publicly clarified that at the time of the transactions, the said "law" had not entered into force and therefore could not be applied retroactively.<sup>3484</sup> Nevertheless, on 20 December 2023, the company was fined 1.5 million euros.<sup>3485</sup>

The NGO "Reporters Without Borders" notes a decline in the freedom index of the Press Freedom Index in Kosovo between 2021 and 2023.<sup>3486</sup> This is intertwined, among other things, with the fact that in July 2023, the "Ministry of

<sup>3480</sup> Vucic: Dacemo sve od sebe da ne dode do sukoba, ali ne po cenu pogrom Srba. Kososvo Online. 2 July 2023. <https://www.kosovo-online.com/vesti/politika/vucic-dacemo-sve-od-sebe-da-ne-dodje-do-sukoba-ali-ne-po-cenu-pogroma-srba-2-7-2023>

<sup>3481</sup> "Politika" newspaper, 31 March 2023, p.5.

<sup>3482</sup> "Evening News" newspaper, 6 July 2023, p.2.

<sup>3483</sup> "Politika" newspaper, 6 September 2023, p.6.

<sup>3484</sup> "Informer" newspaper, 1 August 2023, p.8.

<sup>3485</sup> "Informer" newspaper, 22 December 2023, pp.8-9.

<sup>3486</sup> Reporters Without Borders. Press Freedom Index. <https://rsf.org/en/country-kosovo>

Industry, Entrepreneurship and Trade" of the province suspended the license of the private TV station "Kljan Kosova" under the pretext of irregularities in the registration documents (Serbian geographic names of Kosovo towns were used). In August 2023, the "Commercial Court" postponed the application of this measure until the final verdict. The proceedings are ongoing.

While profiteering from the situation, the fictitious "mayors" of the four Serbian-populated municipalities carry out decisions that disadvantage the local population by evicting Serbian government offices<sup>3487</sup> from municipal buildings, freezing Belgrade-funded construction projects.<sup>3488</sup> There is a direct seizure of objects – on 20 December 2023, the "police" occupied the balneological complex "Rajska Banja" in Banjska (Zvečan), declaring that it was under the jurisdiction of the Kosovo "privatization agency", which on 14 December leased it to the "Ministry of Interior". At the same time, since 2015, the government Office for Kosovo and Metohija has invested €7 million in the development of the resort.

The decision of Kosovo's "central bank" to ban financial transactions in Serbian dinars from 1 February 2024, including transfers from Belgrade for the payment of pensions and social benefits, as well as the forced closure of branches of the Serbian state bank "Poshtanska Stedionica" are fraught with dangerous consequences. Under pressure from the international community and after the issue was brought to the UN Security Council for discussion, the ban on the circulation of the dinar was postponed.

Demoralization of Serbs is also carried out through "Great Albanian" rhetoric, reflecting Pristina's expansionist intentions in the region. In late 2023, Kurti's associate, "Minister of Environment, Spatial Planning and Infrastructure" Luljeta Aliu, publicly declared that Kosovo in its current form was only a "temporary project on the way to unification with Albania".<sup>3489</sup>

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<sup>3487</sup> "Kurir" newspaper 6 September 2023, p.4.

<sup>3488</sup> "Politika" newspaper, 27 July 2023, p.13.

<sup>3489</sup> Aliu per Klanin: Kosova, projekt I perkohshem deri ne bashkimin me Shqiperine. Klan Kosova. 1 December 2023.

<https://klankosova.tv/aliu-per-klanin-kosova-projekt-i-perkohshem-deri-ne-bashkimin-me-shqiperine>

The problem of return of refugees and IDPs to the province is not bring solved (according to Belgrade, only 1.9 per cent of about 200 thousand people were able to return safely). The proper level of security is not ensured: in July 2023 in Istok municipality and in September 2023 in Vucitrnje, houses intended for Serb returnees were burned down.

Since 1999, 312 settlements in Kosovo have been completely cleansed of Serbs and other national minorities. Until June 1999, 372.4 thousand non-Albanians (including 239.8 thousand Serbs) lived in the province, from which 209 thousand people (including 156.6 thousand Serbs) were forced to leave.

The issue of restitution of real estate belonging to refugees and IDPs remains acute. 40,000 applications for restitution of usurped property have been filed with the Pristina's "Real Estate Inspection Agency". 18,400 claims for compensation for material damage are pending in Kosovo courts.<sup>3490</sup> Even if verdicts were passed in favour of the injured party, they are often not implemented.

Systematic blatant violations of the right to freedom of conscience and religion continue, in most cases against members of the Serbian Orthodox Church (SOC). Robberies and acts of vandalism against religious sites have been carried out, during which buildings have been damaged and believers have been threatened.

In January 2022, posters were placed on the church building in Vitimirica demanding to stop reconstruction, in December 2021 the church in Priluzhie was robbed, and in April 2022 the church in Veliko Ropotovo was robbed. Desecration of Serbian Orthodox cemeteries and monuments is not uncommon: in November 2021 in Kosovo Polje (cemetery) and Velika Hoča (memorial slabs honouring Serbian journalists killed during the 1998-1999 conflict), and in December 2021 in Kisnica (cemetery). In June 2022, the Kosovo "police" prevented the organization of the Ascension Day liturgy in the Church of Christ the Saviour in Pristina on far-fetched pretexts. These facts are confirmed also by international presences: in July 2022, the head of the OSCE mission in Pristina Michael Davenport (UK)

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<sup>3490</sup> "Politika" newspaper, 15, 16, 17 April 2023, p.8.

presented a report "Protection of Cultural Heritage in Kosovo", which recorded 247 incidents with cultural and religious heritage sites for 2014-2020<sup>3491</sup>.

The "authorities" of the province continue to evade the implementation of the decision of the "constitutional court" of Kosovo of 2016 to recognize the ownership of the SOC monastery of Visoki Dečani<sup>3492</sup> on the adjacent land of 24 hectares<sup>3493</sup>. Repeated appeals in this regard by the SOC and international organizations have had no effect. According to A. Kurti, this verdict allegedly cannot be implemented in a "democratic state", because it gives legal force to the decision of former Yugoslav leader S. Milosevic (who presented the mentioned land to the monastery in 1997), which is unacceptable for Pristina.

The restoration of the Church of St. Nicholas and the Church of Our Lady of Levishki in Prizren is not moving forward.<sup>3494</sup> Despite the decision of the Kosovo "court" in favour of the SOC, the construction of the Cathedral Church of Christ the Savior in Pristina has not been completed.<sup>3495</sup>

In October 2023, an old Orthodox cemetery in northern Kosovska Mitrovica was desecrated during "road works": tombstones were broken and the remains of the dead were scattered. On 20 October 2023, the hegumen of the Devina Voda Monastery (Zvečan municipality), Photios, was urgently expelled from the region. Citing "national security concerns", he is banned from entering Kosovo for five years.

The provincial "authorities" are increasingly resorting to the practice of appropriating and albanizing Serbian holy sites. In November 2023, a false priest from Albania, N. Djufka, accompanied by a group of Kosovans from the "mayor's office" in Podujevo, performed a "service" at the Serbian holy shrine. Podujevo

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<sup>3491</sup> Protection of Cultural Heritage in Kosovo. OSCE Mission in Kosovo. July 2022.

<https://www.osce.org/files/f/documents/e/b/522892.pdf>

<sup>3492</sup> Included in the UNESCO World Heritage List.

<sup>3493</sup> Fifth Opinion on Kosovo of the Advisory Committee on the Framework Convention for the Protection of National Minorities, published on 26 May 2023.

<https://rm.coe.int/5th-op-kosovo-en/1680ab6a79>

<sup>3494</sup> Included in the UNESCO World Heritage List.

<sup>3495</sup> In January 2020. In January 2020, the University of Pristina filed a lawsuit demanding the annulment of the Serbian Government's 1991 decision to grant the SOC land for the construction of the aforementioned church. The implementation of this plan threatens the cathedral with demolition on the pretext that it allegedly interferes with the expansion of the university campus.

performed a "service" in Albanian at the Church of St. Archangel Michael in the village of Rakitnica and announced the establishment of a "National Albanian Church".<sup>3496</sup> In December 2023, Kosovo's "Ministry of Culture, Youth and Sports" declared the medieval Orthodox church in Gorne Vinarc (Kosovska Mitrovica) Catholic and announced its restoration without consulting the Raska-Prizren diocese of the SOC.

In early 2024, a pseudo-historical version about the pagan Illyrian origin of the Church of Our Lady of Levishki in Prizren<sup>3497</sup> was thrown into the Kosovo media. On 19 January 2024, on the Feast of the Epiphany of the Lord, the Pristina "authorities" arbitrarily fenced off the ruins of the medieval Orthodox monastery of Our Lady of Hvostan XIII century in the village of Vrela (Istok municipality), providing them with a sign in Albanian, in which this historical and architectural monument, which has been under state protection since 1990, is called "the remains of the basilica of the VI century".<sup>3498</sup>

The regional "cabinet of ministers" actively encourages the falsification of history. One of the initiatives in this direction is the creation of a "museum of crimes of the former Yugoslavia and Serbia against Albanians in Kosovo since 1918". The concept of the project is being developed, aimed, among other things, at whitewashing the terrorist Kosovo Liberation Army (KLA) and forming an image of the "genocide" of Serbs as a nation. In addition, in December 2023, A. Kurti presented the newly formed "Institute for the Research and Documentation of Crimes Committed during the War of 1998–1999", which is also oriented at anti-Serbian activities.

Meanwhile, in April 2023, trials began at the Specialized Displaced Court in The Hague against four former KLA leaders (H. Thaci, K. Veseli, R. Selimi, J. Krasniqi) on charges of committing war crimes during the 1998-1999 Kosovo conflict. The "government" of A. Kurti established a fund to help the accused and

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<sup>3496</sup> "Politika" newspaper, 29 December 2023, p.5.

<sup>3497</sup> Included in the UNESCO World Heritage List.

<sup>3498</sup> "Politika" newspaper, 23 January 2024, p.7.

their families, but did not provide for the allocation of funds to compensate the victims.

An odious example of the glorification of Nazism is the project to reconstruct the house of one of the main fascist henchmen of the World War II, J. Deva, in Kosovska Mitrovica. In 2023, the "government" of Kosovo allocated 300 thousand euros for this purpose, until 2026 it is planned to spend 643 thousand euros.<sup>3499</sup>

International presences in Kosovo regularly note problems in the justice system. These include excessive periods of pre-trial detention<sup>3500</sup>, a large number of acquittals or lenient sentences in cases where defendants are public figures or involved in cases previously handled by the EU Rule of Law Mission in Kosovo (in 2018, its powers were transferred to local "authorities", with only advisory and monitoring functions retained). Often such cases are returned for reconsideration, resulting in acquittal verdicts.<sup>3501</sup>

In the European Commission's view, Kosovo is at an early stage in the application of EU justice and human rights standards. It recommends that Pristina ensure the impartiality, accountability and efficiency of the judiciary, reduce the backlog of pending cases, and improve the skills of judges in handling cases of gender-based and domestic violence. The number of such crimes continues to increase (2,456 in 2021, 2,710 in 2022). There is a low percentage of women judges and prosecutors compared to most European countries.<sup>3502</sup>

Of the total number of complaints received by the office of the "Ombudsman" of Kosovo in 2022, 23 per cent related to the functioning of "courts", "ministries" and "municipalities". The resulting recommendations of the "Ombudsman" were implemented in 23 per cent of cases, partially satisfied in 4 per cent, ignored in 3 per cent, while in 70 per cent the implementation was delayed for various reasons.

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<sup>3499</sup> "Kurir" newspaper 22 January 2023, p.5.

<sup>3500</sup> Report of Secretary General on the United Nations Mission in Kosovo (UNMIK). 5 October 2023. <https://unmik.unmissions.org/sites/default/files/s2023735.pdf>.

<sup>3501</sup> Report of Secretary General on the United Nations Mission in Kosovo (UNMIK). 5 October 2023. <https://unmik.unmissions.org/sites/default/files/s2023735.pdf>.

<sup>3502</sup> European Commission's Report on \*Kosovo. 8 November 2023. [https://www.eeas.europa.eu/sites/default/files/documents/2023/SWD\\_2023\\_692%20Kosovo%20report\\_0.pdf](https://www.eeas.europa.eu/sites/default/files/documents/2023/SWD_2023_692%20Kosovo%20report_0.pdf)

Kosovo's penitentiary system is in a deplorable state. In a number of correctional labour institutions, insufficient provision of personal hygiene products and bedding, lack of accommodation facilities were noted.

Language discrimination is widespread, as reflected by the EU and the Council of Europe in their documents. Despite its status as one of the two "official" languages of Kosovo, Serbian is consistently ousted from all spheres of public life under the pretext of a shortage of qualified translators. The minutes of meetings of the "parliament" are not translated into Serbian.<sup>3503</sup> The Serbian language is excluded from the instruction system in the vast majority of Kosovo Albanian schools and other educational institutions and is relegated to the status of a language of other national minorities, being used, as a rule, only in Serb-populated areas. In Albanian-populated municipalities, road signs in Serbian are regularly vandalized. On 14 September 2023, in Gračanica, Kosovo "police" beat two Serbs (they required hospitalization) in response to a request for a traffic ticket form in Serbian.<sup>3504</sup>

The legal framework in Kosovo for the protection of child rights is generally in line with international standards, but implementation of the relevant law has been delayed (only 6 of its 17 by-laws have been adopted). From June 2022 to June 2023, Kosovo's "Ombudsman" office received 80 complaints related to child rights, of which 60 investigations have been initiated. Opportunities for children with disabilities to receive quality education are severely limited. Access to healthcare, rehabilitation, social services, necessary auxiliary equipment and other infrastructure is difficult for persons with disabilities.

Kosovo's "legislation" declares equality in the rights of men and women and provides for equal shares in property inheritance for both genders. In practice, these issues are still governed by rigid patriarchal traditions, forcing women, as a rule, to voluntarily relinquish the right to inheritance and property ownership in favour of male relatives. Unemployment is also higher among women.

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<sup>3503</sup> European Commission's Report on \*Kosovo. 8 November 2023.

[https://www.eeas.europa.eu/sites/default/files/documents/2023/SWD\\_2023\\_692%20Kosovo%20report\\_0.pdf](https://www.eeas.europa.eu/sites/default/files/documents/2023/SWD_2023_692%20Kosovo%20report_0.pdf)

<sup>3504</sup> "Politika" newspaper, 15 September 2023, p.4.

Domestic violence remains another serious problem faced by women in Kosovo. Despite a five-year strategic plan adopted by the "government" in 2016 aimed at addressing the problem, according to relevant NGOs, two-thirds of Kosovo women have experienced various types of violence in their families. At the same time, it is only possible to initiate a judicial investigation in such situations in Kosovo in case of proven physical beatings.

Kosovo remains a source, transit point and final destination of "live commodities" for sexual exploitation. Justice in this area remains extremely ineffective: only 22 victims of trafficking (21 women and 1 man), including 14 minors, have been identified in 2022.<sup>3505</sup>

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<sup>3505</sup> European Commission's Report on \*Kosovo. 8 November 2023.  
[https://www.eeas.europa.eu/sites/default/files/documents/2023/SWD\\_2023\\_692%20Kosovo%20report\\_0.pdf](https://www.eeas.europa.eu/sites/default/files/documents/2023/SWD_2023_692%20Kosovo%20report_0.pdf)



**Annex**

Photos illustrating cases of human rights violations in the states mentioned in the report:



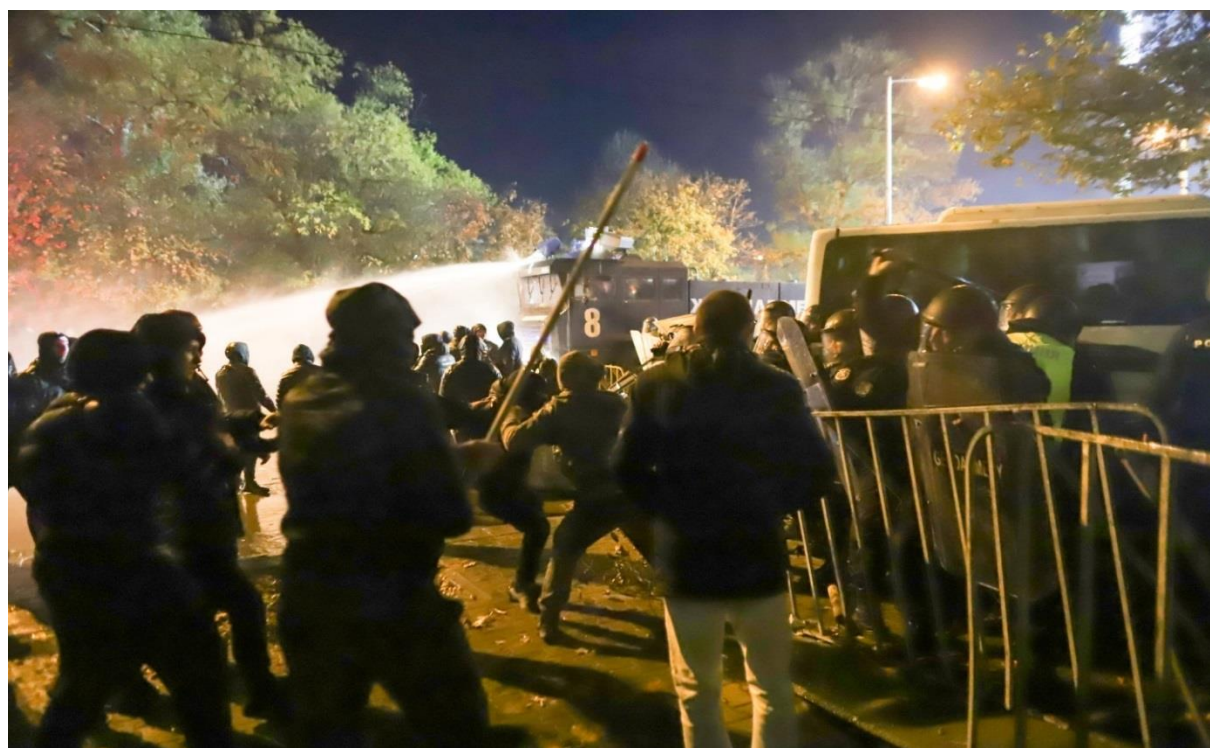


Video excerpt filmed during the protests (1 February 2024, **Greece**, Athens). Source: YouTube channel @TheTimes





Protests (1 February 2024, **Greece**, Athens). Source: Zuma / TASS, Costas Baltas / Anadolu via Getty Images, Orestis Panagiotou / EPA / TASS



Football fans protest (16 November 2023, Sofia, **Bulgaria**). Source: "DIEMA SPORT" TV channel







Football fans protest (16 November 2023, Sofia, **Bulgaria**). Source: BGNES News Agency (<https://bgnes.bg/>)



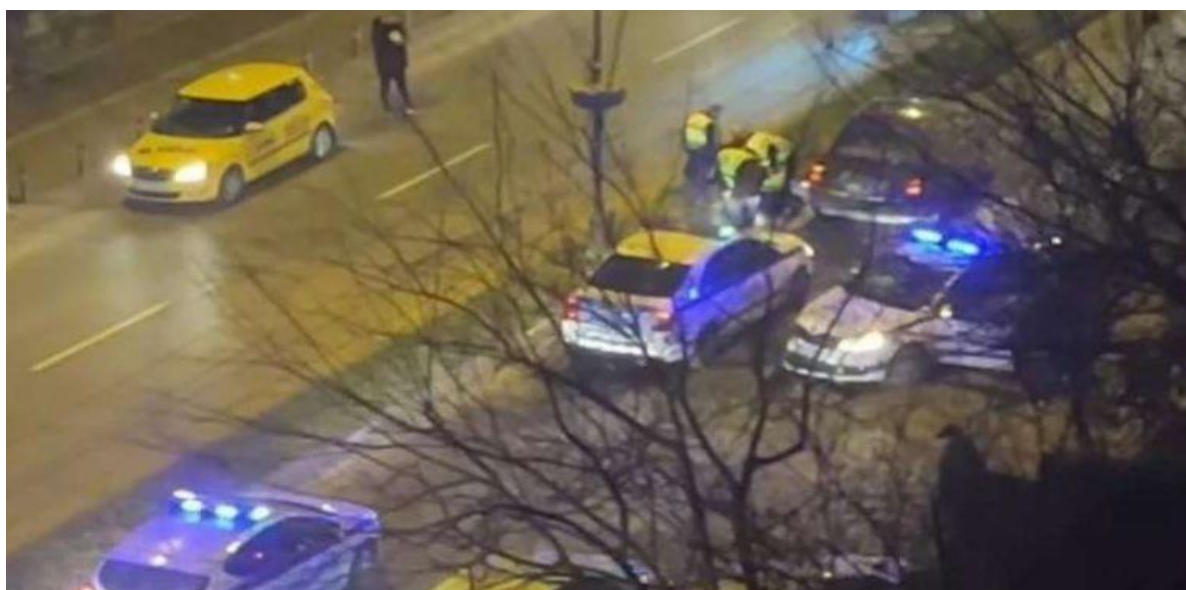
Football fans protest (16 November 2023, Sofia, **Bulgaria**). Source: BGNES News Agency, "DIEMA SPORT" TV channel. (<https://bgnes.bg/>)







Video excerpt recording of an episode of excessive use of force by Bulgarian security forces (16 November 2023, Sofia, **Bulgaria**). Source: Facebook page of the Justice for All initiative.



Detention of Plamen Penev (30 December 2023, Stara Zagora, **Bulgaria**). Source: zaistinata.com, glasnews.bg, the Trud newspaper.





Rescued migrants after a shipwreck southwest of the Greek city of Pylos, **Greece**, which occurred on 14 June 2023.

Source: Costas Baltas/Anadolu Agency via Getty Images



Video excerpt recording the expulsion of migrants from the Greek island of Lesbos, **Greece** (11 April 2023).

Source: YouTube channel @guardiannews







A 23-year-old resident of Marki, **Poland** (part of Masovian Voivodeship, Wołomin County), named Bartosz was detained by police officers on 21 December 2023. He died on the night of 23 December, after returning home from the Wolomin police station. The family of Bartosz stated that they immediately noticed the injuries on his face. His left eye was badly bruised, his forehead split, and his arms and legs injured. His left wrist had scorch marks. Bartosz said to his family that he was burned with a cigarette by police officers.

Source: <https://warszawa.wyborcza.pl/warszawa/7,54420,30555951,nagla-smierc-mlodego-mezczyzny-z-marek-zmarl-dwie-doby-po-zatrzymaniu.html>



Video excerpt filmed in a Swedish hospital. In **Sweden**, health services are being cut, queues are getting longer, and emergency rooms are closing.

Source: <https://www.tv4.se/artikel/2KEyYbuMjttNGeBov7siZh/oron-vaexer-foer-svenska-vardkvaliteten-fler-doer-i-koe>





Surveillance footage shows police in Marion, Kansas, **USA**, confiscating computers and phones on the newspaper's premises. Source: Marion County Record, Marion County Record newspaper/ Associated Press agency  
<https://www.washingtonpost.com/media/2023/08/15/state-investigators-will-probe-police-raid-kansas-newspaper-office/>



An improvised memorial to honor the six killed during the Covenant School shooting in Nashville, **USA**, in March 2023. Source: Desiree Rios for The New York Times Source: Desiree Rios for The New York Times, <https://www.nytimes.com/2023/12/18/podcasts/the-daily/gun-violence-archive.html>









Civic associations in **Romania** organized a protest in Bucharest's Victory Square, demanding the immediate trial of the gendarmes responsible for violence at an anti-government rally on 10 August 2018.

Source: <https://www.agerpres.ro/social/2023/08/10/protest-in-piata-victoriei-la-cinci-ani-de-la-evnimentele-din-10-august-2018--1152816>



According to the **Romanian** Ministry of Research, Innovation and Digitalization, 7 out of 10 Romanians spend a day of their annual vacation waiting in line at one-stop shops in public institutions.

Source: <https://www.agerpres.ro/economic-intern/2023/09/27/sapte-din-zece-romani-petrec-o-zi-din-concediu-stand-la-cozi-la-ghiseele-statului-secretar-de-stat--1176219>





In November 2023, in **Romania**, due to low wages, employees of the National Health Fund, supported by the Federation of Health Insurance Trade Unions, staged a series of protests, threatening a nationwide indefinite strike and the suspension of payments to hospitals, pharmacies and service providers.

Source: <https://www.agerpres.ro/social/2023/11/09/angajatii-casei-nationale-de-asigurari-de-sanatate-sisteaza-platile-catre-spitale-si-furnizorii-de-servicii-din-12-noiembrie--1200721>



In January 2024, Romanian trucking companies and farmers held a series of protests both in Bucharest, **Romania**, and across the country, demanding better working conditions and streamlined imports of Ukrainian agricultural products.

Source: <https://www.agerpres.ro/politica/2024/02/02/premierul-a-semnat-cu-fermierii-si-transportatorii-un-acord-privind-incetarea-protestelor--1242643>







The Congress of the European People's Party (6-7 March 2024, Bucharest, **Romania**) was accompanied by protests. The protesters chanted: "Out with Ursula from the country", "Thieves", "Sovereignty". During the demonstration there were incidents with gendarmes, and a 17-year-old was detained.

Source: <https://www.agerpres.ro/politica/2024/03/06/foto-video-protest-al-simpatizantilor-aur-la-congresul-ppe-de-la-romexpo--1260458>



On 8 January 2024, schoolchildren from across the country protested in front of the **Romanian** Ministry of Education against the violation of their right to free transportation. The demands of the students were left unheeded.

Source: <https://www.agerpres.ro/educatie-stiinta/2024/01/08/elevii-au-protestat-in-fata-ministerului-educatiei-pentru-dreptul-la-transport-gratuit--1229212>







Police in Zurich, **Switzerland**, repeatedly used water cannons against participants in an unauthorized demonstration on the occasion of the International Day for the Elimination of Violence Against Women in order to contain the action. Source: <https://www.20min.ch/story/zuerich-kreis-4-polizei-greift-bei-unbewilligter-demo-mit-wasserwerfer-durch-622197206830>,



Zurich, **Switzerland**, 1 May 2023. Source: <https://www.nzz.ch/zuerich/zuerich-gericht-kritisiert-polizeieinsatz-am-1-mai-ld.1771177>

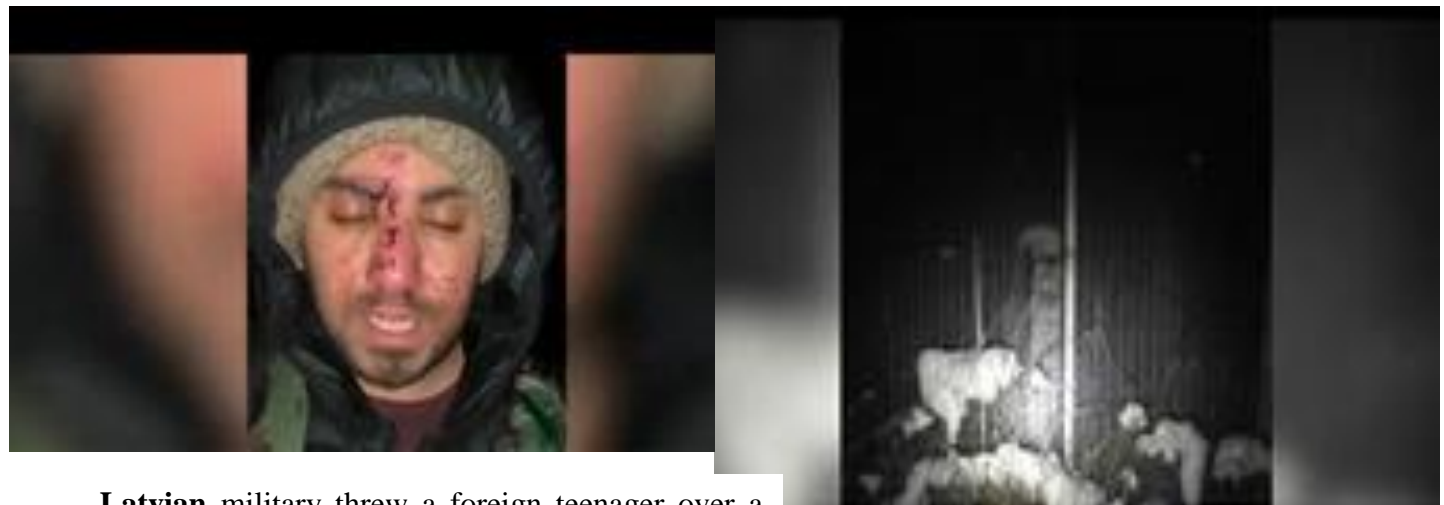






**Latvian** security forces abandoned two beaten refugees with children at the border.  
Source: [https://www.tiktok.com/@borderguards\\_\\_by/video/7295706979119402246](https://www.tiktok.com/@borderguards__by/video/7295706979119402246)





**Latvian** military threw a foreign teenager over a fence – he faces foot amputation.

Source: <https://t.me/gpkgovby/4210>



"EU report: **Finland** is perceived as one of the most racist countries", published on the website of Helsingin Sanomat, Finland's largest newspaper, with a link to the photo material. Source: <https://www.hs.fi/politiikka/art-2000009943262.html>,  
Photo: Antti Aimo-Koivisto





Picture of a 7-year-old disabled girl Elizaveta Sandula, who was not allowed on board of the Finnair company. Her parents were told that she was not sitting well.

"EU report: **Finland** is perceived as one of the most racist countries", published on the website of Helsingin Sanomat, Finland's largest newspaper, with a link to the photo material.

Source: <https://yle.fi/a/74-20063677>.

Image: *Elizaveta Sandula*



Pro-Palestinian demonstrations in Pisa and Florence, **Italy**, have seen students clashing with police.

Source: <https://www.ilfattoquotidiano.it/2024/02/23/la-polizia-carica-gli-studenti-durante-i-cortei-pro-palestina-a-firenze-e-pisa-4-fermi-e-feriti/7456463/>







Clashes between students and police in Pisa, **Italy**. 23 February 2024

Source: [https://corrierefiorentino.corriere.it/notizie/cronaca/24\\_febbraio\\_23/a-firenze-e-pisa-cariche-della-polizia-ai-corteo-pro-palestina-una-studentessa-ferita-f7222b91-957b-40d9-8174-d60e4f44cxlk.shtml](https://corrierefiorentino.corriere.it/notizie/cronaca/24_febbraio_23/a-firenze-e-pisa-cariche-della-polizia-ai-corteo-pro-palestina-una-studentessa-ferita-f7222b91-957b-40d9-8174-d60e4f44cxlk.shtml)









14 January 2024, Berlin, **Germany**. Action to commemorate the historical leaders of the German Workers Movement, Karl Liebknecht and Rosa Luxemburg.

Sources: <https://reitschuster.de/post/exklusiv-brutale-polizeigewalt-bei-bauern-demo/>

<https://www.tagesspiegel.de/berlin/gewalt-die-mich-entsetzt-und-unertraglich-ist-polizist-bei-linker-demo-in-berlin-gegen-kopf-getreten-11052067.html>

[https://twitter.com/UPol\\_eV/status/1746519349123232159](https://twitter.com/UPol_eV/status/1746519349123232159)

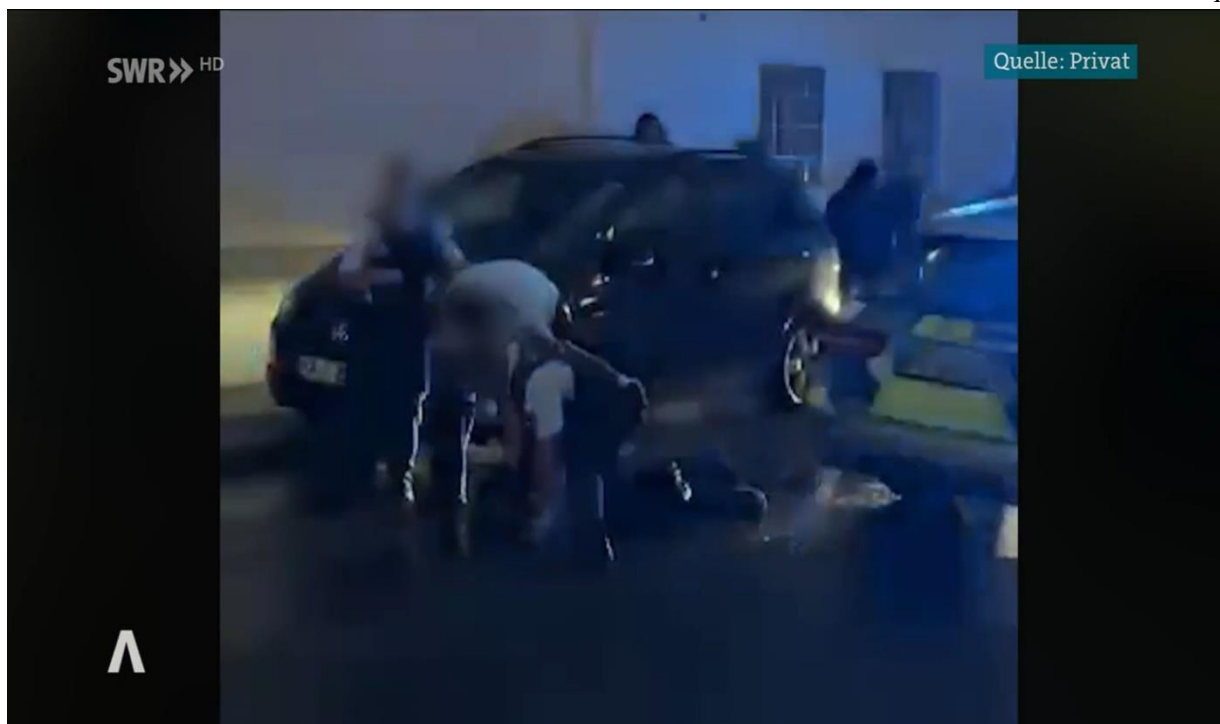


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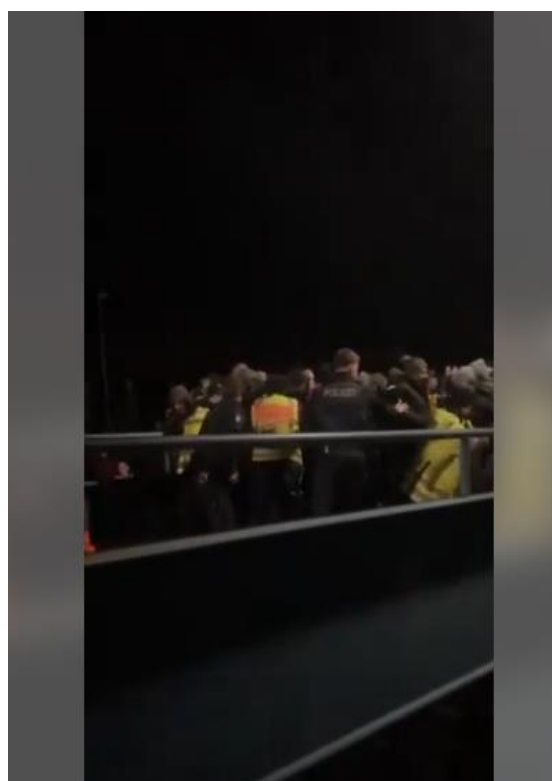
<https://www.tagesspiegel.de/berlin/gewalt-die-mich-entsetzt-und-unertraglich-ist-polizist-bei-linker-demo-in-berlin-gegen-kopf-getreten-11052067.html>





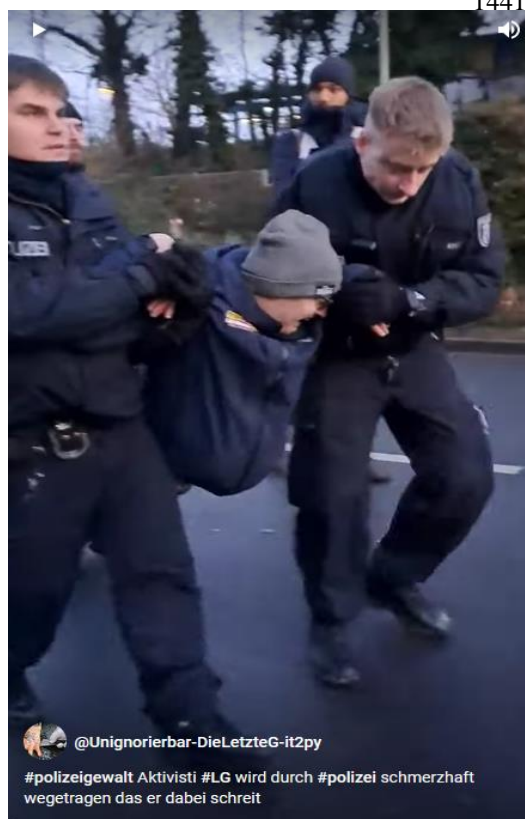
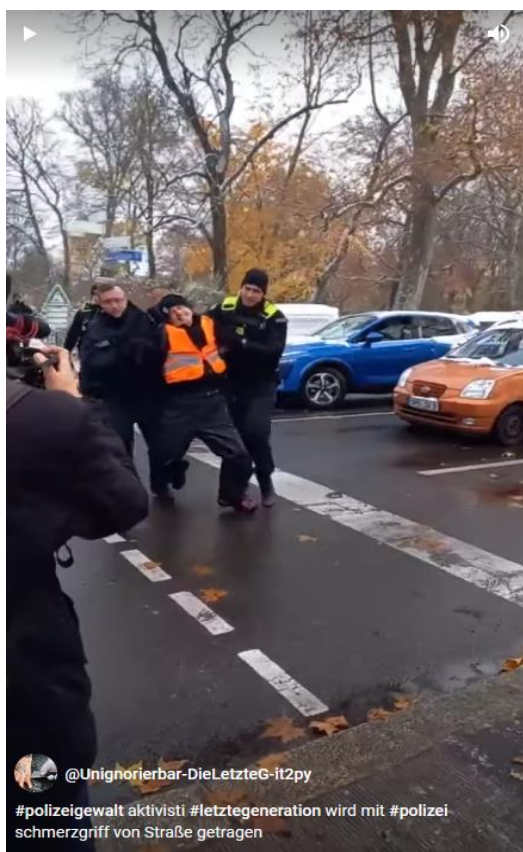
21 January 2024, Philippsburg (Baden-Württemberg), **Germany**. Invasion of privacy. Police detain those involved in a family dispute.

Source: <https://www.swr.de/swraktuell/baden-wuerttemberg/karlsruhe/polizeigewalt-in-philippsburg-100.html>



15 January 2024, Berlin, **Germany**. Demonstration following a protest week of German farmers.





5 January 2024, **Germany**. Attempt by a group of German farmers to block the arrival of a ferry carrying Vice Chancellor, Federal Minister for Economic Affairs and Climate Action Robert Habeck.

Source: <https://aussiedlerbote.de/2023/06/obvineniia-protiv-redaktora-radio-dreiklend-priznany/>



9 December 2023, Treptow Park area, **Germany**. Rally by supporters of the Letzte Generation movement.

Sources: <https://www.rnd.de/politik/institut-praeventivhaft-fuer-klimaaktivisten-verstoestst-gegen-menschenrechte-VY54DGOHN5NHZMOA7XQL2WWGNI.html>

<https://www.kreiszeitung-wesermarsch.de/Deutschland-und-Welt/Bericht-Polizei-Daten-bergen-Diskriminierungsrisiko-178037.html>

<https://www.kreiszeitung-wesermarsch.de/Nachrichten/Polizei-raeumt-besetztes-Dach-von-einstiger-Druckerei-180928.html>

<https://www.youtube.com/shorts/1R8rHpb0EjM>

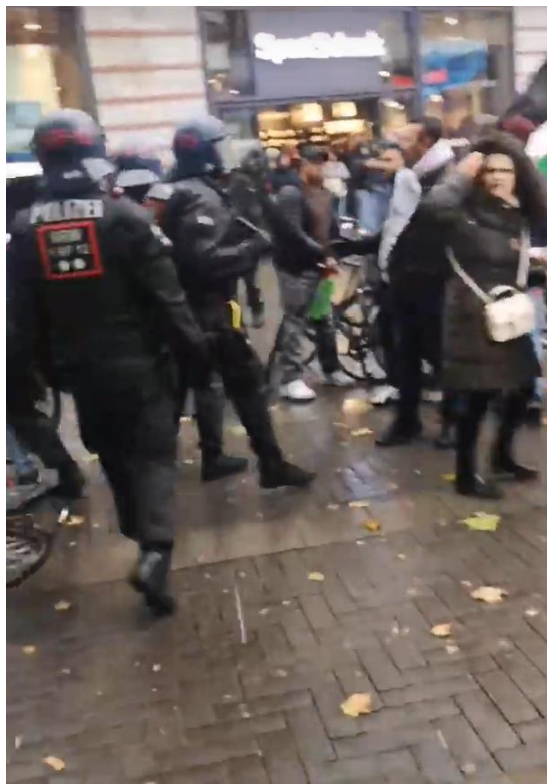
<https://www.berlin-live.de/berlin/verkehr/letzte-generation-massenprotest-treptow-friedrichshain-verkehr-demo-elsenbruecke-id87950.html>

<https://www.youtube.com/shorts/AhZvNEZZCjU>

<https://www.youtube.com/shorts/5o4qJHNMHq8>  
<https://www.youtube.com/shorts/5o4qJHNMHq8>







18 November 2023 Berlin, **Germany**. Demonstration against the banning of the Kurdistan Workers' Party.

Sources: <https://fishki.net/4516740-policejskij-izmazal-jekoaktivistku-kraskoj-i-popal-pod-prove.html> © Fishki.net

<https://www.youtube.com/watch?v=6aQnA38yIp0>

<https://www.klassegegenklasse.org/muenster-polizeigewalt-bei-pro-palaestina-demonstration/>

<https://www.wa.de/muenster/muenster-pro-palaestina-demo-null-toleranz-strategie-polizei-krieg-israel-gaza-samstag-hbf-stubengasse-92653253.html>

<https://www.youtube.com/shorts/0Serm2Fn61M>

<https://www.youtube.com/watch?v=YDoXJ7yL6j4>

<https://anfrussian.com/%D0%A1%D0%B2%D0%BE%D0%B1%D0%BE%D0%B4%D0%BD%D0%B0%D1%8F-%D0%BF%D1%80%D0%B5%D1%81%D1%81%D0%B0/Demonstracia-protiv-zapreta-RPK-v-Berline-stolknulas-s-policejskim-nasiliem-52149>

<https://www.rbb24.de/panorama/beitrag/2023/10/berlin-klima-aktivisten-letzte-generation-beschmieren-kanzleramt-farbe.html>

<https://www.berliner-zeitung.de/mensch-metropole/letzte-generation-haeufig-polizeigewalt-gegen-klima-aktivisten-amnesty-international-ruegt-polizei-berlin-li.2155083>

<https://aussiedlerbote.de/2023/06/obviniia-protiv-redaktora-radio-dreiklend-priznany/>









4 November 2023, Münster, North Rhine-Westphalia, **Germany**. Pro-Palestinian demonstration "Together Loud for Gaza".



31 October 2023, Berlin, **Germany**. Rally by supporters of the Letzte Generation movement.

Sources: YouTube-Channel Unignorierbar: Die Letzte Generation (<https://www.youtube.com/watch?v=izkqpGQxPrM>);

Website of Neues Deutschland (German interregional daily newspaper) (<https://www.nd-aktuell.de/artikel/1180456.klima-aktivismus-mit-knie-auf-kopf-fixiert-polizeigewalt-gegen-letzte-generation.html>).





7 October 2023, Neukölln district, Berlin, **Germany**. Action organized by Samidoun.

Sources:

<https://twitter.com/DrLuetke/status/1715431388063621184>

<https://www.rbb24.de/panorama/beitrag/2023/10/p-ro-palaestinensiche-demonstration-festnahmen-straftanzeigen.html>

<https://twitter.com/jacksonhinklle/status/1714093961491460199>







16 September 2023, Stuttgart, Baden-Württemberg, **Germany**. Eritrea Festival.

Sources:

[https://twitter.com/kaj\\_delash\\_II/status/1703051018949259278](https://twitter.com/kaj_delash_II/status/1703051018949259278)

<https://twitter.com/shaebiaeritrea2/status/1703115797705466213>

[https://twitter.com/WZA\\_4/status/1703057300666425501](https://twitter.com/WZA_4/status/1703057300666425501)





Protests organized by the supporters of the Letzte Generation movement (2 March 2024, Berlin, **Germany**). Sources: Website of Neues Deutschland (German interregional daily newspaper) (<https://www.nd-aktuell.de/artikel/1180456.klima-aktivismus-mit-knie-auf-kopf-fixiert-polizeigewalt-gegen-letzte-generation.html>). YouTube-channel Unignorierbar: Die Letzte Generation (<https://www.youtube.com/watch?v=izkqpGQxPrM>);



[https://twitter.com/hashtag/Connewitz?src=hashtag\\_click](https://twitter.com/hashtag/Connewitz?src=hashtag_click)

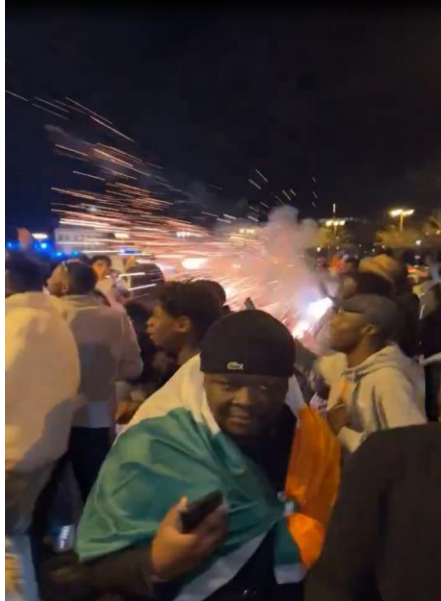






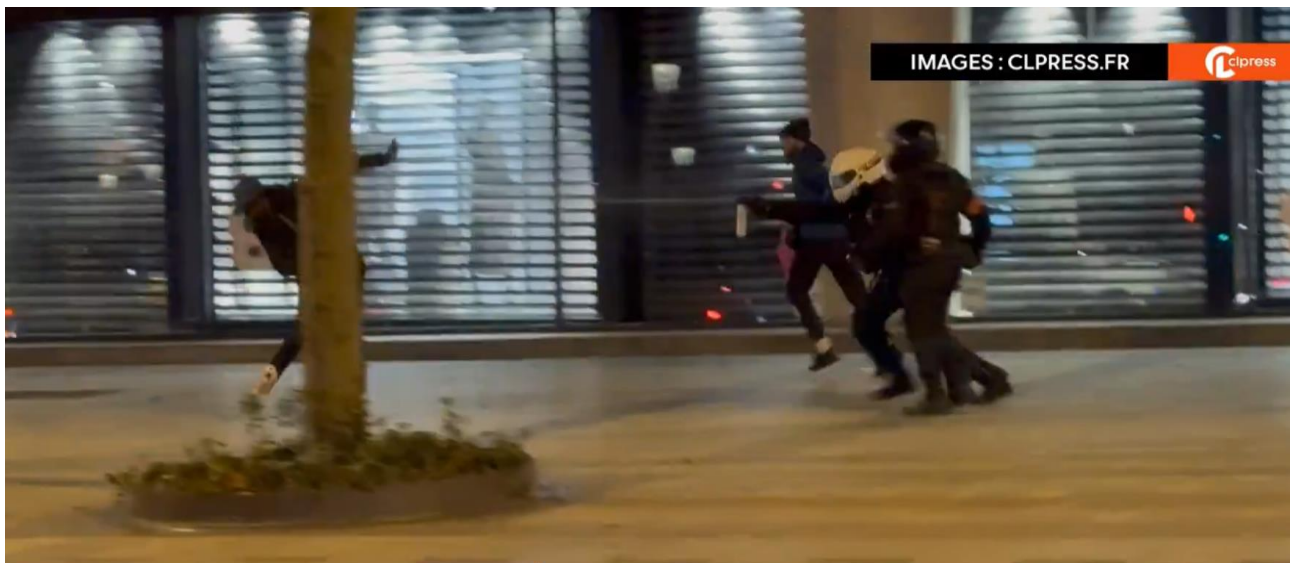
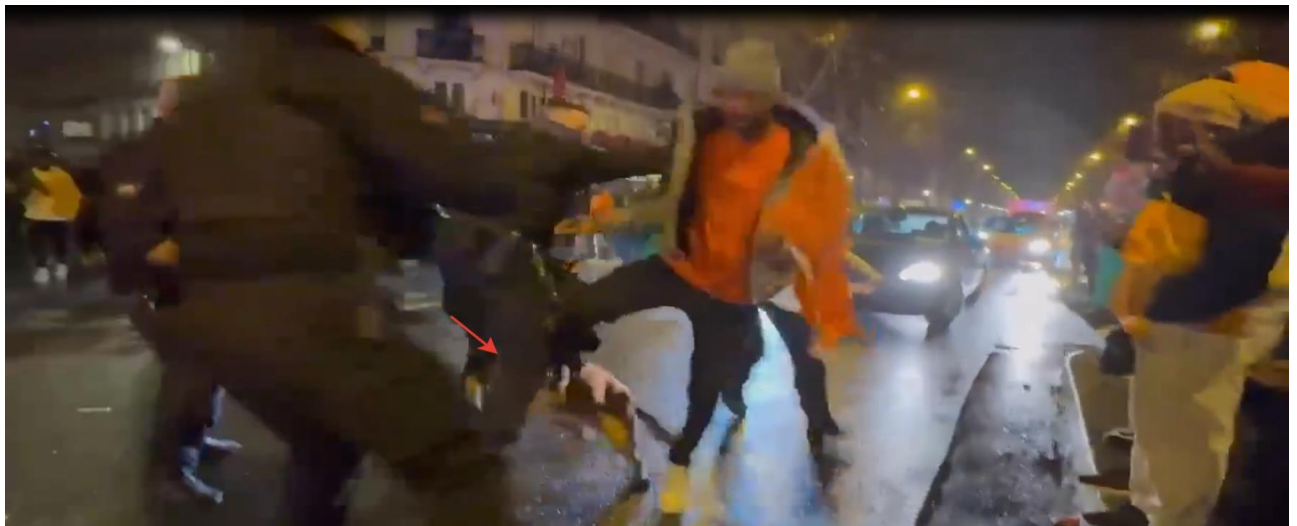
Protests in support of Palestine in the Gaza Strip. Use of force and gas canisters by the French gendarmerie against the demonstrators. Paris, **France**.





French gendarmes use a flash-bang grenade against participants of a demonstration celebrating the victory of the Cameroonian national football team in Paris, **France**. Source: CLPRESS.FR

Arrest of a participant in a festive demonstration with the use of a fighting dog and force, Paris, **France**. Source: CLPRESS.FR



French gendarmes use a gas canister against an African-American demonstrator in Paris, **France**.







Video excerpt filmed during the farmers' protest (11 March 2023, The Hague, **Netherlands**).  
Source: NOS broadcasting agency: (<https://nos.nl/artikel/2467033-duizenden-betogen-tegen-stikstofbeleid-in-zuiderpark-den-haag>)



Video excerpt filmed during the farmers' protest (11 March 2023, The Hague, **Netherlands**).  
Source: NOS broadcasting agency (<https://nos.nl/artikel/2467033-duizenden-betogen-tegen-stikstofbeleid-in-zuiderpark-den-haag>)







Use of water cannons at a protest against fossil fuel subsidies (11 March 2023, The Hague, **Netherlands**). Source: VICE MEDIA GROUP agency (<https://www.vice.com/nl/article/ak3w8z/a12-blokkade-extinction-rebellion>)



Use of water cannons at a protest against fossil fuel subsidies (11 March 2023, The Hague, **Netherlands**). Source: DutchNews agency (<https://www.dutchnews.nl/2023/03/police-use-water-cannon-to-end-climate-activists-protest/>)







Use of water cannons at a protest against fossil fuel subsidies (09 September 2023, **Netherlands**, The Hague). Source: Агентство «De Gooi-en Eemlander»

[https://www.gooieneemlander.nl/cnt/dmf20230909\\_66605603?utm\\_source=google&utm\\_medium=organic](https://www.gooieneemlander.nl/cnt/dmf20230909_66605603?utm_source=google&utm_medium=organic)



Arrests at the climate demonstration (10 September 2023, The Hague, **Netherlands**). Source: DutchNews agency: <https://www.dutchnews.nl/2023/09/almost-3000-arrests-at-weekend-for-climate-protests-on-a12-road/>







Use of water cannons at a protest against fossil fuel subsidies (11 September 2023, The Hague, **Netherlands**). Source: The Independent (British online newspaper)

<https://www.independent.co.uk/climate-change/news/climate-protest-hague-netherlands-arrest-b2411310.html>



Use of water cannons at a protest against fossil fuel subsidies (11 September 2023, The Hague, **Netherlands**). Source: NOS broadcasting agency

<https://nos.nl/artikel/2491774-extinction-rebellion-wil-inzet-waterkanon-op-a12-via-rechter-verbieden>







People sleeping in front of the Ter Apel refugee centre in the Netherlands (published on 21 December 2022, Ter Apel, **Netherlands**). Source: INFOMIGRANTS agency

<https://www.infomigrants.net/en/post/45550/netherlands-court-rules-accommodation-for-migrants-is-inadequate>



Dispersal of a peaceful rally of the International Neighborhood Forum public association. On the photo: one of the leaders of the association – Erika Švenčienienė. Source:

<https://www.lrytas.lt/lietuvosdiena/kriminalai/2024/04/01/news/kai-kam-velykos-buvo-girtos-ir-kruvinos-zalojo-vieni-kitus-nukentejo-ir-nepilnametis-31228606>

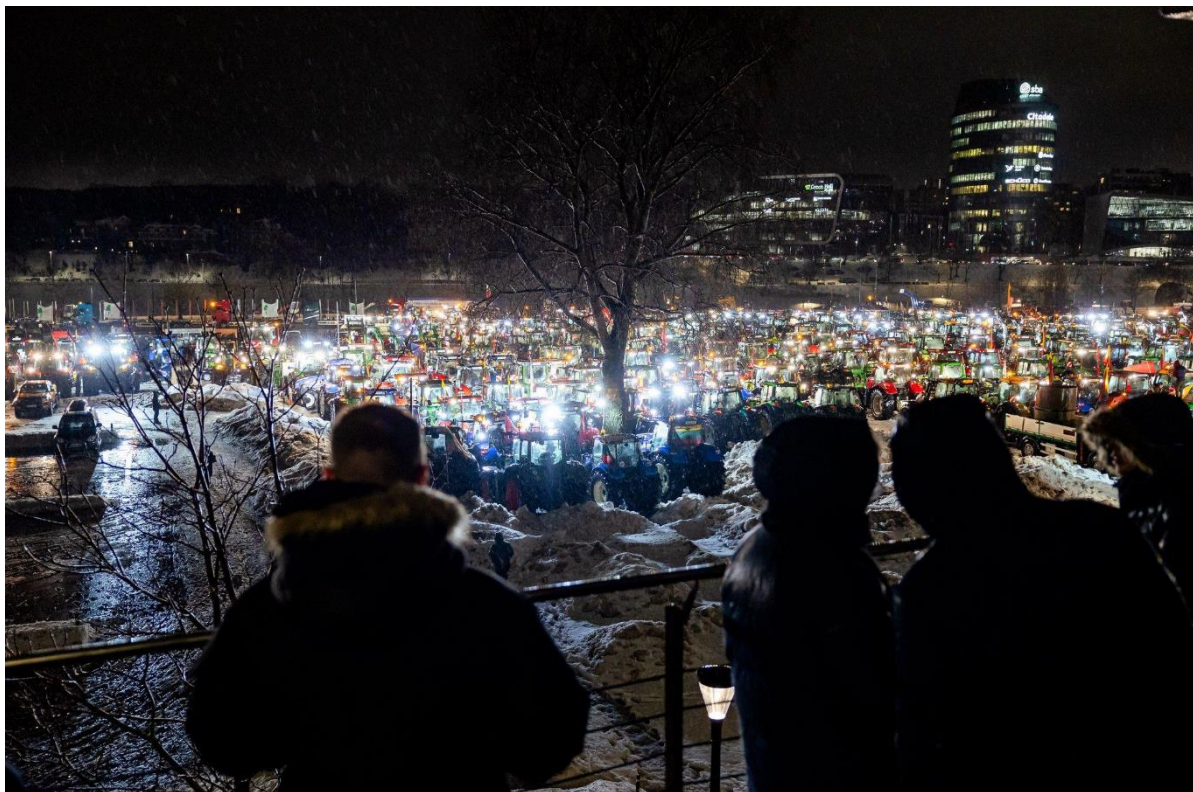






On 15 January 2024, **Lithuanian** authorities detained Antanas Kandrotas (pictured), nicknamed "Celofanas". He was found guilty of major financial fraud. The detention took place in the presence of his minor children. However, during the detention, the police officers did not comply with the provisions of the legal acts that provide for informing the State Child Rights Protection and Adoption Service about the use of procedural coercion. In the detention center in Kaunas, police officers mistreated Antanas Kandrotas.

Source: <https://m.klaipeda.diena.lt/naujienos/kaunas/nusikaltimai-ir-nelaimes/celofano-sulaikymas-vaiko-teisiu-gynejai-priekaistu-turi-ir-policijai-ir-tevams-1166626>



Farmers' strikes in **Lithuania**.

Source: <https://www.delfi.lt/ru/news/live/vilnyus-ne-prodlil-razreshenie-na-protest-fermerov-v-stolice-litvy-95710543#gallery-id=edbc9721-3000-473c-b84a->







Farmers' strikes in **Lithuania**.

Source: <https://www.15min.lt/verslas/naujiena/agronaujienos/traktoriai-ir-miskaveziai-uzpludo-vilniaus-centra-antroji-protesto-diena-313-2180346>



Fight against monuments in **Lithuania**

Source: <https://www.15min.lt/naujiena/aktualu/lietuva/sovietinis-palikimas-is-kedainiu-iskeliavo-gruto-parkui-teko-pakeisti-nuomone-56-1996142>







Homeless people in **Belgium**. According to the LUCAS KU Leuven / UCLouvain CIRTES study, one in five homeless people in Belgium is under the age of 26. 30-35 percent of homeless people are women and 27-30 percent are children. The Belgian constitution guarantees the right to live in conditions consistent with human dignity, but in 2019 15.7 percent of the population lived in inadequate housing, and in 2022, more than 257,000 people were on the waiting list for social housing. According to the homeless organization Bruss'help, there are 7,134 homeless people and people living in inadequate housing in the Brussels Capital Region. More than 700 people sleep wherever they can: in the subway, in train stations, on the street. Data from the King Baudouin Foundation shows that by the end of 2023, there were almost 20,000 homeless people in the Flemish region, with a significant increase in the city of Ghent.

Source: the Belga news agency, The Brussels Times news website.













Manifestations of farmers in Brussels, **Belgium**, criticizing the lack of solutions to support the EU agricultural industry and protect it from unfair competition (1 February 2024, 26 February 2024, 26 March 2024).

On 26 March 2024, police used tear gas and water cannon.

Sources: Le Soir, AFP, POLITICO.eu, DW







Manifestations of farmers in Brussels, **Belgium**, criticizing the lack of solutions to support the EU agricultural industry and protect it from unfair competition (1 February 2024, 26 February 2024, 26 March 2024).

On 26 March 2024, police used tear gas and water cannon.

Sources: Le Soir, AFP, POLITICO.eu , DW ;



The problem of drug availability and distribution in **Belgium**.

The Belgian city of Antwerp tops the list of cocaine users in Europe for the second year in a row, according to the EU's European Monitoring Center for Drugs and Drug Addiction (EMCDDA) and the Score Group. This conclusion is based on an analysis of the waste water of 88 cities in 23 countries of the EU and Türkiye. The drug situation is leading to the criminalization of Antwerp and other cities in Belgium, where the criminals use violence at an unprecedented level. Another concern is the growing number of minors involved in illicit activities. There have been cases of minors selling drugs and being involved in fights using firearms. Source: POLITICO.eu





The situation with the colonial past of Belgium.

Belgium's attempts to come to terms with its colonial legacy continue to be resisted by certain political forces. The parliamentary commission's two-year work resulted in a report on the colonial past that, according to some leaks, includes policy recommendations on the next steps the country should take. To date, however, the full text of the report and its recommendations have not been made public, despite widespread demands and petitions. The possibility of a formal apology for the atrocities committed by Belgium during the reign of Leopold II is apparently still considered unacceptable.

The photo shows a bust of King Leopold II in the park of the Museum of Africa in Brussels, painted in red (2020).

Sources: POLITICO.eu.



Problems of sexual violence in Belgian higher education institutions.

Up to 20 per cent of women at the Catholic University of Leuven (KU Leuven / UCLouvain) have experienced violence on campus, according to published data. 14 percent of students experience sexual harassment. Source: Le Soir newspaper







Problems related to police violence and impunity.

On 15 March 2024, the International Day Against Police Brutality, Belgian civil society activists held a rally in Brussels to remember the victims of police brutality and call for a systemic change.

According to figures circulated, the Permanent Oversight Committee on the Police Services (Comité P) had to intervene in ten cases of deaths related to police actions last year. Nine of these deaths were the result of "shootings," including the death of Sourroor Abouda, a Belgian woman of Tunisian origin, mother of a 19-year-old son. She was found dead in a police station cell after being arrested hours earlier under the influence of alcohol (local media reported that this was the third time in two years that a death had occurred in a police station in the Ixelles district of the Belgian capital).

Data show an increase in police-involved deaths: three deaths were reported to the Committee in 2020, two in 2021, and four in 2022.

According to civil society organizations, more than 90 percent of the victims of police action were non-white, confirming the racist bias of the Belgian police. It was noted that the police in Belgium, particularly in Brussels, have a track record of violence and racial profiling, and have been implicated in other forms of discrimination.

Given the urgency of the problem of police violence and on the occasion of the International Day Against Police Brutality, the NGO Human Rights League has published an interactive map (<https://policewatch.be/cartographie>) showing cases of deaths caused by police action between 1998 and 2023, as well as information on the outcome of judicial proceedings.

The poster reads "Justice [in the case of] Sourroor" (referring to the case of Sourroor Abouda, her photograph is shown).

Sources: The Brussels Times, RTBF.be





The decision of 20 February 2024 in the case of 19-year-old Adil Charrot's controversial death on 10 April 2020 (during quarantine) after colliding with a police car in Brussels became resonant. It was ruled that the police officer involved in the chase of the guy would not stand trial because there was "insufficient evidence" that the officer had made a mistake and therefore caused the death of Mr. Charrot. At the same time, new colleague complaints came to the fore about the concerned police officer showing racism, sexism, as well as bragging about Charrot's death.

Inscription on the poster reads "We will not forget, we will not forgive. Stop police violence. Justice [in the cases of] Adil, Mehdi, Akram."

Sources: The Brussels Times



In December 2023, the RTBF story "Investigation: racism in the police, impunity in question" showed footage of beatings at the Anderlecht central police station on 31 May 2020. These were two acts of police brutality committed by the same officer a few hours apart. In the first episode, a police officer forces a young foreigner into the cell, where he punches and knees him in the face, while another officer intervenes to stop the violence. In the second episode, the same officer repeatedly punches a handcuffed man on the bench in the face. It is reported that, despite having been sanctioned, the concerned officer continued to serve. Sources: [dhnet.be](https://www.dhnet.be), [Belga agency](https://www.belga.be); video of beating of a detainee at an Anderlecht police station, Brussels – [video.blast-info.fr](https://www.video.blast-info.fr)







The situation in **Belgian** prisons remains difficult. Information about the abuse and torture of a prisoner in an Antwerp prison was made public in March 2024. After three days of torture in his cell by five prisoners, the 41-year-old man was taken to hospital with life-threatening injuries.

It is unclear how the torture could continue for several days without any intervention from the prison staff. It is known that the violence was filmed and transmitted via Snapchat, where this was noticed by crime journalist of the "Gazet van Antwerpen" J. van der Aa. The prosecutor's office began an investigation.

Sources: 7sur7.be, RTBF



Bullying in the Belgian army. In March 2024, a scandal broke out in **Belgium** after information about bullying in the army had been disclosed. The investigation, launched back in 2021, uncovered a series of abuses in which recruits were intimidated with degrading treatment and hazing, and officers at various levels were subjected to physically degrading acts, verbal threats and sexual harassment. Between 20 and 30 officers and soldiers were involved in the scandal described as the largest ever to affect the Belgian defense forces.

Source: The Brussels Times. Photo – Belgian Defense Minister Ludivine Dedonder during a press conference on "serious occurrences in the Belgian army", 14 March 2024.

Photo: Belga





Between January and March 2024, a wave of farmer protests staggered **France**. Demonstrators opposed the import of cheap agricultural products, restrictions on the use of water for irrigation, rising diesel fuel costs, as well as environment protection restrictive measures and growing financial burden on industry.

Source: newspaper razera <https://fr.euronews.com/green/2024/02/01/le-gouvernement-francais-tente-dapaiser-les-agriculteurs-alors-quils-se-rapprochent-de-par>



Consequences of farmer protests in **France**.

Source: <https://mesinfos.fr/agriculture-une-nouvelle-loi-pour-susciter-des-vocations-191197.html>







Farmer protests in **Portugal**. Police used water cannons to disperse the demonstrations.

Source: <https://sicnoticias.pt/economia/2024-02-27-Agricultores-em-protesto-As-culpas-nao-sao-so-da-PAC-e-preciso-mudar-a-incapacidade-que-existe-em-Portugal-6e00e8fb>







On 1 May 2023, journalist Rémy Buisine was beaten by police while covering a demonstration in Paris, **France**.

Source: <https://twitter.com/RemyBuisine/status/1654136068248158208>



On 7 February 2024, in Paris, **France**, mass celebrations took place of the Ivory Coast victory over the Democratic Republic of the Congo in the Africa Cup of Nations semi-finals. The police resorted to batons, police dogs, tear gas and other special means for dispersing citizens who had gathered to celebrate the victory. Meanwhile, tear gas was sprayed directly on peaceful demonstrators, and one of the police-fired gas grenades hit a demonstrator.

Source: <https://twitter.com/galamiou/status/1755499211871686847>







Participants of the demonstration to celebrate the national football team victory dispersed by Paris police.

Source: <https://twitter.com/ClementLanot/status/1756899586059235751>



A young man called Hedi was beaten by police during riots in Marseille, **France**, on the night of 1-2 July 2023. His jaw was broken, he lost sight in one eye and part of his skull as a result.

Source: [https://www.bfmtv.com/marseille/je-ne-sentais-plus-mon-corps-hedi-detaille-les-violences-qu-il-dit-avoir-subi-de-la-part-de-policiers-a-marseille\\_AN-202307260721.html](https://www.bfmtv.com/marseille/je-ne-sentais-plus-mon-corps-hedi-detaille-les-violences-qu-il-dit-avoir-subi-de-la-part-de-policiers-a-marseille_AN-202307260721.html)





**French** human rights organizations constantly draw the attention of the country's authorities and public to the poor living conditions of migrants.

Source: [https://twitter.com/Utopia\\_56/status/1761076193606984100](https://twitter.com/Utopia_56/status/1761076193606984100)



On 7 March 2024, about a hundred people had to overnight in a central Paris street after they had been evicted from a tent city.

Source: [https://twitter.com/Utopia\\_56/status/1765630597685223608](https://twitter.com/Utopia_56/status/1765630597685223608)







Slums in the 13th arrondissement of Paris. **France.**

Source: [https://www.bfmtv.com/paris/paris-un-bidonville-forme-le-long-du-peripherique-dans-le-13e-arrondissement-une-association-lance-l-alerte\\_AV-202307100432.html](https://www.bfmtv.com/paris/paris-un-bidonville-forme-le-long-du-peripherique-dans-le-13e-arrondissement-une-association-lance-l-alerte_AV-202307100432.html)



Slums in the 15th arrondissement of Marseille. **France.**

Source: <https://www.francebleu.fr/infos/economie-social/l-etat-s-engage-a-resorber-par-l-emploi-des-roms-les-bidonvilles-de-marseille-1207932>







Slums in the 15th arrondissement of Marseille. **France.**

Source: <https://www.francebleu.fr/infos/economie-social/l-etat-s-engage-a-resorber-par-l-emploi-des-roms-les-bidonvilles-de-marseille-1207932>



In July 2023, the UN Committee on the Elimination of Racial Discrimination recommended that France combat systemic racial discrimination.

The photo features a peaceful protest against systemic racism in **France.**

Source: <https://news.un.org/ru/story/2023/07/1442672>







**France** is regularly criticized, including by the ECHR, for overcrowded prisons. According to the French Ministry of Justice as of 1 March 2024, the country's prisons held 76,766 people in just 61,629 places equipped in accordance with established standards.

Source:: <https://france3-regions.francetvinfo.fr/auvergne-rhone-alpes/puy-de-dome/clermont-ferrand/pourquoi-a-la-prison-de-riom-puy-de-dome-des-detenus-dorment-sur-des-matelas-au-sol-2882267.html>



A Venezuelan man carries a child through barbed wire on 21 September 2023, as they try to cross the border into the **United States**.

Source: MICHAEL ROBINSON CHAVEZ/THE WASHINGTON POST,  
<https://www.washingtonpost.com/nation/interactive/2023/photos-year-2023/>





Rally of parents of Paluper school students (5 March 2024, Elva, **Estonia**).  
Source: ERR



Rally of parents of Tapa gymnasium students (29 February 2024, Tapa, **Estonia**).  
Source: POSTIMEES







Tensions rose in **Albania** as anti-government protests escalated into clashes between demonstrators and law enforcers in the capital Tirana. Thousands of supporters of the opposition Democratic Party gathered outside the parliament building, demanding the immediate release of party leader Sali Berisha, who has been under house arrest on corruption charges since 31 December.

Source: <https://www.novinite.com/articles/224340/Albania+Gripped+by+Anti-Government+Unrest%3A+Clashes+and+Arrests+Rock+Tirana>



Farmers in Quebec, **Canada**, took to the streets to protest rising fuel prices and draconian regulations that penalize farmers..

Sources:

<https://tnc.news/2024/03/11/rhf-farmers-rising-government/>

<https://tnc.news/2024/03/09/quebec-farmers-protest/>









Farmer strike in **Poland** began at the call of the national council of "Solidarity" independent farmers' union. Protesters are calling for an end to the uncontrolled import of agricultural products and food from outside the EU and are demanding the restoration of market protections. People are opposed to the European Union's Green Deal, imports of agro-food products from Ukraine, restrictions on the development of livestock farming in Poland and "dramatic situation" in agriculture. Source: <https://1prof.by/news/v-mire/v-polshe-prohodit-vseobshhaya-zabastovka-fermerov/>



Protests in **Germany** against government plans to cut subsidies. <https://www.belta.by/world/view/massovye-protesty-fermerov-i-viselitsy-dlja-koalitsii-sholtsa-chego-boitsja-berlin-610301-2024/>







**French** farmers hold a tractor protest in the centre of Paris. The rally was organized by the National Federation of Farmers' Unions (FNSEA) and other agricultural associations to protest the ban on certain pesticides. Source: <https://www.belta.by/world/view/frantsuzskie-fermery-protestujut-na-traktorah-v-tsentre-parizha-617301-2024/>



Protesting farmers clash with police in Paris, **France**. <https://www.interfax.ru/photo/6535/67684>







On 26 February farmers staged a protest action in **Brussels (Belgium)**, where a meeting of EU agriculture ministers was taking place that day. Militant farmers are expressing their dissatisfaction with the recent decision of the European Commission who, seeking to meet farmers halfway after the 1 February protests, lifted the requirement to allocate 4 per cent of arable land for agro-ecological infrastructure (hedges, ditches, ponds) – farmers were allowed to use it for growing "nitrogen-fixing crops" while maintaining the right to receive EU subsidies. In addition, the EC proposed an emergency mechanism to stop imports of certain goods from Ukraine, including eggs, poultry and sugar, in order to increase the competitiveness of local agricultural producers.

Source: <https://www.rbc.ru/politics/26/02/2024/65dc8b449a79475af359dfcf>





Farmers protest against the European Union agricultural policy in the **Czech Republic**. The Agrarian Chamber and the Agricultural Union of the Czech Republic acted as organizers. Czech farmers are calling on the authorities to reduce land tax, improve working conditions in villages, give up the import of agricultural products from Ukraine and exempt them from tax on subsidies from European Union funds. Source: <https://www.belta.by/world/view/cheshskie-fermery-vyshli-na-aktsii-protesta-622492-2024/>



The **Romanian** Patriotic Farmers' Union staged a tractor protest in Bucharest over delays in subsidy payments, low grain prices and unfair competition.

Source: <https://iz.ru/1632964/2024-01-11/v-rumynii-fermery-ustroili-protest-na-traktorakh>







Farmer strikes in **Spain**. Farmers are outraged by the EU's strict environmental requirements for their products. The unfair competition triggered by the entry into the market of cheap Ukrainian grain that does not meet European standards, further complicates the situation. Source: <https://rg.ru/2024/02/15/v-ispanii-na-protestah-fermerov-zaderzhano-40-chelovek.html>



Groups of farmers from **Italy** organized a series of rallies in the historical centre of Rome, advocating government support for their industry. Source: <https://www.belta.by/world/view/v-tsentre-rima-italijjanskije-fermery-proveli-srazu-neskolko-demonstratsij-615752-2024/>







Farmers from the **Netherlands** took to rallies throughout the country. They expressed disagreement with the European Union (EU) plans to combat climate change. Source: [https://iz.ru/1643767/2024-02-](https://iz.ru/1643767/2024-02-02/fermery-iz-niderlandov-vyshli-na-demonstracii-po-vsei-strane)



[02/fermery-iz-niderlandov-vyshli-na-demonstracii-po-vsei-strane](https://www.belta.by/world/view/bolgarskie-fermery-tretij-den-provodjat-protesty-peregovory-s-pravitelstvom-prodolzhajutsja-614295-2024/)

Protests of farmers from **Bulgaria**. They want more competent management of the agricultural sector and pumping additional funds into the industry. Farmers also protest against the Ukrainian grain import. Source: <https://www.belta.by/world/view/bolgarskie-fermery-tretij-den-provodjat-protesty-peregovory-s-pravitelstvom-prodolzhajutsja-614295-2024/>





Farmers from **Portugal** hold a protest rally. Higher agricultural product prices and additional financial support to farmers are their main demands. Source: <https://www.belta.by/world/view/v-portugalii-fermery-zablokirovali-dorogi-613014-2024/>



Protest of farmers from **Austria**. They gathered in the centre of Vienna in front of the office of the Chancellor of the Republic to draw authorities' attention to excessive bureaucracy and rapidly rising production costs in the country's agriculture. <https://ria.ru/20240119/aktsiya-1922389102.html>







Farmers' strike in **Greece**. The Farmers' Federation said it was "dissatisfied with the additional measures announced by the government." Greek farmers began protesting last month, as did their counterparts in Belgium, France, Germany, Italy, Poland, Spain and other European countries. Their discontent is partly fuelled by the slow pace of compensation payments after last year's devastating fires and floods in Thessaly, the country's main agricultural plain. They also call for import controls, lower fuel taxes, higher prices for their products and looser EU environmental regulations. Source: <https://rg.ru/2024/02/20/sotni-grecheskih-fermerov-vehali-v-afiny-dlia-provedeniia-akcii-protesta.html>





Protesting **Lithuanian** farmers in the centre of Vilnius. The organizing Lithuanian Agricultural Union made clear that it opposes the way of restoring perennial meadows, increased fuel excise and the expansion of protected areas which is unfavourable for farmers. Farmers also demand to solve the lingering crisis in the dairy industry. Source: <https://www.dp.ru/a/2024/01/23/v-litve-protestujushhie-fermeri>



Protests in **Latvia**. The protest rally seeks to restore the low 5 per cent value added tax (VAT) rate on Latvian fruit and vegetables, reduce bureaucratic delays in the agricultural sector, and a broader access to development programs and working capital.

Source: <https://www.belta.by/world/view/v-16-gorodah-latvii-prohodjat-fermerskie-aktsii-protesta-613641-2024/>







British farmers held a major protest in central **London**. Agrarians oppose the uncontrolled import of agricultural products from Ukraine to EU countries and numerous European regulations governing the agricultural sector. They also demand simplified bureaucratic procedures and less stringent agricultural regulation. Source: <https://www.belta.by/world/view/v-londone-proshla-krupnaja-akcija-protesta-fermerov-623723-2024/>



Farmer protests in **Slovakia**. The Slovak Union of Bakers, Confectioners and Pasta Producers (SZPCC) also joined the protest. The organization opposes EU policies, primarily the huge number of bureaucratic procedures, as well as European Commission's "green goals". Source: <https://easaily.com/ru/news/2024/02/22/v-slovakii-prohodit-krupneyshaya-v-istorii-strany-akciya-protesta-fermerov>





Protests by farmers in **Sweden**. According to organizers, Swedish farmers demand higher cost efficiency of agriculture and are fed up with the Brussels bureaucracy and various redundant rules imposed by the European Union. Also, Swedish farmers are unhappy with the import of food products from the rest of the world, which poses challenges to them.

Source: <https://russian.rt.com/inotv/2024-03-18/Samnytt-shvedskie-fermeri-posledovali-primeru>



Farmers in **Switzerland** held a protest action. Having gathered from different regions, they aligned tractors in a "SOS"-shaped inscription calling for help. Farmers call for less bureaucracy and higher prices to make farming a viable profession, pointing out to misguided agricultural policies with conflicting regulations. Moreover, farmers are also concerned over low milk procurement prices.

Source: <https://glavpahar.ru/news/v-shveycarii-fermery-traktorami-vylozhili-slovo-sos>







Farmer protests in **Ireland**. Farmers said they faced cumbersome bureaucracy and called on authorities to simplify the process of applying for and registering agricultural payments. Source: <https://www.rte.ie/news/ireland/2024/0201/1429809-farmers-protest/>



10 thousand farmers in **Hungary** went out to protest. They protested European Commission's decision to make the import of agricultural products from Ukraine unlimited. Source: <https://rossaprimavera.ru/news/ab77733b>





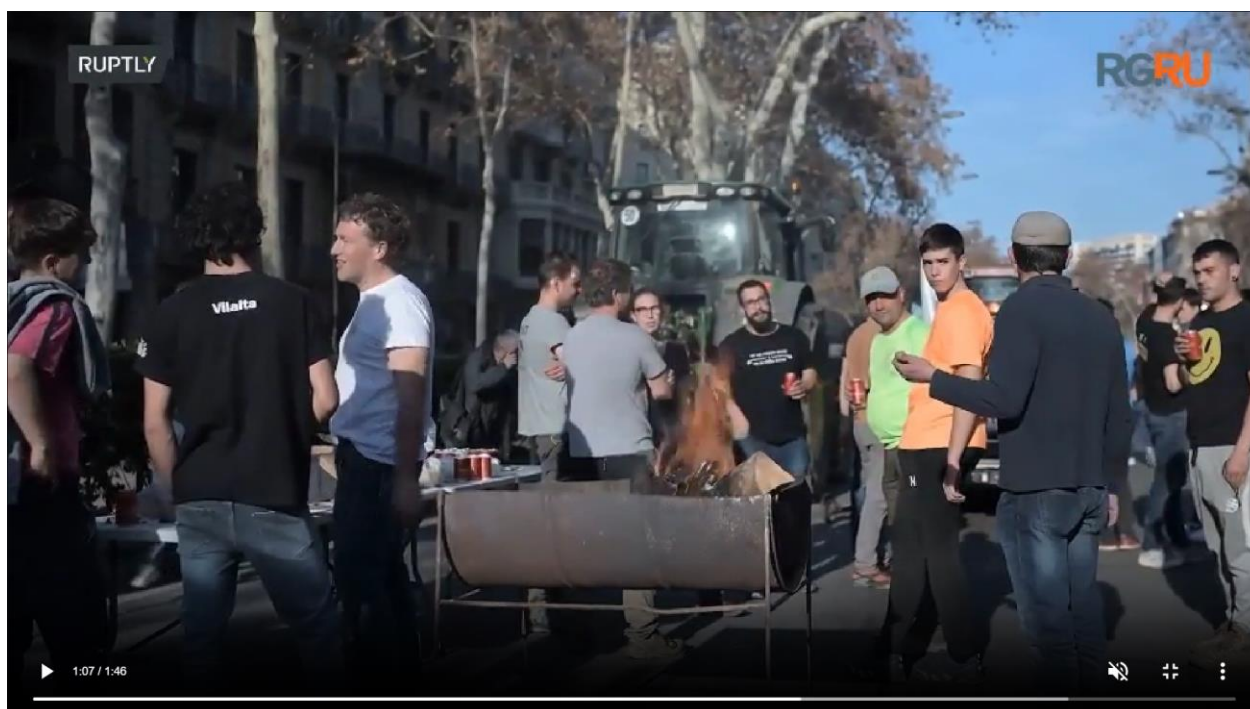
Farmer protests in **Moldova**. Protesters report that they are on the verge of bankruptcy, so they demand that the government increase financial assistance, as well as introduce a ban on the Ukrainian grain import into the country. Farmers note that their financial situation has been undermined by drought, falling agricultural product prices amid a production cost hike. Source: <https://www.sb.by/articles/fermery-v-moldove-zablokirovali-krupneyshiy-kpp-na-granitse-s-rumyniye.html>







A tractor column at farmers' uprisings in **Spain**.



Striking farmers blocked traffic on roads in **Spain**.





Rally against the decision of the Administrative Court of Cologne, **Germany**. It recognized the "Alternative for Germany" youth movement as an extremist organization engaged in propaganda against migrants, Muslims and foreigners in general, and equating the current German political system to dictatorial regimes.



Farmer protests in Brussels, **Belgium**, during which farmers protest against the European Commission's agricultural policy, which, according to protesters, makes the work of European farmers meaningless.







Paris, **France**, Charles de Gaulle airport, French farmers brought in haystacks and emptied them directly onto the roadway, completely blocking the airport highway.



Farmers block main roads and highways to Berlin, **Germany**. Farmers were joined by cargo carriers, railway workers, and fishermen.





Clashes between protesters and police in Warsaw, **Poland**. Police fired tear gas reporting to have detained more than a dozen people.



A tractor pelts police with hay amid clouds of tear gas on a Brussels street. **Belgium**.

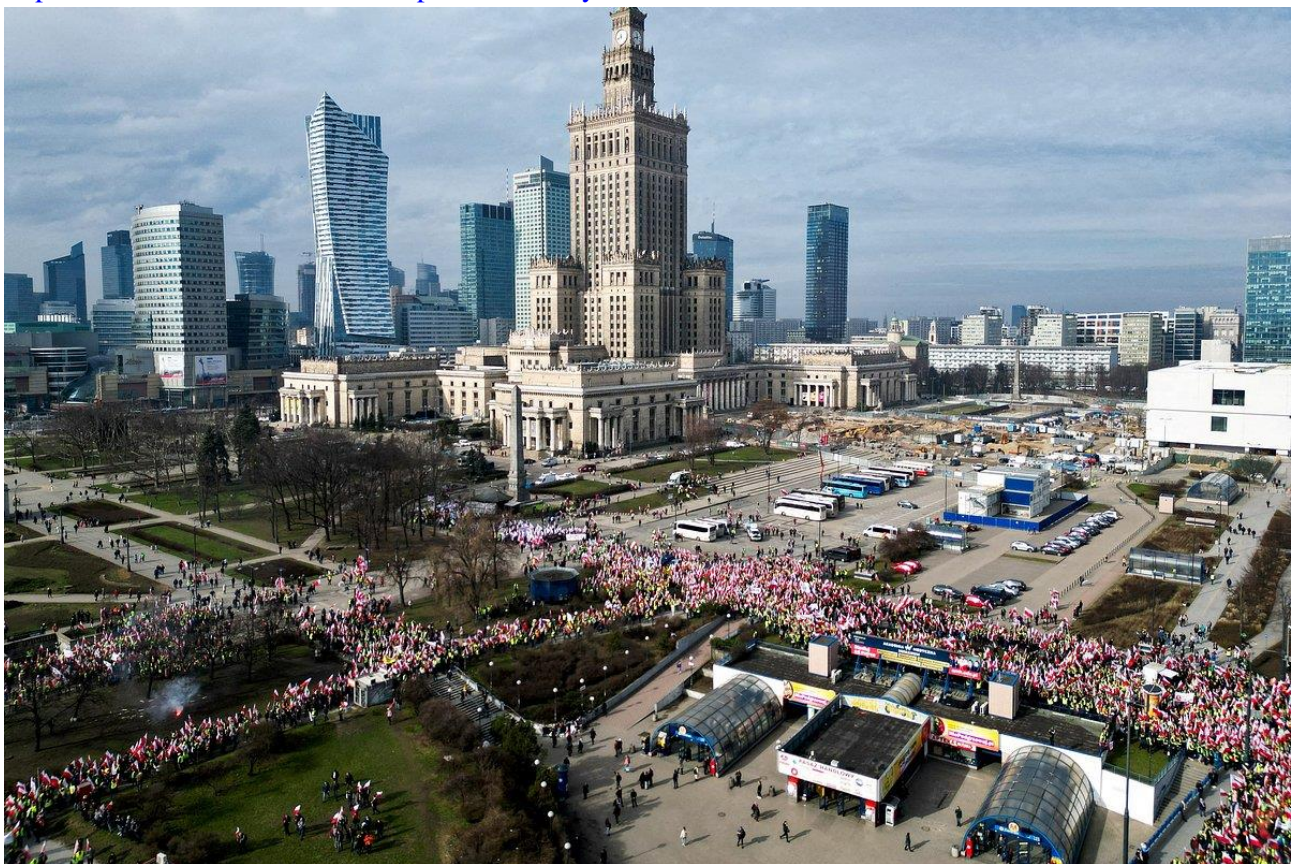






**Polish** farmers rally against the EU Green Deal and Ukrainian grain import. The inscription on the mock-up coffin says: "Farmer. He lived 20 years, the green earth killed him." Photo: Omar Marques/Anadolu/GettyImages

<https://lenta.ru/articles/2024/03/13/polsha-fermery/>



Farmers protest in Warsaw, **Poland**, 27 February 2024.  
Photo: Kuba Stezycki / Reuters







2 March 2024. Zaragoza, **Spain**. Batons were used by law enforcement officers to disperse protesters.

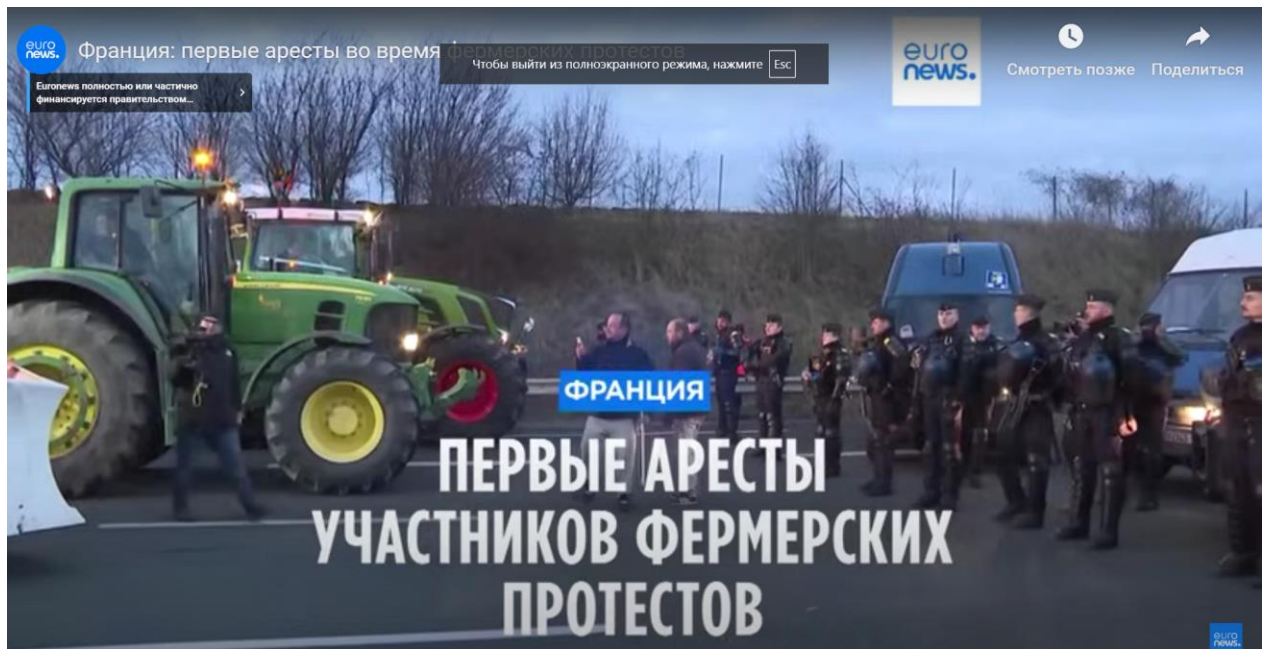
Source: <https://ctv.by/ispanskaya-policiya-s-primeneniem-sily-reshila-razognat-protestuyushchih-fermerov>



Police used water cannons and tear gas to disperse farmers protesting in the Brussels European Quarter, Belgium.

Source: <https://ria.ru/20240326/fermery-1935921973.html>





<https://youtu.be/xidqFr76624>



Dozens of people clash with police during the third day of farmer and herder protests in Oviedo (Asturias, **Spain**) on 9 February 2024. Photo: Imanol Rimada, Europa Press.

Source: [https://www.lespanol.com/espana/20240209/marlaska-ordena-policias-actuar-necesaria-contundencia-frenar-tractorada/831167250\\_0.html](https://www.lespanol.com/espana/20240209/marlaska-ordena-policias-actuar-necesaria-contundencia-frenar-tractorada/831167250_0.html)







Clashes between protesting farmers and police in Zaragoza (Aragon, **Spain**). Source.  
Source: <https://www.heraldo.es/multimedia/imagenes/aragon/zaragoza/fotos-protestas-agricultores-zaragoza/>.



Spanish police and the Civil Guard during clashes with protesters in Cordoba (Andalusia, **Spain**).  
Source: [https://www.eldiadicordoba.es/provincia/protesta-campo-Cordoba-imagenes\\_3\\_1877542241.html#slide-31](https://www.eldiadicordoba.es/provincia/protesta-campo-Cordoba-imagenes_3_1877542241.html#slide-31)







Clashes between protesters and police in Cordoba (Andalusia, **Spain**). Source: <https://www.abc.es/espana/andalucia/cordoba/fotos-tensa-protesta-agricultores-cordoba-20240220150738-gas.html>



Clashes with police in Madrid, **Spain** on 21 February 2024. Source: <https://www.lavanguardia.com/economia/20240221/9525581/agricultores-toman-centro-madrid-avisan-ampliaran-protesta.html>







One of the rallying farmers sets fire to a barricade on the AP-7 highway in the province of Girona (Catalonia, **Spain**).

Source: <https://elpais.com/espana/catalunya/2024-03-01/los-agricultores-catalanes-cortan-los-accesos-al-pirineo-y-a-lleida-pese-al-acuerdo-con-el-govern.html>



A protester injured in clashes with police in Algeciras (Valencia, **Spain**) on 22 February 2024.

Photo: NONO RICO – EUROPA PRESS / Europa Press.

Source: <https://elpais.com/economia/2024-02-22/las-protestas-de-los-agricultores-en-directo.html>







Farmers clash with police in Madrid, **Spain**, 21 February 2024.

Source: <https://elpais.com/economia/2024-02-21/la-manifestacion-de-tractores-por-las-carreteras-de-madrid-en-imagenes.html>



Detention of a farmer protester by police in Madrid, **Spain**, 21 February 2024.

Source: <https://elpais.com/economia/2024-02-21/la-manifestacion-de-tractores-por-las-carreteras-de-madrid-en-imagenes.html>







A **Spanish** Civil Guard staffer uses a stun gun against one of the protesters who blocked the A-42 highway in the province of Madrid.

Source: [https://elpais.com/economia/2024-02-21/la-manifestacion-de-tractores-por-las-carreteras-de-madrid-en-imagenes.html#foto\\_gal\\_32](https://elpais.com/economia/2024-02-21/la-manifestacion-de-tractores-por-las-carreteras-de-madrid-en-imagenes.html#foto_gal_32)



Police officers detain an anti-government demonstrator in Madrid, **Spain**, 18 November 2023.

Source: <https://elpais.com/espana/2023-11-18/ultimas-noticias-sobre-la-formacion-del-gobierno-de-pedro-sanchez-en-directo.html>







Members of the *Spanish Phalanx* far-right pro-fascist organization participate in an anti-government demonstration in Madrid, 18 November 2023.

Source: <https://elpais.com/espana/2023-11-18/ultimas-noticias-sobre-la-formacion-del-gobierno-de-pedro-sanchez-en-directo.html>

